



RCA-Victor Postpones Licensing

The RCA Manufacturing Company has agreed to postpone the effective date of its Victor and Bluebird record licensing agreements until December 1.

The two-month postponement was made at the request of Neville Miller, NAB President, to permit further discussion of the question.

The licensing system, which would require every broadcaster using Victor or Bluebird records to buy a license from RCA, was to have gone into effect October 1. As soon as the proposed agreements were sent to member stations, Mr. Miller arranged conferences with RCA, Decca and Columbia officials. As a result of these, Lawrence Morris, counsel to RCA Manufacturing, sent Mr. Miller the following radiogram:

"IN COMPLIANCE WITH YOUR REQUEST AND IN ORDER TO EXTEND TO BROADCASTERS EVERY POSSIBLE CONSIDERATION WE ARE WILLING TO FURTHER POSTPONE EFFECTIVE DATE OF OUR LICENSE AGREEMENT TO DECEMBER FIRST 1939 PROVIDED OTHER PHONOGRAPH RECORD COMPANIES WILL DO THE SAME."

Neither Columbia or Decca has as yet proposed a licensing system for its records.

Special Convention in Chicago September 15

A special NAB convention will meet at 10 a. m., central daylight saving time, in the Palmer House, Chicago, to decide whether to set up the machinery for creating a supply of tax-free and non-ASCAP music for the broadcasting industry. Non-members as well as members have been invited to this most important meeting.

The convention schedule:

September 13—The NAB board of directors will meet at the Palmer House at 10 a. m.

September 14—Both IRNA and the Independents will hold meetings at 10 a. m. in the Palmer House.

September 15—The special NAB convention will start at 10 a. m. in the Palmer House.

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*

Free Offers

Only two companies trying to chisel free time on the air were reported to NAB Headquarters this week, but both are prominent and probably well able to pay for time if they choose. Both are big newspaper advertisers.

The Motion Picture Industry, an old offender in the chiseling game, produced one of the free time proposals.

The latest attempt is in the form of a letter sent to many member stations by Towne and Baker Productions, Hollywood, Cal., offering "a 15-minute all-star transcribed program *which you may air free of charge.*" The offer, while frankly admitting that the program is based on the new RKO picture, "Swiss Family Robinson," soon to be released, states that there is "no commercial advertising or subtle exploitation."

Many member stations have forwarded this latest "time-chiseling" attempt to NAB Headquarters, and at least two stations have written strong replies direct to Towne and Baker. No doubt other members have received the same request for free time, and are invited to forward them to Headquarters.

The NAB reply to Towne & Baker, and the direct replies from those broadcasters who have sent copies to Headquarters, are reprinted below:

August 30, 1939.

MR. JAMES ALLEN
 RKO Radio Studios
 Hollywood, California
 DEAR MR. ALLEN:

In reply to your letter of August 26, please be advised that this station is not interested in your free offer of the transcribed version of "SWISS FAMILY ROBINSON."

You may not realize it, but this radio station is flooded with requests similar to yours, all of which are promptly tossed in the wastebasket. However, since you asked for the courtesy of a reply, I am giving you one.

We are no different than RKO Pictures, in that we too are in business to make money. There's hardly a week goes by that some traveling act doesn't pound on our door asking us if we wouldn't like to have a good program on the air free. That good program is nothing more than a fifteen minute show plugging their personal appearance at one of the theaters in a community served by this station. We do not accept these "good shows" unless these acts are willing to pay for their time, and nine times out of ten they do, for they have discovered that WQDM serves more people in this area than they can reach through any other medium. WQDM offers the facilities to RKO on the same basis.

Sincerely yours,

G. S. WASSER.
 Manager WQDM.

GSW:ES

September 1, 1939

August 29, 1939.

MR. JAMES ALLEN,
 Towne and Baker Productions,
 RKO Radio Studios,
 Hollywood, California.

DEAR MR. ALLEN:

We are not interested in the offer in your letter of August 25, and while the program perhaps does not have any subtle exploitation, as you put it, still somewhere there is going to be a build-up for your coming production. We, at this station, feel that it is time that motion pictures pay for such services. Perhaps you say there is not enough commercial on this to warrant payment, and our answer to that would be, then put out a strictly commercial program and pay for the time on the air.

We feel that we should have compensation for a show of this type.

Very truly yours,

A. K. REDMOND,
 Manager WHP, Inc.

AKR:BP

August 30, 1939.

MR. JAMES ALLEN, Radio Director
 Towne and Baker Productions
 Hollywood, California.

DEAR MR. ALLEN:

Several of our member stations have forwarded to this office your recent requests for free time on the air in connection with the exploitation of the new RKO picture "Swiss Family Robinson."

Although radio has cooperated with the motion picture industry in the past, most of our stations feel that it is not good business practice to accept such material as you offer on a free time basis. However, the industry is certainly glad you appreciate the value of radio advertising and hope that you will see fit to use our medium on a regular basis, as do so many outstandingly successful advertisers.

Sincerely yours,

NATIONAL ASSOCIATION OF BROADCASTERS,
 SAMUEL J. HENRY, JR.

Ringling Brothers-Barnum & Bailey Combined Shows has asked at least one station to provide free time for a complete program ballyhooing its circus. KFPY, Spokane's strong reply is reprinted below:

Our Seventeenth Year
 August 26, 1939.

DEAR MR. KELLEY:

Reply to your letter of August eleventh has been delayed until the date of your Spokane showing and until, also, we might meet and talk with members of your publicity department who might accompany the show. Incidentally, the transcription discussed in your letter was received in due time and has been delivered to Mr. F. L. Morrissey of your radio publicity department, who called on us last Monday, without having been broadcast.

We took occasion, during the course of a very enjoyable chat with Mr. Morrissey, to discuss this entire subject of circus advertising, and we told him then, as we tell you now, some of our reasons for not broadcasting not only the records you sent us, but also shows from your organization which Mr. Morrissey wanted put on the air.

All requests from your company have been for gratis time. Not one suggestion was made that you would buy time. And yet all appearances in broadcast would have been strictly commercial, designed to recruit attendance at your two Spokane shows. And as we explained to Mr. Morrissey, we know not a single reason why we should give free time to your commercial enterprise while selling it to others; nor, as a matter of policy, do we, or will we, or have we, for the past six years, given any free time to any circus, simply for the reason that your activity is just as commercial as that of any other business, and therefore should not seek, or expect to receive, free time, while all other commercial accounts are buying it.

Every time a circus comes to town it buys display space in the local newspapers, and when circus managements come to the point where they treat radio in the same manner, and provide a budget for it, I can't help but feel that radio too will go just as far as

the newspapers have ever gone, maybe even farther in affording just as much cooperation as do the newspapers.

At any rate, whether you do or do not provide a radio budget for the future, KFPY will give away no free time for commercial advertising.

Sincerely,

ARTHUR L. BRIGHT,
Vice President.

ALB:K

F. Beverly Kelley, Esq.,
Ringling Bros.-Barnum & Bailey Combined Shows, Inc.,
331 Madison Avenue,
New York City.

S. J. HENRY APPOINTED TO HEAD RADIO ADVERTISING BUREAU

President Miller today announces the appointment of Samuel J. Henry, Jr., to the Headquarters Staff. Mr. Henry will be assigned to the Bureau of Radio Advertising. He comes direct from the World Broadcasting System, where he served as advertising and sales promotion manager.

A specialist in the preparation of radio sales presentations, Mr. Henry brings a wealth of experience to the Bureau.

He is a graduate of Brown University and was a one-time newspaperman on the Washington Herald. He wrote copy and radio continuity for the Cecil, Warwick and Cecil advertising agency, and for awhile was engaged in sales work in the Radio Sales Division of the Columbia Broadcasting System.

His experience at the World Broadcasting System placed him in contact with the local selling problems of hundreds of radio stations throughout the country. Much of his new work will center around the production of presentations and promotional pieces primarily designed for the development of local and regional radio advertising accounts.

The Bureau of Radio Advertising was established as a new service for members last spring. It has been jointly administered by Paul Peter, Director of Research, and Ed Kirby, Director of Public Relations. With the addition of a full-time man to the Bureau's work, Headquarters feels that a highly beneficial service will be rendered all member stations.

MILLER PRAISES INDUSTRY FOR WAR NEWS REPORTING

Praising the public service work of stations and networks in bringing the nation the most comprehensive war-crisis coverage in history, Neville Miller, president of the NAB, congratulated the industry in the following statement:

"The broadcasting industry is performing a monumental public service in this war crisis period. Commercial schedules have been abandoned at real financial sacrifice in order that the public interest may be served. No other industry can boast such an unselfish performance. Once again American broadcasters are proving their steward-

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ship. Operations have been on a twenty-four hour basis. Radio staff men and women have stuck to their posts day and night, that the American people may be informed of the startling minute-to-minute developments.

"The comprehensive news reports and on-the-spot-broadcasts have undoubtedly gathered the greatest audience in the history of radio.

"In every home in America, from the White House to the most humble, radios are turned on, and people are listening and hoping that the holocaust may yet be averted.

"Through it all, there is a perceptible growth in public appreciation of the private and competitive character of the American System of Broadcasting which is rendering such a superb service. I congratulate the industry.

"And let me convey the gratitude of the industry to the gentlemen of the press who have cooperated so splendidly with us."

FLY TAKES FCC OFFICE

Frank R. McNinch stepped out Thursday as Chairman of the Federal Communications Commission and it is expected that James Lawrence Fly will take the oath tomorrow. Mr. McNinch has been Chairman since October 1, 1937.

President Roosevelt, in a communication which he sent to members of the Commission a couple of weeks ago, indicated that Mr. Fly would be Chairman to succeed Mr. McNinch.

SEPTEMBER DATES

September 5th—First Continental Congress opened in Philadelphia, 1774.

September 6th—Lafayette Day (Lafayette born 1757). Also celebration of Battle of Marne, 1914.

September 10th—Elias Howe patented sewing machine, 1846.

September 11-13th—Constitution Week, September 11-17.

September 13th—Star-Spangled Banner written 1814.

September 14th—Rosh Hashanah (1st day). (Jewish New Year.)

September 15th—Rosh Hashanah (2nd Day). National Felt Hat Day.

September 17th—Constitution Day (Constitution adopted, 1787). National Dog Week, September 17-23.

September 23rd—Yom Kippur (Day of Atonement). Jewish holiday. Autumn begins today. First air mail flight in U. S. in 1911, Earl Ovington, first mail pilot.

September 24th—Daylight Savings ends. Gold Star Mother's Day. National Newspaper Boys' Week, September 24-30. American Indian Day (21st).

September 30th—National Furniture Week, September 30-October 7. College football season starts.

NEW MEMBERS

At the meeting of the Executive Committee held in New York, August 22, the following membership applications were approved:

KOVO—Provo, Utah
KVGB—Great Bend, Kansas
KDRO—Sedalia, Missouri
WJHL—Johnson City, Tennessee
WMBG—Richmond, Virginia
WAPI—Birmingham, Alabama.

FCC MOTIONS DOCKET

The Federal Communications Commission has announced that the next meeting of the Motions Docket will be held at 10 a. m., Friday, September 8th, in Room 1411 of the New Post Office Building. Hearing of the Motions Docket was suspended during the month of August.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, September 4. They are subject to change.

Tuesday, September 5

KGLO—Mason City Globe Gazette Co., Mason City, Iowa—C. P., 1270 kc., 1 KW, unlimited time (DA-night), (requested facilities of KWLC and KGCA). Present assignment: 1210 kc., 100 watts, 250 watts LS, unlimited time.
KGCA—Charles Walter Greenley, Decorah, Iowa.—Renewal of license, 1270 kc., 100 watts, daytime. Shares KWLC.
KWLC—Luther College, Decorah, Iowa.—Renewal of license, 1270 kc., 100 watts, daytime. Shares KGCA.

Thursday, September 7

ORAL ARGUMENT BEFORE THE COMMISSION

Report No. B-5:

NEW—Saginaw Broadcasting Co., Saginaw, Mich.—C. P., 1200 kc., 100 watts, 250 watts LS, specified hours.
NEW—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—C. P., 950 kc., 500 watts, daytime.

Friday, September 8

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

FUTURE HEARINGS

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

October 11

WNBX—Twin State Broadcasting Corp., Springfield, Vt. (Proposed Studio and Trans. location, Keene, N. H.).—C. P., 1260 kc., 1 KW, unlimited time (DA-day and night). Present assignment: 1260 kc., 1 KW, unlimited time (DA-night).

FURTHER HEARING

NEW—Presque Isle Broadcasting Co., Erie, Pa.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.

October 20

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 100 watts, daytime.

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.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, 1200 kc., 100 watts, unlimited time. Present assignment: 1200 kc., 100 watts, specified hours.

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, specified hours.

November 10

WHA—University of Wisconsin, Madison, Wisc.—C. P., 670 kc., 50 KW, unlimited time (request facilities of WMAQ). Present assignment: 940 kc., 5 KW, daytime.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, 670 kc., 50 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

RENEWAL OF LICENSES

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

KECA and auxiliary, Los Angeles; WFNF and auxiliary, Shendoah, Iowa; WFRC and auxiliary, San Francisco; KSAC, Manhattan, Kans.; KSD, St. Louis, Mo.; WMMN and auxiliary, Fairmont, W. Va.; WMT, Cedar Rapids, Iowa; WPEN and auxiliary, Philadelphia; WSWA, Harrisonburg, Va.; WTAG and auxiliary, Worcester, Mass.; KFKA, Greeley, Colo.; KGFX, Pierre, S. Dak.; KTAR, Phoenix, Ariz.; WCOC, Meridian, Miss.
WSPR—WSPR, Inc., Springfield, Mass.—Granted renewal of license for the period ending February 1, 1940.

KUSD—University of South Dakota, Vermillion, S. Dak.—Present license extended on a temporary basis only for the period ending October 1, 1939, pending determination upon application for renewal.

KGBU—Alaska Radio & Service Corp., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only for the period ending October 1, 1939, pending determination upon application for renewal.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Present license further extended upon a temporary basis only for the period ending October 1, 1939, pending determination upon application for renewal.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Present license extended upon a temporary basis only for the period ending October 1, 1939, pending receipt of and determination upon application for renewal.

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Present license extended upon a temporary basis only for the period ending October 1, 1939, pending determination upon application for renewal.

W8XWJ—The Evening News Assn., Detroit, Mich.—Present license for high frequency broadcast station further extended upon a temporary basis only until October 1, 1939, pending determination upon application for renewal.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Present license for high frequency broadcast station further extended upon a temporary basis only until October 1, 1939, pending determination upon application for renewal.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile (area Tallahassee, Fla.)—Present license for relay broadcast station further extended upon a temporary basis only until October 1, 1939, pending determination upon application for renewal.

MISCELLANEOUS

- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., EST) to 7:00 p. m., EST, for the month of September in order to broadcast late weather forecasts.
- W3XDS—RCA Manufacturing Co., Inc., New York City.—Granted special temporary authority to operate general experimental station W3XDS using the frequency 950 kc., with power of 1 KW, to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during the hours 2 to 7 a. m., DST, on Sundays; midnight to 5 a. m., DST, Mondays; and 1 to 5 a. m., DST, from Tuesday through Saturday, for a period not to exceed thirty days.
- KPAC—Port Arthur College, Port Arthur, Texas.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., CST) to 12:00 midnight, CST, with power of 100 watts on September 15, 1939, in order to broadcast local high school football game.
- KPAC—Port Arthur College, Port Arthur, Texas.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., CST) to 12:00 midnight, CST, with power of 100 watts on September 22, 1939, in order to broadcast local high school football game.
- KPAC—Port Arthur College, Port Arthur, Texas.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., CST) to 12:00 midnight, CST, with power of 100 watts on September 29, 1939, in order to broadcast local high school football game.
- KWKH—International Broadcasting Corp., Shreveport, La.—Granted special temporary authority for excitation of a single radiator with a power of 100 watts on the frequency of 1170 kc. for the period August 28, 1939, to September 26, 1939, beginning one hour after sunrise and ending one hour after sunset (August 7 p. m., September 6:30 p. m., CST), for the purpose of making field intensity measurements in connection with the production of a proof of performance report.
- WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Granted special temporary authority to operate from 5:30 a. m. to 6:30 a. m., EST, on August 27, 1939, for the purpose of broadcasting a speech to be delivered at Tannenberg, Germany, by the head of the German nation.
- W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast on W8XWJ material transmitter from relay station WERO aboard crash boat on Gold Cup Race course during description of Gold Cup Race, 1 to 6 p. m., EST, on September 4.
- WJBW—Charles C. Carlson, New Orleans, La.—Continued hearing on renewal of license and modification of license, from September 8 to October 25.
- NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—Granted authority to take depositions at Scranton on September 13, in re application for new station to operate on 1370 kc., 100 watts, 250 watts LS, now scheduled for hearing on September 25.
- KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authorization to operate unlimited time on 1180 kc., using 10 KW, employing DA system after sunset at Portland, Ore. (August, 7:15 p. m.; September, 6:30 p. m., PST), for the period August 31 to September 29.
- KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on 1180 kc., using 5 KW power, for the period August 31 and ending not later than September 29.
- KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period August 22 and ending no later than September 20, pending KWLC's compliance with Rule 131.
- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted special temporary authority to rebroadcast over station WFBR program describing activities of the Fishing Fair at Annapolis, Md., on August 26, between 12:45 and 1 p. m., EST, and August 27, between noon and 12:15 p. m., EST, program to originate in Natl. Guard Plane operating on frequency 4060 kc.
- KHAS—The Nebraska Broadcasting Co., Hastings, Neb.—Granted special temporary authority to conduct site survey for station KHAS, using Collins Type 45-A Transmitter, crystal controlled, 50 watts output, frequency 1200 kc., daytime hours, for the period August 28 to September 6.
- WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining program to be received from International broadcast station W9XAL and W3XAL over Station WNEL for the period September 7 to October 6, 1939.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special temporary authority to operate from 11 p. m. to 12 p. m., EST, for the period August 31 to September 29, in order to broadcast programs as described in letter of previous date.
- WHA—University of Wis., Madison, Wis.—Granted special temporary authority to remain silent September 4, in order to observe legal holiday on Labor Day.
- KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate from local sunset (September, 6:30 p. m., CST), to 11:05 p. m. CST, using 100 watts power, September 4, Special Labor Day Celebration; September 11, 12, 13, 14, 15, 16, Gregg County Free Programs; September 26, Longview vs. Adamson Game; September 29, Longview vs. Port Arthur football game.
- WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted special temporary authority to operate unlimited time during crisis in international situation and as long as international emergency exists but in no event longer than for a period of 10 days.
- Unitarian Fellowship for Social Justice, Toledo, Ohio.—Granted special temporary authority to transmit programs by remote wire from WSPD to Station CKLW from 9 to 9:30 p. m., EST, on August 30, September 6, 13 and 20.
- WLBL—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Granted special temporary authority to remain silent September 4, in order to observe the legal holiday, Labor Day.
- WWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to transmit by wire description of Gold Cup Races to Canadian Broadcasting Corp., Windsor, Ontario, for rebroadcast on Canadian Network stations 1:30 to 2 p. m., and 4:45 to 5:30 p. m., EST, on September 4.
- WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Granted special temporary authority to operate from 9:30 to 9:45 p. m., EST, August 31, with transmitting equipment and antenna system authorized in outstanding CP, in order to broadcast a special feature acquainting the audience with the time of the formal opening and presenting in dramatic form the part that radio plays in modern affairs.
- WQDM—Regan and Bostwick, St. Albans, Vt.—Granted extension of special temporary authority to operate from 8 to 8:30 p. m., EDST, August 31, and from 7 to 8:30 p. m., EDST, September 1 to 8, inclusive, in order that station might complete its commercial broadcast of local baseball games.
- WMBI—Moody Bible Institute Radio Station, Chicago, Ill.—Granted motion to dismiss without prejudice application for modification of license to change hours of operation to unlimited.
- W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Granted motion to dismiss without prejudice applications for renewal and modification of high frequency broadcast station license.
- KMAC—W. W. McAllister and Howard W. Davis, d/b as Wal-mac Co., San Antonio, Texas.—Granted petition to accept written appearance filed August 16 in re Docket No. 5626, application for CP to move transmitter, change frequency and increase time of operation and power.
- W2XWC—Kolorama Labs., Inc., Irvington, N. J.—Granted extension of special temporary authority to operate a composite television transmitter to be located in Carlstadt, N. J., for radio television transmission in the 2000-2100 kc. band, for operation between the hours of 12 midnight and 6 a. m., on a non-interference basis, with power of 500 watts, for test and experimental purposes only, for the period September 5 to October 4.
- WGAM—Portland Broadcasting System, Inc., Portland, Me.—Granted motion to dismiss without prejudice application for C. P. to change frequency, power and time of operation.
- KRSC—Radio Sales Corp., Seattle, Wash.—Scheduled oral argument for September 28, 1939.
- NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Scheduled oral argument for September 28, 1939.
- NEW—Yuba-Sutter Broadcasters, Marysville, Calif.—Scheduled oral argument for September 28, 1939.
- NEW—Thumb Broadcasting Co., Brown City, Mich.—Scheduled oral argument for September 28, 1939.

NEW—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Granted petition to take depositions on September 18 in Las Vegas in re application for C. P. to erect a new station; the words in the order, "or any other disinterested person qualified to administer oaths in the State of Nevada," to be omitted.

WHA—University of Wisconsin, Madison, Wis.—Granted petition to continue hearing on the application for C. P. requesting the facilities of WMAQ, Chicago, from September 11 to November 10, 1939.

KOAC—Oregon State Agricultural School, Corvallis, Ore.—Granted extension of special temporary authority to operate from 9 a. m. to 1 p. m., and from 6 to 10 p. m., PST, during the month of September (instead of unlimited time as licensed), in order to observe regular vacation period.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously, non-synchronously, with station KFAB commencing 4:45 a. m., CST, for the period September 8 to September 24, in order to conform to Daylight Saving Time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate as above except simultaneously, non-synchronously, with station WBBM.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted extension of special temporary authority to reduce hours of operation from unlimited time to a minimum of eight hours daily for the period September 1 to September 23, in order to observe summer vacation.

KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted special temporary authority to operate unlimited time during international crisis but in no event for a period exceeding 10 days.

WGTM—WGTM, Inc., Wilson, N. C.—Granted special temporary authority to operate unlimited time for a period not to exceed 10 days in order to broadcast events concerning present European crisis.

W1XSL—WDRG, Inc., Hartford, Conn.—Granted modification of C. P. extending completion date from September 9 to November 9, 1939, for developmental broadcast station.

WOED—The Yankee Network, Inc., Boston, Mass.—Granted modification of license for additional power of 250 watts, not requiring new construction in high frequency relay broadcast station.

Amendment of Rule 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.—Continued hearing now scheduled for September 11 until October 16, 1939.

WCOV—Capitol Broadcasting Co., Inc., Montgomery, Ala.—Granted special temporary authority to operate unlimited time for the period ending in no event later than September 9, in order to broadcast during war crisis.

WEJT—National Broadcasting Co., Inc. (area of Washington, D. C.), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies 31220, 35620, 37020 and 39260 kes.

WEJS—National Broadcasting Co., Inc. (area of Washington, D. C.), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies 31220, 35620, 37020 and 39260 kes.

WEJR-WEJJ—National Broadcasting Co., Inc. (area of New York City), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies 31220, 35620, 37020 and 39260 kes.

WEJO—National Broadcasting Co., Inc. (area of Cleveland), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies 31220, 35620, 37020 and 39260 kes.

WEJK—National Broadcasting Co., Inc. (area of Chicago), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies 31220, 35620, 37020 and 39260 kes.

KEJH-KEJI—National Broadcasting Co., Inc. (area of San Francisco), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies 31220, 35620, 37020 and 39260 kes.

KEJD-KEJC—National Broadcasting Co., Inc. (area of Denver), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies 31220, 35620, 37020 and 39260 kes.

WEJU—National Broadcasting Co., Inc. (area of New York City), Portable-Mobile.—Granted license to cover C. P., to make changes in equipment and decrease power to 25 watts; frequencies 31220, 35620, 37020 and 39260 ke.

WBZ—Westinghouse E and M Co., Boston, Mass.—Granted C. P. to install new transmitter and DA system for day and night use and move transmitter to proposed site, Newport Road, Hull, Mass.

W8XCX—Onondaga Radio Broadcasting Corp., Portable-Mobile, Syracuse, N. Y.—Granted C. P. to install new equipment and increase power in high frequency relay broadcast station to 20 watts.

WEHH—Columbia Broadcasting System, Inc. (Portable-Mobile), New York City.—Granted C. P. to make changes in equipment and decrease power in high frequency relay broadcast station from 50 to 15 watts.

WEGI-WEGJ—The Baltimore Radio Show, Inc. (Portable-Mobile), Baltimore, Md.—Granted C. P. to make changes in equipment of high frequency relay broadcast station and increase power to 2 watts.

KEHA—The Associated Broadcasters, Inc., San Francisco, Cal. (Portable-Mobile).—Granted license to cover C. P. for new high frequency relay broadcast station; frequencies 33380, 35020, 37620 and 39820 ke., 2 watts.

APPLICATIONS FILED AT FCC

560 Kilocycles

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—Authority to determine operating power by direct measurement of antenna power.

630 Kilocycles

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Modification of construction permit (B1-P-2369) for new equipment, changes in directional antenna, increase in power, move of transmitter, requesting further changes in equipment and directional antenna for night, increase power from 1 KW, 5 KW-LS to 5 KW day and night, and extend commencement and completion dates to 30 days after grant and 180 days thereafter respectively.

KRGV—KRGV, Inc., Weslaco, Tex.—Modification of license to change frequency from 1260 ke. to 630 ke.

710 Kilocycles

NEW—Port Broadcasting Co., Houston, Tex.—Construction permit for a new broadcast station on 710 ke., 5 KW, unlimited time, directional antenna day and night.

770 Kilocycles

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

940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Modification of construction permit (B2-P-2316) for an increase in power and new equipment, requesting further changes in transmitting equipment, and extend commencement and completion dates 60 days after grant and 90 days thereafter.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Construction permit to increase power from 1 KW, 5 KW-LS to 5 KW day and night. Amended: to install directional antenna for night use.

970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—License to cover construction permit (B2-P-2268) as modified for installation of new transmitter, antenna and move transmitter from Elkins Park, Pa., to Hill Crest, Pa.

1100 Kilocycles

KGDM—E. F. Pfeffer, Stockton, Calif.—Modification of license to change frequency from **1100 kc.** to **1530 kc.**, hours of operation from daytime to unlimited, using 1 KW day and night.

1200 Kilocycles

KWBD—W. B. Dennis, Plainview, Texas.—Modification of construction permit (B3-P-2381) for a new station, requesting approval of antenna and approval of studio and transmitter site on Highway 70, east of Court House, 1.2 miles, Plainview, Texas.

WSKB—McComb Broadcasting Corp., McComb, Miss.—License to cover construction permit (B3-P-2002 and B3-MP-784) for new station.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Modification of license to increase power from 100 watts, 250 watts-LS, to 250 watts day and night.

1210 Kilocycles

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Code Broadcasting Co., near Hyannis, Mass.—Modification of construction permit (B1-P-1140 and B1-MP-681) for new station, requesting extension of required date of completion from 9-24-39 to 1-1-40.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—Construction permit for a new broadcast station on **1210 kc.**, 250 watts, unlimited time.

WJIM—WJIM, Inc., Lansing, Mich.—Modification of license to increase power from 100 watts, 250 watts-LS to 250 watts day and night.

WJW—WJW, Inc., Akron, Ohio.—Modification of license to increase power from 100 watts, 250 watts-LS to 250 watts day and night.

WSAY—Brown Radio Service and Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Modification of license to increase power from 100 watts, 250 watts-LS to 250 watts day and night.

1220 Kilocycles

WGNV—Peter Goelet, Newburgh, N. Y.—Voluntary assignment of license from Peter Goelet to Courier Publishing Corp.

1230 Kilocycles

WFBM—WFBM, Inc., Indianapolis, Ind.—Modification of license to change power from 1 KW, 5 KW-LS to 5 KW day and night, using directional antenna at night. Amended: change name to WFBM, Inc.

1240 Kilocycles

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Construction permit to install new transmitter, increase power from 1 KW to 5 KW.

1310 Kilocycles

WJPR—John R. Pepper, Greenville, Miss.—Modification of construction permit (B3-P-2312) for a new station, requesting approval of antenna and approval of transmitter site at State Road #1, at Levee, Greenville, Miss., and move studio from 808 Harvey St. to Washington and Hinds Sts., Greenville, Miss. Amended: re equipment and give studio site at 110 North Shelby St., Greenville, Miss.

KRBA—Red Lands Broadcasting Assn., Ben T. Wilson, President, Lufkin, Texas.—License to cover construction permit (B3-P-2307) for changes in equipment and increase in power.

KCKN—The KCKN Broadcasting Co., Kansas City, Kans.—License to cover construction permit (B4-P-2440) for installation of new transmitter.

1320 Kilocycles

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Construction permit to install directional antenna for day and night use; increase power from 1 KW, 5 KW LS, to 5 KW; move studio and transmitter from Cuyahoga Falls Road, Village of Tallmadge, Ohio, to State Road No. 8, R.F.D., North of Akron, Ohio.

1330 Kilocycles

KMO—KMO, Inc., Tacoma, Wash.—Voluntary assignment of license from KMO, Inc., to Carl E. Haymond.

1360 Kilocycles

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day.

1370 Kilocycles

NEW—Chilton Radio Corp., Dallas, Tex.—Construction permit for a new broadcast station on **1370 kc.**, 250 watts, unlimited time. Requests facilities relinquished by station KFJZ.

KTEM—Bell Broadcasting Co., Temple, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

NEW—V. O. Stamps, Dallas, Tex.—Construction permit for new broadcast station on **1370 kc.**, 250 watts, unlimited time. Requests facilities to be relinquished by station KFJZ.

WIBM—WIBM, Inc., Jackson, Mich.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WMAN—Richland, Inc., Mansfield, Ohio.—Modification of construction permit (B2-P-2121) for approval of antenna, approval of studio site at 140 Park Ave., West, and transmitter site at Longview Ave., 400 feet west of Main St. Rd., Mansfield, Ohio, and installation of new transmitter.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Construction permit to make changes in equipment, increase power from 100 watts to 250 watts day and night, change hours of operation from daytime to unlimited time.

WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1390 Kilocycles

KABR—Aberdeen Broadcast Co., Aberdeen, S. D.—Authority to transfer control of corporation from Aberdeen Broadcast Co., to H. C. Jewett, Jr., 676 shares common stock.

1490 Kilocycles

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Extension of special experimental authorization to transmit facsimile signals from 12 midnight to 6 a. m., PST, using 10 KW for period beginning 11-1-39.

1500 Kilocycles

WTMC—John T. Alsop, Jr., Ocala, Fla.—Voluntary assignment of permit from John T. Alsop, Jr., to Ocala Broadcasting Co., Inc. Amended: Re change to assignment of license instead of permit.

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, Pres., Huntsville, Texas.—License to cover construction permit (B3-P-2295) for changes in equipment and increase in power.

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Modification of construction permit (B3-P-2436) for new transmitter, antenna, move and increase daytime power, requesting approval of transmitter site at Manor Road, Austin, Texas, antenna changes and new transmitter.

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

KGKY—Hilliard Co., Inc., Scottsbluff, Neb.—Voluntary assignment of license from Hilliard Co., Inc. (a corporation) to L. L. Hilliard, Ruth K. Hilliard, R. M. Stewart, d/b as Hilliard Co. (a partnership).

WDAN—Northwestern Publishing Co., Danville, Ill.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Authority to transfer control of corporation from Lester E. Cox to Wm. H. West, Jr., 184 shares common stock.

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Authority to determine operating power by direct measurement of antenna power.

NEW—E. W. Williams, Corbin, Ky.—Construction permit for new broadcast station on 1500 kc., 100 watts, unlimited time.

MISCELLANEOUS

NEW—The Louisville Times Co., area of Louisville, Ky.—Construction permit for a new relay broadcast station on 30820, 33740, 35820, 37980 kc., 0.5 watts, emission A-3.

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

NEW—The Louisville Times Co., area of Louisville, Ky.—Construction permit for a new relay broadcast station on 30820, 33740, 35820, 37980 kc., 0.5 watts, emission A-3.

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

KEGN—Don Lee Broadcasting System, area of San Francisco, Calif.—Construction permit to install new equipment.

KADB—Nichols & Warinner, Inc., area of Long Beach, Calif.—Construction permit to install new equipment.

NEW—Bamberger Broadcasting Service, Inc., area of New York, N. Y.—Construction permit for a new high frequency broadcast station, site to be determined in the New York metropolitan area, on the frequency 43400 kc., 1 KW, emission Special for frequency modulation.

WEQB—Ashland Broadcasting Co. (area of Ashland, Ky.).—License to cover construction permit (B2-PRE-250) for reinstatement of relay station.

W2XB—General Electric Co., Albany, N. Y.—License to cover construction permit (B1-PVB-11) to request frequency channel 65000-72000 kc., and to specify location as being Town of New Scotland, N. Y.

WSLR—World Wide Broadcasting Corp., Boston, Mass.—Construction permit to change present location of transmitter from Boston, Mass., to Hatherly Beach, near Scituate, Mass.

W9XC—Central Broadcasting Co., near Mitchellville, Iowa.—Modification of construction permit (B4-PEX-23) for a new developmental broadcast station on 1000 kc., 1 KW, A-3 emission, requesting extension of completion date from 9-18-39 to 12-18-39.

WAIE—Joe L. Smith, Jr., area of Beckley, W. Va.—License to cover construction permit (B2-PRY-178) for new relay broadcast station on 1622, 2150 and 2790 kc., power 75 watts, A-3 emission.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

No complaints have been issued by the Commission this week.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Alle-Rhume Remedy Company, Inc., and Block Drug Company, Inc., both of Jersey City, N. J., were ordered to cease representing, directly or by implication, that "Allenru," or any similar preparation, will rid joints or muscles of all uric acid deposits; is compounded from a safe or scientific formula; is free from harmful drugs, or is a remedy or cure for, or has any substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, lumbago or neuralgia.

The respondents were further ordered to cease representing that "Allenru" will quickly stop the distress and pain of rheumatism, neuritis, or sciatica caused by excess uric acid or other circulating poisons, or will remove the cause of, or effect a quick relief from, sciatica, neuritis or lumbago.

The order also forbids advertisements which claim that excess uric acid causes or aggravates most cases of rheumatism, or which fail to reveal that the respondents' preparation is not a wholly safe drug to be used by the lay public in self-medication. (3678)

Block Drug Company, Inc.—See Alle-Rhume Remedy Company, Inc.

Lead Pencil Association, Inc.—Thirteen companies manufacturing approximately 75 per cent of the wood-cased lead pencils produced in the United States were ordered to discontinue entering into agreements resulting in unlawful restraint of competition through fixing and maintaining uniform prices for their products, and other practices.

The Lead Pencil Association, Inc., and its president and commissioner, William A. McDermid, 21 East 40th St., New York, and the following pencil manufacturers, twelve of which are members of The Lead Pencil Association, Inc., are named respondents in the order:

The Joseph Dixon Crucible Company, Jersey City, N. J.; The Eberhard Faber Pencil Company, Brooklyn; The American Lead Pencil Company (which withdrew from The Lead Pencil Association, Inc., in June, 1938), Hoboken, N. J.; Eagle Pencil Company, Inc., New York; Richard Best Pencil Company, Irvington, N. J.; Blaisdell Pencil Company, Philadelphia; General Pencil Company, Jersey City, N. J.; Hassenfeld Brothers, Inc., Providence, R. I.; National Pencil Company, Shelbyville, Tenn.; Reliance Pencil Company, Mt. Vernon, N. Y.; Universal Pencil Company, Oakland, Calif.; Red Cedar Pencil Company, Lewisburg, Tenn., and Wallace Pencil Company, St. Louis.

Findings are that The Lead Pencil Institute was formed in May, 1929, its membership comprising practically all of the companies engaged in the wood-cased pencil industry at that time, and that following a price war in 1935 and 1936, and for the purpose of eliminating that condition, the industry in January, 1937, reorganized the Institute and subsequently changed its title to The Lead Pencil Association, Inc., of which the respondent William A. McDermid was the president and commissioner. Further findings are that from about January to November, 1937, the manufacturers, acting through The Lead Pencil Association, Inc., or among themselves, carried out agreements and understandings resulting in an unlawful restraint of competition in the industry.

Under the order, the respondents are to cease fixing or maintaining uniform prices, terms or conditions for the sale of comparable wood-cased lead pencils; changing simultaneously the prices at which such pencils are to be sold; adopting, fixing or determining uniform schedules of quantity or annual cumulative discounts on comparable wood-cased lead pencils; fixing or determining uniform prices of lead pencils known as "blanks" (pencils on which neither the name or any brand of the manufacturer appears), or offering uniform bids on comparable wood-cased pencils to prospective purchasers. (3643)

Puritan Undergarment Corp., 950 Hart St., Brooklyn, N. Y., was ordered to discontinue misleading representations in the sale of women's wearing apparel.

Under the order, the respondent is to cease representing that its products are composed of fibers or materials other than those of which they are actually composed, or that any garment or fabric has a stated percentage of wool unless that is a fact.

The respondent was also ordered to cease advertising or selling wearing apparel or fabrics composed in whole or in part of rayon without clearly disclosing that fact, and when such garments or fabrics are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent. (3810)

Saks & Co., trading as Saks at 34th Street, Broadway and 34th St., New York, was ordered to discontinue misleading representations in the sale of perfumes and other toilet preparations.

Under the order, the respondent is to cease representing through the use of the term "Famous in France," or in any other manner, that perfumes or other toilet preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country, provided that the country of origin of the various ingredients may be stated when immediately

accompanied with an explanation that such products are made or compounded in the United States.

The respondent was further ordered to cease using the term "Renaud's Perfume—Famous in France," or any other terms indicative of French origin, or any French or other foreign words or terms, as brand or trade names for perfumes, or other toilet preparations, made or compounded in the United States, without clearly and conspicuously stating that such products are made or compounded in the United States. (3298)

Sifers Candy Company—Samuel I. Sifers, trading as Sifers Candy Company, Iola, Kans., was ordered to discontinue the use of lottery methods in connection with the sale and distribution of candy to ultimate consumers.

Under the order, the respondent is to discontinue selling and distributing candy or other merchandise so packed and assembled that sales to the public may be made by means of a lottery device, or supplying dealers with lottery devices which may be used in the sale of candy or other merchandise to the public.

The order also prohibits the respondent from supplying dealers with lottery devices, either with assortments of candy or other merchandise, or separately, such devices to be used in selling or distributing the candy or other merchandise to the public. (3311)

Simmons Company, New York, manufacturer of metal beds, mattresses and allied products, was ordered to discontinue unlawful price discriminations in violation of the Robinson-Patman Act. This company sold approximately \$24,600,000 worth of its products in 1938.

The order specifically prohibited price discrimination between different retailer purchasers of its products of like grade and quality paying the cumulative discounts of the "Simmons Plan" under which discounts of 3½ per cent were paid on purchases of \$75,000; 4 per cent on purchases of \$100,000; 4½ per cent on purchases of \$150,000; and 5 per cent on purchases of \$200,000 and more. No discount was paid on purchases of less than \$50,000.

Discriminations were also prohibited through payment to customers, whether individuals, central organizations or syndicate heads, of any cumulative or retroactive quantity discounts either under the Simmons Plan or any similar plan or method making provision for granting of cumulative or retroactive quantity discounts.

It was found that under the respondent's discount plan aggregate purchases of a customer during a calendar year not only determined the rate of discount, but the rate so determined was retroactively applied to all purchases made during such year, even to those purchases in the no-discount zone. (3840)

Sprague-Kitchen & Company—Mary Eloise Gauss, trading as Sprague-Kitchen & Co., 4254 North Hermitage Ave., Chicago, was ordered to discontinue misleading representations in the sale of a cosmetic preparation for the scalp and hair designated "Graolene".

The order prohibits representations in advertisements that "Graolene," or any similar preparation, is not a dye or is other than a dye; will cause gray hair to change color without dyeing the hair; will restore the original or natural color to gray hair; will supply to the hair shaft the materials in which gray hair is deficient, or will cause the scalp, the hair or the roots of the hair to be normal or healthy. (3821)

Sumlak Company, Cincinnati, Ohio, engaged in the sale of "Sumlakia," a compound found to contain various bromides, was ordered to discontinue advertising, directly or by implication, that their preparation is a cure or remedy or a competent treatment for epilepsy, or that it is safe for use. The respondent was further ordered to cease the dissemination of advertisements which fail to reveal that the long continued or excessive use of the preparation may cause serious injury to the health of the user. (3828)

Williams and Wilkins Company, Mount Royal and Guilford Avenues, Baltimore, have been ordered to discontinue violation of the Robinson-Patman Act through price discrimination in the sale of medical and scientific books.

Findings of the Commission are that, by granting price discounts ranging from 20 per cent to 35 per cent, the respondent discriminated in price between different purchasers buying the same books for resale to retail dealers or ultimate users in the

same area, thus enabling some purchasers to buy these books at lower prices than their competitors.

Under the order, the respondent is to cease discriminating in price between competing purchasers for resale of its medical and scientific books as related in the findings, or by granting or allowing differing discounts, the effect of which may be to lessen competition or tend to create a monopoly, or destroy or prevent competition with any customer receiving the benefit of the discrimination, except where such discount makes only due allowance for differences in the cost of manufacture, sale or delivery resulting from differing methods or quantities in which such books are sold. (3844)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

Banker Pen Company—See James Kelly Fountain Pen Company.

J. Bennett, Inc.—See A. Cohen & Sons Corp.

A. Cohen & Sons Corp.—Two companies engaged in the wholesaling of novelty goods and glassware, including glass ash trays, entered into stipulations to discontinue using the word "cut", alone or in connection with any other words, so as to imply that the product referred to is cut by hand, when such is not a fact. The respondents are A. Cohen & Sons Corporation, 584 Broadway, New York, and J. Bennett, Incorporated, 360 Furman St., Brooklyn, N. Y. (2513-2516)

Louis Eckert Brewing Company, 666 Gibbons St., Los Angeles, entered into a stipulation to discontinue misleading representations in the sale of beer.

According to the stipulation, the respondent will cease representing that quality beer cannot be made and sold in large quantities or that its beer products are all brewed under the watchful eye, skillful hand, or personal supervision of Louis Eckert, president and brewmaster of the respondent company, when such are not the facts. (2510)

James Kelly Fountain Pen Company—James Kelly, trading as James Kelly Fountain Pen Company, and as The Banker Pen Company, 487 Broadway, New York, entered into a stipulation to discontinue misleading representations in the sale of fountain pens.

The respondent stipulated that he will cease using the words "Durium Pointed" or other expressions which imply that his pen points are tipped with any purported substance, fanciful or real, when such is not a fact. It was further agreed that the respondent will discontinue use of the designation "14 K" on pen points, with or without the words "Gold Plate", when the gold content is not actually of 14 carat fineness, or in any way convey the impression that the pen point is of 14 carat solid gold, when such is not a fact. (2508)

Perry Jett LeRoy, Jackson Heights, Long Island, N. Y., in connection with the sale of "LeRoy's Easy Piano Lessons", stipulated that he will cease representing that his sale offer is either "limited" or must be accepted "immediately" or is "for a short time only" or is "positively your last opportunity" to procure his course for \$1, when such is not a fact; or that the customary price for the course is limited or special, or that it will not be available in the near future, unless orders thereafter received at the price advertised are refused and the money returned to the senders.

LeRoy also agreed to cease representing that any person without regard to aptitude or circumstance, can, by taking his course, play the piano within five weeks or any other specified time "as he (LeRoy) plays"; or unreservedly that within such or any comparable time all those sending for the course will be gracefully playing the tunes they love. The respondent also agreed to discontinue claims that "thousands", or any other impressive and unverified number, have "learned to play" the piano through the aid of his course. (2514)

Master Electric Company—In a stipulation entered into, Master Electric Company, Dayton, Ohio, agreed to discontinue misleading representations in the sale of electric fans.

The respondent stipulated that it will cease using the word "rubber" or any other words connoting rubber, as descriptive of the blades of its products which are not composed of rubber, and will discontinue using the word "rubber" in any way as to imply that the blades of such products are made wholly of rubber, when such is not a fact. The stipulation provides that if the blades are composed in substantial part of rubber and in part of some other material, and the word "rubber" is used to describe the rubber part, then that word shall be accompanied by other words printed in equally conspicuous type so as to indicate clearly that the blades are composed in part of some other material. (2512)

New England Ribbon Mills—Louis Segal, trading as New England Ribbon Mills, Boston, entered into a stipulation in which he agreed to discontinue using the word "Mills" as part of his trade name, or in any other manner implying that he makes the products offered for sale, or that he actually owns and operates or controls the mill or factory in which his products are manufactured, when such is not a fact. (2511)

Jacob Ries Bottling Works, Inc., Shakopee, Minn., entered into a stipulation in which it agreed to cease representing either directly or by implication that "Sparkling Rock Spring Water," or any similar products, will prevent, counteract or otherwise effectively avoid or eliminate an excessive acid condition in the system resulting from the use of liquor. (2509)

Ruth Hosiery Mills, Inc., Durham, N. C., entered into a stipulation to discontinue misleading representations in the sale of hosiery.

Under the stipulation, the respondent will cease using the term "Rayon and Silk" as purportedly descriptive of any product not composed throughout of such fibers, or as descriptive of hosiery the top, heel and toe of which are composed of other materials. The stipulation provides that if silk, rayon or other fiber is present in less than a substantial amount or in an amount not exceeding 5 per cent by weight of the product, the name of such fiber shall be accompanied by the percentage in which it is present, or when confined to a decorative stripe shall be designated as being contained in such decoration, as, for example, "Rayon with decorative silk stripe." If the boot or leg is properly represented as rayon with decorative silk stripe but the top, heel and toe are composed of other materials, then such designation shall be immediately accompanied in equally conspicuous type by disclosure of the fiber content of the top, heel and toe.

The respondent will also cease advertising, branding, labeling or selling any product composed in whole or in part of rayon or in part of silk, and other kinds of fiber or substances, unless full and nondeceptive disclosure of the fiber and other content of such product is made by clearly designating and naming 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 which is present in less than a substantial amount, or in any case less than 5 per cent, as, for example, "Cotton and Rayon," when the product is composed of cotton and rayon throughout, with the amount of cotton at least equal to or greater than the proportion of rayon present. (2517)

United Civil Service Training Bureau, Portland, Ore., in connection with the sale of its correspondence school courses intended to prepare students for United States Civil Service examinations, agreed to cease using the words "United," "Civil Service," "Bureaus" or "Bureau" as a part of its corporate or trade name, or using these words or any other representations so as to imply any connection with the Civil Service Commission or the United States Government. (2515)

FCC Assignments For September

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

**ASSIGNMENT FOR
MONTH OF
September**

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

**Commissioner
Thad H. Brown**

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

**Commissioner
Paul A. Walker**

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

**Commissioner
Norman S. Case**

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

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

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

**Commissioner
George Henry Payne**

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

**Commissioner
Frederick I. Thompson**

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

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

**Secretary
T. J. Slowie**

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

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

**Chief Engineer
Ewell K. Jett**