



The Code in Effect October 1

(A Statement by Neville Miller)

I am gratified to report well nigh industry-wide support of the new NAB Code which becomes effective October 1.

In accordance with instructions of the Board, I have appointed a Code Compliance Committee—the Committee of Audience Relations. I am glad to report that Edgar Bill, WMBD, Peoria, Illinois, has agreed to serve as chairman. The Committee is representative of a cross-section of both the industry and of the country. We feel it is more than competent to represent every type of radio station and interest as well as the problems of the industry as a whole.

Mr. Bill has called the first meeting of the Committee for this coming Monday, October 2, at Headquarters in Washington.

This will be a highly important meeting, important to the future of your station and to the future of the entire American System of Broadcasting. We believe that each section of the Code is well understood by most members of the industry. Following its meeting, the Code Committee will issue a Code manual which will contain specific answers to specific problems which have already been presented for ruling. As more of these interpretations are made from time to time, they will be sent to you immediately. The Code manual itself will be in loose-leaf binder form so that you may arrange reports from the Committee under the particular section of the Code applicable.

We feel you will find the interpretations of the Committee to be fair decisions, honestly arrived at, and in conformity with the letter and spirit of the Code passed by the Convention in Atlantic City last July.

In its deliberations, I can assure this industry and the listening public that the Code Committee is concerned with fundamental principles only and not with personalities. The Code represents almost a year's constant deliberation of every conceivable problem affecting the operation of radio in both the social and economic life of our nation. Adherence to the Code means to the individual radio station operator a better long-pull investment and to the American home gives another reason for inviting the NAB station as a preferred guest in its living room. I am convinced that in the Code we find an admixture of the best interests of the radio industry and of the public interest of the American people. The two are inseparable. This is the essence of self-regulation as we know it

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Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

THE CODE IN EFFECT OCTOBER 1

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in our American democracy. And this is the purpose of the NAB Code.

The Committee of Audience Relations (Code Compliance Committee): Chairman—Edgar Bill, WMBD, Peoria, Illinois; Martin Campbell, WFAA, Dallas, Tex.; Walter J. Damm, WTMJ, Milwaukee, Wisc.; Edward Cargill, WMAZ, Macon, Georgia; Earl J. Glade, KSL, Salt Lake City, Utah; Edward Klauber, Columbia Broadcasting System; Don Searle, KOIL, Omaha, Nebraska; Calvin J. Smith, KFAC, Los Angeles, California; Theodore Streibert, Mutual Broadcasting System; Niles Trammell, National Broadcasting Company; E. M. Kirby, NAB, Washington, Secretary.

WMCA Hearing

The FCC held a hearing Wednesday on its charge that Station WMCA, New York City, had violated Section 605 of the Communications Act of 1934 by interception and broadcast of secret German and British naval orders.

In an affidavit answering the Commission's charge WMCA denied any illegality and pointed out that all war news broadcast over the station was obtained from the International News Service, the New York *Herald Tribune* and the New York *Daily Mirror*.

Stanley Wolf, chief radio operator for the New York *Herald Tribune*, was the Commission's first witness at Wednesday's hearing.

Wolf testified that he and the four operators under him picked up, for the *Tribune*, government news broadcasts from abroad.

WMCA had an arrangement with the *Tribune*, he testified, to obtain from the *Tribune's* radio department important news received and this arrangement was made during August of this year. A similar arrangement prevailed during the Munich crisis.

Wolf said that Station DLE, a German government station, interrupted an English news broadcast the evening of August 27 to send a message addressed to all German ships, in German. This was followed by three German words, "Nach Sonderanweisung Handeln." Wolf

said he called WMCA and gave the station this message. He also sent it to the editorial rooms of the *Herald Tribune*. A later check with both the editorial rooms and WMCA, he said, showed that this was translated as "upon receipt of this transmission, act upon your special secret instructions."

Two days later, Wolf said, he was listening to an official news broadcast from Station GPR, British government station, when it interrupted the news broadcast by saying, "Here admiralty message." Instructions to all British ships then were broadcast. This, like the German message, was passed on to both the *Herald Tribune* editorial room and WMCA.

After Wolf's testimony, an FCC official said that DLE was registered at Berne as a fixed station and GBR as a land station. This official said he assumed both were in point-to-point service.

The Commission refused to allow Donald Flamm, WMCA president, to read a prepared statement about the case. Flamm explained that WMCA had added the *Herald Tribune* service to its normal news service to obtain official broadcasts, news prepared by *Herald Tribune* staff writers abroad and news bulletins from foreign stations. He then turned to the trade press advertisement which WMCA had prepared. These reprinted parts of two New York gossip columns which said that WMCA's important news scoops had resulted from decoding secret messages. Mr. Flamm denied that these columns were "inspired" and said WMCA at no time had in its employ a code expert. There was no interception at the station and no payment to anyone other than the *Herald Tribune*, he said. Asked if the information in the columns was true, as a whole, Mr. Flamm said it was not. There was a long debate between Mr. Flamm and Commissioners about the amount of the material in the columns that was true.

Leon Goldstein, special events director for WMCA, next on the stand, described in detail the arrangements for the *Herald Tribune* service. He then was questioned extensively about the trade press advertisement. He admitted, under close questioning, that he knew parts of the gossip columns were inaccurate when he used them in the ad and was lectured extensively about the "responsibility" that a broadcast licensee shoulders.

After the luncheon recess, the Commission again questioned Goldstein extensively. Whether the messages were news or plain intercepted messages and whether WMCA had obtained from the *Tribune* a "story" about the messages or just intercepted messages were among the points at issue.

William Weisman, vice president and general counsel of WMCA, was the final witness. He and William Dempsey, FCC general counsel, engaged in a long debate about whether WMCA's answer to the Commission's original charge was complete.

FCC SUSPENDS INDEFINITELY INTERNATIONAL RULE

The FCC this week suspended indefinitely the rule requiring international broadcast stations to send out only programs which would promote "international goodwill, understanding and cooperation."

Opposed by the NAB as a step toward censorship of domestic programs, the rule was suspended temporarily after a hearing. This week, the FCC adopted the following resolution:

WHEREAS, on May 23, 1939, the Commission adopted Rule No. 42.03(a) having to do with the conduct of international broadcast stations, which rule was thereafter suspended pending further investigation, and

WHEREAS, the outbreak of the European war has injected into the problem of international broadcast regulations various additional significant factors, and

WHEREAS, on September 6, 1939, this Commission appointed a committee composed of Chairman Fly, Commissioner Brown and Commissioner Craven to study the various phases of the communications problem in relation to current war conditions, to maintain contact with the various Government agencies and the industry and to report to the Commission its recommendations, which committee has made studies and held various conferences on the problems in relation to international broadcasting,

THEREFORE, BE IT RESOLVED, That said rule is hereby further suspended pending the conclusion of said studies and conferences and subject to the report of said committee recommending to the Commission such further action as it may deem appropriate.

"RADIO GUIDE" UNDERTAKES SONG CONTEST FOR BROADCASTING

In cooperation with Davis and Schwegler, Inc., tax-free music publishers, *Radio Guide* Magazine is undertaking a "National Song Search" to discover new authors and composers in three fields of music: popular, semi-classical and sacred music.

Attention of broadcasters has been drawn to the contest because of its immediate value in determining the extent and quality of undiscovered sources of useable new music, independent of ASCAP affiliation.

While the selection of winners in the sacred music and semi-classical sections will be announced on December 30 and January 6 respectively, the last dates for entries in the weekly contest for new popular music begin at once, the first one closing as of October 7. Two hundred dollars in cash is offered the winner of each weekly contest. Quoting from *Radio Guide*, the prizes are as follows:

PRIZES

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| <p>The greatest first prize ever offered an unknown songwriter. The winner of each contest will receive:</p> <ol style="list-style-type: none"> 1. \$200 in cash. 2. The regular song-writer's contract with the great Los Angeles music-publishing firm, Davis-Schwegler, providing for royalties on all sheet music and other sales. 3. Immediate publication and distribution as sheet music. 4. Immediate recording and distribution as phonograph record. | <ol style="list-style-type: none"> 5. Inclusion of the winning song in regular Davis-Schwegler Library Service to radio stations from Coast to Coast. <p style="text-align: center;"><i>Consolation Prizes</i></p> <p>The next five song-writers selected will receive \$10 each in cash.</p> <p style="text-align: center;"><i>Honorable Mentions</i></p> <p>The next six song-writers will be given Honorable Mention Certificates.</p> |
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As the music is received, title, lyrics and score will be searched by the Davis and Schwegler staff. Following this, selections will be made to a professional judging committee, headed each week in the popular field by name-band orchestra leaders and prominent radio singers and musicians. This week's issue announces that the committee in the second week's contest will be headed by Kay Kyser and Ginny Simms. The sheet music will be made available to all radio stations and networks, for performance. Davis and Schwegler will include the winning selections in their transcription service and on their records. *Radio Guide* informs Headquarters that network performance opportunities have been arranged through connection with commercially sponsored leaders in the popular field. Other exploitation of the new music on individual stations has also been arranged, through station tie-ups with the magazine.

Headquarters feels that the contest and the subsequent radio performance of the new music will furnish helpful information about the music problem.

FREE OFFERS

The following companies were reported by member stations as seeking free time for commercial purposes, in violation of the NAB Code of Ethics:

American Road Builders Association
The Spool Cotton Company
B'r'er Rabbit Molasses
The Woman Magazine

The Bureau of Radio Advertising has advised the above concerns that their proposals constitute "free offers," which the NAB Code of Ethics prohibits member stations from accepting. Stations are again urged to make every effort to convert these free offer requests into paid advertising, either through solicitation of local outlets or direct to the national organization. The Bureau of Advertising is making similar efforts wherever possible.

COST-PER-INQUIRY

The following concerns have recently sought to place business on member stations on a contingent basis:

Dorland International Agency (on behalf of Poya)
Popular Music Instruction Company (piano course)

The NAB Bureau of Radio Advertising has advised these concerns that the Code of Ethics prohibits stations from accepting business on a contingent or cost-per-inquiry basis and has suggested that they buy time at the stations' regular rates.

THE FOOD COUNCIL

The NAB suggests that member stations receiving proposals from the Food Council, 308 Fourth Avenue, New York City, to broadcast scripts or transcriptions free of charge communicate with NAB Headquarters before accepting same or committing themselves with advertisers who may wish to sponsor these programs.

CROWELL-COLLIER PUBLISHING COMPANY

NAB has discussed with the Crowell-Collier Publishing Company the "Voice of Industry" programs which the company proposes to have stations broadcast as part of a campaign to humanize industry and explain advertising to the public. Crowell-Collier has agreed to waive mention of the four magazines they publish in the closing announcement of these transcriptions, thus allowing stations who wish to run this series to fade out the closing credit and substitute their own with whatever wording is considered most fitting.

CLINE, WLS, HEADS NAB SALES MANAGERS COMMITTEE

Neville Miller this week appointed William R. Cline, Commercial Manager of WLS, Chicago, as chairman of the Sales Managers' Committee, succeeding Craig Lawrence, KSO, Des Moines. In confirming Mr. Cline's appointment, Neville Miller, NAB president, outlined the reorganization plans intended to further the efficient operation of the Sales Managers' division, under the direction of the NAB Board of Directors.

An Executive Committee will be appointed from the Sales Managers' Division to meet regularly and work in cooperation with the Bureau of Radio Advertising and Headquarters' staff in developing a sales and promotion program on behalf of all member stations. Under the reorganization plan, it is expected that district directors will appoint representatives to the Sales Managers' Committee and that all activity of the Committee in each district will be centered under the Director.

"CURTAIN RAISER" HISTORY

A pictorial history of Curtain Raiser as observed throughout the United States during the week of Sept. 24 and thereafter is to be published by NAB. It will be distributed to advertisers, agencies, members and others.

The receipt of photographs and copy will be appreciated at headquarters at the early convenience of members.

OCTOBER EVENTS

October 8-14—Fire Prevention Week
National Candy Week
October 9 —Canadian Thanksgiving Day
October 10-20—Picture Week
October 12 —Columbus Day (celebrating discovery of America, 1492)
October 14 —Sweetest Day—Last day of Candy Week
William Penn born 1644
October 15-21—National Business Show in New York
October 22-28—National Pharmacy Week
October 27 —Navy Day
Theodore Roosevelt born 1858
First World War shot fired by American troops, 1917
October 28 —Anniversary of freedom of U. S. Press, 1753
Oct. 29-Nov. 6—Girl Scout Week (birthday of Juliette Low, founder of Girl Scouts)
October 31 —Hallowe'en
Oct. 31-Nov. 5—National Apple Week

NOTE: National Retail Grocers Week will be held some time this month. Check your local stores for dates.

NEBRASKA-ASCAP SUIT TRIED

The trial of Buck, et al., v. Swanson, et al., took place in Lincoln, Nebraska, on September 18 to 21, inclusive, before a specially constituted three judge Federal court presided over by Judge Gardner of the Circuit Court of Appeals for that district. ASCAP brought suit against the Nebraska state officials and county attorneys to enjoin prosecutions under the Nebraska Copyright Monopoly Statute, adopted by the Legislature in 1937, on the grounds that the statute is unconstitutional. Many provisions of the state law are believed by attorneys to be beyond the power of the state legislature but it is contended that the monopoly section prohibiting price fixing by combination of copyright owners is within the police power of the legislature.

Testimony was introduced by ASCAP who produced as witnesses, among others, Gene Buck, president of ASCAP; Claude Mills, Chairman of the Administrative Committee; and John Paine, general manager. They testified primarily to the history of ASCAP, to the efforts of users to hamper their operations, and to their alleged inability to operate under the Nebraska statute.

The defendant state officials introduced testimony tending to show ASCAP's method of operation in the State of Nebraska and to bring out the monopoly power concentrated in the Society through its publisher membership. Among the witnesses called by the state officials were John J. Gillin, Jr., manager of WOW, and Don Searle, manager of KFAB-KOIL-KFOR. Mr. Gillin testified in detail as to ASCAP's licensing method with respect to radio stations, the discriminatory character of the licenses issued to commercial stations and those issued to newspaper owned stations and the inability of his station to continue operation without acceding to ASCAP's demands. Mr. Gillin's testimony was corroborated by Mr. Searle.

A decision by the Court is not expected for some time. ASCAP was represented by L. J. TePoel, Louis D. Froh-

lich and Herman Finkelstein. The state officials were represented by John L. Riddell, Chief Assistant Attorney-General, William J. Hotz and Andrew W. Bennett.

LABOR NOTES

The actors' row which for a time threatened to make trouble for broadcasting has been settled by agreement with the following results:

The American Federation of Actors is out of business and Ralph Whitehead, its executive secretary, is out of a job.

The American Guild of Variety Artists has succeeded the American Federation of Actors as the A. F. of L. union for vaudeville and night club performers.

The American Federation of Radio Artists now has the same exchange arrangement with AGVA as it used to have with AFA.

The Screen Artists Guild made peace with the International Alliance of Theatrical Employees and Motion Picture Operators, withdrew its support of the United Studio Technicians—and the IA beat the UST in an election at the Hollywood studios.

Sophie Tucker is now in good standing with the AGVA.

It all amounts to *status quo ante bellum*, excepting for Ralph Whitehead's job.

The New York papers report a fight between the A. F. of M. and ASCAP over the latter's music festival plans. ASCAP, it is reported, hired the Boston Symphony for the festival, to start October 2. The Boston Symphony is the only major non-union symphony orchestra, and the A. F. of M. threatened to refuse to allow union musicians to take part in the festival if non-union musicians appeared. The papers say ASCAP substituted the New York Philharmonic for the Boston Symphony because of this threat.

After October 24, the Wage and Hour Act requires payment of time and one-half for overtime above 42 hours a week to all covered employees in the broadcasting industry. The NAB labor relations department will be glad to answer any questions about the change.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, October 2. They are subject to change.

Monday, October 2

NEW—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.
NEW—Howton Radio Alarm Co., Seattle, Wash.—Permit for new special experimental station, **2414 kc.**, 12.5 watts, unlimited time. Pts. of Comm.: Portable within city limits of Seattle, Wash.

Tuesday, October 3

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Renewal of license, **1370 kc.**, 50 watts, specified hours.
WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time (requests facilities of WSVS). Present assignment: **1370 kc.**, 100 watts, 250 watts LS. Time: All hours except those WSVS operates.

Wednesday, October 4

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.**, 1 KW, unlimited time (DA night).

Thursday, October 5

Oral Argument Before the Commission

Report No. B-62:

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

Report No. B-68:

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., **880 kc.**, 250 watts, unlimited time. Present assignment: **1370 kc.**, 250 watts, daytime.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—C. P., **880 kc.**, 500 watts, unlimited time (DA day and night).

Report No. B-73:

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 kc.**, 100 watts, unlimited time.

FUTURE HEARINGS

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

November 2

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—C. P., **620 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

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

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

King-Trendle Broadcasting Corp., Detroit, Mich.—Granted extension of authority to transmit programs from station WXYZ to the stations of the Canadian Broadcasting Corp., for the period ending October 16, 1940.

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit programs to station CKLW, stations owned and operated by the Canadian Broadcasting Corp., and stations licensed by the Canadian Minister of Transport, through the facilities of the American Telephone and Telegraph Co., for the period ending September 1, 1940.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

WCAP—Radio Industries Broadcast Company, Asbury Park, N. J.—Application for renewal of license; temporary license granted from October 1, 1939, pending hearing. This application was designated for hearing because of request of WTNJ, Trenton, N. J., for unlimited time and increase in nighttime power from 500 watts to 1 KW; this involves all facilities of WCAM and WCAP.

RENEWAL OF LICENSES

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

KFSG, Los Angeles; KRKD, Los Angeles; WCSH, Portland, Maine; WFBM, Indianapolis, Ind.; WHA, Madison, Wis.; WKAQ, San Juan, P. R.; WNAD, Norman, Okla.; KVOA, Tucson, Ariz.

KTRB—Thomas R. McTammamy and William H. Bates, Jr., Modesto, Calif.—Granted renewal of license for the period ending February 1, 1940.

KBNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted renewal of license for the period ending December 1, 1939.

Licenses for the following stations were extended on a temporary basis for the period ending November 1, 1939, pending receipt of and determination upon application for renewal:

KGGM, Albuquerque, N. Mex.; WDSU, New Orleans; WHBF, Rock Island, Ill.; WHBI, Newark, N. J.; WNEL, San Juan, P. R.; and WNEW, New York City.

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

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

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Present license further extended upon a temporary basis only for the period ending November 1, 1939, subject to whatever action may be taken upon pending application for renewal, and subject further to the express condition that said extension shall not be construed as a finding by the Commission that the operation of this station is or will be in the public interest beyond the express terms hereof.

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

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1940.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present license of relay broadcast station was further extended upon a temporary basis until November 1, 1939, pending determination upon application for renewal.

The following portable-mobile relay broadcast stations were granted renewals for the regular period:

KBKC, WCBE, WCBF, WCBG, Columbia Broadcasting System, Inc.; WAAJ, The Fort Industry Co.; KALO, Intermountain Broadcasting Corp.; WIOE, Isle of Dreams Broadcasting Corp.; KBIB, The KANS Broadcasting Co.; KDJB, Mason City Globe-Gazette Co.; KABF, McClatchy Broadcasting Co.; WAFZ, Minnesota Broadcasting Corp.; WBPA, The National Life and Accident Ins. Co., Inc.; KBID, Radio Service Corp. of Utah; WATS, Allen T. Simmons; WGBD, WBNS, Inc.; WAXL, Jonas Weiland; WIPL, WIPM, WNEI, WFBM, Inc.; WGTO, WGTM, Inc.

Renewals for the following portable-mobile relay broadcast station licenses were extended upon a temporary basis only for the period ending November 1, 1939, pending receipt of and determination upon application for renewal:

KIJG, Eagle Broadcasting Co., Inc.; KAGB, Albert Lee Broadcasting Co.; WABG, Memphis Commercial Appeal Co.; KABE, National Battery Broadcasting Co.; KAIE, National Battery

Broadcasting Co.; WABV, Juan Piza; KNEF, Radio Service Corp. of Utah; WAXH, Savannah Broadcasting Co., Inc.

250 WATTS POWER AUTHORIZED

The following stations were granted modification of licenses to increase nighttime power to 250 watts:

WMFF, Plattsburg, N. Y.; WJBK, Detroit, Mich.; WJW, Akron, Ohio; WPAD, Paducah, Ky.; KGFV, Kearney, Nebr.; KOME, Tulsa, Okla.; WHDF, Calumet, Mich.; WBOV, Terre Haute, Ind.; KVOL, Lafayette, La.; KGFF, Shawnee, Okla.; KVWC, Vernon, Tex.; KDLR, Devils Lake, N. Dak.; KGKY, Scottsbluff, Nebr.; KGLO, Mason City, Iowa.

MISCELLANEOUS

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on 1180 kc., using 10 KW power, employing directional antenna system after sunset at Portland, Ore. (September 6:30 p. m. and October 5:30 p. m., PST), for the period September 30, 1939, to October 29, 1939.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted extension of special temporary authority to operate unlimited time on 1180 kc., using 5 KW power, for the period September 30, 1939, to October 29, 1939.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted special temporary authority to operate on 2012 kc., for the period ending September 30, 1939, in order to avoid interruption of important experiments with improved independent synchronization system.

KYOS—Merced Broadcasting Company, Merced, Calif.—Granted special temporary authority to operate from 8 p. m. to 10 p. m., PST, on September 29, October 6, 13, 20, 27, 1939, in order to broadcast high school football games.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to pick up and rebroadcast emergency Red Cross drill to be received from amateur stations W3NT, W3II, W3HMB, W3FQP, W3EMM, W3BEK, W3HJC, W3CHE, W3IEY, W3FGJ, W3PK, W3HFL, W3DGG, W3AJA, W3AKN, W3GON, operating on 1805 kc., over radio station WTAR from 8 p. m. to 9 p. m., EST, on September 28, 1939; WTAR to communicate with amateur stations through relay broadcast station WAHE operating on 2022 kc.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate from 5:30 p. m. to 6:30 p. m., EST, on October 7, 14, 21 and 28, 1939, in order to broadcast football games as described in letter dated September 14, 1939.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate on September 24 and 29, 1939, using 100 watts only, to carry dedication program Mutual and Southern Network services to WGRC, and football game.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate unlimited time on September 29, October 6, 13 and 20, 1939, in order to broadcast high school football games, for time of game only.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with station WFAS from 4 p. m. to 5 p. m., EST, on September 23, 1939, in order to broadcast a football game.

NEW—Thomas J. Watson, Endicott, N. Y.—Denied motion to withhold further consideration in re Docket No. 5372, WMFF, Plattsburg Broadcasting Corp., Plattsburg, N. Y.

KRKO—Lee E. Mudgett, Everett, Wash., and NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—Ordered that the final date for all parties in Dockets Nos. 5097, 5226, 5443, and 5114, to submit proposed findings of fact and conclusions, be extended from September 20 to October 11, 1939.

KVAK—Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate on October 13, 1939, in order to broadcast high school football game only.

WBNY—Roy L. Albertson, Buffalo, New York.—Granted special temporary authority to operate from 2 p. m. to 3 p. m., EST, on September 30, October 7, 14, 21 and 28, 1939, in order to broadcast newscasts, musical programs and other features of public interest; to operate from 8:30 a. m. to 10 a. m., and from 2 to 3 p. m., EST, on October 1, 8, 15, 22, and 29, 1939, in order to broadcast religious services, newscasts, and musical programs; to operate unlimited time on

- October 12 and 27, 1939, in order to broadcast musical programs and newscasts (provided WSVS remains silent).
- WBRY**—American-Republic, Inc., Waterbury, Conn.—Granted extension of special temporary authority to operate with the present two-unit directional antenna in accordance with the experimental authority granted under license, for the period September 30, 1939, to October 29, 1939, in order to determine necessary steps to change from a special broadcast to a standard broadcast station.
- WPIC**—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate with power of 250 watts on September 24, 1939, in order to broadcast an address by a Bishop of the Holy Name Society, for actual address only.
- WLOK**—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate night on September 23, 1939, in order to broadcast high school football game only.
- WMFO**—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Granted special temporary authority to operate on September 29, October 6, 13, 20, 27, 1939, using 50 watts only, in order to broadcast local high school football games only.
- WCAT**—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate on September 29, October 20 and 27, 1939, in order to broadcast football games only.
- KFIO**—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:00 p. m., PST, to the conclusion of high school football games on September 22, 29; October 1 and 6, 1939, and to broadcast United Press Service news for ten minutes after the close of the game on October 1, 1939.
- United Air Lines Transport Corp.**, Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter, aboard the plane owned by United Air Lines Transport Corp., call letters KHAZT as a relay broadcast station on the frequency of 2790 kc., to relay broadcast program describing American Legion Parade to Radio Station WGN, from 1:00 p. m. to 3:00 p. m., CST, on September 26, 1939.
- KFVS**—Oscar C. Hirsch, tr. as Hirsch Battery and Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate simultaneously with Station WEBQ on nights of September 22, 29, October 13 and 20, 1939, in order to broadcast football games only as described in letter dated September 18, 1939.
- WRCA-WNBI**—National Broadcasting Co., New York, N. Y.—Granted extension of special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban Stations CMX and COCX, for the period September 28 to October 27, 1939.
- KGCA**—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period September 21, 1939, to October 20, 1939.
- WESG**—Cornell University, Ithaca, N. Y.—Reconsidered action in designation for hearing the application for renewal of license of WESG, and granted same, dismissing same from the hearing docket. This application was originally designated for hearing by reason of the applications and petitions submitted in behalf of the licensees of Stations WTIC, WBAL, KTHS, and KRLD, for special experimental authority to operate on frequency of 1040 kc., assigned to Station WESG.
- NEW**—Suffolk Broadcasting Corp., Suffolk, Va.—Amended Order heretofore entered on August 19th, with reference to grant of new station to operate on 1420 kc., 100 watts, 250 watts LS, unlimited time, by inserting a fourth paragraph thereof, directing applicant to file application for modification of C. P. specifying exact transmitter location and antenna system within two months after effective date of amended Order—September 27, 1939.
- In re:** Change of Rules 177 and 177.1.—Denied motion to strike filed by counsel for City of New York on behalf of Mayor LaGuardia, in the matter of amendment of Rules 177 and 177.1, in so far as it requests the striking of Issue No. 4, which is as follows: "To determine to what extent, if at all, the amendment of the rules as set forth in paragraphs 1 and 2 hereof would affect the operation of commercial stations as to program service and listening audience". Granted motion in so far as it requests amendment of Issue No. 6, which is as follows: "To determine whether, in view of the long distance characteristics of international stations and the unreliability of the short or national services of such stations, international stations should be permitted to be used to assist in the building of programs for regular broadcast stations, "by adding thereto the following: "whose licensees are the same as those set forth in paragraph 1 hereof," and said Issue No. 6 was amended that said motion was denied in so far as it requests striking of Issue No. 9, which is as follows: "To determine whether the Commission should change its basic policy of not authorizing the use of radio facilities where other facilities are available to render the same service."
- KFRO**—Voice of Longview, Longview, Texas.—Granted request in part to operate as follows: Between sunset and midnight on October 1, 8, 15, 22 and 29, when actually transmitting church services; no other broadcast authorized on these nights; to operate on the nights of October 6, 13, 20 and 27, to broadcast football games while actually transmitting the football games only; no other broadcast authorized on these nights; to operate on nights of October 3, 10, 17 and 24, while actually transmitting programs directly pertaining to the Fair; no other programs not directly related to the Fair not authorized. Station KFRO must remain silent all hours at night except those specifically set out above for the programs as mentioned; request for carrying other programs denied, which includes operation on October 7, 14, 21 and 28, for college football roundup.
- WGIL**—Galesburg Broadcasting Co., Galesburg, Ill.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., CST), to 9:30 p. m., CST, on September 26, in order to broadcast special Dedicatory program of the Galesburg Public Schools and Board of Education.
- WELI**—City Broadcasting Corp., New Haven, Conn.—Granted authority to determine operating power by direct measurement of antenna input.
- WELI**—City Broadcasting Corp., New Haven, Conn.—Granted license to cover C. P. authorizing change in frequency from 900 to 930 kc., and time of operation from daytime to unlimited, with 250 watts night, 500 watts day, employing DA system for nighttime operation.
- NEW**—Radio Air Service Corp., Portable-Mobile, area of Cleveland, Ohio.—Granted C. P. for new high frequency relay broadcast station; frequencies 31620, 35260, 37340, 39620 kc., 25 watts.
- WEGR**—Donald A. Burton, Muncie, Ind., Portable-Mobile.—Granted C. P. to install new equipment and increase power in high frequency relay broadcast station from 5 to 15 watts.
- NEW**—Mason City Globe-Gazette Co., Mason City, Iowa, Portable-Mobile.—Granted C. P. for low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 2 watts.
- WCKY**—L. B. Wilson, Inc., Covington, Ky.—Granted license to cover C. P. authorizing changes in equipment, installation of directional antenna for day and nighttime operation, and increase in power from 10 to 50 KW.
- WEIN**—The Journal Company (The Milwaukee Journal), Portable-Mobile, area of Milwaukee, Wis.—Granted license to cover C. P. for relay broadcast station; frequencies 33380, 35020, 37620 and 39820 kc., 25 watts.
- WPRO**—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted C. P. to make changes in authorized equipment.
- KWBD**—W. B. Dennis, Plainview, Tex.—Granted modification of C. P. for approval of transmitter and studio sites and installation of vertical radiator.
- WMAN**—Richland, Inc., Mansfield, Ohio.—Granted modification of C. P. approving studio and transmitter sites, changes in authorized equipment and installation of vertical radiator.
- WAFZ**—Minn. Broadcasting Corp., Portable-Mobile, Minneapolis, Minn.—Granted modification of license to reduce power in low frequency relay station from 7.5 to 2.5 watts.
- WNYC**—City of New York, Municipal Broadcasting System, New York City.—Granted authority to determine operating power of auxiliary transmitter by direct measurement of antenna input.
- WMFR**—Radio Station WMFR, Inc., High Point, N. C.—Granted authority to determine operating power by direct measurement of antenna input.
- WTNJ**—WOAX, Inc., Trenton, N. J.—Granted C. P. to install auxiliary transmitter for emergency use only.
- WLTH**—Voice of Brooklyn, Inc., New York City.—Granted C. P. to move transmitter site locally and install vertical radiator.
- KUTA**—Utah Broadcasting Co., Salt Lake City, Utah.—Granted C. P. to make changes in equipment.
- KTFI**—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted C. P. to install new equipment.

KEGN—Don Lee Broadcasting System, San Francisco, Cal., Portable-Mobile.—Granted C. P. to install new equipment.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted license to cover C. P. authorizing changes in equipment.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted license to cover C. P. authorizing new station to operate on 1420 kc., 100 watts, daytime only.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Granted license to cover C. P. authorizing new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted license to cover C. P. authorizing new station to operate on 1370 kc., 100 watts, unlimited time.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 100 to 250 watts.

WJNO—WJNO, Inc., West Palm Beach, Fla.—Granted license to cover C. P. authorizing installation of new equipment.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted license to cover C. P. authorizing move of transmitter locally.

KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator.

W2XWE—WOKO, Inc., Albany, N. Y.—Granted modification of C. P. to make changes in equipment.

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Granted modification of C. P. approving transmitter and studio sites, changes in authorized equipment and installation of vertical radiator.

WNEI—WFBM, Inc., Indianapolis, Ind., Portable-Mobile.—Granted modification of C. P. covering changes in equipment.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted authority to install automatic frequency control.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted authority to determine operating power by direct measurement of antenna input.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted authority to determine operating power by direct measurement of antenna input.

KFNF—KFNF, Inc., Shenandoah, Ia.—Granted authority to determine operating power by direct measurement of antenna input.

WJNO—WJNO, Inc., West Palm Beach, Fla.—Granted authority to determine operating power by direct measurement of antenna input.

WNAD—Univ. of Okla., Norman, Okla.—Granted special temporary authority to operate from 2:30 to 3 p. m. on Oct. 23 and 30, and from 10:30 a. m. to 11:30 a. m., CST, on Oct. 24, 25, 26 and 31, in order to broadcast special educational programs (provided KGGF remains silent).

KGGF—Hugh J. Powell, Coffeyville, Kans.—To remain silent on above periods in order to permit WNAD to broadcast special educational programs.

WOL—American Broadcasting Co., Washington, D. C.—Granted special temporary authority to operate with antenna currents in the ratio 1.50 to 1.00 and phase angle of 105° yielding field intensity of 53.5 mv/m in the direction of radio stations WNAC and WFBM during daytime for the period Oct. 4 and continuing for duration of the World's Series Baseball games, in order to maintain the field intensity of WOL for service in the Chevy Chase-Bethesda, Md., areas.

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast stations WCBX and WCAB over station WKAQ, on a non-commercial experimental basis only, for the period 3 a. m., October 1 and ending no later than October 30, 1939.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast station WNBI and WRCA over station WNEL, for the period October 7 to November 5, 1939.

WPR—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate additional time on October 1, 8, 15, 22 and 29, in order to broadcast baseball games only.

KDNT—Harwell V. Shepard, Denton, Texas.—Granted special temporary authority to operate additional time to broadcast Denton County Fair programs only, on October 3, 4, 5, 6 and 7, and to broadcast football games only on October 13, 20 and 27.

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Granted special temporary authority to operate additional

time on September 29, October 6, 13, 20 and 27, in order to broadcast football games only.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate additional time on September 30, October 7, 13, 14, 21, in order to broadcast University football games only.

KPDN—R. C. Hoiles, Pampa, Texas.—Granted special temporary authority to operate additional time on October 20 and November 3, in order to broadcast high school football games only.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate between 6:15 and 7 p. m., EST, daily during month of October in order to broadcast weather reports only.

WTAW—Agricultural and Mech. College of Texas, College Station, Texas.—Granted special temporary authority to operate simultaneously with WJBO while broadcasting Texas A. & M. v. Santa Clara football game only.

APPLICATIONS FILED AT FCC

850 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Modification of C. P. (B2-P-1767) to extend completion date from 9-30-39 to 11-30-39.

1140 Kilocycles

WSPR—WSPR, Inc., Springfield, Mass.—Modification of license to change frequency from 1140 kc. to 1240 kc., and power from 500 watts to 250 watts, 500 watts day; time from limited to unlimited. Amended to change application to a construction permit; install directional antenna for day and night use, requesting 1240 kc., 500 watts power day and night, unlimited time; and change name to WSPR, Inc.

WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—C. P. to install new transmitter, directional antenna for day and night; change frequency from 1140 kc. to 1070 kc.; increase power from 5 to 50 KW, hours of operation from simultaneous day, shares KVOO night, to unlimited; move transmitter from on Sandusky Mt., near Pratt City, Birmingham, Ala., to 9 miles north of Birmingham, Ala. Amended to request 1050 kc.

1200 Kilocycles

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Modification of C. P. (B4-P-2367) for a new station, requesting approval of antenna and approval of studio and transmitter site at 2nd and Burlington Ave., Hastings, Nebr. Amended to request 250 watts power day and night.

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Modification of C. P. (B1-P-1461) for a new station, requesting increase in power from 100 watts, 250 watts LS, to 250 watts day and night; extend commencement and completion dates 60 days after grant and 180 days thereafter, respectively.

1210 Kilocycles

NEW—M. W. Plowman and F. Koren, d/b as Midland Broadcasting Co., Watertown, S. Dak.—C. P. for new station on 1210 kc., 100 watts, 250 watts LS, unlimited time.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KOCA—Oil Capitol Broadcasting Association, Kilgore, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1260 Kilocycles

WFVA—Fredericksburg Broadcasting Corporation, Fredericksburg, Va.—License to cover C. P. (B2-P-2105) for a new station.

1290 Kilocycles

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Authority to determine operating power by direct measurement of antenna power.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—License to cover C. P. (B3-P-2224) for new antenna and transmitter and move of transmitter.

1310 Kilocycles

NEW—Wm. F. Huffman, Wisconsin Rapids, Wis.—C. P. for a new station on **580 kc.**, 250 watts, unlimited time. Amended to request **1310 kc.**, 100 watts, 250 watts LS, unlimited, and omit request for directional antenna. Transmitter site to be determined, Wisconsin Rapids, Wis.

WTJS—The Sun Publishing Company, Inc., Jackson, Tennessee.—C. P. to install new transmitter, directional antenna for night use; change in frequency from **1310 kc.** to **1360 kc.**; increase power from 100 watts, 250 watts LS, to 1 KW day and night.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

1370 Kilocycles

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kansas.—C. P. to make changes in equipment and increase power from 100 to 250 watts.

WISE—Harold H. Thoms, Asheville, N. C.—Modification of C. P. (B3-P-1066) for a new station, requesting authority to install new transmitter, change name from Asheville Daily News (Harold H. Thoms, owner), to Harold H. Thoms.

1420 Kilocycles

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Authority to transfer control of corporation from E. J. Hunt, to John L. Booth, 1,643 shares common stock.

1500 Kilocycles

KPAB—Mervel M. Valentine, Laredo, Texas.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KDRO—Albert S. Drohlich, Robert A. Drohlich, Drohlich Brothers, Sedalia, Mo.—Authority to determine operating power by direct measurement of antenna power.

KDRO—Albert S. Drohlich, Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—License to cover C. P. (B4-P-2165) for a new station.

MISCELLANEOUS

NEW—International Broadcasting Corp., area of WOV (N. Y.).—Construction permit for a new relay broadcast station to be operated on **31220, 35620, 37020, 39260 kc.**, 10 watts, A-3 emission, located in area of New York, N. Y.

NEW—International Broadcasting Corp.—License to cover above.
WTNK—WOAX, Incorporated, vicinity of Trenton, N. J.—Construction permit for reinstatement of station WTNK (C. P. expires 9-24-39).

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for a new television station, site to be determined, Philadelphia, Pa., operated on **78000-84000 kc.**, 1 KW power, A-5 emission, unlimited time.

WHPT—Radio Station WMFR, Inc., vicinity of High Point, N. C.—License to cover C. P. (B3-PRY-168) for new relay broadcast station.

NEW—Moody Bible Institute of Chicago, Chicago, Ill.—C. P. for a new non-commercial educational broadcast station on **41,300 kc.**, unlimited time, A-3 emission, 100 watts power. Located at RFD #1, Addison, Ill. Amended: To change name from The Moody Bible Institute Radio Station, to Moody Bible Institute of Chicago.

NEW—R. B. Eaton, Des Moines, Iowa.—C. P. for new television broadcast station at Des Moines, Iowa, on **46500 kc.**, visual, and **49750 kc.** for aural transmission, 100 watts power, A-3 and A-5 emission. Amended: To request **44000-50000 kc.**, for both aural and visual.

W9XC—Central Broadcasting Co., near Mitchellville, Iowa.—Modification of C. P. to extend completion date from 9-18-39 to 12-18-39.

W9XC—Central Broadcasting Co., near Mitchellville, Iowa.—License to cover C. P. (B4-PEX-23) as modified for a new station.

NEW—Board of Education of the San Francisco Unified School District, San Francisco, Calif.—C. P. for a new non-commercial educational broadcast station to be located at 22nd and Bartlett Streets, San Francisco, Calif., to be operated on **41300 kc.**, 1 KW power, A-3 emission, unlimited time. Amended: Re: name.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bolivar Studios, Inc.—See National Press Photo Bureau, Inc.

Kay Hart Studios, Inc.—See National Press Photo Bureau, Inc.

National Press Photo Bureau, Inc., Kay Hart Studios, Inc., Bolivar Studios, Inc., and Samuel F. Reese and Clara L. Reese, both officers of National Press Photo Bureau, Inc., and Kay Hart Studios, Inc., all of 509 Fifth Ave., New York, were charged, in a complaint, with misleading representations in the sale of photographs.

The respondents allegedly represented that National Press Photo Bureau, Inc., is connected with leading newspapers of the United States; that it represents local newspapers and has a following throughout the country; that the respondents are obtaining photographs for their files, and furnish the photographs to the press. Acting under such representations, the complaint continues, the respondents or their agents procure permission to photograph members of the purchasing public and subsequently attempt to sell them the finished photographs. (3898)

Norwalk Lock Company—See Segal Lock & Hardware Co., Inc.

Segal Lock & Hardware Company, Inc.—Under a complaint, Segal Lock and Hardware Company, Inc., Norwalk Lock Company, and their president, Louis Segal, and Jack Klein, who trades as Tested Appliances Company, all of 261 Broadway, New York, were charged with dissemination of misleading representations in the sale of a lock or lock cylinder device designated "Segal Pick-Proof Lock," "Segal Pick-Proof Lock Cylinder," and "Segal Pick-Proof Cylinder."

The respondents were charged with making misleading claims concerning the mechanical perfection and "pick-proof" quality of the Segal lock cylinder and the absence of such qualities in competing locks or lock cylinders.

By the use of a "pick gun" or other lock-picking device, the respondents, their salesmen and representatives, in their demonstrations, picked and opened the locks or cylinders manufactured and installed by competitors and accompanied such demonstrations with assertions regarding the superiority and pick-proof quality of the Segal lock cylinder, according to the complaint.

The respondents allegedly represented that the Segal lock cylinder is absolutely "pick-proof" under all circumstances; that experts have tried and failed to pick it; that the inventor of the "lock-picking gun" failed in a public demonstration to pick it; that without the Segal device any lock can be picked or opened by skeleton keys or other lock-picking devices, and that the Segal lock cylinder is the first device which is an absolute guarantee of complete safety from the lock-picking menace and dangerous pick-gun.

On the contrary, the complaint alleges, all locks or lock cylinders can be opened or picked by some lock-picking device in the hands of an expert; the Segal lock cylinder is not safe from the "lock-pick" menace and the picking gun, and Bernard Zion, co-inventor of the pick-gun, did not, on the occasion of a public demonstration or contest, fail in an honest endeavor to open the Segal lock cylinder, but only pretended that he could not. Zion actually has opened or picked the Segal device, according to the complaint. (3896)

Tested Appliances, Company—See Segal Lock & Hardware Company, Inc.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Consolidated Candy Company, Inc.—See Model Lingerie Company.

Excelsior Hat Works—See Morben Hat Works, Inc.

Kidder Oil Company, 818 South Third St., LaCrosse, Wis., was ordered to discontinue the dissemination of misleading representations in the sale of a lubricant designated as "Koatsal."

Findings of the Commission are that the graphite used in Koatsal is manufactured by a Michigan concern which sells to the respondent a product called concentrated "Oildag," composed of 10 per cent colloidal graphite and 90 per cent lubricating oil. The respondent, it was found, blends one part of concentrated "Oildag" with 50 parts of lubricating oil to make Koatsal. The Michigan concern formerly made a product called "Ready for Use Oildag" which was substantially the same as Koatsal, and was introduced several years before the respondent's product.

Further findings are that, contrary to the respondent's claims, no reduction of friction is accomplished by conditioning a motor with Koatsal, nor does this product have qualities and properties in excess of that of the oil contained in it.

Under the order, the respondent is to cease representing that Koatsal penetrates and adheres to all metal surfaces it reaches, permeates the pores of the metal, soaks into the metal, providing a plating on the metal for moving parts to ride on, or that the lubricating qualities of Koatsal are any greater than those of the oil which it contains. (3026)

Martin Custom Made Tires Corporation, 645 Eleventh Ave., New York, was ordered to discontinue misleading representations in the sale of certain of its automobile and truck tires. Under the order, the respondent is to cease representing, directly or by implication, that the construction of its tires or the materials or the number of plies contained in the tires are other than is actually the case. (3585)

W. E. & M. E. Medicine Company—William Everette, trading as W. E. & M. E. Medicine Company, 509 North 58th St., Philadelphia, was ordered to discontinue misleading representations in the sale of "W. E. & M. E. Herb Tonic."

Findings of the Commission are that the respondent's preparation is a simple laxative, sedative and tonic and as such may have incidental benefits for some of the ailments it is represented to relieve. Further findings are that the "Herb Tonic" contains drugs prescribed by physicians for some of the ills it is claimed to relieve, but that the dosage indicated by the respondent does not give users the amounts of these drugs, even as a laxative that are recommended by the medical profession in most cases.

Under the order, the respondent is prohibited from representing that use of his preparation purifies the blood, relieves all acute pains, stimulates the sexual organs or system, relieves backache or disorders of the liver or kidneys, or remedies disorders of the stomach, indigestion or cramps. Representations that the "Herb Tonic" is a cure for the menopause or a relief from suffering caused by it, or that the preparation contains no harmful ingredients, are also prohibited under the order. (3087)

Model Lingerie Company—A Chicago hosiery company and a Dallas, Texas, dealer in candy and nut confections were ordered to discontinue using lottery schemes in the sale and distribution of their merchandise to ultimate consumers.

Model Lingerie Company, and its officer, Gertrude Leith, 529 South Franklin St., Chicago, and Consolidated Candy Company, Inc., and its officer, Leslie Finucane, 826 Exposition Ave., Dallas, were ordered to cease selling any merchandise by the use of

lottery devices such as push or pull cards or punchboards, or supplying dealers with lottery devices to be used in the sale of any merchandise. (3659-3657)

Morben Hat Works, Inc.—Prohibiting certain misleading representations in the sale of hats, cease and desist orders have been issued against two manufacturers in New York and New Jersey, who make hats from felts and other materials obtained from old and previously used hats.

The respondents are Morben Hat Works, Inc., and Morris S. Altman, officer and principal stockholder of the corporation, 162 Green St., New York, and Joseph A. Villone, trading as Excelsior Hat Works, 275 Fifteenth St., Jersey City. Under the orders they are directed to cease and desist from representing that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The orders also prohibit the representation that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that the products are composed of secondhand or used materials. The order provides that if sweatbands are not affixed to the hats then such stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (3838-2046)

Research Products Company—Robert C. Oberlin, trading as Research Products Company, 3170 Berkshire Road, Cleveland, has been served with an order prohibiting misleading representations in the sale of medicinal preparations.

The order prohibits advertisements that use of the respondent's preparations known as "Dupree Pills," "Dupree Double Strength Pills" and "Dr. Gordon's Special Formula Double Strength Pills" are competent, safe and scientific treatments for delayed menstruation and that their use will have no ill effects on the body.

Dissemination of advertisements which fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of users, is also forbidden.

On petition of the Commission, the United States District Court in Cleveland on June 30 granted a preliminary injunction prohibiting advertisement of the respondent's treatments for delayed menstruation in substantially the same manner as alleged in the Commission's complaint, pending disposition of the case under the Federal Trade Commission Act.

Under the Commission's order, the respondent is also directed to cease representing that the use of "Van Dyke Dutch Brand Haarlem Oil Capsules" is a cure or remedy for, or has therapeutic value in the treatment of rheumatism, sleeplessness, nervousness or pains in the back, and that use of "Dr. Gordon's Vitam-Perles" or "Vitamin E Perles" is a competent or effective remedy or cure for, or has therapeutic value in the treatment of the conditions known as lack of ambition, loss of strength, loss of blood, or anemia, or rundown condition. (3863)

STIPULATIONS

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

Mme. Nell E. Anderson, 1415 Echo Park Ave., Los Angeles, stipulated that she will cease using the term "Bust Developing Cream" in designating her cosmetic preparation, and will cease representing, directly or by implication, that the use of her commodity, "Mme. Anderson's Bust Developing Cream," for massaging in conjunction with prescribed muscular exercise or in any other manner, will enlarge the bust. (02431)

Beverly Knitting Mills—Lester G. Griffith, trading as Beverly Knitting Mills, 1240 South Main St., Los Angeles, stipulated that he will cease using the word "silk" on labels, invoices, or any other printed or advertising matter to describe products which are not composed of silk. The stipulation provides that if the products are composed substantially of silk and in part of some other fabric material, and the word "silk" is used to refer to the silk

content of such products, then the word "silk" shall be accompanied by some other word or words printed in equally conspicuous type so as to indicate clearly that they are not composed wholly of silk. If the fabric other than silk constitutes the major content of such products, the name of the predominant material shall precede the word "silk," as, for example, "Cotton and Silk." The respondent also agreed to discontinue use of the words "Knitting Mills" as part of his trade name and from use of the words "Manufacturers" or "Knitting Mills" so as to imply that the respondent makes his products or that he absolutely controls the factory in which such products are made. (2541)

Direct Company—H. F. Goring, trading as The Direct Company, and Directo, 221 Broad St., Savannah, agreed to discontinue use of the trade names "The Direct Company" and "Directo," and to cease using the words "Direct from mill" so as to represent that hosiery which he sells is shipped directly to customers from a factory, or that he controls the factory in which his merchandise is made. The respondent will also cease using phrases such as "Wholesale to you" and "Wholesale direct to you," so as to represent that his product is offered to the purchasing public at a wholesale price. (02433)

Faultless Appliance Sales Company—Lewis D. Coburn, trading as Faultless Appliance Sales Company, Whitman, Mass., agreed to discontinue representing or implying that use of the rupture support or truss which he sells will permanently cure difficulties associated with rupture or that his device will afford adequate support for all varieties and grades of hernia. The respondent further stipulated that he will cease representing that his device has neither a steel bar nor band or a pad, when it is actually equipped with such elements. (2539)

Juvenex, Inc., and its president, Charles H. Whitsey, Bond Building, Washington, D. C., engaged in the sale and distribution of "Juvenex," a laxative tablet, agreed to cease using on labels or any other printed material, any price which is in excess of that at which such products are sold or intended to be sold in the usual course of trade. The respondents will also cease using in advertisements the word "manufacturer," or similar designations implying that they make their products or own or control the factory in which such products are made. (2540)

Charles B. Knox Gelatine Co., Inc., Johnstown, N. Y., in connection with the sale of its "Knox Gelatine," agreed to discontinue advertising that the United States Government has created a standard of purity for gelatine. In its stipulation, the respondent company admitted that the Government has not created a standard of purity for gelatine. (02436)

Merit Food Company, Inc., Hackensack, N. J., entered into a stipulation to discontinue misleading representations in the sale of Cuban honey.

The respondent agreed to cease advertising that Cuban honey is a tonic or that it has, or is credited by the medical profession or leading physicians with having curative qualities in the treatment of stomach ailments, inflammation of the intestines, asthma, bronchitis, sinus infections, or irritations of the throat and bronchial tract, or that it will do more than to afford temporary relief from irritations, such as result from a cough or cold, or that it has value other than that of a bland food in the treatment of digestive disorders. (2542)

National Library Press—M. Fryfield, trading as The National Library Press, 110 West 42nd St., New York, agreed to cease advertising that the book, "How to Draw From the Nude," teaches art as it is taught in studios; enables a pupil to study as in classes with personal instruction; and is the most comprehensive book on art instruction published. The respondent further stipulated that he would not represent that the book, "Making Art Pay," was being given free or without charge to purchasers of "How to Draw From the Nude." (02430)

Neuhaus Pharmacal Company—F. G. Neuhaus, trading as Neuhaus Pharmacal Co., 824 South Kingsley Drive, Los Angeles, agreed to cease representing that his preparation, "Dr. Custodis' Oil of Garlic Capsules," or any similar preparation, will bring about a reduction in high blood pressure except when reference is made to a temporary reduction, not to exceed several hours, of hypertension due to muscular constriction of blood vessels; that the product will be of value in the relief or treatment of headaches, thoracic oppression, dizziness of anorexia in any case other than where a temporary reduction of high blood pressure due to muscular constriction might be of value in giving temporary relief from such symptoms; that it will correct gastro-intestinal disorders, or will remove the cause of any ailment. The respondent will also cease representing by use of the word "Pharmacal" in his trade name or otherwise, that he prepares his product, or maintains pharmaceutical facilities or a laboratory for testing the efficacy of his product. (02432)

J. Pressman & Co., Inc., 882 Third Ave., Brooklyn, N. Y., agreed to discontinue employing the slogan "Made in U. S. A.," or any similar phraseology, on containers of toy assortments so as to imply that every item of the assortments is an American-made product, when such is not a fact. The stipulation provides that if an assortment comprises in part an item or items actually made in the United States and an item or items made elsewhere, the slogan "Made in U. S. A.," if used to designate the American-made items shall be accompanied by other words in equally conspicuous type so as to indicate clearly that the assortment does not consist wholly of American-made items. (2538)

Proctor & Gamble Company, Cincinnati, Ohio, in the sale of "P and G The White Naphtha Soap," agreed to discontinue advertising that this product contains a unique ingredient which makes it the only soap which will remove stubborn "deep down" dirt from clothes; that it is kind to all sorts of fabrics and colors, or that it never fades colors, unless this last assertion is directly limited in context to reference to colors which are washable. The respondent company also stipulated that it will desist from advertising that the use of "P and G The White Naphtha Soap" enables one to cut washing time, or that it loosens dirt faster or washes clothes whiter. The respondent also agreed to discontinue employing any other statement purporting to express a comparison, unless the basis of the comparison is stated in direct connection therewith.

John Puhl Products Company, 3640 Pershing Road, Chicago, agreed to cease advertising that its chemical solution, "Fleecy White," is a competent remedy in the treatment of poison ivy, poison oak, sumac, insect bites, or minor burns, unless the representation is limited to cases in which secondary infection has supervened. Other representations to be discontinued are that "Fleecy White" is competent for treating athlete's foot or barber's itch, will destroy the fungus that causes athlete's foot, and is a competent remedy for all types of sores or for cuts or scratches, unless this last named representation is limited to such benefits as may result from use of the respondent's preparation as a germicide or antiseptic dressing. (02435)

FTC CLOSES CASE

The Federal Trade Commission closed its case against Try-Mo Radio Company, Inc., 85 Cortlandt St., New York, in which the respondent was charged with misleading advertising of radio receiving sets and radio equipment.

The respondent, on July 24, 1939, agreed to discontinue the unfair practices charged in the Commission's complaint and agreed to accept and abide by the rules of fair trade practice for the radio receiving set industry promulgated by the Commission July 22, 1939. The case was ordered closed without prejudice to the right of the Commission to reopen it and resume prosecution, should future facts so warrant. (2483)

The Commission has also closed its case against the now-dissolved Universal Detective System, Inc., 188 West Randolph St., Chicago, in which the respondent was charged with the dissemination of misleading representations in the sale of correspondence courses in detective work. Because of such dissolution, the case was ordered closed by the Commission without prejudice to its right to reopen it should future facts so warrant. (3829)