



## Code Compliance Under Way

Finding that discussions of American neutrality constituted discussions of a "public controversial issue," and therefore were barred from paid commercial time under the new NAB Code which became effective October 1, the Code Compliance Committee convened in Washington Monday and Tuesday of this week in its first historic session.

In its public statement, the Committee called attention to the religious section of the Code which declares that radio may not be used to convey attacks upon another's race or religion, and defined a "public proposal subject to ballot" as being one "where the proposal itself appears on the ballot to be cast by the individual citizen." Matters pending before a legislative body are not regarded as "public proposals subject to ballot," the Committee ruled.

The full text of the Committee's statement appears below.

Many member stations who have been accepting discussions in the public controversial field on a commercial basis have already declared that they are prepared to alter station policy, consistent with the terms of their contractual relations, as speedily as possible, so as to comply with the industry-wide code.

In its statement, the Committee recognized the difficulty sometimes of determining whether or not a matter falls within the public controversial section of the Code. "The Committee feels, therefore, that its duty and function is that of rendering advisory opinions, and of recommending procedures through which a sincere and uniform understanding of, and compliance with the Code, may be achieved.

"Toward such ends, the Committee holds as self-evident that no determination as to the character or classification of a proposed program or radio address can be

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### Distinguished Groups Praise Code William Allen White Endorses

In praising the Code, William Allen White, editor of the Emporia, Kansas Gazette, said yesterday: "I can't see how any honest, tolerant American citizen who wishes both sides presented, can fail to support that Code. It is not perfect, of course, being human, but it is a long step forward."

### National Council of Catholic Men (by Edward J. Heffron, Executive Secretary)

The Code as it stands, without going into the vagaries of possible future interpretation, is in substance a splendid platform of democratic broadcasting. The fine conception of charity shown in ruling out "attacks upon another's race or religion," the fine conception of justice, indeed of social justice, shown in your effort to preclude the possibility of the interests with greater means monopolizing the time available for discussion of public controversial issues at the expense of interests just as important but poorer in this world's goods, deserve the highest commendation.

I congratulate you and your Association upon the adoption of the Code, and I pray God to give you the strength to see it to thorough and judicious execution.



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

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

## CODE COMPLIANCE UNDER WAY

(Continued from page 3753)

established until an advance script has been examined by the station management.

"The Committee recommends, therefore, that

- (a) Since discussions of controversial public issues have been eliminated from paid commercial broadcasts, adequate time for the presentation of controversial public issues shall continue to be provided free of charge by each station or network, in accordance with the public interest therein.
- (b) All such scripts shall be required in advance, for examination in light of the Code.
- (c) Under no circumstances will compensation be accepted by the station or network for time consumed by the spokesman of a controversial public issue, unless,
- (d) The spokesmen appear on a public forum type of broadcast regularly presented, in conformity with the Code, as 'a series of fairsided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network.'

"Without an advance script, no one can determine the complexion of any proposed broadcast."

Meanwhile, Headquarters released yesterday a series of public statements from outstanding national groups praising the action of the industry in inaugurating a program of self-regulation through the Code. The National Council of Catholic Men, through its Executive Secretary Edward J. Heffron, commended the Code as a "splendid platform of democratic broadcasting," and cited the provisions barring the sale of time for controversial matters as a "fine conception of justice, indeed of social justice." These statements appear elsewhere in the bulletin.

Those in attendance were: Edgar Bill, WMBD, Peoria, Illinois; Martin Campbell, WFAA, Dallas, Texas; Edward Cargill, WMAZ, Macon, Georgia; Earl J. Glade, KSL, Salt Lake City, Utah; Don Searle, KOIL, Omaha, Nebraska; Calvin J. Smith, KFAC, Los Angeles, California; Theodore C. Streibert, Mutual Broadcasting System; Harry Butcher, Columbia Broadcasting System; Frank M. Russell, National Broadcasting Company; William B. Dolph, WOL, Washington, D. C.; Neville Miller, President, NAB; E. M. Kirby, NAB Secretary of the Code Compliance Committee.

## DISTINGUISHED GROUPS PRAISE CODE

(Continued from page 3753)

### American Civil Liberties Union (by Roger Baldwin, Director)

The American Civil Liberties Union and its affiliate, the National Council on Freedom from Censorship, has followed and approved the sincere, persistent endeavors of the National Association of Broadcasters to make radio broadcasting a more socially minded service. The Code adopted by the NAB in July is a great step forward in formulating a policy in the public interest. We especially commend the resolve not to sell time for the discussion of controversial issues and to give time for such programs more generously and to open all such discussions to at least two opposing points of view. The assertion this week of this purpose and the redefinition of its concrete approach is further evidence of the intent of the NAB to strengthen the spirit and method of these policies. We congratulate the NAB and its membership on this forward-looking program.

### Federal Council of the Churches of Christ in America (by John W. Langdale, General Chairman)

It is reassuring to observe that high degrees of public responsibility are recognized and accepted in the NAB Code. Good taste, religious freedom, the educational privilege of hearing both sides of questions, the presentation of news without propaganda; surely such standards must commend themselves to well wishers for humanity.

### National Council of Women (by Mrs. Ruth Haller Ottaway, President)

The Code adopted by the radio industry is splendid and is a long step forward toward the preservation of free speech.

You have in my opinion, taken the only step compatible with our democratic form of government in granting all equal opportunity to discuss controversial issues without restricting the privilege to those who can afford to pay for time.

Your careful earmarking of subjects, too, is praiseworthy. I am delighted that you have designated so clearly that religious broadcasts shall be religious in character and not political.

### General Federation of Women's Clubs (by Mrs. Harold V. Milligan, Chairman, Committee on Radio)

It is my definite conviction that the provision of the recently adopted NAB code which prohibits the sale of time for controversial subjects is one of the best safeguards of our democracy yet evolved by the radio industry. As I interpret its effect upon broadcasting, it insures an impartial and unbiased presentation of controversial issues since all individuals and groups have the same opportunity regardless of their financial status, to express their opinions.

The Constitution of the United States grants all of its citizens equal opportunity and in my opinion the NAB code is conforming to true democratic principles in throwing radio facilities open to all and not permitting a favored group to buy time to state its views. There is no discrimination involved in my estimation in according all who wish to discuss controversial subjects an equal opportunity to do so.

### Boys' Clubs of America (by Mr. Sanford Bates, Executive Director)

I have read the new Code for the broadcasting industry as adopted by the National Association of Broadcasters, and wish to commend you for it.

### Association of National Advertisers (by Paul B. West, President)

By putting into effect the self disciplining Code adopted last summer your association has completed significant and far reaching step. Through it the broadcasters have acknowledged and fairly defined their social responsibilities and in broadest sense planned a wise course of action to meet those responsibilities. For this the NAB should receive the gratitude not only of the public



for recognizing their interests but of many older industries for showing the way. My heartiest personal congratulations to you on this splendid accomplishment.

### American Association of Advertising Agencies (by John Benson, President)

The manner in which the American radio industry has approached its vast social responsibilities is a fine evidence of good stewardship. I congratulate you.

### National Education Association (by Miss Rita Hochheimer, Chairman, Audio-Visual Committee)

Congratulations to American children on the action of National Association of Broadcasters regarding the new Code.

### By W. Russell Bowie, Director of Grace Church, New York City

I have heard with much interest of the action of the National Association of Broadcasters in adopting a new Code preventing the sale of time for controversial subjects and granting free time when both sides of a question are presented. May I register my cordial approval of this decision and my hope that it will be maintained. The mere possession of money, sometimes secured through devious means, certainly ought not to give to dangerous influences in America the right to flood the public mind with propaganda which may be uncontradicted by other and truer ideas not backed by money. If the broadcasting companies, by their new Code, assure fair presentation of the different sides in controversial issues, they will accomplish a great service to our democracy.

### By Henry S. Coffin, President Union Theological Seminary, New York

I have looked over the new Code adopted by the National Association of Broadcasters and it seems to me eminently fair. We do not wish to take controversial questions off the air. There is every reason why in a democracy there should be the freest opportunity for public discussion, but it is reasonable that where such discussion is held both sides should be presented and that the Code guarantees. Any attempt to attack the Code in the interests of obtaining freedom for one-sided propaganda seems to me hostile to true democracy.

### By Lyman Bryson, Director, The People's Platform

I am very glad to know that the National Council on Freedom from Censorship has approved the new Code of the National Association of Broadcasters. Those of us who have had experience in the use of the radio for free talks know that the provisions of the Code against the sale of time for controversial talks are the best solution of a difficult problem. Indeed I would go further and say that no other solution of the problem of free speech can be acceptable to those who believe in liberty.

### By George V. Denny, Jr., Director America's Town Meeting of the Air

I heartily concur with the new Code which is to be adopted by the National Association of Broadcasters. For nearly half a century Town Hall has pioneered in presenting all sides of controversial issues and for the past four years we have advocated this in principle and in practice, through America's Town Meeting of the Air and in all of our Town Hall programs. It is not a new idea, but has been the American way since the days of the early town meetings. Before us in all of our meetings this year will hang a banner on which these words are inscribed: Tolerance, Reason, Justice.

## Statement of the Code Compliance Committee

At the conclusion of the first meeting of the Code Compliance Committee October 3, of the National Association of Broadcasters, Edgar Bill, Chairman, of Radio Station WMBD, Peoria, Illinois, this afternoon released the following statement from the Committee:

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"While the Committee realizes that the American people through the delegation of the radio franchise, have placed upon the broadcaster final responsibility to accept or to reject program matter in 'the public interest, convenience and necessity,' it nevertheless recognizes that NAB member stations in the 17th Annual Convention, July last, shared their program and operating experiences in the adoption of a new Code so that a more uniform and higher level of public service might result throughout the length and breadth of American radio.

"The Committee has taken these into consideration in its deliberations, which have chiefly centered around problems involving the Religious and Public Controversial sections of the new Code.

"In approaching the Public Controversial section of the Code, which bars the sale of time for such discussions, but which provides that such discussions be placed on the air without cost, the Committee emphasizes the underlying principles involved.

"There is a limitation to the number of radio channels now available for broadcasting in this country.

"There is also a limit as to the number of hours available per day for broadcasting. Newspapers may add any number of extra pages to accommodate their overflow news and advertising columns. No comparable opportunity exists in the daily schedule of a radio station, which must adhere to the hands of the clock.

"In the absence of any self-imposed policy to the contrary, it is conceivable that some individuals or groups with financial means to do so could buy all the available time necessary to monopolize, dominate or control the discussion of public issues through the radio medium, precluding a fair opportunity for an opposition without financial resources to present its case to the radio audience.

"Such a situation would pervert the function of American radio as a forum of democracy, and would irreparably shatter the confidence of the public in the American system of broadcasting.

"In order to assure the American people for all time that such an intolerable misuse of radio facilities cannot happen, the Code states that 'Time for the presentation of controversial issues shall not be sold.'

"*The Code does not bar anyone or any group from using radio. It simply denies the right to buy time, for the reasons stated.'*

"Representative spokesmen of groups in the field of public controversial issues have a perfect right to request time on the air, from a network or station, in accord with the public interest therein as outlined in the Code. 'Broadcasters shall use their best efforts to allot such time free of charge, with fairness to all elements in a given controversy.'

"The handling of public controversial issues by radio stations is a matter of principle and not one of personalities."

### Determination of a Public Controversial Issue

"The Code Compliance Committee realizes that whether a matter is a public controversial subject or not is one sometimes difficult to determine, particularly in national and statewide affairs.

"The Committee feels, therefore, that its duty and function is that of rendering advisory opinions, and of recommending procedures through which a sincere and uniform understanding of, and compliance with the Code, may be achieved.

"Toward such ends, the Committee holds as self-evident that no determination as to the character or classification of a proposed program or radio address can be established until an advance script has been examined by the station management.

"The Committee recommends, therefore, that

- Since discussions of controversial public issues have been eliminated from paid commercial broadcasts, adequate time for the presentation of controversial public issues

<sup>1</sup> Political broadcasts, as defined, are excepted because "at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away."

shall continue to be provided free of charge by each station or network, in accordance with the public interest therein.

- (b) All such scripts shall be required in advance, for examination in light of the Code.
- (c) Under no circumstances will compensation be accepted by the station or network for time consumed by the spokesman of a controversial public issue, unless,
- (d) The spokesmen appear on a public forum type of broadcast regularly presented, in conformity with the Code, as 'a series of fairsided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network.'

"Without an advance script, no one can determine the complexion of any proposed broadcast.

"This does not mean, of course, that those who wish to discuss matters of public controversy are barred from the air.

"Far from it!

"Through the new Code, representative spokesmen of groups will be given free time to present their viewpoints, in accord with the public interest, program balance and availability of time.

"The Committee recognizes that all such representative spokesmen of public opinion groupings, may broadcast their opinions during time provided free for this purpose, or may take a political position on paid radio time during a political campaign, or may espouse or oppose a 'public proposal subject to ballot.' The Code adequately covers these provisions."

*Neutrality—Method of Maintaining of Which is a "Public Controversial Issue" Within the Meaning of the Code*

\* \* \* \*

"The question of America's neutrality has raised an interesting point in which the Committee and the individual broadcaster are concerned in the application of the Code.

"Following careful survey of the members of the Committee drawn from different sections of the country, and of the issue itself as resolved yesterday in Congress, the Committee feels that while all Americans desire to stay out of war and to preserve neutrality, the methods of achieving and maintaining same are matters automatically falling within the sphere of 'public controversial issues,' and as such should be presented on free time and not sold."

#### Definition of a Public Proposal Subject to Ballot

"In response to inquiries from member stations, the Committee defines a 'public proposal subject to ballot' as one where the proposal itself appears on the ballot to be cast by the individual citizen.

"Matters pending before a legislative body are not regarded as 'public proposals subject to ballot.'"

#### The NAB Religious Code

"The Committee calls attention to the religious section of the Code which reads:

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

### Decision on Intervening

Federal Communications Commissioner George Henry Payne handed down a decision of more than ordinary interest this week dealing with the question of petitions to intervene in cases before the Commission. The decision is considered a strict interpretation of one of the new Commission rules.

The decision was made public in connection with the application of Hazelwood, Inc., for a construction permit

for a new station at Orlando, Florida, to operate on 1390 kilocycles, 1000 watts, unlimited time. The decision denies a petition of the Orlando Broadcasting Company of Orlando for leave to intervene in a case involving an application for a new station at Orlando.

Because of its importance the decision is given in full as follows:

#### DECISION ON PETITION TO INTERVENE AND REQUEST FOR ENLARGEMENT OF THE ISSUES

Payne, Commissioner (Presiding at Motions Docket)

This petition was filed by the Orlando Broadcasting Company, Inc., licensee of Radio Station WDBO, Orlando, Florida, and requests leave to intervene in the hearing designated by the Commission on the above-entitled application and further requests that the issues heretofore designated by the Commission to be heard at said hearing be enlarged to include the following: (a) to determine the extent of the broadcast service already rendered in the Orlando area; (b) to determine if the interests of Station WDBO will be adversely affected by a grant of the above-entitled application; and (c) to determine whether the operations of the station proposed by the applicant will be in accord with the Commission's plan of allocation and standards of good engineering practice.

Petitioner requests that it be made a party in the proceedings on the application of Hazelwood, Inc., and that it be allowed to present evidence on the issues listed in the Notice of Hearing heretofore published by the Commission as well as upon the additional issues requested to be added and any further issues which may be added hereafter.

When the application of Hazelwood, Inc., was received by the Commission it was examined as required by Section 309(a) of the Act, and because the Commission was unable upon such examination to reach the decision that the public interest, convenience and necessity would be served by a grant of the application it was designated for hearing in order to afford the applicant an opportunity to be heard on the question of whether or not the application should be granted. The only issue specified by the Commission in the Notice of Hearing was that relating to the possibility of adverse effect upon the service rendered by Stations KLRA, WHK and WMFJ by reason of electrical interference which might result from the operation of the proposed new station.

The instant petition to intervene and to enlarge the issues to include questions other than those specified in the Notice of Hearing requires an interpretation of the Commission's rule 1.102 which became effective on August 1, 1939. Because the questions raised by the instant petition are also involved in a number of other petitions now pending on the motions docket, I feel that it is appropriate to express in some detail my views concerning the sufficiency of the instant petition in the light of the Commission's present rule governing intervention and enlargement of issues.

The Commission's rule relating to intervention and enlargement of issues, reads as follows:

"Sec. 1.102 Intervention. Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest and must be subscribed or verified in accordance with Sec. 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same."

In applying this rule to the instant petition I will deal with the request to intervene, and the request to enlarge issues separately.

#### Petitioner's Request to Intervene

The underlying purpose of the Commission in adopting its present rule on intervention was to correct a practice which had become prevalent under the prior rule of the Commission relating to intervention. Under its former rule, the Commission per-



mitted any person to intervene in a hearing if his petition disclosed "a substantial interest in the subject matter." This standard was so broad and the Commission's practice under it was so loose that intervention in Commission hearings came to be almost a matter lying in the exclusive discretion of persons seeking to become parties to Commission proceedings. The experience of the Commission during the past few years clearly demonstrated that the participation of parties other than the applicant in broadcast proceedings in a great many cases resulted in unnecessarily long delays and expense to both the Commission and applicants without any compensating public benefit. In many cases the major function served by intervenors was to impede the progress of the hearing, increase the size of the record, confuse the issues and pile up costs to the applicant and to the Commission through the introduction of cumulative evidence, unnecessary cross-examination, dilatory motions, requests for oral argument and other devices designed to prevent expeditious disposal of Commission business.

The underlying purpose of the present rule is to limit participation in proceedings, particularly on broadcast applications, to those persons whose participation will be of assistance to the Commission in carrying out its statutory functions. The present rule requires a petitioner to set forth not only his interest in the proceeding but also "the facts on which the petitioner bases his claim that his intervention will be in the public interest." The fact that a proposed intervenor may have the right to contest in a court the validity of an order granting or denying a particular application does not in and of itself mean that such person is entitled as a matter of right to be made a party to the proceedings before the Commission on such application. Intervention in proceedings before administrative agencies like the Federal Communications Commission is ordinarily covered by statutory provision. The Communications Act contains no provisions giving the right of intervention in proceedings before the Commission to any person or class of persons, but expressly provides that the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. By the adoption of Rule 1.102 the Commission in effect has declared that it will conduce to the proper dispatch of business and to the ends of justice if it permits intervention in a proceeding before it only if the making of a record in which the facts are fully and completely developed, is facilitated by permitting the requested intervention. It is this theory—that where the public will benefit through aid or assistance given to the Commission or the applicant by a party-intervenor in a broadcast hearing, such participation should be permitted—which underlies Rule 1.102.

The petition of the Orlando Broadcasting Company, Inc., utterly fails to meet the requirement of the present rule on intervention. In so far as it requests permission to participate in the hearing already designated on the application of Hazelwood, Inc., it simply prays that the petitioner be made a party and be allowed to present "evidence." Not the slightest intimation is given as to the type of evidence which the petitioner desires to adduce or what petitioner intends to prove by the introduction of such evidence. The only issue mentioned in the Commission's Notice of Hearing is the issue of electrical interference to Stations KLRA, WHK and WMFJ, which are now operating either on 1390 kc (the frequency requested by Hazelwood, Inc.) or on adjacent frequency. The petitioner operates its station on 580 kc, so there could be no electrical interference to petitioner's station, and while it would not be impossible for the petitioner to obtain data on the issue specified in the Commission's Notice of Hearing, it is not likely that the petitioner is as well informed or is as well-equipped to adduce testimony concerning the issue of electrical interference as is the Commission itself. Without a proper showing of the type of evidence proposed to be adduced and the facts expected to be proved thereby, the Commission would not be justified in permitting the petitioner to intervene in the proceedings on the application of the Hazelwood, Incorporated.

On the basis of the allegations now set forth in the instant petition the request for intervention must be denied in so far as it requests permission to participate in the hearing on the issue already designated. In so far as the petition requests permission to adduce evidence pertaining to the issues which it requests the Commission to add to the Notice of Hearing, it is necessarily contingent upon the action which is taken on the request to enlarge issues. For reasons stated below, this request must also be denied. Hence, the request to intervene in order to adduce evidence relating to these issues must be denied not only for the reasons above stated but also because the request to enlarge issues is denied.

## Petitioner's Request to Enlarge Issues

The determination of what issues an applicant for broadcast facilities should be required to meet in a hearing on his application is a matter committed by Congress to the discretion of the Commission. No hearing whatever is required if the Commission is able upon an examination of an application to determine that the public interest, convenience and necessity will be served by granting the application. If the Commission is not able to reach such a determination upon the examination of an application the statute requires that notice and an opportunity to be heard shall be given the applicant, but not otherwise.

Good administration, both from the theoretical and practical standpoint, requires that unduly long and expensive hearings should be avoided. Therefore, the Commission should not burden itself or the applicant by the injection in a hearing of issues concerning which the Commission has already satisfied itself. Furthermore, if in a particular case it appears that a hearing on a particular issue would be expensive and time-consuming, while a hearing on another issue, which might finally dispose of the application, would be relatively inexpensive and expeditious, the Commission as a matter of administrative convenience should set down the application for hearing only on the latter issue.

In the instant case the Commission was unable to find that the public interest, convenience and necessity would be served by granting the application of Hazelwood, Inc., because of the possibility of interference with the service now rendered by three other stations. If at the hearing on its application the applicant is unable to sustain the burden with respect to this issue, the Commission will enter an order denying the application, which will completely dispose of the proceedings. In such event, it would have been wholly unnecessary and wasteful of both time and money for the Commission to have ordered a hearing not only upon the issue of electrical interference but also upon other issues which might also have constituted a basis for denying the application.

It is incumbent upon any person requesting the injection of new issues in a hearing to show not only that the issues which he proposes to have the Commission add are proper matters for the Commission to consider, and that there is a basis for believing that the Commission will be required to deny the application on the new grounds alleged, but also that the proposed new issues should be heard at the hearing already set rather than at a later time. Certainly, if the issues specified by the Commission in a Notice of Hearing are in themselves a sufficient basis for denying an application if the applicant fails to sustain its burden of proof, no third person is harmed because the Commission does not also include in the hearing other and different issues, even though conceivably it may be necessary at some later time for the Commission to designate the application for further hearing if the applicant meets its burden on the issues already specified. The instant petition to enlarge issues merely states that the three issues requested for inclusion in the hearing are proper issues for the Commission to consider before acting upon the application of Hazelwood, Inc. Assuming for the purpose of this opinion but not conceding, that the three issues proposed to be included in the hearing are proper for the Commission to consider, petitioner has utterly failed to show that the insertion of these additional three issues in the hearing at this time on the application of Hazelwood, Incorporated, would expedite the disposition of this application and not merely result in a more costly, drawn out and complicated record, with no attendant advantages to the Commission or to the public.

## NEWSPAPERS GAINED BECAUSE OF RADIO SAYS "NEWSDOM"

(From *Newsdom*, September 16)

"There are still diehards in the publishing business who look upon radio as a Frankenstein built by the press but ready to devour it at the first opportunity. These diehards are sincere and their opinion is to be respected. But it must be remembered that their conclusions are based on opinion, not facts. The facts show conclusively that the newspapers have not suffered, but have gained as a result of the introduction of radio. If the newspaper industry does fall upon evil days it will not be because of the

bugaboo of radio but because the publishers and editors themselves have adopted a defeatist attitude and have resigned themselves to a self-imposed fate instead of devoting their talents to improving their own business.

"We can remember a few years ago when the feeling between radio and the press was bitter indeed. We did our bit to offset this and suggested that both groups bury the hatchet for it was evident that neither would gain anything in the scuffle. Happily such is the situation today. The hatchet is buried. So much so that the newspaper industry is now foremost in the defense of freedom of the air for radio. This is not all altruism on the part of the newspapers. The press realizes that once the censor gags the radio it would be only a matter of time before the press would be taken into the bureaucratic camp.

"Moreover, both press and radio overlap to the point where they are associates, not antagonists. Many newspapers may operate their own radio stations. Men and women who write for the daily press may make up a considerable portion of those who appear before the microphone. But this does not mean that the functions of the two media are the same. They are not. The function of the newspaper is first to publish the news. Entertainment is secondary. The reverse holds true of the radio where entertainment is the prime consideration and the dissemination of news of secondary importance.

"If either the press or radio departed from these main objectives both would find themselves in a pretty pickle. For the public has formed the habit of getting its news and its interpretation of the news from the newspapers. Likewise it has formed the habit of being entertained by the radio and relying on spot radio news as a supplement to the latest newspaper at hand.

"It would be futile for either the radio or the press to reverse these fundamental functions or to attempt to monopolize both. The public's habits are not necessarily fixed but it would entail the expenditure of a king's ransom to break them and the attempt would probably break those who attempted it."

### UNLICENSED AMATEURS CONVICTED

The FCC announced this week that Lester B. Bentley, Max Pross and Louis D. Welsh, all of Kokomo, Indiana, have been convicted in the Federal District Court, at Indianapolis, Indiana, on charges of operating an unlicensed radio station in the amateur bands in violation of Section 318 of the Federal Communications Act. All three men were also convicted of operating the station without operator's licenses in violation of Section 301 of the Act.

Indictments were secured against each of the three defendants. They were arrested and upon arraignment in the District Court, they all entered pleas of guilty. The Court fined each defendant the sum of ten dollars.

The case was prosecuted by Val Nolan, United States Attorney for the Southern District of Indiana, on evidence supplied by Inspector H. T. Gallaher, of the field staff of the Federal Communications Commission.

The FCC also announced that Egen Stickles and Howard W. Crandall, both of Bradford, Pennsylvania, were convicted in the Federal District Court, of Erie, Pa., on charges of operating an unlicensed amateur radio station in violation of Section 318 of the Federal Communications Act. Egen Stickles was also convicted of operating the station without an operator's license in violation of Section 301 of the Act.

Both men plead guilty and were placed on probation for two years. They were also required to pay the costs of the trial. The case was prosecuted by the U. S. District Attorney in Erie on evidence supplied by Inspector Walter Davis, of the field staff of the Federal Communications Commission.

## FEDERAL COMMUNICATIONS COMMISSION

### STATEMENT OF FACT

The Federal Communications Commission has announced its Proposed Finding of Fact proposing to grant the application of WSUI, **Iowa City, Iowa**, to increase its power from 1000 watts day and 500 watts night, to 1000 watts night and 5000 watts day, unlimited time on **880 kilocycles**, and to move its transmitter to a new site locally, to install new equipment, and employ a directive antenna day and night.

In its Proposed Statements of Fact, the Commission said that the operation of this station as proposed "will not involve a substantial increase in interference to any existing station as now operating or as proposed in any pending application."

The application of the Nebraska Broadcasting Corporation for the construction of a new station at **Fremont, Nebraska**, to use **1370 kilocycles**, 250 watts day, 100 watts night, unlimited hours of operation, is proposed to be granted by the Commission in a Proposed Finding of Fact.

The granting of this application, the Commission stated, will give Fremont a local station furnishing primary broadcast service to the city and its granting would be in the public interest.

### DECISION OF COMMISSION

The Federal Communications Commission this week adopted the final order granting the application of the



Civic Broadcasting Corporation to construct a new station at **Syracuse, New York**, to operate on **1500 kilocycles**, 100 watts, unlimited time.

In its decision, the Commission stated that the service of no other station will be adversely affected by reason of interference caused by the operation of the proposed station. It is further stated by the Commission that the operation of the proposed station will not economically affect the operation of any station to the point where it would be unable to serve the public interest.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, October 9. They are subject to change.

### Tuesday, October 10

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

### Wednesday, October 11

WNBX—Twin State Broadcasting Corp., Springfield, Vt. (proposed studio and transmitter 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.

### Thursday, October 12

#### Oral Argument Before the Commission

Report No. B-28:

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

Examiner's Report No. I-660:

NEW—Seaboard Broadcasting Corp., Savannah, Ga.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Colonial Broadcasters, Inc., Savannah, Ga.—C. P., **1310 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.

### November 7

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 100 watts, daytime.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.**, 250 watts, daytime.

### November 8

NEW—The Gazette Co., Cedar Rapids, Iowa.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.**, 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license (main and auxiliary), **1410 kc.**, 1 KW, 1 KW LS (main), \*500 watts, 1 KW LS (auxiliary), unlimited time. \*Auxiliary purposes only.

### November 20

NEW—Sanfeliz Enrique Abarca, San Juan, P. R.—C. P., **580 kc.**, 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.**, 1 KW, 1 KW LS, unlimited time (DA day and night).

### December 11

NEW—Hazlewood, Inc., Orlando, Fla.—C. P., **1390 kc.**, 1 KW, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

NEW—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted C. P. for new broadcast station to operate on **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Fort Meyers Broadcasting Co., Fort Meyers, Fla.—Granted C. P. for new broadcast station to operate on **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

KBTM—Jay P. Beard, d/b as Regional Broadcasting Co., Jonesboro, Ark.—Granted C. P. to install new equipment and increase power and time of operation from 100 watts, daytime only, to 100 watts night, 50 watts day, unlimited time.

W3XO—Jansky & Bailey, Washington, D. C.—Granted modification of C. P. for equipment changes in high frequency broadcast station, and extension of completion date to 120 days after grant.

W2XQR—John V. L. Hogan, New York City.—Granted modification of C. P. specifying exact transmitter site at 3104 Northern Blvd., Long Island City, N. Y., and change frequency of high frequency broadcast station from **41200 kc.** to **43200 kc.**

WGNV—Peter Goelet, Newburg, N. Y.—Granted voluntary assignment of license from Peter Goelet to the Courier Publishing Corporation (publishers of a weekly newspaper in Poughkeepsie). Station operates on **1220 kc.**, with 250 watts, daytime only.

KSAL—R. J. Laubengayer and KSAL, Inc., Salina, Kans.—Granted voluntary assignment of C. P. from R. J. Laubengayer to KSAL, Inc. (C. P. is for new station to operate on **1120 kc.**, 500 watts night, 1 KW, unlimited time).

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted transfer of control of corporation from Aberdeen Broadcast Company to H. C. Jewett, Jr. (station operates on **1390 kc.**, 500 watts night, 1 KW day, unlimited, DA at night).

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted C. P. to make changes in equipment, increase power from 100 watts to 250 watts, and time of operation from daytime only to unlimited.

WTMC—John T. Alsop, Jr., Ocala, Fla.—Granted voluntary assignment of license from John T. Alsop, Jr., to Ocala Broadcasting Co., Inc. Station operates on **1500 kc.**, 100 watts, unlimited time.

WOLS—O. Lee Stone, Florence, S. C.—Granted C. P. to make changes in composite equipment and increase power from 100 watts to 250 watts, unlimited time.

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted C. P. to install new equipment and increase power from 100 to 250 watts, unlimited time.

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted C. P. to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted C. P. to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

KORE—Eugene Broadcast Station, Eugene, Ore.—Granted C. P. to install new equipment and increase power from 100 watts to 250 watts, unlimited time.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted C. P. to move transmitter site locally, install new equipment, and change frequency from 1210 kc. to 1370 kc., and increase power from 100 watts to 250 watts, unlimited time, upon condition that permittee shall file an application for modification of C. P. specifying exact transmitter location and antenna system within 2 months after effective date.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted C. P. to increase night power from 1 KW to 5 KW; move transmitter site locally to a site to be determined subject to Commission's approval.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted transfer of control of corporation from Mrs. Hugh M. (Nancy) Curtler to Mrs. Marcia Arrington, representing 2231 shares of stock.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted modification of license to increase nighttime power from 100 watts to 250 watts, and increase time of operation to unlimited.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of license to increase night power from 1 KW to 5 KW.

### INCREASE IN POWER TO 250 WATTS GRANTED

The following stations were granted modification of licenses to increase night power from 100 watts to 250 watts:

WBNY, Buffalo, N. Y.; WHBC, Canton, Ohio; WFOY, St. Augustine, Fla.; WROL, Knoxville, Tenn.; KONO, San Antonio, Tex.; KFJB, Marshalltown, Iowa; WOC, Davenport, Iowa; KOVC, Valley City, N. Dak.; KYSM, Mankato, Minn.; KLBK, La Grande, Ore.; KGKB, Tyler, Tex.; KPLT, Paris, Tex.; WCBK, Springfield, Ill.; KCRJ, Jerome, Ariz.

### MISCELLANEOUS

KFVS—Hirsch Battery and Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate simultaneously with WEBQ from 8:30 to 9 p. m., CST, on October 11, in order to broadcast a speech by Loux Lozier, Missouri State Commander of the American Legion.

KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 4 to 5 p. m., CST, on October 11, 18, 25 and November 1, in order to broadcast children's services.

WBAA—Purdue Univ., W. Lafayette, Ind.—Granted special temporary authority to operate from 8 to 9 p. m., CST, on October 4, in order to broadcast programs relative to 50th Anniversary of Y. M. C. A.

WPTF—WPTG Radio Co., Raleigh, N. C.—Granted extension of special temporary authority to operate from 11 to 12 p. m., EST, for the period September 30 to October 29, in order to broadcast programs as described in letter of May 27.

KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate simultaneously with Station KGHI from local sunset (October, 5:30 p. m., CST), to conclusion of Univ. of Ark. football games only, on October 7, 14, 21 and 28, and to operate additional time on October 6, 13, 20 and 27, to broadcast Jonesboro High School football games only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts nighttime, on October 6, 13, 20 and 27, in order to broadcast high school football games only.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted petition to amend application in Docket No. 5678.

KFNF—KFNF, Inc., Council Bluffs, Iowa.—Granted motion to dismiss without prejudice application for modification of C. P. to increase power.

WDAE—Tampa Times Co., Tampa, Fla.—Granted petition to withdraw without prejudice application in Docket 4936.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Denied petition to reconsider and vacate order of Commissioner Walker entered September 11, 1939, granting petition of Worcester Broadcasting Corp. to intervene in the hearing in re Sherer

Co. application, and that said petition be placed on motions calendar for argument; exceptions noted by counsel.

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted motion for order to take depositions in re application in Docket 5704.

WSAU—Northern Broadcasting Co., Inc., Wasau, Wis.—Denied petition to intervene in the hearing on the application of William F. Huffmann for a new station at Wisconsin Rapids, Wis.

WBBR—Watchtower Bible & Tract Society, Inc., Brooklyn, N. Y.—Petition to intervene in the hearing on the application of Harold Thomas, Bridgeport, Conn., for a new station, was withdrawn.

NEW—Harold Thomas, Bridgeport, Conn.—Granted motion for leave to amend application for C. P. so as to request 1420 kc., instead of 1310 kc., and hearing scheduled for October 9, cancelled.

NEW—Hazlewood, Inc., Orlando, Fla.—Granted motion for continuance of hearing now scheduled for October 13, for about 60 days, new date to be fixed by Secretary.

WBNY—Roy L. Albertson, Buffalo, N. Y.; WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted motion that application of WBNY for modification of license be dismissed without prejudice; and hearing on application of WSVS for renewal of license cancelled.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate additional time from October 4, to broadcast World Series games only, no other programs authorized.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate nights of October 7, 9, 13 and November 3, in order to broadcast football games only; no other programs authorized.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate additional time on October 27, November 3, 11 and November 17, in order to broadcast high school games only.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from 7 to 8 p. m., CST, on October 1, in order to broadcast the American Forum of the Air only, during which program there will be a discussion of the neutrality situation by Senator Van Nuys.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with WFAS from 4 to 5 p. m., EST, on September 30, October 7, 14, 21, and 28, in order to broadcast football games.

KMPC—The Station of the Stars, Inc., Beverly Hills, Cal.—The Commission, upon its own motion, modified its decision in the matter of KMPC, and dismissed the petition of Leland M. Woods in this matter. An Order modifying its decision of January 16, 1939, was adopted.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—Granted petition to reopen hearing in re Docket 5298, application of Enrique Abarca Sanfeliz, and Docket 4610, the application of United Theatres, Inc., both for new stations in San Juan, P. R.

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Denied petition to intervene and request for enlargement of issues, in re application of KMAC, San Antonio, for C. P. to change frequency, increase power and time of operation.

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Dismissed motion to fix same hearing date and consolidate cases, in re applications of KMAC and KABC, San Antonio, Dockets 5626 and 5716.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied motion to amend Commission's Notice of Hearing or to enlarge the issues contained therein, in re application of KMAC, Docket 5626.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied petition to intervene in re the hearing on application of KMAC, Docket No. 5626, scheduled for November 14.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Dismissed petition for intervention in re application of KABC, San Antonio, Texas, Docket 5716.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Dismissed petition to amend Commission's Notice of Hearing or enlarge the issues contained therein, in re application of KABC, Docket 5716.

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Dismissed petition to intervene and request for enlargement of issues, in re application of KABC.



- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Dismissed petition to intervene in re the hearing on application of KABC.
- WGBF—Evansville On the Air, Inc., Evansville, Ind.—Dismissed petition for leave to intervene in re application of KABC.
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Denied petition to intervene and request for enlargement of issues in re application of Hazlewood, Inc., for new station.
- WABC—Columbia Broadcasting System, Inc., New York City.—Denied petition to intervene in the hearing on the application of WHDH, Boston, Mass., for C. P. to increase power and time of operation, scheduled for hearing on October 10.
- KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted petition to dismiss application without prejudice, in re Docket 5716.
- KOA—National Broadcasting Co., Inc., Denver, Colo.—Denied petition to intervene in re the hearing on the application of WHDH, scheduled for hearing on October 10.
- WNOX—Scripps-Howard Radio Inc., Knoxville, Tenn.—Denied petition for intervention and enlargement of issues in re application of WROL, Knoxville, Tenn., to change frequency and increase power, scheduled for hearing on November 2, 1939.
- KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Denied petition to intervene in the hearing on the application of WROL.
- WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.; NEW—Lillian Kiefer, Brooklyn, N. Y.; WWRL—Long Island Broadcasting Corp., Brooklyn, N. Y.; NEW—Paul J. Gollhofer, Brooklyn, N. Y.; WCNW—Arthur Faske, Brooklyn, N. Y.—The Commission on its own motion extended the effective date of provision (3) of its Order of December 5, 1938, 30 days from October 2, 1939. This provision in the Order cancelled the modification of license mailed on June 16, 1938, to WWRL authorizing it to include in the operating time of its station the time previously utilized by WMBQ, and its orders extending effective date of said provision until October 2, 1939.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Designated for further hearing the application of KFIO to operate with 1 KW on 950 kc., upon the following issues: (1) to determine the extent of interference which may be caused to station CJRM, Regina, Sask. (2) to determine the extent of interference which may be caused to the operation of Stations KFVB and KGVO operating with 5 KW, unlimited hours, as requested in pending applications, and (3) to determine whether by use of the facilities sought the applicant can provide service to this area in accordance with the Standards of Good Engineering Practice and the Commission's plan of allocation.
- WFYB—Columbia Broadcasting System, Inc., Portable-Mobile (area of Cincinnati, O.)—Granted modification of license to change associated standard broadcast station from WKRC, Cincinnati, to WABC-WBOQ, New York.
- NEW—KRIC, Inc., Portable-Mobile (area of Beaumont, Tex.)—Granted C. P. for new low frequency relay broadcast station to operate on frequencies 1646, 2090, 2190, 2830 kc.; 40 watts.
- WEJV—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago).—Granted C. P. to make changes in equipment and reduce power in high frequency relay broadcast station from 0.5 to 0.25 watts. Also granted license for same.
- NEW—Arizona Broadcasting Co., Inc., Portable-Mobile (area of KVOA, Tucson, Ariz.)—Granted C. P. for new high frequency relay broadcast station to operate on frequencies 31220, 35620, 37020 and 39260 kc., 10 watts.
- NEW—The Mayflower Broadcasting Corp., Boston, Mass.—Continued hearing now scheduled for October 9 to November 9 on the applications of The Mayflower Broadcasting Corp. for C. P. for a new station, and the application of WAAB, Boston, for renewal of license.
- NEW—Lakeland Broadcasting Co., Willmar, Minn.—Reopened for further hearing the matter of amended application of Lakeland Broadcasting Co. for a new station to operate on 680 kc., with 250 watts power, daytime only, upon the following issues: (1) To determine legal and financial qualifications of applicant to construct and operate the proposed station; (2) because of pendency of another application with which conflict may be had by reason of interference, i.e., KFEQ, Inc., St. Joseph, Mo.; and (3) to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.
- WJBW—Charles C. Carlson, New Orleans, La.—Upon petition of WJBW the Commission cancelled the hearing upon application for renewal of license and granted renewal of license for station WJBW.
- WEJX—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago).—Granted C. P. to install new equipment and reduce power in high frequency relay broadcast station from 0.5 to 0.25 watts. Also granted license to cover same.
- WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Granted modification of C. P. approving studio and transmitter sites and installation of vertical radiator.
- WDSM—WDSM, Inc., Superior, Wis.—Granted modification of C. P. extending completion date from September 17 to October 17, 1939.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted authority to install automatic frequency control.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted C. P. to install auxiliary transmitter at present main transmitter site, using 1 KW power, for emergency use only.
- KEIM—KTAR Broadcasting Co., Phoenix, Ariz.—Granted C. P. to make changes in equipment and increase power of high frequency broadcast station from 10 to 25 watts.
- WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted modification of C. P. approving transmitter site, installation of vertical radiator and composite equipment for 250 watts.
- WABE—Central New York Broadcasting Corp., Portable-Mobile (Syracuse, N. Y.)—Granted license to cover C. P. for low frequency relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 12 watts.
- WFVA—Fredericksburg Broadcasting Corp., Fredericksburg, Va.—Granted license to cover C. P. for new station to operate on 1260 kc., 250 watts, daytime only. Also granted authority to determine operating power by direct measurement of antenna input.
- KBRG—WDAY, Inc., Fargo, N. Dak., Portable-Mobile.—Granted license to cover C. P. for new low frequency relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 100 watts.
- WAIO—WDZ Broadcasting Co., Tuscola, Ill (Portable-Mobile).—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 10 watts.
- NEW—Midland Broadcasting Co., Kansas City, Mo.—Granted license for new high frequency relay broadcast station, frequencies 31220, 35620, 37020 and 39260 kc., power 25 watts, for relaying programs or orders concerning such programs, and power of 50 watts on 31220 kc. for transmission of orders only.
- WJPR—John R. Pepper, Greenville, Miss.—Granted modification of C. P. approving studio and transmitter sites, and installation of vertical radiator.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted authority to determine operating power by direct measurement of antenna input.
- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority as follows: to operate October 1, 6 to 6:30 p. m., CST, Salute to Americanism of Jewish War Veterans, Louisville Post, and 8 to 9 p. m., CST, evening services commemorating 20th anniversary of Pastorate Rev. Finley Gibson; October 5, 6 to 6:30 p. m., CST, high school football rally; October 6, 6:15 to 6:30 p. m., CST, National Fire Prevention Week speaker, Louisville Fire Dept., and University of Louisville v. Evansville football game, for duration of game only. The above authorizations are for specific programs listed—not from local sunset.
- W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted special temporary authority to operate on frequency 110 mc., for a period not to exceed 30 days, pending alterations in equipment to permit operation on a higher frequency and pending action by Commission on pending application for change in classification of station.
- NEW—Seaboard Broadcasting Corp., Savannah, Ga.—This case was set for oral argument on September 29th, at which time argument was called and continued indefinitely because of the pendency of an appeal in the case of Arthur Lucal for a new station at Savannah, Ga., which has been decided by the Court of Appeals. Oral argument is now scheduled for October 12 in re the Seaboard Broadcasting Corp. application.
- NEW—Colonial Broadcasters, Inc., Savannah, Ga.—Same, except argument on Colonial Broadcasters, Inc., scheduled for October 12.

WIEH—Knickerbocker Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate a Learadio Transmitter No. T 30 AB, C.A.A., approval No. 334, on frequency 2790 kc., 20 watts power, aboard an Eastern Airlines plane flying over World's Fair from 10:45 to 11 p. m., EST, on October 3, test period to begin approximately 8 p. m.; program pick-up point to be at Administration Building, and to be broadcast over station WMCA.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate with 250 watts from 7:45 p. m., EST, to the conclusion of Sharon High School football games on October 6, 20 and 27.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate from local sunset (October 5:30 p. m. and November 5 p. m., EST) to 6 p. m., EST, on October 7, 21, 28, November 4, in order to broadcast football games as described in telegram received September 26.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate additional time simultaneously with station WGBF with reduced power of 250 watts on October 5 in order to permit WGBF to broadcast football games between Catholic High School and Chattanooga High School only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate additional time to the conclusion of high school football games on October 12, 13, 19, 20, 26 and 27, while actually broadcasting games only.

W2XBT—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast experimental station W2XBT on the frequency band 156-162 mc., for the period October 12 to November 10, pending adjustment of the license to conform with provisions of Sec. 4.74.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously with KEEN from 12 noon to 1:30 p. m., PST, for the period beginning October 5 and continuing for the duration of the World Series, while actually broadcasting World Series games only.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate additional time simultaneously with KBST on October 20 and 27, and November 3, 10 and 17, in order to broadcast Hobbs High School football games only.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate additional time on November 3, 11, 18, 24 and 30, 1939, in order to broadcast Port Arthur High School football games only, using 100 watts only.

W3XDS—RCA Mfg. 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., EST, on Sundays; midnight to 5 a. m., EST, Mondays; and 1 to 5 a. m., EST, from Tuesday through Saturday, for the period October 5 and ending no later than October 22, 1939.

## APPLICATIONS FILED AT FCC

### 640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—License to cover C. P. (B4-P-2402) for changes in equipment and move of studio and transmitter site.

### 800 Kilocycles

WFAA—A. H. Belo Corp., Dallas, Tex.—Authority to determine operating power by direct measurement of antenna power.

### 880 Kilocycles

WRNL—Richmond Radio Corporation, Richmond, Va.—License to cover C. P. (B2-P-2378) to install auxiliary transmitter for emergency use.

### 920 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—License to cover C. P. (B5-P-1540) as modified to change frequency, increase power, change hours of operation, move transmitter, install directional antenna (for night use) and new transmitter.

KVOD—Colorado Radio Corp., Denver, Colo.—Authority to determine operating power by direct measurement of antenna power.

### 940 Kilocycles

WAVE—WAVE, Inc., Louisville, Ky.—Construction permit to increase power from 1 KW to 5 KW, install new transmitter and directional antenna for day and night use.

WDAY—WDAY, Inc., Fargo, N. Dak.—Construction permit to install directional antenna for day and night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

WCSH—Congress Square Hotel Co., Portland, Maine.—Construction permit to install directional antenna for day and night use, increase power from 1 KW, 2½ KW LS, to 5 KW day and night.

### 1130 Kilocycles

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to change frequency from 1130 kc. to 1040 kc.; change power and hours of operation from 20 KW, limited time, to 10 KW, 20 KW LS, unlimited time; and install directional antenna for night use.

### 1140 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Construction permit to install new transmitter and directional antenna for night use; increase power from 25 to 50 KW; change hours of operation from simultaneous day, shares WAPI night, to unlimited.

### 1160 Kilocycles

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from 1160 kc. to 1140 kc.; increase power from 5 to 50 KW; change hours of operation from simultaneous day, share nighttime with WOWO, to unlimited; move transmitter 14 miles, from Bells Lane, 8½ miles northeast of Wheeling, W. Va., to R.F.D., St. Clairsville, Ohio.

### 1200 Kilocycles

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Modification of C. P. (B3-P-2348) for changes in equipment, further requesting changes in transmitting equipment and increase in power from 100 watts to 250 watts; extend commencement and completion dates 10 and 15 days respectively.

KWNO—Maxwell H. White and Herman R. Wiecking, d/b as Winona Radio Service, Winona, Minn.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WJHL—W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—Voluntary assignment of license from W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., to WJHL, Incorporated.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Modification of license to change hours of operation from daytime to unlimited time, using 250 watts day and night.

WDSM—WDSM, Inc., Superior, Wis.—License to cover C. P. (B4-P-770) as modified for a new station.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna power.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

### 1210 Kilocycles

KFOR—Cornbelt Broadcasting Corporation, Lincoln, Ncbr.—Construction permit to make changes in equipment.

### 1250 Kilocycles

WKST—Keystone Broadcasting Co., New Castle, Pa.—Modification of C. P. (B2-P-2428) for equipment changes, increase in power, further requesting changes in transmitting equipment, extend commencement date 10 days after grant and completion date 120 days thereafter.



### 1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Construction permit to install new transmitting equipment, and increase power from 250 watts to 500 watts, 1 KW LS.

### 1290 Kilocycles

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Voluntary assignment of license and permit from Charles Leo Lintzenich to Fred O. Grimwood.

### 1310 Kilocycles

NEW—Star Printing Co., Miles City, Mont.—Construction permit for new station to be operated on 1310 kc., 250 watts power, unlimited time.

KUIN—Southern Oregon Broadcasting Company, Grants Pass, Ore.—Modification of C. P. (B5-P-2245) for a new station, requesting approval of antenna and approval of studio and transmitter site at Redwood Highway, Grants Pass, Ore.

WSAV—WSAV, Inc., Savannah, Ga.—Modification of C. P. (B3-P-1714) for a new station, requesting approval of antenna and approval of studio site at 7th Floor, Liberty National Bank Bldg., Bull and Broughton Sts., Savannah, Ga., and transmitter site at President St., 1 mile east of Savannah, Ga. Amended: Re equipment.

WLBj—Bowling Green Broadcasting Co., Bowling Green, Ky.—Modification of C. P. (B2-P-2194) for a new station, requesting approval of antenna and approval of studio and transmitter site at Cemetery Pike and Lehman Ave., Bowling Green, Ky. Also requesting an increase in power from 100 watts, 250 watts LS, to 250 watts day and night; installation of new transmitter.

WBRK—Harold Thomas, Pittsfield, Mass.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

### 1370 Kilocycles

KFRO—Voice of Longview, Longview, Tex.—Modification of C. P. (B3-P-2117) to change frequency; increase power; change hours of operation; move transmitter; install new transmitter and directional antenna for night use, further requesting change in type of transmitting equipment; changes in antenna; and move of transmitter to Longview-Marshall Highway, Longview, Tex., and extend commencement and completion dates 60 and 180 days respectively. Amended: Re antenna.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Modification of C. P. (B3-P-2320) to make changes in equipment, increase power, further requesting extension of commencement date from 5-6-39 to 11-6-39 and completion date from 11-6-39 to 5-6-40.

WHUB—M. L. Medley, Cookeville, Tenn.—Modification of C. P. (B3-P-2298) for a new station, requesting new transmitter equipment, approval of antenna and approval of transmitter at 807 Hickory St., Cookeville, Tenn., and approval of studio site at 109 Broad St., Cookeville, Tenn. Amended: To request 250 watts power day and night, give transmitter site as Cookeville, Tenn., and studio as 807 Hickory St., Cookeville, Tennessee.

### 1390 Kilocycles

NEW—Mollin Investment Co., Riverside, Calif.—Construction permit for new station on 1390 kc., 500 watts, daytime operation. Amended: Re equipment.

### 1400 Kilocycles

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Modification of license to change frequency from 1400 to 1200 kc.

### 1420 Kilocycles

WJMS—WJMS, Inc., Ironwood, Mich.—License to cover C. P. (B2-P-2426) for increase in power, and change in equipment.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Modification of license to increase power from 100 watts, 250 LS to 250 watts day and night.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license to increase power from 100 watts, 250 LS to 250 watts day and night.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

### 1430 Kilocycles

WOKO—WOKO, Incorporated, Albany, N. Y.—Extension of special experimental authority to operate a facsimile station from 2 to 5 a. m., for regular license period.

NEW—Jack Hazard, San Diego, Calif.—Construction permit for a new station on 1430 kc., 500 watts, unlimited time. Amended: Re: equipment.

### 1450 Kilocycles

KCMO—Broadcasting Co., Kansas City, Mo.—Construction permit to install new transmitting equipment, increase power from 1 KW to 1 KW; 5 KW LS.

### 1500 Kilocycles

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Modification of C. P. (B3-P-2436) for new transmitter, antenna, move and increase in daytime power, requesting approval of transmitter site at Manor Road, Austin, Texas, antenna changes and new transmitter. Amended: To give transmitter site as East 5th & Tillery Sts., Austin, Tex.

NEW—P. K. Ewing, Kosciusko, Miss.—Construction permit for a new station on 1500 kc., 100 watts; 250 watts LS, unlimited time.

NEW—The Post Search Light Co., Bainbridge, Ga.—Construction permit for a new station on 1500 kc., 100 watts; 250 LS, unlimited time.

WDNC—Durham Radio Corp., Durham, N. C.—Authority to determine operating power by direct measurement of antenna power.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Modification of C. P. (B4-P-1147) as modified, for new antenna, move of studio and transmitter site, further requesting increase in power from 100 watts; 250 watts LS to 250 watts day and night.

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—License to cover C. P. (B2-P-1848) as modified for a new station.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Va.—License to cover C. P. (B3-P-2413) to increase power, move transmitter, new equipment, and changes in antenna. Amended: Night power.

## MISCELLANEOUS

NEW—International Broadcasting Corp., area WOV, New York, N. Y.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 2 watts power, A-3 emission. Amended: To request frequency of 31220, 35620, 37020, 39260 kc.

NEW—International Broadcasting Corp., area of WOV.—License to cover above. Amended: Re: frequencies.

WABD—Central New York Broadcasting Corp., area of Syracuse, N. Y.—License to cover C. P. (B1-PRE-278) for a new relay broadcast station.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—License to cover C. P. (B1-PIB-19) for a new transmitter location.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—License to cover C. P. (B1-PIB-19) for move of transmitter.

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Modification of license to change from developmental to high frequency broadcast station to be operated on 117,190 kc., special emission.

WELK—WCBS, Inc., Springfield, Ill.—License to cover C. P. (B4-PRE-276) for equipment changes and increase in power.

## 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.

**Esquire Products**—In a complaint Martin Benjamin Rothman, trading as Esquire Products, 216 North Clinton St., Chicago, was charged with using lottery devices in the sale and distribution of radios, waffle irons, silverware, coffee tray sets, pencils and griddles. According to the complaint, the respondent furnished various push cards accompanied by order blanks, instructions, and other printed matter for use in the sale and distribution of his merchandise by means of a lottery scheme. Alleging violation of the Federal Trade Commission Act, the complaint granted the respondent 20 days for filing answer to the charges. (3902)

**Hershel California Fruit Products Company, Inc.**—A complaint has been issued against Hershel California Fruit Products Company, Inc., San Jose, Calif., alleging violation of the Federal Trade Commission Act through misleading representations concerning its product, a tomato paste.

It was alleged that through use of phraseology in the Italian language, depictions of Italian type tomatoes, and other representations relative to Italy or Italian origin, the respondent led purchasers to believe that its tomato paste was made in Italy from Italian tomatoes, then imported into the United States, and that its "Contadina Brand" tomato paste was duly awarded the first grand prize at the Milan Exposition of 1922.

Pointing out that many purchasers prefer tomato paste made in Italy from Italian tomatoes, the complaint alleged that the respondent's representations were misleading in that its product was made in California from tomatoes grown in the United States, and that it was not awarded a prize at Milan. (3901)

**Johns-Manville Corporation** and **Johns-Manville Sales Corporation**, 22 East 40th St., New York, were charged in a complaint with the dissemination of misleading advertising in the sale of an insulating material designated as "Rock Cork." According to the complaint, the respondents had been advertising to the effect that Rock Cork was an entirely mineral product, when in truth it contained approximately 88 per cent mineral and 12 per cent vegetable matter. The respondents were granted 20 days for filing answer to the alleged violation of the Federal Trade Commission Act. (3899)

**National Grain Yeast Corporation**—A complaint has been issued against the National Grain Yeast Corporation, Belleville, N. J., charging it with price discrimination and payment of brokerage in violation of the Robinson-Patman Act, and with giving secret gratuities in violation of the Federal Trade Commission Act.

According to the complaint, the respondent has been discriminating in price by allowing to certain purchasers of its bakers' yeast used in the manufacture of bread and allied products, different prices than allowed other of its competing purchasers for products of like grade and quality. It is alleged that further discrimination in price between different competing purchasers of its products is brought about as a result of the respondent's delivering, without specific charge, large quantities of bakers' yeast to certain of its purchasers, in addition to yeast actually sold to these same purchasers, thus reducing the cost to favored purchasers of the yeast actually bought, while at the same time not furnishing such additional yeast to other competing purchasers who pay the same price per pound for the product. The respondent also has allegedly been granting cash discounts of 1 per cent to 2 per cent to certain of its purchasers and not to others who pay in the same manner and within the same time as those receiving such discounts. (3903)

**Ransom Electric Company**—False representations that Japanese manufactured incandescent lamp bulbs were made in the United States, is charged in a complaint against Ben Ransom, trading as Ransom Electric Company, 147 Second Ave., North, Nashville, Tenn.

According to the complaint, the respondent, in order to conceal from prospective purchasers the source of origin of its product, removed from imported Japanese electric lamp bulbs the label "Made in Japan," then inserted the bulbs into wrappers and packed them into cartons upon which were printed the words "Lednew Lamps," "Made in U. S. A.," "The Lednew Corporation," so as to signify that they were manufactured in the United States by the Lednew Corporation.

The respondent allegedly packed and sold American manufactured bulbs in packages or containers marked with the name of a manufacturing concern which was not the true manufacturer thereof, and misleadingly represented, directly and by implication, that the United States Bureau of Standards has adopted and promulgated specifications for incandescent electric lamp bulbs, when in truth the Bureau of Standards has made no such specifications with which the respondent's bulbs could conform. (3905)

**Roxanna Canning Company**—A complaint has been issued charging misleading representations in the interstate sale of certain products distributed by the Roxanna Canning Company, Lebanon, Ohio. This company, according to the complaint, distributes various brands of dog food under the trade names of Harty Dog Food Company and Dodds Packing Company.

It was alleged that the respondent company represented that its "Harty Brand" and "Blackspot Brand" dog foods contain beef by-products, ground beef bone and beef, and that its foods are scientifically balanced rations, and scientifically balanced beef rations, when such are not the facts. (3904)

**C. F. Sauer Company**—A complaint issued in November, 1938, in which the C. F. Sauer Company, 2000 West Broad St., Richmond, Va., was charged with price discrimination in the sale of extracts, spices, mayonnaise, salad dressing and drugs, in violation of the Robinson-Patman Act, has been amended.

The amended complaint alleged that payments by the respondent for transportation services and facilities in connection with the handling of its commodities, have been granted to some customers and denied to others.

It was alleged that deductions from invoice price of amounts equalling the cost of delivery by common carrier were granted certain customers, who utilized their own trucks and were not required to pay the common carrier charges, but that this facility was denied to competing customers having trucks available. (3646)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Etablissements Rigaud, Inc.**, 79 Bedford St., and **E. Fougere & Co., Inc.**, 75 Varick St., New York, were ordered to discontinue misleading representations in the sale of perfumes.

Findings of the Commission are that the respondents had represented that Etablissements Rigaud, Inc., is a French firm with its headquarters in France, and that the respondents' perfumes are made in France and imported into this country, when in truth, Etablissements Rigaud, Inc., is not a French firm and has no foreign office, and its perfumes are domestic products made in the United States by blending domestic and imported ingredients.

Under the order, the respondents are to cease representing, through the use of the term "Paris," or "Paris, France," or any other terms indicative of foreign origin, that perfumes which are compounded in the United States are made in France or in any other foreign country, provided, however, that the country of origin of the various ingredients may be stated when immediately accompanied by an explanation that such products are made or compounded in the United States.

The order further forbids use of brand or trade names such as "Un Air Enbaumé," "Rigaud," "Igora," or any other foreign terms, to refer to perfumes made in the United States, without clearly stating that such products are of domestic origin. The respondents also are to discontinue use of any French or other foreign terms to designate perfumes made or compounded in the United States, unless the English translation, or its equivalent, appears as conspicuously and in immediate conjunction therewith. (3337)

**E. Fougere & Company, Inc.**—See Etablissements Rigaud, Inc.

**International University of Commerce**—Prohibiting misleading representations in the sale of correspondence courses in business subjects, a cease and desist order has been issued against a Chicago organization formerly known as International University of Commerce, and its president, Paul V. Manning. The re-



spondent corporation is now known as International School of Commerce.

Among practices prohibited were representations that the respondents maintain a faculty or staff of instructors or a staff of certified public accountants; that the opportunities in the field of accountancy for students finishing the respondents' course are unlimited; that the respondents' course is superior to those of competitors and that their school is the largest of its kind in the United States.

The order also forbids the representation that the respondents' course is endorsed by Alfred P. Sloan, Jr., Walter P. Chrysler, or any other person, or that such employers have urged clerical employees to take advantage of the respondents' course, until such are the true facts.

Use of the word "university" to represent that the respondents conduct an institution of higher learning, is also prohibited under the order. Findings of the Commission are that the word "university" was dropped from the respondents' corporate name as of August 1, 1938. (3543)

**National Institute for Physical Advancement**—Karl W. Peters, trading as National Institute for Physical Advancement, 113 West 57th St., New York, has been ordered to discontinue misleading representations in the sale and distribution of a physical culture book designated "Bust Culture." Under the order, the respondent is to discontinue representing that any woman can obtain a beautiful bust by following the method outlined in the respondent's book; that the method has helped millions of women or any other exaggerated number in excess of the actual number of women who have tried and been helped by such method, or that the method has been found effective in all cases. (3460)

**Peanut Specialty Company**, 400 West Superior St., Chicago, has been ordered to discontinue selling or otherwise disposing of candy or other merchandise by use of push or pull cards, punchboards or other lottery devices. The order further directed the respondent company to cease packing or assembling in the same assortment for sale to ultimate consumers, candies of uniform size and shape having centers of a different color, together with larger pieces of candy, the larger pieces to be given as prizes to purchasers procuring a piece of candy having a center of a particular color. (2273)

## STIPULATIONS

The Commission has entered into the following stipulations:

**Certified Silk Hosiery Company**—H. D. Heyman, trading as Certified Silk Hosiery Company, 221 West Washington St., Chicago, agreed to cease representing, in connection with his sale of "Certified Hosiery," "Certified Shirts," and "Certified Lingerie," that any of his selling plans is "Free" so long as any charge is made, deposit required, or service is to be rendered therefor; that agents can earn amounts in excess of the average amount consistently made by a substantial number of his representatives under normal business conditions; that the socks he distributes eliminate the need for darning or will give almost double ordinary wear, or that the thread composing such products is made by a revolutionary new process. The respondent further agreed to cease using the word "Certified" in his trade name, or otherwise, to represent that the quality, cut design, composition or any other feature of his product is "Certified," unless such are the facts. It was also stipulated that the respondent will cease using the word "Silk" as a part of his trade name, or otherwise, to designate any merchandise which is not composed wholly of silk, unless such trade name or phrase containing the word "Silk" shall be accompanied by a full disclosure of the fabric content of each garment. (02439)

**Hercules Leather Goods Company**—Jacob Hyman and Jacob Zichlinsky, trading as Hercules Leather Goods Company, 130 West 27th St., New York, agreed to cease using the term "Hercuhyde" as a trade name, stamp, brand or label for brief cases which are not made from leather or hide. The respondents will also discontinue using the word "Hyde" or any other simulation of the word "hide," either alone or in connection with the letters "Hercu." or any other words, so as to imply to purchasers that the product referred to is composed of leather or hide, when such is not a fact. (2543)

**Ralph H. Jones Company**, Cincinnati, an advertising agency, has entered into a stipulation to discontinue misleading representations in the advertisement of a fruit juice product distributed by The Kroger Grocery and Baking Company, Cincinnati.

Likewise, the Commission accepted from the Kroger company a stipulation to discontinue similar representations in the sale of its product.

This is the second case in which an advertising agency has entered into a stipulation with the Commission to discontinue misleading representations in connection with the advertising copy of one of its accounts.

The agency agreed to cease disseminating advertisements which represent, directly or by implication, that sugar syrup is usually used in flavoring grapefruit juice, or that "Kroger's Country Club Brand Grapefruit Juice" is the only grapefruit juice to which dry sugar is added. (02441)

The Kroger company stipulated that it will cease advertising, directly or by implication, that sugar syrup is usually used in flavoring grapefruit juice and will desist from the representation or implication that its product is the only grapefruit juice to which dry sugar is added. The respondent also agreed to discontinue representing or implying that competing products of equal quality contain a lesser quantity, unless such is an actual fact, and to cease otherwise making any misleading or disparaging statement regarding competing products or any false comparison therewith. (02442)

**Kroger Grocery & Baking Company**—See Ralph H. Jones Company.

**LeJay Manufacturing Company**—L. D. Leach, trading as LeJay Manufacturing Company, 1406 West Lake St., Minneapolis, in the sale of the "LeJay Electric Fence Controller," a device for electrifying stock fences, agreed to cease representing that one strand of wire, when used in conjunction with the controller, will confine animals of varying sizes, or will confine animals as efficiently as a fence of several strands, or that it will enable users to save 80 per cent of livestock fencing costs, unless the circumstances of such saving are clearly explained. The respondent will also cease representing that a single charged wire can be used successfully in restraining all animals, or, by any general terminology, that it will restrain animals possessing a coat of hair which in fact forms a natural insulation against the charge. (02440)

**Luxor, Ltd.**, 1355 West 31st St., Chicago, agreed to cease representing that its cosmetic designated as "Luxor Special Formula Cream," or any other similar cosmetic, is a new type of cleansing cream; is the product of unlimited research; reaches into the pores of the skin, or will cleanse and beautify the skin better than any other cream. The respondent further agreed to cease advertising that for centuries cold creams and cleansing creams have been made with oils bodied up with waxes, unless qualified to indicate that not all of such creams contained waxes. Further representations to be discontinued are that a cosmetic designated "Luxor Complexion Powder," or any other similar cosmetic, possesses sensational resistance to moisture that is a real mystery, or affords real beauty protection. (02438)

**Magnesia Products Company**, 3519 N. Hubbard St., Milwaukee, stipulated that it will cease representing that articles supplied in its packages of bird food are "Free," when their cost is included in the price of the complete package; that the packages contain one pound net weight of bird seed, when the content is less than one pound; that the contents of a package are "Imported Bird Food," when any portion of it is domestic seed; that its grit cube contains all mineral and other elements necessary for bird health, or that such elements may be obtained only in the grit cube offered for sale by the respondent, when such are not the facts. (2544)

## FTC CLOSES CASE

The Federal Trade Commission closed its case in which Robert F. Waterman, trading as National Pottery Distributors, Roseville, Ohio, was charged with using unfair trade practices in the sale of earthenware kitchen utensils.

Due to unsuccessful efforts to locate the respondent, who has no permanent residence or place of business, the Commission closed its case without prejudice to its right to reopen it, should future facts so warrant.

# FCC Assignments For October

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  
October**

"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  
Frederick I. Thompson**

"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  
Thad H. Brown**

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

**Commissioner  
Paul A. Walker**

"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  
Norman S. Case**

"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  
T. A. M. Craven**

"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  
George Henry Payne**

"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**