



Regarding Code Compliance

The National Association of Broadcasters on Thursday made public an exchange of letters between Neville Miller and Theodore Streibert, vice president of the Mutual Broadcasting System, concerning the sponsored broadcasts of Elliott Roosevelt on the Mutual network.

On October 7, Mr. Roosevelt publicly stated that he would violate the NAB Code and would express personal opinions on public controversial matters on his commercially sponsored news commentator's program.

After making inquiry, Mr. Miller on October 13 sent the following letter to Mr. Streibert:

"Dear Mr. Streibert: In his sponsored broadcast over the Mutual Broadcasting System on October 7th, Elliott Roosevelt publicly announced that on his broadcast of that evening he would express a personal and editorial opinion about a public controversial issue and that he realized such expression of personal opinion by a news commentator on commercial time was in violation of the NAB Code. I am of the opinion that Elliott Roosevelt in his broadcast did violate the Code, and I am therefore bringing the matter to your immediate attention. I shall appreciate a reply at your earliest convenience. With kindest regards, I am sincerely yours, Neville Miller."

Today, Mr. Miller received the following reply from Mr. Streibert:

"Dear Mr. Miller: With reference to your letter of October 13th, we held a discussion with Elliott Roosevelt yesterday and reached an agreement which was wholly satisfactory. He will eliminate from all his commercially sponsored broadcasts any expression of personal editorial opinion about public controversial issues. Sincerely yours, T. W. Streibert."

Press dispatches from Boston this afternoon, however, stated that Mr. Roosevelt had announced the resignation of the broadcasting stations he operates in Texas from the NAB, because of the "imposition of a ruling barring expressions of personal opinions on public controversial issues on commercially sponsored programs," declaring that this is "censorship in its worst form".

In commenting upon the situation, Mr. Miller said, "We regret that Mr. Roosevelt has seen fit to disregard the Code voluntarily set up by his fellow broadcasters and resign from the Association.

"His statement charging censorship indicates that perhaps he is not fully conversant with the Code and the vital problems of public policy underlying it. There can be no

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*

REGARDING CODE COMPLIANCE

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charge of censorship or of the curtailment of free speech when all spokesmen are given an equal footing at the radio rostrum, free of charge.

"This provision of the Code not only insures the widest possible use of radio for public discussions, but it insures as well an impartial and fair opportunity to all spokesmen and groups to use its limited facilities and to be subject to debate and challenge should such develop. This is the Democratic way of doing things.

"It is significant to observe that those who are objecting to the Code and who want to continue to buy time for discussions of public controversies, have refused to accept free time offered on programs where another viewpoint may be fully presented.

"Rather than barring them from the air, as has been charged, the Code recognizes their right to speak, but provides that those holding other views shall not be deprived of the right to present those views under similar conditions.

"The point raised in Mr. Roosevelt's October 7 broadcast, however, involves the propriety of injecting personal opinions on a news commentator's broadcast.

"The press of this country has always recognized the necessity of preserving the integrity of its news columns. Personal opinions are reserved for the editorial page. The integrity of radio news is of parallel importance.

"If Mr. Roosevelt wishes to express personal opinions about public controversial matters on the air, there is nothing to prevent him from doing so on the time freely given for the purpose. But, under this Code, no personal opinions can be presented under the guise of news on any news broadcasts, whether sponsored or unsponsored.

"The NAB Code is based upon principles, not personalities. The provisions of the Code shall continue to be administered fairly and impersonally."

Neville Miller will discuss the Code in an address over the Columbia Broadcasting System, Sunday, October 22, 1:35 to 2:00 p. m. (eastern standard time). His remarks will largely center around the provision of the Code which bars the sale of time for the discussion of controversial public issues.

In discussing this section of the Code, Mr. Miller said this week: "I believe that as a result of this policy, we will have more discussions of public matters, more debates and public forums, than at any time since radio's inception. The direct result of this policy will be to insure an impartial and unbiased presentation of controversial issues since all representative spokesmen will be accorded the opportunity to express their opinions, regardless of their financial status. Each will be subject to debate and challenge should such develop. There can be no question of free speech, or of discrimination, when all spokesmen are given an equal footing at the radio's rostrum."

Meetings Ahead

The **Board of Directors of Broadcast Music, Inc.**, will meet in New York on Tuesday, October 31, to approve the plan of organization for submission to the SEC.

The **IRNA Executive Committee** will meet in New York on Wednesday and Thursday, November 1-2.

The **NAB Board of Directors** will meet at the Drake Hotel, Chicago, at 10 a. m., November 2, for a two-day session. The date was changed from November 7 because of the conflict with Election Day.

CODE EDITORIALS

Included with this issue of the NAB REPORTS are a few of the newspaper editorials dealing with the Code. A more complete cross section of press opinion will be published in a future NAB NEWS REVIEW.

WAGE AND HOUR LAW

The Wage and Hour Administration has decided that employers need not cut their employees' regular work week from 44 to 42 hours until the first work week following Tuesday, October 24. In most instances, this will be the week starting Monday, October 30. After the cut, employees should be paid time and one half for all overtime over 42 hours a week. The new regular hourly rate should be determined by dividing the present weekly pay (for 44 hours) by 42. Where employees now work 42 hours or less, the present regular hourly rate will prevail. The new minimum hourly rate is 30 cents. Any questions regarding the change should be directed to the labor relations director at headquarters.

FREE OFFERS

Member stations report the following firms seeking free time for commercial purposes:

American Osteopathic Association
MacFadden Publications
"Your Life" Magazine
Ringling Brothers—Barnum & Bailey Circus.

NAB Bureau of Radio Advertising has advised the above concerns, some of whom are regular advertisers in newspapers, that station acceptance of their requests would constitute violation of the NAB Code of Ethics.

Cost-per-inquiry

The Sterling Insurance Company is seeking to place radio advertising on a contingent basis. NAB has advised this company that their percentage proposition is outlawed under the provisions of the NAB Code. The Bureau of Radio Advertising has invited them to use radio on a regular paid basis.

NEW FLORIDA COPYRIGHT LAW COVERED BY INJUNCTION

A special three-judge court today extended temporary injunction granted April, 1938, with respect to the Florida 1937 copyright monopoly law so as to include Florida's new 1939 law on the grounds that the 1937 and 1939 statutes are both aimed at same evil, that no harm would result from temporarily delaying the operation of 1939 statute and that the balance of convenience lay in deciding constitutionality of both statutes at the same time. The court stated positively that no ruling on the merits of the 1939 statute was to be inferred because of its action in extending the existing temporary injunction to cover the 1939 statute. The court refused to rule on ASCAP's motion to strike the Florida Attorney-General's counter-claim in the 1937 suit which counter-claim asked the court to grant an injunction against ASCAP's operations in Florida as it was a price fixing monopoly. The court reserved its decision until final trial on the merits although ASCAP strongly urged that the counter-claim be stricken immediately. The court indicated that the presentation of evidence and the final determination of the constitutionality of both statutes should be had as quickly as possible.

DISTRICT 17 MEETING

A District 17 meeting in Portland, October 6, endorsed both the NAB Code and the copyright program after considerable discussion of each. C. W. Myers, district president, presided. Joseph L. Miller, NAB labor relations director, was a guest and discussed current labor problems in the industry. Broadcasters present:

C. E. Arney, Jr., KOMO-KJR, Seattle; Robt. E. Priebe, KRSC, Seattle; Ted Kooreman, KALE, Portland; C. Roy Hunt, KOIN,

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Portland; Art Moore, KIT, Yakima; Larry Kirk, KXL, Portland; Little Harry Read, KSLM, Salem, Oregon; John C. Kendall, Kendall Network, Portland; Geo. Kincaid, KFJI, Klamath Falls, Oregon; Marshall H. Pengra, KRNR, Roseburg, Oregon; Tommy Thomas, KIRO, Seattle; H. J. Quilliam, KIRO, Seattle; Arthur L. Bright, KFPY, Spokane; Harry R. Spence, KXRO, Aberdeen, Wash.; Frank H. Loggan, KBND, Bend, Oregon; Henry N. Fowler, KBND, Bend, Oregon; M. R. Chessman, KAST, Astoria, Oregon; Paul H. Connet, KGW-KEX, Portland; Vernice Irwin, KVI, Tacoma; Earl Irwin, KVI, Tacoma; W. Carey Jennings, KGW-KEX, Portland; Sheldon Sackett, KOOS, Marshfield, Oregon; H. M. Feltis, KOMO, Seattle; Bob McCaw, KRSC, Seattle, Wash.

NOVEMBER EVENTS

Opera Season opens latter part of this month.
Automobile shows to be held first or second week of this month.
November 6-11—Father and Son Week
Education Week
November 7 —Election Day
November 11 —Armistice Day, Ending of World War, 1918
November 11-18—National Fur Week
Red Cross Week
November 12-19—Book Week
November 18 —Congress adopted Standard Time in 1883
November 19 —Lincoln's Gettysburg Address, 1863
November 20-25—Hobby Week
November 23 —Thanksgiving Day in some states
Nov. 27-Dec. 2 —National Prosperity Week
November 30 —Thanksgiving Day in some states.

NEW FCC PUBLICITY CHIEF

The Federal Communications Commission has announced that George O. Gillingham, senior information service representative and chief of the Washington information office of the Tennessee Valley Authority, has been secured on a loan basis from that agency for a period of three months to occupy the position of Chief of the Office of Information of the Communications Commission.

Mr. Gillingham was formerly associated with the Newark (N. J.) Star-Eagle, Newark Sunday Call and covered North Jersey for three Philadelphia dailies, i.e., North American, Press, and Evening Bulletin. He also did feature writing for the New York Sunday World and has had varied experience in magazine work, having contributed articles to Saturday Evening Post, Current History, Bookman, New Yorker, Esquire, etc. At one time Mr. Gillingham was managing editor of the Pathfinder magazine and at the same time edited a department in Golden Book.

Mr. Gillingham was in the military service from 1918 to 1920 and for a time commanded Company K of the 1st Gas Regiment. He is a member of the National Press Club and Past Commander of the National Press Club Post of the American Legion.

Mr. Gillingham will report for full time duty at the Commission on Monday, October 16th.

The Commission also announced that C. Alphonso Smith, who was borrowed from the Soil Conservation Service last December and who has been serving as Acting Director of Information since April 1, 1939, would remain to assist Mr. Gillingham until November 1, 1939, when his leave period expires.

DISTRICT COURT UPHOLDS FCC

United States Court of Appeals for the District of Columbia this week handed down a decision in the case of KWTN of Watertown, South Dakota, against the FCC, in which the Court upheld the Commission.

In this case the FCC charged that the station had operated in violation of the Commission's rules governing the technical operation of broadcast stations and the Commission refused to renew the station's license.

The Court of Appeals in its decision in upholding the Commission's action stated that "the report, findings, and grounds of decision are amply substantiated by the evidence contained in a voluminous record. Appellant does not deny their correctness but does deny that they provide a proper basis for the Commission's decision." The Court's decision says further that "appellant places considerable stress, also, upon the need for broadcasting services in the area served by Station KWTN, and upon the fact that 'No question was raised upon the record with respect to the efficiency of the station's present transmitting equipment and antenna system or the suitability of its site.' These are no doubt important considerations, to be weighed by the Commission in making its determination. But other considerations are important also, including the willingness and ability of the licensee to comply with the law and with the rules and regulations prescribed by the Commission; in order to guarantee so far as possible a wholesome policy in management and operation.

"We think the record in the present case fully justifies the Commission's action in refusing to renew the license."

BROADCAST MEASUREMENTS

During the month of September the Federal Communications Commission experts measured 704 stations with 88 not measured.

Of those measured 648 had a maximum deviation within 0-10 cycles; 48 had a maximum deviation within 11-25 cycles; and 7 a maximum deviation of 26-50 cycles; 1 station had a maximum deviation of over 50 cycles.

PROPOSED FINDING OF FACT

The Federal Communications Commission this week announced its Proposed Findings of Fact proposing to deny the applications of KOH, **Reno, Nevada**, for a construction permit to change present location of transmitter, install new equipment, and change the operating assignment from **1380** with 500 watts power, unlimited time, to **630 kilocycles** with 1 KW, unlimited time, using directional antenna at night. The application of KERN, **Bakersfield, Calif.**, for construction permit to change from **1370 kilocycles**, 100 watts, unlimited time, to **1380 kilocycles**, 1 KW, unlimited time, is contingent upon the grant of the application of KOH, as the frequency requested by KERN is that now used by KOH.

The Commission stated that it is unable to find that public interest, convenience or necessity would be served by the granting of these applications, and "they must therefore necessarily be denied."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, October 23. They are subject to change.

Monday, October 23

NEW—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

Hearing Before the Committee to Be Held in Room 1411

In the Matter of Amendment of Rules 3.94(a) and 4.10, formerly 177 and 177.1 respectively, on Petition of Mayor LaGuardia of the City of New York.

Tuesday, October 24

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

Wednesday, October 25

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

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

Thursday, October 26

Reargument Before the Commission

Report No. I-476:

NEW—Summit Radio Corp., Akron, Ohio.—C. P., **1530 kc.**, 1 KW, unlimited time (DA night).

Report No. I-755:

NEW—Orville W. Lyerla, Herrin, Ill.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license, **1310 kc.**, 100 watts, 250 watts LS, unlimited

time. Present assignment: **1210 kc.**, 100 watts, 250 watts LS, specified hours (KFVS).

KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Modification of license, **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, 250 watts LS, specified hours (WEBQ).

Friday, October 27

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—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 8

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

Hearing to Be Held in Room No. 4, Twelfth Floor, Post Office Building, Boston, Massachusetts

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 27

WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, **1180 kc.**, 1 KW, limited time (KEX and KOB).

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

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KANS—The KANS Broadcasting Co., Wichita, Kans.—Granted C. P. to install new equipment and increase power to 250 watts, unlimited time.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted C. P. to move transmitter site locally, make changes in equipment, install vertical radiator and increase power from 100 watts to 250 watts.

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

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted modification of license to increase night power to 250 watts.

WCLE-WEHB-WEHF—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted assignment of licenses from Cleveland Radio Broadcasting Corp. to United Broadcasting Company (1 broadcast station, WCLE, and three relay stations).

WHK-W8XNT-W8XE-WEHX-WEHV-WHU—Radio Air Service Corp., Cleveland, Ohio.—Granted assignment of broadcast station license WHK, high frequency station W8XNT, facsimile station W8XE, and relay stations WEHX, WEHV and WEHU, to the United Broadcasting Company.

WHKC—Associated Broadcasting Corp., Columbus, Ohio.—Granted assignment of broadcast station license for station WHKC to the United Broadcasting Company.

NEW—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted C. P. for new station to operate on **1420 kc.**, 250 watts, unlimited time, exact transmitter studio site and type of antenna to be determined with Commission's approval.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Designated for hearing, before Commissioner Case, the application of WHDH for modification of license and C. P. to operate unlimited time on the clear channel frequency **830 kc.**, with 5 KW.

NEW—Broadcasting Corp. of America, Riverside, Cal.—Application for C. P. for new station to operate on **1390 kc.**, 1 KW, unlimited time (request contingent on station KOY change in frequency).

NEW—R. B. Terry, D. A. Hawley, Stanley A. Cook and Rudy Fonville, d/b as Burlington Broadcasting Co., Burlington, N. C.—Application for C. P. for new station to operate on **1420 kc.**, 100 watts daytime, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period: KRNT, Des Moines, Iowa; KSO, Des Moines, Iowa; WAGA, Atlanta, Ga.; WDRC, Hartford, Conn.; WHAZ, Troy, N. Y.; WKBW, Buffalo, N. Y.; WNBC, New Britain, Conn.; WJSV, Washington, D. C.; WOKO, Albany, N. Y., and auxiliary; WTAQ, Green Bay, Wis.; KABR, Aberdeen, S. D.; KGNC, Amarillo, Texas; KGMB, Honolulu, Hawaii; KHBC, Hilo, Hawaii; KIDO, Boise, Idaho; KFH, Wichita, Kans.; KTUL, Tulsa, Okla.; WFBC, Greenville, S. C.; WHOM, Jersey City, N. J.

The following stations were granted renewal of licenses for the period ending June 1, 1940: KGGM, Albuquerque, New Mexico; WDSU, New Orleans, La.; WHBF, Rock Island, Ill.; WHBI, Newark, N. J.; WNEW, New York, N. Y.

The following station was granted renewal of license for the period ending April 1, 1940: (High Frequency Broadcast Station) W4XBW, Chattanooga, Tenn.

The following stations were granted renewal of licenses for the period ending October 1, 1940: (Relay Broadcast Stations) KABE, National Battery Broadcasting Co.; KAIE, National Battery Broadcasting Co.; WABV, Juan Piza; KNEF, Radio Service Corp. of Utah; WAXH, Savannah Broadcasting Co., Inc.

MISCELLANEOUS

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:00 p. m. to 9:30 p. m., EST, on October 11, 1939, using 100 watts power, in order to broadcast testimonial dinner speeches in honor of Charlie Keller.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW power night, using directional antenna, for the period beginning October 12, 1939, and ending in no event later than November 10, 1939, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.**, reduces power so that additional interference is not involved, or until defective directional system of CMQ is corrected by installing new tuning condensers.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9:00 a. m. to 10:00 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period beginning October 31, 1939, and ending in no event later than November 29, 1939, in order to broadcast educational programs.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 p. m. to 3 p. m. on November 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28 and from 3 p. m. to 3:30 p. m. on November 6, 13, 20, 27, and from 9:15 p. m. to 10 p. m. on November 14, 1939, in order to permit Station WNAD to broadcast special educational programs; to operate from 8:15 p. m. to 9:15 p. m., November 29 and 7:15 p. m. to 9:15 p. m., CST, on November 30, 1939, in order to permit WNAD to remain silent during Thanksgiving vacation; to operate from 7:15 p. m. to 9:15 p. m., CST, on November 2, 1939, in order to broadcast football game (provided WNAD remains silent).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 p. m. to 3 p. m., on November 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 3 p. m., to 3:30 p. m., on November 6, 13, 20, 27 and 9:15 p. m. to 10 p. m. on November 14, in order to broadcast special educational programs (provided KGGF remains silent); to remain silent from 8:15 p. m. to 9:15 p. m., on November 29 and from 7:15 p. m. to 9:15 p. m., CST, on November 2, 1939, in order to allow KGGF to broadcast special football game.

National Broadcasting Co., Inc., New York, N.Y.—Granted special temporary authority to rebroadcast program material to be received from Forestry Service radio stations in the northwestern part of the U. S. over Radio Stations KGO and KPO and affiliated network stations of the NBC, for a period not to exceed 30 days, in order to educate the public on fire prevention and describe activities of the Forestry Service personnel in the control of fires when they develop.

The Commission has dismissed the application of WGRC, **New Albany, Indiana**, to change its frequency from **800 to 880 kilocycles** and from daytime to unlimited time operation "without prejudice", but has denied the motion "to continue date for oral argument."

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to continue hearing on application for renewal of license from October 20 to November 27.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted motion for continuance of hearing on application for C. P. to change frequency and increase power, from November 2, for at least 30 days, new date to be fixed by Secretary's Office.

NEW—Hazlewood, Inc., Orlando, Fla.—Granted petition for leave to amend application to reduce night power from 1 KW to 500 watts, and hearing scheduled for December 11, cancelled.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate with power of 250 watts from local sunset (Oct. 5:15 p. m., CST), to 8 p. m. on October 14, in order to furnish maximum local coverage of the Calif.-Ill. football game.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate between the hours of 2 and 5:30 p. m., EST, on Oct. 21, 28, Nov. 18, in order to broadcast football games only.

WSPD—The Fort Industry Co., Toledo, Ohio.—Granted special temporary authority to operate from 2 to 3 a. m., EST, on Oct. 15, with 5 KW, in order to broadcast a special "DX Program" conducted in connection with the Newark News Radio Club's special program entitled "Parade of Ohio."

WLOK—The Fort Industry Co., Toledo, Ohio.—Granted special temporary authority to operate from 8 to 10:30 p. m., EST, on Oct. 20, 26 and Nov. 10, in order to broadcast football games.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Oct. 5:45 p. m., EST) to midnight on Oct. 25, power 250 watts, in order to broadcast celebration of first anniversary of the opening of Radio Station WPIC.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted special temporary authority to use ultra high frequency transmitter authorized to be used by Television Broadcast experiment station W2XDR, by Facsimile Broadcast Station W2XR, for a period not to exceed 30 days, pending action on Modification of license for W2XR.

W1XKB—Westinghouse Elec. & Mfg. Co., East Springfield, Mass.—Granted license to cover C. P. for high frequency broadcast station; frequency **42380 ke.**, power 1000 watts; granted upon an experimental basis only, conditionally.

W1XSN—Westinghouse Elec. & Mfg. Co., East Springfield, Mass.—Granted license to cover C. P. for high frequency broadcast station; frequency **42600 ke.**, power 1000 watts; granted upon an experimental basis only, conditionally.

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Granted Modification of C. P. for approval of studio and transmitter site, installation of vertical radiator and changes in authorized equipment.

WFIG—J. Samuel Brody, Sumter, S. C.—Granted modification of C. P. for approval of studio and transmitter sites, changes in authorized equipment and installation of vertical radiator.

KGCX—E. E. Krebsbach, Wolf Point, Montana.—Granted au-

thority to install automatic frequency control in station KGCX.

WFAA—A. H. Belo Corp., Dallas, Texas.—Granted authority to determine operating power by direct measurement of antenna input.

NEW—International Broadcasting Corp. (New York, N. Y.), Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequency **31200, 35620, 37020, 39260 ke.**, power 10 watts.

NEW—International Broadcasting Corp. (New York, N. Y.), Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequency **31200, 35620, 37020, 39260 ke.**, power 2 watts.

NEW—International Broadcasting Corp. (New York, N. Y.), Portable-Mobile.—Granted license to cover above C. P.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted extension of special temporary authority to operate unlimited time with 1 KW for the period beginning October 17, 1939, and ending in no event later than November 15, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs, and news of national and international events of extreme local interest, both of local origin and from the Columbia Broadcasting System.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS Oct. 5:30 p. m. and Nov. 4:45 p. m., CST), for the period beginning October 15, 1939, and ending in no event later than November 13, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs of outstanding interest, and in order to carry programs of great local interest from the Mutual Broadcasting System.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from (Oct. 6:15 p. m. and Nov. 5:45 p. m., EST) to 9 p. m., EST, for the period beginning October 15, 1939, and ending in no event later than November 13, 1939, in order to broadcast political, local, and network programs as described in letter dated October 2, 1939.

W9XTA—Schonert Radio Service, Harrisburg, Ill.—Denied motion to dismiss application for renewal of license of station W9XTA without prejudice, and denied application as in default.

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—Granted motion insofar as it requests leave to file an amended application seeking a different operating assignment (original application was for **1420 ke.**, 100 watts night, 250 watts LS, unlimited time), and removed the application in its original form from hearing docket.

NEW—G. E. Palmer, Hot Springs, Ark.—Denied petition for rehearing and for intervention therein in re application of Hot Springs Broadcasting Company, Hot Springs, Ark., for new station to operate on **1310 ke.**, 100 watts night, 250 watts LS, unlimited time, granted by the Commission, without hearing, on July 26, 1939.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate additional time on November 5, 12, 19, and 26, in order to broadcast church services only, and on November 10, 17, 30, in order to broadcast football games only, using 100 watts only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Denied special temporary authority to operate from local sunset (Oct. 5 p. m. and Nov. 4:30 p. m., EST) to 6 p. m., EST, for the period October 17 to November 15, in order to broadcast outstanding local, civic, educational, charitable, religious, and commercial programs.

KUMA—Albert H. Schermann, Yuma, Ariz.—Denied special temporary authority to operate from 10:25 to 11 a. m., MST, on Tuesdays and Thursdays, for a period not to exceed 30 days, in order to broadcast public school programs.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Scheduled oral argument to be held November 2, 1939.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate additional time to broadcast football games only, on October 20 and November 3 and 16, 1939.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m., EST) to midnight on November 7, in order to broadcast election returns; to completion of game on November 18, in order to broadcast Dartmouth-Cornell football game; to midnight on November 21, in order to broadcast primary election returns, using 1 KW power.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Nov. 5 p. m., EST) to midnight, with power of 250 watts, on November 7, in order to broadcast city, county, and state election returns, and to occupy lulls between election bulletins with recordings and transcriptions in order to hold audience.

NEW—Lawrence J. Heller, Washington, D. C.—Adopted proposed findings (No. B-67), entered on September 13, 1939, denying without prejudice the application for a new station in Washington to operate on 1310 kc., with 100 watts night, 250 watts LS, unlimited time, and for special experimental authorization to construct and operate a synchronous station to be used in conjunction with the facilities requested in C. P., using 10 to 100 watts power, unlimited time. The order in this case will become effective October 19, 1939.

WAGF—Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate additional time on October 27 in order to broadcast Dothan High School-Sidney Lanier High School football games only.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate additional time simultaneously with station KICA, on October 20, 27, November 3, 10 and 17, in order to broadcast the Roswell High School football games only.

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Granted special temporary authority to rebroadcast program written by Army Air Corps Public Relations Office, Randolph Field, Texas, to be received from an Army airplane, call letters RW-9, operating on frequency 3415 kc., over station KGKO from 5 to 5:15 p. m., CST, on October 24.

W8XNU—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate the transmitting apparatus of high frequency broadcast (exp.) station W8XNU (located at the southeast corner Warner and Chickashaw Streets, Cincinnati), for the period October 18 to November 13, in order to make mechanical improvements in antenna and transmitting equipment.

APPLICATIONS FILED AT FCC

550 Kilocycles

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Voluntary assignment of license from Columbia Broadcasting System, Inc., to The Cincinnati Times-Star Co.

570 Kilocycles

WMAM—M & M Broadcasting Co., Marinette, Wis.—License to cover C. P. (B4-P-2130) for new station.

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Authority to determine operating power by direct measurement of antenna power.

WWNC—Asheville Citizen Times Co., Inc., Asheville, N. C.—Authority to determine operating power by direct measurement of antenna power.

610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Inc., Philadelphia, Pa.—C. P. to install new transmitter; increase power from 1 KW to 5 KW; move transmitter from 21st and Hamilton Sts., Philadelphia, Pa., to east of Brooklawn, N. J., 0.5 mile southeast of intersection of Kings Highway and Route 45, 6.2 miles southeast of City Hall, Philadelphia, Pa. Install DA for day and night use. Amended re antenna changes.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—License to cover C. P. (B-P-2129 and B-MP-693) for new station.

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 sites. Amended re frequency check.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of license to change hours of operation from limited to unlimited time, using directional antenna from sunset at San Francisco, Calif.

870 Kilocycles

WENR—National Broadcasting Co., Inc., Chicago, Ill.—Authority to determine operating power by direct measurement.

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Authority to determine operating power by direct measurement.

930 Kilocycles

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license to increase power from 250 watts, 500 watts LS to 250 watts; 1 KW LS.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Authority to determine operating power by direct measurements.

950 Kilocycles

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

1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—C. P. to install new transmitter, make changes in antenna, change frequency, power and time from 1040 kc., 250 watts, daytime, to 1390 kc., 500 watts; 1 KW LS, unlimited time. Contingent on KOY going to new frequency. Amended: re: equipment.

1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of license to change frequency and hours of operation from 1050 kc., daytime, to 1130 kc., limited, KSL, using 1 KW power day and night. (Contingent on WJJD's application for change in frequency, B4-P-2532.)

1070 Kilocycles

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Authority to determine operating power by direct measurement of antenna power.

1160 Kilocycles

NEW—Old Colony Broadcasting Co., Inc., Brockton, Mass.—C. P. for a new station on 1160 kc., 500 watts, daytime. Amended: To give transmitter site as Torrey and Pearl, Brockton, Mass.

1180 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., San Luis Obispo, Calif.—Authority to determine operating power by direct measurement of antenna power.

WHBY—WHBY, Inc., Green Bay, Wisc.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power day and night.

KFXJ—R. G. Howell & Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

1210 Kilocycles

NEW—M. W. Plowman & F. Koren, d/b as Midland Broadcasting Co., Watertown, S. D.—C. P. new station on 1210 kc., 100 watts, 250 watts LS, unlimited time. Amended: Antenna.

NEW—Palm Radio Co., Fort Myers, Fla.—Construction permit for a new station on 1210 kc., 250 watts, unlimited time operation.

NEW—M. W. Plowman & F. Koren, d/b as Midland Broadcasting Co., Watertown, S. D.—C. P. for new station on 1210 kc., 100 watts; 250 watts LS, unlimited time. Amended: To request 250 watts power day and night.

NEW—T. Frank Smith, Houston, Texas.—C. P. for a new station on **1210 kc.**, 250 watts power, unlimited time.

WPID—Petersburg Newspaper Corp., Petersburg, Va.—Modification of C. P. (B2-P-1475) as modified for new station requesting increase in power from 100 watts; 250 watts LS, to 250 watts day and night, and extend commencement and completion dates to 60 days after grant and 180 days thereafter.

KYUM—Yuma Broadcasting Co., Yuma, Arizona.—Modification of C. P. (B5-P-2412) for a new station, requesting approval of antenna and approval of transmitter and studio site at s. w. corner First St. & 19th Avenue, Yuma, Arizona.

WOCB—Harriett M. Alleman & Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of C. P. (B1-P-1140) as modified, for a new station, requesting increase in power from 100 watts; 250 watts LS, to 250 watts day and night.

1220 Kilocycles

WDAE—Tampa Times, Co., Tampa, Florida.—C. P. to make changes in equipment, install directional antenna for day and night use and increase power from 1 KW; 5 KW LS, to 5 KW day and night.

1240 Kilocycles

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—C. P. to install new transmitter.

1250 Kilocycles

KIT—Carl E. Haymond, Yakima, Wash.—Authority to determine operating power by direct measurement.

1280 Kilocycles

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Construction permit to make changes in equipment and increase power from 500 watts to 1 KW.

1310 Kilocycles

WSGN—The Birmingham News Co., Birmingham, Ala.—C. P. to install new antenna, increase power from 100 watts, 250 watts LS to 250 watts day and night, and move transmitter from 1627 North 20 Way, to 2200 Fourth Avenue, North, Birmingham, Alabama.

WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. Lynne Brennen, d/b as J. K. Patrick & Company, Athens, Ga.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WSAV—WSAV, Inc., Savannah, Ga.—Modification of C. P. (B3-P-1714) for new station, requesting approval of antenna, and studio site at 7th Floor Liberty National Bank Bldg., Bull and Broughton Sts., Savannah, Ga. Install new transmitter, and give transmitter site as President St., 1 mi. east of Savannah, Ga. Amended: To move transmitter 1200 feet (same address).

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—C. P. to install new transmitter, vertical antenna, increase power from 100 watts, 250 watts LS to 250 watts day and night, move transmitter from Atlas Tack Corporation, Fairhaven, Mass., to site to be determined, in or near New Bedford, Mass.

1370 Kilocycles

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Authority to determine operating power by direct measurement of antenna power. For satellite station located at Lawrence, Mass.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Authority to determine operating power by direct measurement of antenna power.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Modification of license of auxiliary to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WMSL—Tennessee Valley Broadcasting Company, Inc., Decatur, Ala.—C. P. to make changes in transmitter and antenna, increase power from 100 watts to 250 watts, change hours of operation from daytime to unlimited, and move studio and transmitter from 418½ North Second Ave., Decatur, Ala., to 511 Bank St., Decatur, Ala.

WCNC—Aubrey G. McCabe & Trim W. Aydtlett, d/b as Albe-marle Broadcasting Co., Elizabeth City, N. C.—License to cover C. P. (B3-P-2269) for a new station.

WCNC—Aubrey G. McCabe & Trim W. Aydtlett, d/b as Albe-marle Broadcasting Co., Elizabeth City, N. C.—Authority to determine operating power by direct measurement of antenna power.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Authority to determine operating power by direct measurement of antenna power.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—C. P. to make changes in transmitting equipment, and increase power from 100 watts to 250 watts.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—C. P. to make changes in equipment, increase power from 100 to 250 watts day and night.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

NEW—Midwestern Broadcasting Co., Traverse City, Mich.—C. P. for new station on **1370 kc.**, 250 watts, unlimited time.

1380 Kilocycles

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Modification of C. P. (B3-P-2242) for increase in power, and move of transmitter requesting approval of antenna and approval of transmitter site at Mobile, Ala.

1390 Kilocycles

NEW—Hazlewood, Inc., Orlando, Fla.—C. P. for a new station on **1390 kc.**, 1 KW, unlimited time. Amended to request 500 watts, 1 KW LS, power.

1400 Kilocycles

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Modification of license to increase power from 1 KW, 5 KW LS, to 5 KW, day and night, using D. A.

1420 Kilocycles

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

NEW—Arlington Broadcasting Corp., Arlington, Va.—C. P. for new station on **1420 kc.**, 250 watts, unlimited time.

NEW—Central Carolina Broadcasting Corp., Burlington, N. C.—C. P. for a new station on **1420 kc.**, 250 watts, unlimited time.

KXL—KXL Broadcasters, Portland, Ore.—C. P. to install new transmitter and directional antenna for day and night use; change frequency from **1420 kc.** to **730 kc.**; increase power from 100 watts, 250 watts LS, to 10 KW; change time from shares with KBPS to unlimited time; move transmitter to 7 miles southeast of Portland, Oregon, and move studio to 1101 SW Washington, Portland, Oregon. Amended to request **740 kc.**, limited time, and changes in directional antenna.

KRBM—KRBM Broadcasters, Bozeman, Mont.—License to cover construction permit B5-P-1542 as modified, for new broadcast station.

1530 Kilocycles

NEW—Grant Union High School District, North Sacramento, Calif.—C. P. for a new station on **1530 kc.**, 100 watts, daytime. Amended to request 1 KW power, unlimited time, give studio site as Grand Ave., and transmitter site as Grand and Cherry Sts., North Sacramento, Calif.

MISCELLANEOUS

NEW—The Louisville Times Co., Louisville, Ky.—C. P. for new relay broadcast station to be operated on **1646 kc.**, 50 watts,

A-3 emission. Amended to specify frequencies 1646, 2090, 2190 and 2830 kc.

- NEW—Zenith Radio Corporation, Chicago, Ill.—C. P. for new high frequency broadcast station to be operated on 42800 kc., 5000 watts, special emission for frequency modulation, unlimited time. Amended re emission special for frequency modulation only.
- NEW—Pacific States University, Los Angeles, Calif.—C. P. for a new non-commercial educational broadcast station to be located at 1117 Venice Blvd., Los Angeles, Calif., on the frequency 41300 kc., power of 100 watts, emission A-3.
- W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of C. P. (B1-PVB-6) as modified, to extend completion date from 12-16-39 to 6-16-40.
- W2XDR—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license for change in authorized frequencies from 42000-56000, 60000-86000 kc. to 96000-102000 kc., in accordance with revised rules.
- WEGI—The Baltimore Radio Show, Inc. (Portable-Mobile), (Baltimore, Md.)—License to cover C. P. (B1-PRE-282) to make changes in equipment and increase power from 1 watt to 2 watts.
- WEGJ—The Baltimore Radio Show, Inc. (Portable-Mobile), (Baltimore, Md.)—License to cover C. P. (B1-PRE-283) to make changes in equipment and increase power from 1 watt to 2 watts.
- NEW—The Yankee Network, Inc., north of Alpine, N. J.—Construction permit for a new high frequency broadcast station at north of Alpine, N. J., on 43000 kc., 50 KW power, special emission.
- NEW—The Yankee Network, Inc., Mount Washington, N. H.—Construction permit for new high frequency broadcast station on summit of Mount Washington, N. H., on 42600 kc., 5 KW power, special emission.
- WAIN—Peoria Broadcasting Co., area of Peoria, Ill.—License to cover C. P. (B4-PRY-189) for new relay station.
- W9XAL—First National Television, Incorporated, Kansas City, Mo.—Modification of license for change in frequencies from 42000-56000, 60000-86000 kc. to 44000-50000 kc., in accordance with new rules.
- WHPT—Radio Station WMFR, Inc., High Point, N. C.—Modification of C. P. (B3-PRY-168) for replacement of transmitter.
- NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for new television station located at site to be determined, Philadelphia, Pa., on 78000-84000 kc., 1 KW power, A-5 emission, unlimited time. Amended to add A-3 for aural broadcast and add aural transmitter.
- W9XK—University of Iowa, Iowa City, Iowa.—Modification of license to request frequency band 210000-216000 kc., and make changes in equipment.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Authority to determine operating power by direct measurement of antenna 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.

American Tobacco Company, New York, has been served with a complaint alleging violation of the Robinson-Patman Act in the sale of tobacco products.

The complaint alleges that the respondent company discriminated in price between different purchasers of its products of like grade and quality by including in sales to certain customers and not to others, so-called free goods for which no specific charge was made. It is alleged that the amount which the favored retail distributors paid for the tobacco products included in

such orders was, by reason of the so-called free goods, substantially less than the amount which competing retailers paid for an equal quantity of the respondent's products of like grade and quality.

It is alleged that The American Tobacco Company compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondent's products. Such payments, it is alleged, were not available to other competing distributors.

To some jobbers, the respondent is alleged to have allowed a longer period for payment at a 2 per cent cash discount than the 10 days usually allowed to others for payment at the same discount. This allowance of time allegedly constituted a service to American Tobacco Company's customers which became of greater value as the length was extended.

The complaint charges that the respondent has established the relationship of seller and customer between it and retail tobacco distributors by means of its many dealings with them and particularly through the medium of its salesmen or "missionary men." (3927)

Charles of the Ritz Distributors Corp.—In a complaint, Charles of the Ritz Distributors Corporation, 9 University Place, New York, was charged with the dissemination of misleading representations in the sales of "Charles of the Ritz Rejuvenescence Cream."

According to the complaint, the respondent untruthfully represented that its cosmetic preparation will rejuvenate the skin of the user and restore youth and the appearance of youth to skin to which it is applied, regardless of the condition of the skin or the age of the user, when such are not the facts. (3923)

Federal Yeast Corporation—A complaint has been issued against the Federal Yeast Corporation, Colgate-Highlandtown, Baltimore, charging it with price discrimination in violation of the Robinson-Patman 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 customers, 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. (3926)

Fine-Crahan Candy Company—In a complaint issued against Fine-Crahan Candy Company, 222-224 West Fourth St., Oklahoma City, the company was charged with the use of lottery schemes in the sale of candy.

According to the complaint, the respondent supplied dealers with push cards for use in the sale and distribution of its candy by means of a lottery scheme. (3925)

Liggett & Myers Tobacco Company, Inc.—Two additional complaints against tobacco companies alleging violation of the Robinson-Patman Act have been issued. Respondents are Liggett & Myers Tobacco Company, Inc., New York, and Stephano Brothers, Philadelphia.

Price discrimination is alleged to have taken place in connection with the Liggett & Myers company's practice of including in sales to certain customers and not to others, so-called free goods for which no specific charge was made. It is alleged that the amount which the favored retail distributors paid for the tobacco products included in such orders was, by reason of the so-called free goods, substantially less than the amount which competing retailers paid for an equal quantity of the respondent's products of like grade and quality.

To some jobbers, the Liggett & Myers company is alleged to have allowed 60 days for payment at a 2 per cent cash discount,

while generally to others 10 days was allowed for payment at the same discount. This allowance of time allegedly constituted a service to the respondent's customers which became of greater value as the length was extended.

It is alleged that both respondents compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondent's products. Such payments allegedly were not available to other competing distributors.

The complaints allege that the respondents have established the relationship of seller and customer between them and their "indirect buying customers" who are not on their "direct list" by means of their many dealings with them and particularly through the medium of their salesmen or "missionary men."

For illustration of a common practice in this connection, the complaint against Liggett & Myers recites that on January 12, 1939, one of this company's missionary men sold to Indianapolis retail distributors "not on direct list," "Velvet Tobacco" at \$1.12 a dozen, with one package free with each dozen, or at approximately \$1.03½ a dozen, when its standard price to jobbers in that city was about \$1.12½ per dozen. It is alleged that Liggett & Myers thus sold to such retail distributors at a lower price than it was selling the same tobacco in the same and larger quantities to Indianapolis jobbers. Such retailers, it is alleged, were thus enabled to sell at 10 cents each package of "Velvet Tobacco" advertised as the "regular 15 cent size." (3921-3922)

Stephano Brothers—See Liggett & Myers Tobacco Company, Inc.

Von Schrader Manufacturing Company—In a complaint, Von Schrader Manufacturing Company, Racine, Wis., was charged with the dissemination of misleading representations in the sale of an electric machine designed "Von Schrader Portable Carpet Washer."

According to the complaint, the respondent represented directly or by implication that its carpet washers remove germs and microbes from carpets and rugs, and restore and renew the colors and shades of carpets and rugs, when such are not the facts.

The respondent allegedly also advertised that purchasers of its carpet washers normally earn \$200 a week, \$400 a month and various similar sums, when in truth the earnings of such persons are substantially less than these amounts. (3924)

White King Soap Company—In a complaint, White King Soap Company, 617 East First St., Los Angeles, was charged with the dissemination of misleading representations in the sale of "White King Granulated Soap" and "White King Toilet Soap."

According to the complaint, the respondent misleadingly represented that White King Granulated Soap, a laundry soap, is the only soap with which articles can be satisfactorily washed in cool water and in water at 98 degrees temperature; that it is three times as efficient in the cleansing of articles as other soaps; that its use in washing textiles removes the necessity for use of bleaching and bluing, and that it will remove all spots and stains from articles, when such are not the facts. Further alleged misleading representations are that White King Granulated Soap prevents fine fabrics from fading or shrinking; that its ingredients are superior to that of all other soaps; that the washing of clothes in cool water causes them to be brighter and whiter than washings in hot water, and that the washing of fabrics in hot water injures the fabrics and causes them to shrink, when such are not the facts.

The complaint also charges the respondent with having untruthfully advertised that the use of White King Toilet Soap keeps the skin fresh and supple regardless of the age or condition of the skin of the user, and that it prevents and removes wrinkles, when such is not the case. (3928)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Coty, Inc., Wilmington, Del., and **Coty Products Corp.**, 423 West 55th St., New York, were ordered to discontinue misleading representations in the sale and distribution of perfume.

Under the order, the respondents are to cease representing through the use of the term "Paris" or "Paris, France," or of any other terms, symbols, or picturizations indicative of French or other foreign origin of such product, or in any manner, that perfumes which are made in the United States are made in France, or in any other foreign country, provided that the country of origin of the various ingredients may be stated when immediately accompanied by an explanation that such product is made in the United States. The order further prohibits use of any French or other foreign terms to refer to perfumes made in the United States, unless the English translation or its equivalent appears as conspicuously and in immediate conjunction therewith.

The respondents are also ordered to cease using the terms "Coty, Parfums de Luxe" or any other French or other foreign words as brand or trade names for perfumes compounded in the United States, without clearly and conspicuously stating that such products are compounded in the United States.

Due to the dissolution of Coty Processing Co., Inc., Coty, Inc., of New York, Coty Company, Ltd., a Maryland corporation, Coty Company, Ltd., a Tennessee corporation, Coty California Corporation, Coty New Jersey Corporation and Coty Sales Corporation, the Commission closed its case against these concerns, without prejudice to its right to reopen it and resume prosecution, should future facts so warrant. (3325)

Coty Products Corp.—See Coty, Inc.

Cuban Health Products, Inc., 125 E. Kalamazoo St., Lansing, Mich., has been ordered to discontinue misleading representations in the sale of "El Aquinaldo Cuban Honey."

Under the order, the respondent is to cease advertising that its product is a cure for coughs, colds, asthma, bronchitis, or similar respiratory disorders, and is a treatment for such conditions other than as a palliative for coughs due to local throat irritations or for local irritations of the nose. The order further prohibits representations that the respondent's product is a cure or treatment for stomach ulcers, other than as a bland food where a bland diet would be prescribed. (3733)

Dewberry Engraving Company—Ralph Dewberry, trading as Dewberry Engraving Company, Birmingham, Ala., has been ordered to discontinue unfair disparagement of competitors' products in the sale of engraved stationery, business and social cards and allied products.

Findings of the Commission are that the respondent distributed to prospective customers letters containing, in part, the following:

"You will be disappointed if you read this letter— . . . Disappointed in the price you have been 'soaked' for engraving in the past. Not that your engraver could really help charging you so much; with old-style, out-of-date equipment, he had to get a high price.

"Our prices are the LOWEST in the United States because we have the most modern plant in the country and specialize on engraved stationery. . . ."

Further findings show that the pantograph method of engraving, used by approximately 90% of the engravers in this country, and which is particularly disparaged by the respondent, is not accomplished with "old-style," "out-of-date" or obsolete equipment.

Under the order, the respondent is prohibited from representing that engraving produced from plates incised by hand or by the pantograph method or by any method other than that used by the respondent is old-style, out-of-date, antiquated or inferior. (3135)

Ward Manufacturing Company—Ward M. Jones and John H. Jones, trading as Ward Manufacturing Company, 109 East Milwaukee Ave., Detroit, have been ordered to discontinue misleading representations in the sale of "Hydro-Flue," a flue attachment to be used instead of stove pipes in gas ranges.

Findings of the Commission are that the respondents misleadingly represented that their device is the only satisfactory flue attachment on the market, when, in truth, it is sold in competition with similar devices. Further findings are that the respondents claimed their device constitutes a safe substitute for stove pipes on gas ranges, when actually there is no device which will effectively remove carbon monoxide fumes from the products of combustion emitted by gas-burning appliances.

Under the order, the respondents are prohibited from representing that "Hydro-Flue," or any similar device, is the only attachment which is a satisfactory substitute for stove pipes on gas ranges; that its use is safe, or that it eliminates or removes the carbon monoxide gas emitted by gas ranges. (3509)

STIPULATIONS

The Commission has entered into the following stipulations:

Birnbaum Company—Maurice Birnbaum, trading as Birnbaum Company, 20 Bond St., New York, agreed to cease representing that his products, such as zipper key ring cases, are made of leather when such is not a fact. If the products are made in substantial part of leather and in part of some other material, and the word "leather" is used to describe such leather content, then the word "leather" shall be accompanied by some other words printed in equally conspicuous type so as to indicate clearly that such products are not composed wholly of leather or that they are composed in part of a material other than leather. (2551)

Chabbott's—Joseph Chabbott and Julius Chabbott, trading as Chabbott's 941 F Street, N. W., Washington, D. C., stipulated that they will cease representing that banquet cloths or other articles consisting of cotton filet laces made in China to imitate Tuscany Lace are in fact "Tuscany Lace." (02449)

Floradex Company—See Van De Mark Advertising, Inc.

International Importing Company, Inc., 322 Tremont St., Boston, agreed to cease representing that its "Agorole Olive Oil" is packed and certified by the Olive Oil Institute of America, or any other "institute," unless it is actually certified and packed by an "institute" properly so constituted; that its product is the only "certified" Greek virgin olive oil, or the only "certified" virgin olive oil in America, or that it contains vitamins B, D and E. The respondent also agreed to discontinue representations that refined olive oil contains no vitamins; that "Agorole Olive Oil" contains any specific medicinal ingredients; that its product is a treatment for ulcers of the stomach and gall bladder disorders, or that authorities do not recognize the difference between refined and virgin olive oil. (02448)

Joseph M. Julian Company, trading as Marney Food Company and Dr. Marney's Animal Food Company, Huntington Park, Calif., entered into a stipulation to discontinue misleading representations in the sale of "Marco," a dog food. (2446)

Marney Food Company—See Joseph M. Julian Company.

Dr. Marney's Animal Food Company—See Joseph M. Julian Company.

William C. Moore & Co., Inc., Newark, N. Y., stipulated that in connection with its sale of nursery stock through agents and salespersons, it will cease representing that all persons, regardless of age, sex, location, education, experience or business qualifications, can succeed as its salespersons. Further representations to be discontinued are that the free "Salesmanship and Landscape Lessons," given by the respondent to its salespersons, imparts a knowledge of landscape work that enables even the most inexperienced men to properly advise owners in regard to location, planting and ordering of correct trees, shrubs or vines. The respondent will also cease representing by the use of the phrase "must be satisfied with \$35 weekly at the start" or in any other manner, that it has a vacant position consisting of landscape work and handling orders for old and new customers carrying a definite salary of \$35 weekly to be paid from the start to the person selected to fill such vacancy. (02446)

Plymouth Electric Dry Shaver Company—Bernard Cohen, trading as Plymouth Electric Dry Shaver Company and Plymouth Electric Supply Company, 2013A Jerome Ave., New York, agreed to cease representing that his electric shaver is of any value in excess of the price for which the same or similar instruments may be available in the retail market in the usual course of business; that it is in any way comparable to the high grade electric shavers on the market; that the instrument is guaranteed unless clear disclosure is made of exactly what is offered by way of security; that exaggerated earnings may be expected by sales persons, or distributors of his merchandise, or that any article is given free when such offer is contingent upon any condition not clearly disclosed. It was also agreed that the respondent will discontinue supplying others with lottery devices to be used in the sale of any merchandise, or selling any merchandise by means of lottery devices. (2550)

Plymouth Electric Supply Company—See Plymouth Electric Dry Shaver Co.

Silver Knit Hosiery Mills, Inc., High Point, N. C., agreed to discontinue use of the word "silk," alone, or with any other words, in any way to represent hose which is not composed of silk. The respondent further agreed to cease using the words "Silk and Rayon" or "Rayon and Silk" to describe hose which is not composed of the two fibers. The stipulation provides that if the body or leg of the hose is composed of silk, or of silk and rayon, or rayon and silk, with the top, heel, toe and sole of the hose composed of fibers other than those named, and the words "Silk," "Silk and Rayon," or "Rayon and Silk" are used to properly describe such body or leg, then such terms shall be prominently accompanied by other words clearly indicating that the hose is not composed wholly of silk, silk and rayon, or rayon and silk. If the hose, or a portion of it, is composed of silk and rayon, and these fiber names are used to describe the hose or a portion of it, then the names of the fibers shall be arranged in the order of their predominance by weight, as for example, "Rayon and Silk" where the rayon predominates. The respondent also agreed to cease using the word "linen," either alone or in connection with the words "Pure Irish," or with any other words, as descriptive of hose, or any portion of it, which is not composed of linen. (2552)

Ta-Kay Laboratories—Charles A. Thayer, trading as Ta-Kay Laboratories, and T-K Laboratories, Topeka, Kans., agreed to cease advertising that "Ta-Kay" or any similar medicinal preparation, is an effective treatment for eczema, inflammation of the skin due to any but minor superficial causes, hickies, itching skin conditions, insect bites, sore hands, pimples, rash, scabies, athlete's foot, hives, or shingles, or that it will do more than temporarily relieve itching irritations and minor pains where due to or associated with superficial skin conditions, or caused by or associated with the above disorders. (02450)

T-K Laboratories—See Ta-Kay Laboratories.

Van De Mark Advertising, Inc., Times-Star Tower, Cincinnati, Ohio, has entered into a stipulation to discontinue misleading representations in the advertisement of "Floradex," a medicinal preparation distributed by Harold T. Maloney, trading as Floradex Company, Columbus, Ohio.

This is the third 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 "Floradex" is a treatment for constipation; is marvelous or new; will keep a person from being sick; will restore or build health; will enable one to gain vim and vigor, or that it is beneficial in removing the cause of most common ailments. The respondent further agreed to cease representing that constipation is the factor behind most human ills and ailments, and to discontinue using the word "Food," or any similar words, so as to imply that the preparation has any food value.

Harold T. Maloney had previously entered into a stipulation with the Commission in which he agreed to discontinue the practices in the same manner as set forth in this stipulation. (02447)