



FCC Chairman Commends Code

James Lawrence Fly, chairman of the FCC, commended the NAB Code this week, saying that its adoption was "an example of democracy at work".

"Democracy can hardly mean either in a game or in a form of Government that those who have adopted the regulations will abide by them only so long as they serve their own particular interest," Mr. Fly said in a CBS broadcast Thursday night.

"Any set of regulations, even when self-imposed is apt at some point along the line to apply to every particular person who has adopted the regulation. No one particularly enjoys the regulation the moment it restricts his own activity; but still, he should be capable of reviewing the over-all benefits which may be derived from a comprehensive and effective set of rules applicable to all alike. But control of radio in the public interest is more serious than any game."

Mr. Fly had preceded these remarks by saying that "it may be obvious that even self-regulation, voluntarily imposed, may at times *actually regulate*."

"We are reminded of the boy, who, understanding the problem, gets with a group and decided upon the rules of the game which shall be applicable to all concerned," he said. "Thereafter, when one of the particular rules has its impact upon his own conduct, and the boy breaks up the game, picks up his playthings and goes home, he is hardly displaying the highest type of sportsmanship".

Here is the full text of Mr. Fly's remarks which the NAB is certain will be of interest to all broadcasters:

As you all know, the art of radio broadcasting is still young. Virtually unknown during the World War, radio has developed tremendously in the past two decades. Its march has been strong and vibrant. The swift movement in the scientific phases of radio has been such that we have a tendency to overlook the tremendous impact of the radio as a social force.

It is therefore essential not only that we recognize radio as a great scientific achievement, but also be conscious of its great impact upon the lives and upon the pattern of thought of the people themselves. We all recognize the importance of having the radio serve a genuine public interest and of avoiding subservience to forces peculiarly selfish in nature.

The forward march in the art of the radio has pre-

sented to us concretely the problem of utilizing this public facility to accomplish the greatest good for the most people. Important issues have thus arisen.

It hardly behooves anyone to speak in a tone of finality, particularly where, as in my own case, the speaker does not have a thorough-going background in the field. It may be suggested that no one with due regard for the gravity of the problems, can set himself before the world as having power promptly and finally to adjudge all the serious problems of radio policy.

By the same token, many of the existing *rules* to govern practices in radio operations cannot be deemed the ultimate guide for the conduct of broadcasting activities. The industry is young; technically, it moves forward from day to day. We all have much to learn. It must be

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FCC CHAIRMAN COMMENDS CODE

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true, therefore, that any rule or set of rules can hardly be deemed unchangeable. At the same time, it does not follow that rules of conduct should not be laid down and generally observed.

Such is the force of the radio that in the interest of all concerned, it must operate in the public interest. That the problems may change and that even our judgment upon particular rules may change in the light of experience is no reason why the industry should leave its important problems unattended. I, for one, strongly feel that the operations of the industry should be gradually and thoughtfully forged into a pattern of service in the public interest. All of us interested in the development of policies and rules of conduct should maintain an open and tolerant mind toward the views of others as experience accumulates and principles emerge.

The Federal Communications Commission was created by the Congress in an endeavor to effectuate the public interest in radio broadcasting and in related fields of communications. As a matter of necessity, the radio industry is subjected to strict regulation by the Government. Were this not true, radio could not exist. Millions of people may listen—only a few speak to them. Radio channels through the air are severely limited. There can be no private property interest in a radio channel. The concern of the Government and the concern of the Commission is primarily to see that the limited broadcast facilities which may be permitted on the air render a broad and effective public service.

To be perfectly frank with my audience tonight, in my judgment the solution to most of the problems which are constantly arising in connection with the regulation of radio is found in the answer to the question: "How would the interest of the listener of radio facilities be affected?" This simple question is bound up in the expression "public interest, convenience and necessity." Radio stations are licensed to serve that end. However general in character it may appear, the test in substance reduces itself to this question: "How will the listening audience be affected by any particular conduct of a radio licensee?"

Even a superficial review of the problem will indicate

why, as a matter of fact and as a matter of law, the great interest involved is the public interest; more particularly, the interest of the listener. Contrary to the notion occasionally expressed that the air is free, only a limited number of channels are available in the entire radio spectrum. On the few stations which may be on the air there is a definite and inelastic limitation of time. There is no way to extend the total time available for all the purposes of that limited number of stations. Over those limited facilities must be crowded the complete performance of the operating stations in terms of education, information and entertainment.

This is the reason the radio is not a common carrier; in the nature of things broadcast facilities cannot be available to the public generally. Only a few can be accommodated.

In contrast to the limited number of individuals who may broadcast, there is the public as a whole who may listen. Obvious is the fact that the essential service being rendered is the service to the radio audience and not the service to those before the microphone. And again, may I suggest that the public interest to be served under the law is primarily the public interest of the millions of citizens. The citizen cannot be placed in the attitude of sitting at the loud speaker listening to his master's voice. In this case the plain fact is that it is the servant who speaks while the master listens.

I do not mean to suggest that there is no room for the private business concern. It can and does carry on the public service as a private business venture and with a view to success as a private enterprise. The whole American system of broadcasting by private concerns is based on the fortunate fact that in general the best public service is the best business. To succeed the listeners must be attracted and held. Thus, the private benefit emerges from an effective public service.

Neither the Congress nor the Commission undertakes to act as a general overlord to the industry. There particularly should not and cannot be a censorship of radio broadcasts. Certainly, the Commission neither asserts nor seeks the power to censor.

The Federal Communications Commission Act has been operative largely in terms of keeping people off the air. It was early recognized that with everybody on the air nobody could be heard. Since radio transmitting sets can be easily and cheaply constructed, literally thousands of sets could be readily placed in operation. Various trivial devices are capable of some transmission of radio waves. They would cause a bedlam of interference, and must be either prohibited or strictly regulated. The many citizens and the many devices as a matter of necessity are literally excluded from the air. This is done for the simple basic purpose of making effective the service which is being rendered over the limited number of available channels.

The reason for these restrictions upon the activities of the many citizens and the protection of these channels is not primarily to assure the success of the private operation of the broadcast station. But it is to assure that the citizen receiving the broadcast in his home receives an efficient and adequate service. The Federal Communications Act has operated over a broad field by this manner of exclusion and restriction.

The law further provides for the regulation of the industry upon a somewhat broader scale in order to insure that the operations are in the interest of the citizens as a whole.

It is, of course, important that where the Commission has explicitly exercised a power delegated to it by the Congress, there should be no encroachment in this field by other agencies. At the same time, there is beyond the field presently occupied by Commission regulation, a substantial area where industrial self-regulation should have a fair opportunity to work. There is no reason why self-regulation may not be in the public interest and may not to a certain extent supplement the work of the Government. I want to make clear my own thought that one should not assume in dogmatic fashion the finality of any rule created by the industry. At the same time certain of those rules which have been adopted by the great majority of the industry should be given a fair opportunity to function.

An example of industrial self-regulation in the radio field is the Code adopted by the National Association of Broadcasters last July. I shall not endeavor to discuss the Code in detail, but a few significant points may be noted. The Code adopted by a vote of the members of the Association covers six subjects: children's programs, controversial public issues, educational broadcasting, news, religious broadcasts and commercial programs. It is well to bear in mind the scope of the undertaking in order that the discussion of one particular phase may not tend to obscure the other phases. Public controversy, however, has not centered around the rules as a whole, but primarily around the provisions relating to controversial issues.

It may be obvious that even self-regulation, voluntarily imposed, may at times *actually regulate*. We are reminded of the boy, who, understanding the problem, meets with a group and decides upon the rules of the game which shall be applicable to all concerned. Thereafter, when one of the particular rules has its impact upon his own conduct, and the boy breaks up the game, picks up his playthings and goes home, he is hardly displaying the highest type of sportsmanship.

The adoption of the Code and its self-imposition by the broadcasters is an example of democracy at work. Democracy can hardly mean either in a game or in a form of Government that those who have adopted the regulations will abide by them only so long as they serve

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their own particular interest. Any set of regulations, even when self-imposed, is apt at some point along the line to apply to every particular person who has adopted the regulation. No one particularly enjoys the regulation the moment it restricts his own activity; but still, he should be capable of viewing the over-all benefits which may be derived from a comprehensive and effective set of rules applicable to all alike.

But control of radio in the public interest is more serious than any game.

A ready illustration of the character of the problems and the necessity of supplementing existing regulation was demonstrated by conditions at the outbreak of the current war. The crisis precipitated serious problems of completeness, fairness and accuracy of war news, and of the delineation and proper identification of war propaganda. Broadly, the integrity of the service was at stake. The problem of neutrality itself was involved. In that instance, representatives of the broadcasting industry drafted, and, to their credit, most of the broadcasters adopted, a code of practices concerning war news and comment, effectively meeting these problems.

It should be noted that neither this nor the general code already adopted was the work of the Communications Commission. They are none the less important as examples of self-regulation consistent with the public interest.

To return to the provision of the Code voluntarily adopted last July which has provoked considerable discussion, the one having to do with the handling of controversial issues. This article recognizes that a well-balanced program of a radio broadcasting station should include, as part of the station's public service, time for the presentation over the air of public questions, including questions of a controversial nature. However, it is provided that time for the presentation of controversial issues over the air shall not be sold except for political broadcasts. The Code does not prohibit selling time for the discussion of controversial public issues in the public forum type of program when such program is regularly presented as a series of two-sided discussions of public issues.

It seems to me that here again, the problem is one of giving the rule a fair opportunity to work. The job of the broadcaster is to see that the public has opportunity to hear free debate upon all controversial problems.

The one limitation in the Code is that time on the air may not be sold for the presentation of controversial issues. The Code places the duty on broadcasters to bring both sides of such issues to the public regardless of the ability of the speakers to pay for the time. It has been, and we may expect it to continue to be, the policy of the broadcasting companies to give free time to the responsible leaders who desire to speak on controversial issues. And at the same time to provide for the listeners an equal opportunity to hear the other side.

The really grave issue is whether or not the right to speak and to present one-sided arguments on public questions shall be limited to those who can buy the time. In other words, shall single individuals or groups of individuals through sheer economic power be permitted to buy the limited amount of time and space in these limited channels of expression in order to advocate in a one-sided manner the views which they themselves desire to promote. Shall this mode of expression be sold to the highest bidder? If carried to the logical extreme, how then can the millions of the public constituting the radio audience be assured of receiving the complete and balanced discussions of public issues which they are entitled to receive. The least freedom exists in those countries today where only limited groups of powerful individuals can utilize the radio waves with absolute freedom.

It is worthy of repetition that both sides in public controversies should be heard; that there should be as full and complete a discussion of public issues as the time and facilities will permit. In turn, it must follow that no single powerful person or group should be able through the exercise of economic or other power to present only their side of controversial issues, and through the exercise of the same power exclude the other side from the radio channels.

I have no particular brief for any detailed form of rule. It may well be that in the light of experience, the rule need be changed in some particulars, with a view to assuring the public that it does have full opportunity to hear full, free and two-sided discussions of all the great issues. Radio as a social force can only move along the line of giving to the public the fullest and freest expression of information, comment and opinion on all the great problems. Under the true system of democracy it can never be made available exclusively to the limited and powerful group who will present only their own side of any issue.

It should be borne in mind that the Government does not license the radio station itself because it thinks that the owner has any legal right to be heard. The real reason the station is permitted to operate is because of

the service which that station undertakes to give to all of you—the radio audience. I repeat, *that* much is basic.

And I venture to repeat that all of us who are concerned with this problem should move into the field conscious of the needs for self-limitation. No one of us is qualified to claim the power finally to adjudge the issues and to lay down an arbitrary and unchanging rule of conduct. It is a field where tolerance is essential. It is a field that should be subject to continual review in the light of experience. And it is a field where proper rules of conduct, voluntarily and deliberately self-imposed, should be given a fair opportunity to demonstrate whether or not, in actual practice, they will promote the public interest.

SWEENEY SURVEY

Representative Martin L. Sweeney, Democrat, of Cleveland, Ohio, in a speech prepared for delivery in the House on Friday, October 27, said that the FCC's action denying 500 kw. power to clear channel stations was "arbitrary, unwarranted and capricious."

Mr. Sweeney said that the decision in the WLW case "meant that people living in rural areas in many states in the United States would be left with poor, and in a great percent of the instances, without any satisfactory radio reception."

To prove his point, Mr. Sweeney said he had sent cards to 25,000 rural box holders in Louisiana, Kentucky, Michigan, Florida, Virginia, Kansas, Missouri, West Virginia, Alabama, North Carolina, Mississippi, Ohio, Indiana, Arkansas, "asking them to select the first four stations of their choice." He received a 10 per cent return.

The tabulated results will be sent to any member upon request.

CODE SPEAKERS

David Lawrence, noted newspaper columnist, will discuss the NAB Code in a CBS broadcast, Sunday, October 29, at 1:35 p. m., Eastern Standard Time.

The following Sunday, Edgar Bill, WMBD, chairman of the code committee, is scheduled to speak.

Neville Miller, NAB president, talked last Sunday. Copies of his talk are being sent to all members. Additional copies are available at headquarters.

MILLER ADDRESSES ADVERTISERS

Neville Miller made the following remarks at the annual convention of the Association of National Advertisers in Hot Sulphur Springs, Va., on October 27. A complete account of the radio aspects of the convention will appear in next week's REPORTS.

I accept the invitation to speak here today with a great deal of interest. The subject of advertising research has been called especially to my attention during the last year and a half. The

plan for reorganization of the National Association of Broadcasters, which created the position with the Association I fill, detailed a comprehensive research campaign to be undertaken. In the time since I accepted the presidency of the NAB, July 1st of last year, the problems of the broadcasting industry have been such that I have not been able to give the subject of industry research the attention which is its due. You can realize, I am sure, the personal problem I have had to acquaint myself with the radio industry which is but little more than fifteen years old but which has grown during that short period to a commanding position in the advertising fraternity. During the past year I have had to assume the role of student to acquaint myself with the nature of the broadcasting industry in order that I may understand its problems.

It has been a real pleasure for me to hear, this morning, the discussions of the research problems of other media. I feel that you have contributed materially to my educational needs for leadership in my industry. When you compare the time it took to develop radio into an advertising medium with the development of printing into an advertising medium, I think you will realize that there are many things in our industry which make it different from other media and yet there are certain factors which are the same.

From my observation the radio industry has been acutely conscious of research value. It is only natural that it should be, since radio, because of its physical characteristics, does not lend itself to caliper measurement such as the distribution of publications. A scientific approach to a like measurement for radio, however, is enshrouded in the mysticism of such variables as "wave propagation," "attenuation characteristics," "noise level" and "ionospheric reflection." Under such conditions, I am sure you can readily appreciate that some alternative measurement might logically be attempted. And so, to date broadcasting has not developed a standardized measurement of circulation, nevertheless, devices for more exacting measurement have been developed. I would like to say, with due modesty, that I believe radio through its pioneering research, has to some extent been responsible for stimulating more concerted thought on the entire field of advertising research. Certainly your own endeavor, the Cooperative Analysis of Broadcasting, has set a pace in advertising research in its implication of social acceptance of the individual vehicles of advertising messages.

Before touching on the subject of research let me give a thumb nail picture of the major problems confronting radio in which you have an interest. At the first of this month there were 743 stations operating in the United States and its possessions and the Federal Communications Commission has granted permits for the construction of 57 more which will bring the count to 800 stations. The operation of radio broadcasting stations is limited to frequencies between 550 and 1600 kilocycles by international agreement and Federal decree. In the early days of broadcasting, pandemonium reigned because each station operator could select any frequency he desired and begin broadcasting. Radio itself appealed for assistance and the federal government answered the call, volunteering to act as the traffic officer to our industry. The radio law was written and the Federal Radio Commission created which has since become the Federal Communications Commission when the law was expanded to regulate all communication within one commission.

Government regulation and the radio law which creates this regulation have established a peculiar characteristic in our industry. There can be no argument that all advertising is contingent upon public acceptance in some degree. Radio as an advertising medium has always been fully conscious that its advertising worth is fully dependent upon its ability to reach people. Radio is unique among advertising media in that by law it is required to command public acceptance. The law reads that each broadcaster must serve in "public interest, convenience and necessity."

Surrounding the charge by national law that broadcasting be carried on in "public interest," the broadcasting industry has been conscious for some time of a need for self-regulation. The term, "Interest, convenience and necessity" has never been legally defined. There has existed a constant question as to what proper definition there could be since the radio law definitely denies the right of censorship in regulation.

In the late summer of last year the Association tackled the problem of self-regulation. Our approach to the problem has been with recognition of the social significance of radio broadcasting in the national life. We believe that broadcasters have sufficient experience in serving the public to share 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 through-

out the length and breadth of American radio. At our annual Convention last July the membership of our Association adopted a new Code which became effective on the first of this month. This Code, conceived in public interest is a step forward in improving radio's value to the public and, perforce, radio's value to you as an advertising medium. I realize as you do that any Code is only as good as the will and determination of the parties to it live up to its provisions, for after all, it is not good intentions but rather good actions that count.

Another problem of the broadcasting industry is that of music copyright, one which has been troublesome from practically the beginning of radio. You have read undoubtedly in trade publications and in the press, comments on the industry's action in its attempt to deal with the American Society of Composers, Authors and Publishers. We have stated frequently that we realize the value of music to broadcasting and that broadcasters are ready and willing to pay a fair and reasonable price for the use of music. The present contracts with the American Society of Composers, Authors and Publishers require stations to pay 5% of their receipts from the sale of station time, paying on revenues derived from the sponsorship of dramatic shows, news broadcasts, sports broadcasts and many other broadcasts where not one note of ASCAP music is played; and also on programs which contain music but which is not ASCAP music. We are now able to take a strong and fair stand on the ASCAP matter. This problem is of interest to you because music copyright is one of the major items of cost in broadcasting. Last year our bill to ASCAP alone was just short of \$4,000,000 and this does not take into account the license fees paid to the Society of European Stage, Authors and Composers, Associated Music Publishers, Inc., Ricordi and Company, and other music licensing organizations. Experience in the past has been that upon the expiration of each contract the demand from broadcasters for music fees is raised higher and higher. We must put the brakes on our rising costs.

These are but the top rank of the many problems which have confronted the Association during the past year and which in turn have absorbed my attention. Coming back to the problem of industry research; I have experienced an increasing awareness of the industry's needs for basic information on radio as an advertising medium. I must hasten to point out, however, that our research needs are not confined to advertising values. The research which we undertake must be so conceived to develop broad information on the social significance of broadcasting, an industry having its economic base in advertising. The National Association of Broadcasters recognized sometime ago its advertising research needs and from this realization sprung the cooperative undertaking known as the Joint Committee on Radio Research in which your Association, the American Association of Advertising Agencies and NAB undertook to make some fundamental studies on radio research methods. The Joint Committee has had some real progress to report, however, it has not as yet reached definite conclusions. The work of the Joint Committee has naturally been affected by the trials of reorganization within my own Association.

I am in full accord with the original concept which brought the Joint Committee on Radio Research into existence. That concept in which the parties interested (in this case buyers, agents and sellers of broadcast advertising) join in seeking a solution to the problem of furnishing intelligent and accurate basic information, acceptable to all three parties.

I can report real progress on one store of basic information which was included in the scope of studies under Joint Committee consideration. I refer to the number and distribution of radio sets. The Assistant Director of the Census recently stated that, in connection with the Census of Housing, the question will be asked whether each household is equipped with a radio. The Housing Census is contingent upon Congressional appropriation in the first deficiency bill due for consideration early in January. However, there is every indication that the necessary funds will be appropriated. This basic information is of great significance to the broadcasting industry. It is included in the Census largely by request of the Federal Communications Commission. It is expected that in addition to reports by counties and cities the information will be presented by family income classes and perhaps by educational indices. I fully realize that the inclusion of this count in the Census will not eliminate the problem for future years of determining the change since Census date. I am informed that this second Census report will constitute a statistical refinement in the processes of estimating which should simplify the problem.

It is my sincere hope that the NAB can soon resume the approach to the broadcasting industry research problem. In this connection I feel that we can look to the Advertising Research Foundation

for support since the basic objectives of the Joint Committee on Radio Research are essentially the same as those of your Foundation. The duplication of personnel on your Board of Directors and the Joint Committee should simplify the contact between these two worthy enterprises and there should be no problem in advancing this cooperative undertaking.

FREC "SERVICE BULLETIN"

The "Service Bulletin," new organ of the Federal Radio Education Committee, will make its appearance within the next week or ten days.

The "Bulletin" is the first of several activities of both immediate and long range purpose planned by the Committee to further the interest of education through the cooperation of educators and broadcasters. Its four primary functions will be to serve as a clearing house for ideas, suggestions, and comment in the field of radio education; to serve as an authoritative source for information about the Committee and its program; to present news of the results of research, experimentation and fact-finding surveys in the field of radio education; and to provide a means through which broadcasters may keep informed of the activities of educators, and educators may keep informed of the activities of broadcasters, in so far as their interests meet in the field of radio education.

Kenneth Jones, who edits the "Bulletin," has just been appointed Director of Information of the Federal Radio Education Committee. He comes by way of Station WHAS, Louisville, Kentucky, and previously was Publicity Director of the Louisville Community Chest, and Executive Secretary of the National Committee on Public Education for Crime Control, of New York City.

MR. R. J. WASMUND, "TELL"

Done Searle, general manager of KOIL, Omaha, reports that a Mr. R. J. Wasmund is carrying an unauthorized letter from him, endorsing a plan for publicizing radio programs in the magazine "Tell." Mr. Searle asks any member hearing anything about this to get in touch with him.

PAUL WHITEMAN APPEAL

All parties in the RCA-Paul Whiteman-WNEW case have appealed from the decision handed down July 15 by United States District Judge Vincent L. Leibell in the Southern District of New York (See NAB REPORTS, Vol. 7, No. 29, p. 3608-9, July 21).

On October 20, Whiteman appealed from the decree entered in the case, except that part that was favorable to him. On October 23, RCA appealed from that part of the decree that was favorable to Whiteman and from the failure of the decree to award RCA a common law property right in records by virtue of the technical skill in the manufacture of the records. On October 25, Stuart Sprague, in behalf of WNEW, appealed from so much of the decree as affected the station.

Decision in WMCA Case

The FCC, by unanimous decision of its seven members, this week entered an order in the case of Station WMCA, New York City, owned by the Knickerbocker Broadcasting Company, Inc., which was heard September 27, 1939, for alleged interception and broadcasting of secret radio communications of the Governments of Germany and Great Britain in violation of Section 605 of the Communications Act.

After reciting the facts in the case, as it found them, the FCC said:

That the broadcasting of the substance of the messages described runs counter to the provisions of Sec. 605 of the Communications Act admits of little doubt. The evidence in this case shows conclusively that the messages in question were important orders of the governments of Germany and Great Britain, respectively; that they were to govern important ship movements in anticipation of, and perhaps during war; that they were addressed communications, albeit to multiple addresses; that they were intercepted without the authority of the senders; and that WMCA knowing that the messages had been obtained by means of interception, broadcast the substance thereof from its station. This conduct of the station must be viewed in the light of the great international stress then prevailing and of the special duty of American broadcasters, who are licensed for the purpose of serving the public interest, to conduct their operations with a corresponding degree of care.

While, as has already been pointed out, the specific statutory prohibition now before us applies generally, a violation of it by a holder of a radio broadcast license must command our special attention. Especially is this true since there threads throughout the statute both generally and specifically the notion that broadcasters perform of law undertake to serve the public interest. The legal concept of public interest is not different in time of crisis although its factual content may vary from time to time as the public necessarily and properly shifts the emphasis of its concern from one predominant fact to another.

Apart from the broadcasts of the station and the inadequate response to the Commission's order to show cause, the irresponsible actions of the licensee in connection with the full-page advertisement quoted above warrant comment. Regardless of the legality of such advertising as a trade practice it raises a question as to the character and responsibility of the management in the light of its obligation to operate the station in the public interest. More than honesty is at stake. The advertisement creates the possibility that competing broadcast stations will be drawn toward the same line of illegal broadcast activity boasted by this station. The President of the licensee corporation, Donald Flamm, admitted that the statements the station quoted from the George Ross column were false and that although he examined the "layout" of the advertisement, neither he nor anyone else in his organization made any investigation or gave consideration to the question as to truth of the representations. When asked what disciplinary action had been taken in this connection Flamm replied merely that he had given directions that all future advertisements were to be submitted to the attorney for the station.

By their conduct throughout this chain of events—the broadcast, the advertisement to the industry, the evasive written response to the Commission's order, the uncandid character of their oral testimony—Flamm and his co-executives managed to create a question as to their possessing any substantial sense of responsibility to the public or the ability to recognize even roughly the public interest properly involved in the operation of a broadcast station. Just as it may be a powerful instrumentality for public good, so a broadcast station has potentialities of causing great public harm, and it is accordingly imperative that the limited broadcast channels belonging to the public should be entrusted to those who have a sense of public responsibility.

On behalf of the licensee it is recognized that the broadcasts in question occurred during a period of unusual activity in the gathering and dissemination of news of special interest to the public. Speed in transmitting through the air news flashes bearing

on the European crisis was assumed to be of the essence of this and other stations' service. The same international stress which made the conduct grave created the urge to scoop the other stations. As was recognized broadly, new and important problems in connection with radio broadcasting arose from the war crisis. Under these circumstances the Commission will assume that these particular broadcasts were provoked by the occasion and are not necessarily indicate of more widespread infractions in the course of this station's broadcast activities.

After consideration of the record and all the attendant circumstances in this matter, the Commission is of the opinion that an order of revocation need not be entered at this time. On the whole, however, grave doubt has been cast upon the licensee's qualifications to operate its station in a manner consistent with the public interest. Accordingly the record made in the different phases of this proceeding must be of cumulative weight in determining the disposition to be made upon any future examination into the conduct of this station.

FCC APPOINTS BOSTON MAN AS ASSISTANT TO FLY

The Federal Communications Commission today announced the appointment of Nathan H. David of Newton Highlands, Mass., as Assistant to the Chairman, James Lawrence Fly.

Mr. David was born at Somerville, Mass., on August 1, 1913. He was graduated from Yale University in 1934 magna cum laude and stood fourth in his class when graduated from Harvard Law School three years later.

Since 1937 Mr. David has been associated with the Boston law firm of Burns and Brandon, (John J. Burns was formerly General Counsel of the Securities and Exchange Commission). He assisted in the preparation of evidence and law in support of New England's position in the Southern Governors' Rate Case. He has also specialized in work involving the Securities Act, the Exchange Act, the Public Utilities Holding Company Act, the Fair Labor Standards Act, the Labor Relations Act, and motor vehicles regulations.

FCC ORDERS LICENSE REVOKED

The FCC has announced issuance of an order for revocation of license of Station WSAL at Salisbury, Maryland, and ordered hearings on renewal of licenses for stations WBAX at Wilkes-Barre, Pennsylvania, and WQDM, at St. Albans, Vermont.

The WSAL license revocation is effective November 13, 1939, unless the licensee applies for a hearing, in which case it will stand suspended until decision of the Commission following such hearing.

Stations WBAX and WQDM have been granted temporary licenses pending hearing.

On January 13, 1938, Frank M. Stearns was licensed to operate station WSAL, daytime hours on 1200 kc, with 250 watts. He was held to have made false and fraudulent statements and failed to make full disclosure to the Commission concerning the financing of station construction, equipment used, and ownership, management, and control, facts which would have warranted refusal to grant construction permit and station license had they been known

to the Commission. It further appears that the rights granted under the terms of the license have, without the Commission's written consent, been transferred, assigned or otherwise disposed of by the licensee, in violation of the Communications Act of 1934, as amended. There was evidence that Glenn D. Gillett, mortgagee, has been in actual control of the station, the FCC said.

Gillett is also in apparent control of stations WBAX and WQDM, in violation of Section 310 (b) of the Act, the FCC said. License for WBAX, (1210 kc, 100 watts, unlimited time) is in the name of John H. Stenger, Jr. That for WQDM (1390 kc, 1 KW, day) is held by E. J. Regan and F. Arthur Bostwick.

LA GUARDIA CASE HEARD

Mayor La Guardia and a number of other witnesses appeared this week before a special committee of three members of the Federal Communications Commission. The committee consisted of Commissioner Case, as chairman, and Commissioners Craven and Payne.

The hearing dealt with the matter of amendment to rules 177 and 177.1 to allow domestic municipally owned stations to rebroadcast the programs of international high frequency stations.

Among appearances were included: Mayor La Guardia and representatives of the National Committee on Education by Radio, Westinghouse Electric and Manufacturing Company, American Federation of Musicians, World-Wide Broadcasting Corporation, and National Broadcasting Company.

The first witness was Mayor La Guardia himself. He presented a statement explaining that Station WNYC owned and operated by the City of New York would like to pick up on a receiver the short wave of the international broadcast Station WRUL (until recently W1XAL) and retransmit them in the regular broadcast band from WNYC. He pointed out that, as a layman, he could not understand why he is permitted to rebroadcast international programs originating abroad but not those originating in this country, and went on to say that non-commercial stations should be given this privilege. He stated that there were not enough non-commercial stations in this country. There ought to be, he thought, at least one non-commercial to every commercial station in operation.

Mr. Novik, Director of WNYC expanded the statement of Mayor La Guardia and gave some information on the cost of operation of a non-commercial station. The annual cost of operating WNYC is \$110,000. No money is spent on programs except to buy records and transcriptions. Live programs are apparently provided free of cost. Mr. Novik estimated that the WNYC programs would cost a commercial station about \$500,000 annually.

Other witnesses were Mr. Schooley of the National Association of Educational Broadcasters, Mr. Walter

Lemon of WRUL, Professor Elliott of Harvard. All these expressed their belief that the rebroadcast of international programs without the cost of telephone lines or the delay of making and sending transcriptions would be of great benefit to the American listener. Mr. Lemon explained the feasibility of such a procedure, and expressed the desire to carry it out for a short period experimentally.

Mr. Ring of the FCC explained the difficulties of obtaining reliable reception in the United States and stated that the cost of a receiver and antenna for rebroadcast would amount to several thousand dollars. Mr. Novik had stated he expected to spend one thousand dollars on the receiving equipment for WRUL.

COURT DISMISSES WCOP APPEAL

Court of Appeals of the District of Columbia this week dismissed the appeal of WCOP, Boston, which was companion to the Yankee Network case (see NAB REPORTS, Aug. 25, p. 3676).

In this case, WCOP appealed from a decision of the Federal Communications Commission granting the application of WMEX for a construction permit to operate on 1470 kilocycles, 5000 watts, unlimited time, using a directional antenna. The appeal was made by WCOP because of the failure of the Commission to find and conclude that the financial and economic interests of that station would be adversely affected by the granting of the application of WMEX.

FEDERAL COMMUNICATIONS COMMISSION

FCC FINAL ORDERS

The Federal Communications Commission this week announced a final order granting the application of the Spartanburg Advertising Company for a new station in **Spartanburg, South Carolina**, to operate on **1370 kilocycles**, 100 watts night, 250 watts until local sunset, unlimited time. Commissioner Payne did not participate.

The Commission also entered final order granting the application of KRSC, **Seattle, Washington**, for a construction permit to make changes in transmitting equipment, move transmitter site, and increase power of station from 250 watts to 1,000 watts, operating on **1120 kilocycles**, unlimited time. Chairman Fly and Commissioner Payne did not participate.

The Commission denied the application of the Moody Bible Institute Radio Station, **Chicago, Illinois**, for a

permit to construct a new non-commercial educational broadcast station to operate on **41,300 kilocycles**, 100 watts power, unlimited time. Commissioner Payne did not participate.

The Commission granted the application of the Saginaw Broadcasting Company for a new station at **Saginaw, Michigan**, to use **1200 kilocycles**, 100 watts night, 250 watts LS, with specified hours of operation; and the application of Gross and Shields for a new station at **Saginaw** to operate on **950 kilocycles**, 500 watts, daytime hours. Commissioner Payne did not participate.

The Commission also entered a final order granting the application of the Greater New York Broadcasting Corporation for a license to operate a broadcast station in **New York City** on **1100 kilocycles**, 5,000 watts, unlimited time. Station WPG, **Atlantic City, New Jersey**, which now operates on **1100 kilocycles**, 5,000 watts, sharing time with WBIL, **New York City**, will cease to operate in **Atlantic City** and WOV **New York City**, now operating on **1130 kilocycles**, 1,000 watts power, will also cease operation and instead a station will operate in **New York City** on **1100 kilocycles**, 5,000 watts, unlimited time. Commissioner Payne did not participate.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, October 30. They are subject to change.

Monday, October 30

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

Thursday, November 2

Oral Argument Before the Commission

Report No. B-74:

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 kc.**, 1 KW, unlimited time. Present assignment: **1390 kc.**, 1 KW, unlimited time.

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

FUTURE HEARINGS

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

November 20

Further Hearing

- NEW—Sanfeliz Enrique Abarca, San Juan, P. R.—C. P., 580 ke., 1 KW, 5 KW LS, unlimited time.
NEW—United Theatres, Inc., San Juan, P. R.—C. P., 580 ke., 1 KW, 1 KW LS, unlimited time (DA day and night).

November 27

- WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, 1180 ke., 1 KW, limited time (KEX and KOB).
KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 ke., 100 watts, daytime.
WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, 1200 ke., 100 watts, unlimited time. Present assignment: 1200 ke., 100 watts, specified hours.

December 11

Hearing Before Commissioner Case

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

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts.
W2XAG—Carman R. Runyan, Jr., Yonkers, N. Y.—Granted modification of license of developmental broadcast station to change classification to high frequency broadcast and change frequency to 117190 ke.; 5 KW power.
WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted modification of C. P. to make changes in equipment, increase power from 100 watts to 250 watts, unlimited time; also extension of commencement date to 10 days after grant and completion date to 15 days thereafter.
WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts, unlimited time.
NEW—McNary & Chambers, Bethesda, Md.—Granted C. P. (Craven, Commissioner, not participating) for new high frequency broadcast station to operate on frequency 42600 ke., with 100 watts, special emission, for frequency modulation.
WTMV—Miss. Valley Broadcasting Co., Inc., East St. Louis, Ill.—Granted authority to transfer control of corporation from Lester E. Cox to William H. West, Jr.
KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Granted extension of special experimental authority for a period of three months from November 1, 1939, for facsimile broadcasting from 12 o'clock midnight until 6 a. m., PST.
WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted modification of license to change hours of operation from daytime to unlimited, using 100 watts power.
WGRM—P. K. Ewing, Grenada, Miss.—Granted modification of license to increase nighttime power from 100 to 250 watts.
KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Granted modification of license to increase nighttime power from 100 to 250 watts.
KXL—KXL Broadcasters, Portland, Ore.—Granted modification of license to increase nighttime power from 100 to 250 watts.
WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland and A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—Granted modification of license to increase nighttime power from 100 to 250 watts.
KLCN—Charles Leo Lintzenich, Blytheville, Ark.—The Commission set aside its action in designating for hearing the application of KLCN for renewal of license, scheduled to be

heard on November 3, and granted same. Also granted license to cover C. P. authorizing move of transmitter locally, installation of vertical radiator and new equipment.

- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted authority to determine operating power by direct measurement of antenna input.
KGN0—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Present license extended on a regular basis.
WHP—WHP, Inc., Harrisburg, Pa.—Present license extended on a regular basis.
KINY—Edwin A. Kraft, Juneau, Alaska.—Present license extended on a regular basis.
KLO—Interstate Broadcasting Corp., Ogden, Utah.—Present license extended on a regular basis.
KLPM—John B. Cooley, Minot, N. Dak.—Present license extended on a regular basis.
KRCL—H. E. Studebaker, Lewiston, Idaho.—Present license extended on a regular basis.
KXYZ—Harris County Broadcast Co., Houston, Tex.—Present license extended on a regular basis.
WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Present license extended on a regular basis.
WING—WSMK, Inc., Dayton, Ohio.—Present license extended on a regular basis.

DESIGNATED FOR HEARING

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

- NEW—William F. Huffman, Wisconsin Rapids, Wis.—Application for new station to operate on 1310 ke., 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.
NEW—Joe W. Engel, Chattanooga, Tenn.—Application for new station to operate on 1370 ke., with 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.
NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—Application for new station to operate on 1370 ke., 100 watts night, 250 watts day, unlimited time. Exact transmitter site to be determined (Rossville, Ga.) and type of antenna with Commission's approval.
NEW—Valley Broadcasting Co., West Point, Ga.—Application for new station to operate on frequency 1310 ke., 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
KIEV—Cannon System, Ltd., Glendale, Calif.—Designated for hearing the application for renewal of license for station KIEV, upon the following issues: (1) to determine the nature and character of program service rendered; (2) to determine whether the station's program service has been and is now in conformity with the representations made to the Commission in support of the original application for C. P. or license, and all subsequent applications, by licensee; (3) to determine whether statements made to the Commission in financial reports submitted by licensee for the calendar years 1937 and 1938 and various applications for renewal of license, with particular reference to expenditures for program service and talent, are true and correct; (4) to determine whether or not the Cannon System, Ltd., has been at all times and is now exercising actual control of the operations of KIEV; and (5) to determine whether the granting of this application and continued operation of the station will serve public interest, convenience and necessity. A temporary license was granted for the period November 1, 1939, to February 1, 1940, pending hearing, and subject to whatever action may be taken upon the renewal application.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period: WBNS, Columbus, Ohio; WCBA, Allentown, Pa.; WBBR, Brooklyn, N. Y.; WEVD and auxiliary, New York, N. Y.; WGAR, Cleveland, Ohio; WGES, Chicago, Ill.; WHBL, Sheboygan, Wis.; WHIP, Hammond, Ind.; WHIS, Bluefield, W. Va.; KID, Idaho Falls, Idaho; WKBH, La Crosse, Wis.; WMBD, Peoria, Ill.; WMBG and auxiliary, Richmond, Va.; WMPS, Memphis, Tenn.; WORK, York, Pa.; WROK, Rockford, Ill.;

WSAI, Cincinnati, Ohio; WSAW, Allentown, Pa.; WSBT, South Bend, Ind.; WVFV, Brooklyn, N. Y.; KELA, Chehalis, Wash.; KGIR, Butte, Mont.; KGNF, North Platte, Nebr.; KIEM, Eureka, Calif.; KOMA, Oklahoma City, Okla.; KMO, Tacoma, Wash.; KOY, Phoenix, Ariz.; KTBS and auxiliary, Shreveport, La.; WBIG, Greensboro, N. C.; WIRE and auxiliary, Indianapolis, Ind.

The present licenses of the following stations were extended on a temporary basis only pending determination upon the application for renewal of license, for the period ending December 1, 1939: WHK, Cleveland, Ohio; WCKY, Covington, Ky.; WCSC, Charleston, S. C.; WHEC, Rochester, N. Y.; WSMB, New Orleans, La.; KFAC, Los Angeles, Calif.; KRIS, Corpus Christi, Tex.; WBNS, Columbus, Ohio (auxiliary); WGAR, Cleveland, Ohio (auxiliary).

The present license of the following station was extended on a temporary basis only pending receipt of and determination upon the application for renewal of license, for the period ending December 1, 1939: KGCX, Wolf Point, Mont.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: KFQD, Anchorage, Alaska.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: WNEL, San Juan, P. R.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: WBHP, Huntsville, Ala.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: KGBU, Ketchikan, Alaska.

The following stations were granted renewal of international broadcast station licenses for the regular period: WCBX and auxiliary, New York, N. Y.; WLWO, Cincinnati, Ohio; KGEI, San Francisco, Calif.; WGEA, Schenectady, N. Y.; WGEO, Schenectady, N. Y.; WNBI, New York, N. Y.; WRCA, New York, N. Y.; WBOS, Boston, Mass.; WPIT, Pittsburgh, Pa.; WRUL, Boston, Mass.; WRUW, Boston, Mass.

The present licenses of the following international broadcast stations were extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: WDJM, Miami, Fla.; WCAB, Philadelphia, Pa.

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

WABG—Memphis Commercial Appeal Co., Portable-Mobile.—Present license for relay broadcast station was further extended upon a temporary basis only, until December 1, 1939, pending determination upon application for renewal.

MISCELLANEOUS

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with Station KOA from 6:45 p. m. to the conclusion of the University of Florida v. University of Miami football game on November 18, 1939.

KVAK—Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate additional time on October 21 and 27, 1939, in order to broadcast football games only.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate additional time on November 4, 1939, in order to broadcast Alfred University v. St. Lawrence University football game only.

KNET—John Calvin Welch, William M. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Association, Palestine, Tex.—Granted special temporary authority to operate additional time on October 20, 27, November 3 and 11, 1939, in order to broadcast Palestine High School football games only.

W2XBT—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate television broadcast station (experimental) W2XBT on the frequency band 156-162 mc., for the period beginning November 11, 1939, to December 10, 1939, pending adjustment of the license to conform with the provisions of Section 4.74.

WRCA-WNBI—National Broadcasting Co., New York, N. Y.—Granted extension of special temporary authority to transmit programs consisting of Spanish news to be rebroadcast by Cuban Stations CMX and COCX, for the period October 28, 1939, to November 26, 1939.

WSBT—The South Bend Tribune, South Bend, Ind.—Granted motion for continuance of hearing from November 14, indefinitely, in re application for C. P. to change frequency and time of operation.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted petition to accept amendment to application so as to request a change in frequency to 630 kc., with 5 KW power both day and night.

NEW—Broadcasting Corp. of America, Riverside, Calif.—Granted authority to take depositions in re application for new station.

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—Granted without prejudice to the filing of petitions to intervene by WFIL and WIS, motion to strike appearances of stations WFIL and WIS, in re application of WABI for C. P. to change frequency and power.

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—Denied motion to vacate order and dismiss station WLBZ, Maine Broadcasting Co., Intervener, in re above application for C. P.; exception noted by counsel for WABI.

KNOW—Frontier Broadcasting Co., Inc., Austin, Tex.—Granted modification of C. P. to make changes in equipment, approval of transmitter site and installation of vertical radiator.

WSPB—WSPB, Inc., Sarasota, Fla.—Granted modification of C. P. approving studio and transmitter site, installation of new equipment and vertical radiator.

KUIN—Southern Ore. Broadcasting Co., Grants Pass, Ore.—Granted modification of C. P. approving studio and transmitter sites and installation of vertical radiator.

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted authority to determine operating power by direct measurement of antenna input.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted license to cover C. P. authorizing new equipment, move of transmitter locally, installation of vertical radiator and increase in power to 250 watts, unlimited time.

WEHL—Community Broadcasting Service, Inc., Bangor, Me.—Granted modification of high frequency relay broadcast station license to change frequencies to 1622, 2058, 2150 and 2790 kc.

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted modification of C. P. for approval of transmitter and studio sites, and installation of vertical radiator.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted modification of C. P. extending completion date to January 1, 1940. Also granted modification of license to increase night power of auxiliary transmitter from 100 to 250 watts.

WBRK—Harold Thomas, Pittsfield, Mass.—Granted authority to determine operating power by direct measurement of antenna input.

KVEC—The Valley Electric Co., San Luis Obispo, Cal.—Granted authority to determine operating power by direct measurement of antenna input.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input.

WHB—WHB Broadcasting Co., Kansas City, Mo., Portable-Mobile.—Granted C. P. for new low frequency relay broadcast station; frequencies 1622, 2058, 2150, 2790 kc., unlimited, 100 watts.

KFRO—Voice of Longview, Longview, Tex.—Granted modification of C. P. to move transmitter site, install new equipment and make changes in antenna system; extend commencement date to 60 days after grant and completion date to 180 days thereafter.

W3XDS—RCA Manufacturing Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate General Experimental Station W3XDS using frequency of 950 kc., with a power of 1 KW to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during the hours 2:00 to 7:00 a. m., EST, on Sundays, midnight to 5:00 a. m., EST, Mondays, and 1:00 to 5:00 a. m., EST, from Tuesday through Saturday, for the period October 23, 1939, to not later than November 21, 1939.

- KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period beginning October 21, 1939, and ending in no event later than November 19, 1939, pending settlement with Station KWLC and filing of application for installation of new equipment.
- WBRY—American-Republic, Inc., Waterbury, Conn.—Granted extension of special temporary authority to operate with the present two unit directional antenna in accordance with the experimental authority granted under license, for the period October 30, 1939, to not later than November 28, 1939, in order to determine necessary steps to change from a Special Broadcast to a Standard Broadcast Station.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate additional time to broadcast high school football games only on November 2, 3, 10, and 11, 1939.
- WGNY—Courier Publishing Corp., Newburgh, N. Y.—Granted special temporary authority to operate additional time on November 7, 1939, in order to broadcast election returns only.
- WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate additional time on November 4, 11, 18, 25, and 30, 1939, in order to broadcast football games only, as described in letter dated October 14, 1939.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate additional time on November 4, 11, 18, 25, 1939, in order to broadcast football games only.
- WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate additional time on night of November 7, and morning of November 8, 1939, in order to broadcast election returns only.
- KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 4:00 p. m. to 5:00 p. m., CST, on November 8, 15, 22, and 29, 1939, in order to broadcast children's services.
- WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Granted special temporary authority to operate additional time on November 11, 1939, in order to broadcast Michigan State v. Santa Clara University football game only.
- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Denied special temporary authority to operate with power of 250 watts night on 1310 ke., for a period not to exceed 30 days, pending change to frequency 1200 ke. power, 250 watts as authorized by grant of C. P. as modified.
- KEX—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate a portable MOPA 100 watts transmitter on frequency 1140 ke. in the vicinity of Portland, Oregon, for the making of transmitter site tests, during the daytime, for a period not to exceed ten days, from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station.
- NEW—Bureau of Education, A. Corenson Owner and Manager, Montebello, Los Angeles, Calif.—Adopted proposed findings (B-76), entered on September 13, 1939, denying the application for a new station at Montebello, California, to operate on the frequency 1420 ke. with power of 100 watts, hours of operation limited to daytime only. The order in this case is effective October 21, 1939.
- W9XAA—Chicago Federation of Labor, York Township, Illinois; KLS—Radio Service Corp. of Utah, Saltair, Utah.—Adopted proposed findings (B-53), entered on September 13, 1939, denying the application of the Chicago Federation of Labor for renewal of license and for consent to voluntary assignment of license to Radio Service Corporation of Utah; and dismissing the application of Radio Service Corporation of Utah for construction permit to change the station's equipment and location and increase power output to 10 KW. The order in this case shall become effective on October 24, 1939.
- WEJI—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to make changes in equipment of high frequency broadcast station, and reduce power to 0.25 watts. Also granted license to cover same.
- WEJL—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to make changes in equipment of high frequency broadcast station, and reduce power to 0.25 watts. Also granted license to cover same.
- KEJJ—National Broadcasting Co., Inc., Denver, Colo. (Portable-Mobile).—Granted C. P. to make changes in equipment of high frequency relay broadcast station, and add A1 and A2 type of emission.
- KEJK—National Broadcasting Co., Inc., San Francisco (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- KEJL—National Broadcasting Co., Inc., San Francisco (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- KEJA—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- WEJN—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to install new equipment and add A1 and A2 emission in high frequency relay broadcast station.
- WEJQ—National Broadcasting Co., Inc., Cleveland, Ohio (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- WEJW—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- KFOR—Cornbelt Broadcasting Corp., Lincoln, Neb.—Granted C. P. to make changes in composite equipment.
- WRUW—World Wide Broadcasting Corp., Hatherly Beach, Scituate, Mass.—Granted license to cover C. P. for local move of transmitter of International Broadcast station.
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted license to cover C. P. authorizing move of transmitter site, installation of new equipment and vertical radiator and increase in day power from 1 KW to 5 KW.
- KOVO—Citizens Voice & Air Show, Provo, Utah.—Granted license to cover C. P. authorizing new station to operate on 1210 ke., 100 watts night, 250 watts day, unlimited time.
- KMJ—McClatchy Broadcasting Co., Fresno, Cal.—Granted modification of C. P. approving transmitter site and installation of vertical radiator.
- WHA—Univ. of Wisconsin, Madison, Wis.—Granted modification of license to change name of licensee from University of Wisconsin to State of Wisconsin, University of Wisconsin.
- WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted modification of C. P. extending completion date to May 20, 1940.
- NEW—King-Trendle Broadcasting Co., Pontiac, Mich.—Denied petition for immediate consideration of its application for C. P. without further hearing. (The Commission on July 27, designated for further hearing the application for a new station to operate on 1440 ke., 250 watts, unlimited time.)
- WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Denied petition for review and request for reconsideration of the action taken in the motions hearing on September 8, 1939, in denying petitioners' opposition to petition of WOAX, Inc., licensee of WTNJ, Trenton, N. J., to accept an amendment to its application for modification of license, and motion to strike filed by licensees of WCAM and WCAP; and the Commission, on its own motion ordered the consolidation of Docket No. 5667 and amendment thereto, with Docket 5657 and amendments thereto, requesting the facilities of WCAP and WCAM.
- WALR—WALR Broadcasting Corp., Zanesville, Ohio.—The minute entry of the Commission's action of October 10, in granting increase in power for station WALR, was corrected to read as follows: "Increase power to 250 watts, unlimited time, *contingent upon the change of frequency of Station WCOL to 1200 ke.*"
- WCOP—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Granted motion for stay of the effectiveness of the Commission's action of October 10 in granting the application of WCOL for C. P. to change frequency from 1210 to 1200 ke. and use 250 watts full time, and suspended the same pending the filing by Scripps-Howard Radio, Inc., of a petition for hearing on or before the twentieth day from Oct. 10, and action upon such petition.
- KWLK—Twin City Brdcastg. Corp., Longview, Wash.—Granted special temporary authority to operate additional time on Nov. 3, 11 and 17, in order to broadcast football games only.
- KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico.—Granted extension of special temporary authority to operate unlimited time on 1180 ke., using 10 KW, employing DA system after sunset at Portland, Ore. (Oct. 5:30 p. m. and Nov. 4:45 p. m., PST), for the period Oct. 30 to Nov. 28.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on 1180 kc, using 5 KW, for the period Oct. 30 to Nov. 28.

WLEZ—The Norfolk Daily News, Norfolk, Neb.—Granted special temporary authority to operate equipment formerly licensed as relay broadcast station WLEZ on frequency 1622, 2058, 2150 and 2790 kc., 5 watts, without monitor, from 10 a. m. to noon CST on October 26, in order to relay broadcast Madison County Cornhusking Contest to radio station WJAG.

NEW—F. W. Meyer, Denver, Colo.—The Commission reconsidered its former action taken May 16, 1939, denying application for a new station in Denver to operate on 1310 kc., 250 watts day, 100 watts night, and designated the matter for Oral Argument to be held November 9, 1939.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate additional time on November 24, to broadcast football game only.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WCBX and WCAB over Station WKAQ, on a non-commercial experimental basis only, for the period October 31 to November 29, 1939.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted special temporary authority to operate on new directional antenna system as described in application for C. P. granted April 17, day and night for a period not to exceed 10 days, in order to make field intensity measurements, provided such operation shall cease immediately measurements are completed and shall not be resumed until proof of performance submitted and approved.

Columbia Broadcasting System, Inc., New York City.—Granted authority to transmit from Detroit and Dearborn, Mich., through K TSA, San Antonio, Texas, to the following Mexican radio stations the Ford Sunday Evening Hour program for the period ending January 7, 1940: XEQ and XEQQ, Mexico City; XET and XETT, Monterrey; XECZ, San Luis Potasi; XES, Tampico; XED and XEDD, Guadalajara; XEU, Veracruz, and XEME, Yucatan, via facilities of the American Tel. and Telg. Co. and La Compania Telefonica y Telegrafica Mexicana, S.A. and by rebroadcast.

APPLICATIONS FILED AT FCC

570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—C. P. to make changes in directional antenna, for night use only, and increase power from 1 KW; 5 KW LS, to 5 KW.

580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—License to cover C. P. (B2-P-2334) as modified for changes in equipment and increase in day power.

680 Kilocycles

KFEQ—KFEQ, Inc., St. Joseph, Mo.—C. P. to install new transmitter, directional antenna for day and night use; increase power from 500 watts, 2½ KW LS, to 5 KW; hours of operation from daytime (LS at San Francisco, Calif.) to unlimited time; and move transmitter from Pickett Road, 5¾ miles southeast of St. Joseph, Mo., to 5¼ miles north-northeast of St. Joseph, Mo. Amended to request DA for day and night use.

1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to change specified hours of operation on Sundays only from 8:30 to 9:30 a. m. to 9 to 10 a. m., CST.

1210 Kilocycles

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corporation, Detroit, Mich.—C. P. to install directional antenna for night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—C. P. to install new transmitter, increase power from 1 to 5 KW, using directional antenna at night.

1260 Kilocycles

WHL D—The Niagara Falls Gazette Publishing Co., Niagara, N. Y.—Modification of C. P. (B1-P-2210) for a new station, requesting approval of antenna and install new transmitter and for approval of transmitter site at Niagara, N. Y.

1310 Kilocycles

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Authority to transfer control of corporation from S. E. Adcock, and S. E. Adcock, Administrator of Estate of Ruth Adcock, deceased, to S. E. Adcock, 124 shares common stock.

WGTM—WGTM, Inc., Wilson, N. C.—C. P. to make changes in equipment and increase power from 100 watts to 250 watts.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P. to make changes in equipment, increase power from 100 to 250 watts.

1320 Kilocycles

WSMB—WSMB, Inc., New Orleans, La.—Modification of C. P. (B3-P-2398) for changes in antenna, further requesting changes in directional antenna and increase power from 1 KW, 5 KW LS, to 5 KW day and night; extend commencement and completion dates 30 and 90 days, respectively.

1370 Kilocycles

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Modification of C. P. (B3-P-2390) as modified to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, San Antonio, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—License to cover C. P. (B2-P-2405) for equipment changes.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1420 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

NEW—Worcester Broadcasting Corporation, San Diego, Calif.—C. P. for a new station on 1430 kc., 1 KW, 5 KW LS, unlimited time, facilities of KECA. Amended to request 1420 kc., 250 watts, and omit request for facilities of KECA.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1430 Kilocycles

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—C. P. for a new station on 1420 kc., 100 watts, 250 watts LS, unlimited time. Amended to request 1430 kc., 500 watts power, install vertical antenna, make changes in equipment, and specify transmitter site as Pacific Highway, outside city limits, North Everett, Wash.

1440 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Authority to determine operating power by direct method.

1500 Kilocycles

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

MISCELLANEOUS

NEW—National Broadcasting Co., Inc., area of Washington, D. C.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A1, A2, A3.

NEW—National Broadcasting Co., Inc., area of Cleveland, Ohio.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 0.25 watts, A-3.

NEW—National Broadcasting Co., Inc., Cleveland, Ohio.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A-3.

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A1, A2, A3.

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 0.25 watts, A-3.

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 2 watts, A-3.

NEW—National Broadcasting Co., Inc., area of San Francisco, Calif.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A1, A3, and A2.

NEW—National Broadcasting Co., Inc., area of Denver, Colo.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A-3.

NEW—Edwin A. Kraft, area of Juneau, Alaska.—Construction permit for new relay broadcast station on 1622, 2058, 2150 and 2790 kc., 50 watts power, A-3.

XXXX—Columbia Broadcasting System, Inc., Authority to transmit programs (Ford Sunday Evening Hour program) from stations at Detroit and Dearborn, Michigan, through station KTSA, San Antonio, Texas, to foreign stations in Mexico: XEQ, XEQQ, XET, XETT, XECZ, XES, XED, XEDD, XEU and XEME, for 13 weeks, 10-15-39 to 1-7-40.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—C. P. for new relay broadcast station on 33380, 35020, 37620, 39820 kc., 2 watts power. A-3.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—C. P. for relay broadcast station on 33380, 35020, 37620, 39820 kc., 2 watts power. A-3.

W8XVC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—modification of C. P. (B2-PFB-15) to extend commencement and completion dates from 11-6-39 and 5-6-40 to 5-6-40 and 11-6-40.

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 LaFrance & Foamite Industries, Inc.—See Walter Kidde & Co., Inc.

C-O-Two Fire Equipment Co.—See Walter Kidde & Co., Inc.

Fyrout Company, Inc.—See Walter Kidde & Company, Inc.

Harmony Centre—In a complaint Jessie F. Springer, trading as Harmony Centre, 604 West 112th St., New York, was charged with disseminating misleading representations in the sale of a book "The Grape Cure," formerly distributed under the title "The Grape Cure (How I Cured Myself of Cancer)". The book allegedly tells how its author, Johanna Brandt, cured herself of cancer through the use of a method based on the use of grapes.

The method described in the book, it is allegedly claimed by the respondent, will cure or rid one of cancer and practically all other diseases, ailments and conditions which may afflict the human body. Further representations made by the respondent are that salt, inorganic drugs, and patent medicines cause cancer; that poisons result from using aluminum vessels, and that most

diseases originate in the intestines and are caused by poisons due to uneliminated waste.

According to the complaint all such representations are false, for in truth, the system outlined in the book, "The Grape Cure," is not an effective treatment for the diseases named by the respondent; salt, inorganic drugs, and patent medicines do not cause cancer; poisons do not result from the use of aluminum vessels, nor do most diseases originate in the intestines nor are they due to uneliminated waste. (3933)

Hollywood Racket Manufacturing Co., Inc.—A complaint has been issued against Hollywood Racket Manufacturing Company, Inc., 7462 Melrose Ave., Hollywood, Calif., alleging misleading representations in the sale and distribution of tennis, badminton and squash rackets.

According to the complaint, imported Japanese racket frames bearing the mark "Made in Japan" are lacquered, supplied with a leather grip and strung by the respondent, in which processes the mark "Made in Japan" is obliterated and concealed, and in this condition the rackets are sold to the public. It is further alleged that the respondent stamps on such rackets the legend "Hollywood Racket Mfg. Co.," and disseminates advertisements which represent these rackets as being manufactured in Hollywood and of wholly domestic origin, when in truth the frames are made in Japan. (3931)

Walter Kidde & Company, Inc.—Unlawful trade practices involving use of unfair methods of competition and exclusive dealing contracts are alleged in a complaint against five companies engaged in the manufacture, assembly and sale of fire fighting equipment including carbon dioxide fire extinguishing systems and carbon dioxide portable fire extinguishers.

The complaint is directed against the following respondents: Walter Kidde & Co., Inc., 140 Cedar Street, New York; American LaFrance and Foamite Industries, Inc., Elmira, N. Y.; C-O-Two Fire Equipment Company, 560 Belmont Ave., Newark, N. J.; National Foam System, Inc., 1632 Sansom Street, Philadelphia, and Fyrout Company, Inc., 90 West Street, New York.

According to the complaint, the respondents fixed and maintained a uniform price in the sale of unpatented parts, accessories, apparatus and equipment used in the manufacture, assembly or operation of fire extinguishers. It is further alleged that the respondents fixed and maintained uniform prices in the sale of certain couplings used as accessories on hose assemblies of carbon dioxide fire extinguishers, without the requirement of a license or other authority from the owner of a lawfully issued patent on such couplings. The respondents are also charged with having agreed to submit, and with having submitted, identical bids on parts, accessories, apparatus and equipment, where competitive bids were called for by Governmental agencies. (3929)

National Foam System, Inc.—See Walter Kidde & Company, Inc.

W. T. Wagner's Sons Company—Misleading representations in the sale of soda water and other soft drinks are alleged in a complaint against W. T. Wagner's Sons Company, 1920-26 Race St., Cincinnati.

It is alleged that the respondent represents directly or by implication that its "Wagner English Club Soda" is imported from England; that it is made of ingredients imported from England, and that only soda waters made in England have the properties possessed by "Wagner English Club Soda." In truth, the complaint continues, the respondent's product is made in the United States from domestic ingredients. Nor, it is charged, does the respondent's product have any properties possessed by soda waters made in England which are not possessed by other soda waters made in the United States from domestic ingredients. (3932)

Washington Laundry—In a complaint Joseph T. Gibbons, trading as Washington Laundry, 2627 K St., N. W., Washington, D. C., was charged with the dissemination of misleading representations in connection with the interstate activity of his laundry, dry cleaning and dyeing business. (3930)

Withol Beauty Laboratories, Inc.—See Withol, Inc.

Withol, Inc.—Alleging dissemination of misleading representations in the sale of cosmetics, a complaint has been issued against Witol, Inc., Witol Beauty Laboratories, Inc., and their officers, William Witol, Ann Felix and Hattie Blankfeld, 1700 Broadway, New York.

According to the complaint, the respondents misleadingly represented that "Take-Off" is an effective preparation for the treatment of pimples, blackheads, whiteheads, freckles, and superficial blemishes of the skin, and that it removes the outer layer of the skin to give a new, fresh surface skin, when such are not the facts. The respondents, it is alleged, further misleadingly represented that "Witol's New Liquid Skin Peel" is an effective preparation for the removal of the outer layer of the skin, and that it effectively removes within a few days, blackheads, whiteheads, coarse pores, outer freckles, superficial pimples and annoying superficial blemishes, when such are not the true facts. (3934)

STIPULATIONS

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

W. K. Buckley, Inc., 26 Forbes St., Rochester, N. Y., in a stipulation supplemental to one entered into in October, 1934, agreed to cease representing that "Buckley's Mixture" will cure colds; is an effective treatment for coughs not due to colds or bronchial irritations, or will act quickly on a cold. (0779)

Harper Method, Inc., 1233 East Main St., Rochester, N. Y., entered into a stipulation in which it agreed to discontinue misleading representations in the sale of a hair tonic and eyelash grower.

According to the stipulation, the respondent will cease representing that the use of the "Harper Method Tonic," or any of the several "Harper Method Ointments" or the Harper methods of application, or any similar preparation or treatment, can prevent baldness, end dandruff, restore scalp health, stimulate growth of new hair, bring renewed vitality and health to the hair, allay "scalp fever," or affect the functioning of oil glands of the hair. The respondent will further discontinue claims that colds make one's hair a social outcast; that dried oils, dust or grime are often the causes of falling hair or baldness, or that removal of such foreign matter by the use of the Harper Method or similar preparations will effectively prevent or remedy falling hair or baldness.

Harper Method, Inc., will also cease representing by statements such as "Eyelash and Eyebrow Grower," or in any similar manner, that the pomade offered by it will grow lashes or brows, or promote their growth or make them longer or silky. (2553)

Hoburt Hosiery Mills—Henry J. Berusch, trading as Hoburt Hosiery Mills, 320 Fifth Ave., New York, agreed to cease using "Mills" as part of his trade name or in any other way so as to imply that he manufactures the products sold by him or that he actually owns, operates or controls the mill or factory in which his products are made, when such is not a fact. (2554)

McKesson and Robbins, Incorporated, trading as Golden Brown Chemical Company, Bridgeport, Conn., agreed to cease advertising that any of its cosmetic preparations penetrates or invigorates the hair roots, or causes blemishes or blotches to disappear; that either the respondent's beauty culture course or diploma, included in its so-called special offers to prospective agents, is of any value, and that any of its so-called special offers is limited to one agent, unless this is a fact. The respondent also stipulated that it will cease misleading uses of the word "free" to describe merchandise offered as compensation to agents for distributing the respondent's merchandise and will discontinue employing the words "Rose" or "Almond" as a part of a trade name of any of its products unless such product is composed principally of rose and almond ingredients. (02452)

Templetons, Inc., 1517 Broadway, Buffalo, N. Y., agreed to discontinue representations that its preparation, "Raz-Mah" will quickly relieve hay fever sufferers from sneezing, itching and ex-

cessive watery secretions in the nose and eyes; will quickly relieve coughs due to bronchial irritation; will prevent bronchial irritations from developing into asthma, or will relieve sufferers from smokers' coughs. (02453)

Vita Products, Inc., Zeeland, Mich., stipulated that it will cease representing that "Nutrimere," a food supplement, supplies any mineral or other substance with the exception of iodine, in therapeutic quantities, or that "Nepter Kelp and Cod Liver Oil Tablets" supply any mineral or other substances except iodine and Vitamin D in therapeutic quantities. The respondent will also discontinue claims that "Nutrimere" is of any value in the treatment of any conditions unless specifically limited to those cases which are due to iodine deficiency, and then only to the extent of supplementing the iodine consumed, or that "Nepter Kelp and Cod Liver Oil Tablets" will be of any greater value unless specifically limited to such results as may be expected by reason of the Vitamin D content, or that either product constitutes a competent or effective remedy for arthritis, anemia, goiter, rickets, asthma, constipation, colds, catarrh, hay fever, or high or low blood pressure.

Vita Products, Inc., also stipulated that in future advertising of "Nutrimere" and "Nepter Kelp and Cod Liver Oil Tablets," it will publish a conspicuous warning to the effect that these products may be harmful to some individuals and in such cases should be taken only under proper medical supervision. (02451)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Avery Salt Company—See Jefferson Island Salt Co.

Carey Salt Company—See Jefferson Island Salt Co.

H. P. Clearwater, Hallowell, Maine, has been ordered to discontinue misleading representations in the sale of medicinal preparations designated as "Rheumatic Arthritis Treatment."

Under the order, the respondent is to cease representing that his training, education and experience have been such as to enable him to determine the causes, correct treatment and cure of arthritis or rheumatism, or that any of his theories as to the causes, method of treatment or cure of rheumatism or arthritis are based upon known and true scientific facts or reflect a consensus or majority of medical opinion, unless that is a fact.

The respondent was further ordered to discontinue representing that his preparations, singly or in combination, constitute a cure, remedy or adequate treatment for arthritis, rheumatism, sciatica or lumbago, or have any therapeutic value in the treatment of such conditions in excess of providing a laxative, tonic-reconstructive and mildly carminative action and providing relief, in some cases, from the pain incident to these conditions. (3777)

Inland Sales Corporation—A. Laskey, J. Samuels and J. P. Sheehan, trading as Inland Sales Corporation, 1719 W. Division St., Chicago, were ordered to discontinue the use of lottery schemes in the sale and distribution of sports jackets, pens, pencils, or any other articles of merchandise.

Under the order, the respondents are prohibited from supplying others with lottery devices for use in the sale of any merchandise, and from selling any merchandise by the use of lottery devices. (3846)

Jefferson Island Salt Company—Orders have been issued against four salt companies prohibiting them from disseminating misleading claims in the sale of their products.

The respondents named in the orders are Jefferson Island Salt Company, Louisville, Ky.; Morton Salt Company, 208 West Washington St., Chicago; Carey Salt Company, Hutchinson, Kans., and Avery Salt Company, Scranton, Pa.

Under the orders, the four respondents are to cease using any words signifying smoke or implying use of smoke to describe

salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described has been directly subjected to the action and effect of the smoke from burning wood during the course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

The Carey Salt Company and the Avery Salt Company were further directed to cease representing that meat, by treatment with their products, acquires the same taste or flavor or other properties or effects, as meat acquires from treatment with salt and subsequent exposure to the smoke from burning wood during the course of its combustion.

In addition, the Carey Salt Company was ordered to discontinue claims that its so-called smoke salt cures and smoke-flavors meat in one operation or that it cures and smokes meat at all or that treatment of meat with its product is as good as, or a thousand times better than, the old smokehouse.

The Avery Salt Company was also ordered to discontinue representing that "Avery Sugar Curing Smoke Salt" does the complete job of curing and smoking meat. (2150-2151-2248-2516)

Morton Salt Company—See Jefferson Island Salt Co.

Pennsylvania Salt Manufacturing Company, Widner Building, Philadelphia, and Smoked Products Company and The Smoked

Salt Company, Fifth and Butler Sts., Cincinnati, were ordered to discontinue misleading representations in the sale of salt.

Under the orders, the respondents are prohibited from representing that meat cured or treated with "smoked salt" will be subjected to smoke, or that "smoked salt" can do everything that an old smokehouse does in the curing or smoking of meat. (2783-2784)

Smoked Products Company—See Pennsylvania Salt Manufacturing Co.

Smoked Salt Company—See Pennsylvania Salt Manufacturing Co.

FTC CLOSES CASE

The Federal Trade Commission closed its case against Robert Theodore Plate, trading as Plate Manufacturing Company, 11302 Chalmers St., Detroit.

The case charging the respondent with unfair methods of competition in connection with the sale of Kant-Run and HoSaver, chemical preparations designed for laundering silk and rayon stockings and lingerie, was ordered closed without prejudice to the right of the Commission to reopen it should conditions so warrant.