

## Pope Pius XII Discusses Radio

Pope Pius XII's remarks about the use of radio by the Catholic Church topped this week's Code developments.

In an encyclical addressed to all Catholics in America, Pope Pius said:

"We have learned with no little joy that the Marconi radio—marvelous invention and excellent image of the apostolic faith that embraces all mankind—is frequently and advantageously put to use in order to insure the widest possible promulgation of all that concerns the church. We commend the good accomplished. But let those who fulfill this ministry be careful to adhere to the directives of the teaching church, even when they explain and promote what pertains to the social problem; forgetful of personal gain, despising personal popularity, impartial, let them speak 'as from God, before God, in Christ.'"

Joseph Alsop and Robert Kintner, outstanding Washington columnists, interpreted the paragraph as "a direct rebuke to Father Charles E. Coughlin."

The NAB Code committee, headed by Edgar L. Bill, WMBD, will meet in Washington on November 28 for consideration of current problems. The following day the committee will have lunch with representatives of some of the leading women's groups in the country.

The Code will be the topic of discussion for Mutual's "American Forum of the Air" on Sunday, November 19, at 8 p. m., eastern standard time. The speakers: Gen. Hugh S. Johnson, Ed Kirby, Morris Ernst, general counsel of the American Civil Liberties Union, and Martin Codel, publisher of *Broadcasting* magazine.

That afternoon, from 1.45 to 2 o'clock, the Rev. Edward Lodge Curran, president of

(Continued on page 3838)

### NAB STUDIES UTILITIES

The NAB is engaged in a study of the radio-utility situation throughout the United States.

Replies to the first letter seeking information indicate that there are scores of stations which have yet to receive their first dollar of utility revenue. On the other hand, some stations number utilities among their best customers.

A letter asking stations reporting utility business for additional information is soon to be mailed. On receipt of the data, the first part of the utility study will be distributed to members.

### CHRISTMAS PROMOTION

The conviction that the closer 100 per cent availability of radio receivers is approached, the more secure will be the industry's position is the basis of the NAB-RMA December promotion.

Details of "Radio Christmas" reached all NAB members this week and a large number of stations have already reported that the plan will get under way within the next two weeks.

A number of utilities are also cooperating with the broadcasters in circulation promotion by inserting stuffers

(Continued on page 3838)

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

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

## POPE PIUS XII DISCUSSES RADIO

*(Continued from page 3837)*

the International Catholic Truth Society, will make a speech on the CBS network about the Code.

This week, Paul W. Morency, WTIC, District 1 director, and Mr. Kirby discussed the Code at a meeting of the Radio Council of Western Massachusetts in Springfield. Mr. Kirby also addressed the Indianapolis Advertising Club.

On the CBS network last Sunday, Samuel B. Pettengill, former congressman from Indiana, assailed the Code as "a threat against the free speech of a free people." His speech was distributed in printed form by the National Committee to Uphold Constitutional Government (New York) which recently asked broadcasters to contribute to a fund to fight for "the freedom and security of radio."

## CHRISTMAS PROMOTION

*(Continued from page 3837)*

in their December bills. These direct their customers' attention to specific programs and suggest the purchase of new and additional radios for Christmas.

Utilities, more than any other group, share the broadcasters' desire for increased listening and increased listeners. The response is reflected on the listener's monthly bill for electricity.

## FREE OFFERS

The Bureau of Radio Advertising received notice from member stations of the following free offers during the past week:

Look Magazine

Dodd, Mead & Company (Book Publisher)

Aetna Casualty & Surety Co. (Safety Campaign).

These companies have been advised that acceptance of their requests for free time would constitute violation of the NAB Code. They have been invited to pay for time.

## Cost-Per-Inquiry

The Best Company, Anderson, Indiana, has withdrawn its request for radio advertising on a percentage basis, following notification by NAB that such dealings are considered bad business practice by member stations. The company is arranging to buy time at the regular rates.

The Northwest Radio-Television Institute, through the Bromley Advertising Agency, Minneapolis, is seeking to place radio advertising on a cost-per-inquiry basis. Member stations and the Bureau of Radio Advertising have advised both concerns that their offer is in violation of the NAB Code.

## Bureau of Radio Advertising

The Bureau of Radio Advertising has started an informal bulletin service to all members, covering activities of the Bureau and other information of related interest. Two releases have gone out to stations, and the Bureau will welcome further suggestions or contributions from the membership. It is planned to have these bulletins supplement the printed trade studies and special releases already supplied to stations through the Bureau of Radio Advertising.

## THE POPE'S ENCYCLICAL

Enclosed with this issue of the **REPORTS** are five copies of a column by Joseph Alsop and Robert Kintner, outstanding Washington commentators, about the relationship between the NAB Code and Pope Pius XII's latest encyclical. Members should place these where they will do the most good. Additional copies are available at headquarters.

## FREC FORUM REPORT

In its first issue, the "Service Bulletin of the FREC" announces that a report on forum programs made by Paul M. Sheats of the University of Wisconsin is being prepared for submission to broadcasters and educators. Broadcasters will be especially interested in this report because of its connection with the "controversial public issues" section of the NAB Code.

## GOVERNMENT SEEKS PROGRAM CONTROL IN SOUTH AMERICA

Moves toward complete governmental control of radio programs are reported from Uruguay and Argentina. The Uruguayan President has sent to Congress a bill to that effect, while a governmental commission recommended similar legislation in Argentina after a year's study.

## FCC COMMITTEE RECOMMENDS "CONDITIONAL" SPONSORSHIP FOR TELEVISION

Warning against pitfalls in giving television a "green light" prematurely, the FCC Television Committee this week nevertheless acknowledged recent progress in that field to the extent of recommending liberalization of exist-



## INDEX

	Page
Pope Pius XII Discusses Radio.....	3837
NAB Studies Utilities.....	3837
Christmas Promotion .....	3837
Free Offers .....	3838
The Pope's Encyclical.....	3838
FREC Forum Report.....	3838
Program Control in South America.....	3838
Television Sponsorship .....	3838
Broadcasting Economics .....	3840
Civic Interest Before FCC.....	3841
Stations Cooperate .....	3841
809 Stations .....	3842

ing regulations to help popularize this method of visual broadcast.

While the Committee does not favor regular commercialization of television at the present time, it does feel that clarification and simplification of rules would encourage the prospective new industry to advance beyond the "technical" and "experimental" stages.

These opinions are contained in the Second Report of the Television Committee, filed with the Commission today. The report is signed by Commissioner T. A. M. Craven, committee chairman; Norman S. Case, and Thad H. Brown. This is the same committee which, in its First Report, dated May 22, 1939, declared television "barely emerging from the first or technical research stage" and warned against setting up standards that might "freeze" orderly development. The Second Report was prompted by consideration of applications for increased television facilities.

The Committee notes certain television progress since last May, but feels that a "crucial" stage has been reached. Less than a thousand television receivers have been sold since that time, and nearly all of these are in New York City. To date only seven of the 19 channels available for television have been developed to the point of initial readiness for technical service of any character.

Yet the Committee is of the firm conviction that, while not eager to purchase receivers at this time, "the public does not desire to be deprived of the opportunity to enjoy the benefits of television when it is ready for public service." It is the Committee's further opinion that progress henceforth "is directly dependent upon the development of public interest in television as a broadcast service, and that such interest can only be developed through the broadcast of programs that have a high public appeal."

Accordingly, the Committee makes specific recommendations which embrace:

1. Greater public participation in experimental operation.
2. Construction of more stations by properly qualified applicants.
3. Elimination of any regulation which interferes with proper business economic processes.
4. Adoption of a license policy for television broadcasters.

5. Allocation of the seven lower frequency channels as follows: 3 channels to metropolitan districts in excess of 1,000,000 population; 2 channels to areas of between 50,000 and 1,000,000, and 1 channel for districts of less than 50,000.

6. Stimulation of technical development on additional channels now reserved for television.

7. Development of program service in conjunction with research and experimentation.

8. Establishment of minimum requirements for television transmitters.

9. Protection of the public, as far as possible, against loss through obsolescence in receivers.

10. Modification of prohibition against commercialism to permit sponsorship on experimental programs, under certain conditions.

"While the Commission should take no action which discourages pioneering in sound business enterprises, it also has its duty to the public," declares the Committee. "No interests should be permitted to raise public hopes falsely, nor to encourage public investments where the state of scientific or economic development leaves any doubt that such hopes and expenditures are justified for the use of the public property in the radio spectrum. . . . Television should not be expected to reach over night the objectives which are necessary ultimately. It seems logical to conclude that a normal healthy growth is the most certain road to a sustained life of public service."

Regarding commercialization, the report said, in part:

"One company suggested to the Committee that there is a real need for relaxing the Commission's existing rules restricting commercial sponsorship for broadcasting television programs. It was asserted that such removal would stimulate the development of television as a service to the public without in any way retarding logical progress. It was also stated that lifting the existing restrictions would assist in ameliorating the heavy financial burden being shouldered by those pioneers who are endeavoring to develop television program technique, and improved program service to the public would follow. It was claimed that such an improvement would result in better public appreciation and, consequently, more rapid progress in the evolution of television. The organization which made this proposal has pioneered extensively in the development of television and its contributions of capital as well as practical achievements have influenced favorably the advancement of television.

"The Committee has given careful and sympathetic consideration to this proposal, particularly from the standpoint of estimating the extent to which the present restrictions against commercialization constitute a barrier to orderly progress. The Committee is of the opinion that at present the claimed advantages of removing the restrictions against commercialization of television do not outweigh the potential disadvantages.

"Today there is no circulation to attract any sponsor to television as a logical media for securing public response. It appears obvious that before commercialization of television can become feasible, the service should be ready to sell on some reasonable basis of circulation value to the sponsor. Since only a few experimental stations in operation today are rendering broadcast service to not more than 1000 receivers, there is no convincing argument that the removal at this time of the ban on commercialization will affect the development of television in any positive manner.

"On the other hand, there is grave possibility that premature commercialization could retard logical development. There is particular danger that advertising rather than entertainment or education might easily become a paramount factor in programs. In addition, premature commercialization may easily lead to a scramble for television channels by unfitted applicants who have no real public service concept. It may precipitate many stations in local markets before any source of good programs is available. Consequently, it is certain that public reaction to television service would be adverse.

"The Committee does not believe that immediate commercialization of television program service would increase the sale of receivers. On the contrary, it might easily result as a retardation of the ultimate sale of such receivers on a large volume basis.

"Furthermore, immediate commercialization threatens to open the door wide to financial exploitation of the public without any

sound basis therefor. And, finally, premature commercialization might crystallize employment and wage levels before a new-born art and industry has any opportunity to gain sufficient experience to obtain the stability in this phase of the service which is so essential to employer and employee alike.

"It may be that the time is fast approaching when pioneers must receive a return not only on their huge investment but also must secure remuneration for operating expenses. Consequently, the Committee feels that program sponsorship by advertisers is one of the logical means of support for the new television service to the public when such service is ready. The Committee recognizes a particular need for keeping the Commission's regulations abreast of progress. Therefore, applicants should be given the opportunity, at any time, of securing changes in the rules if, as a result of a public hearing, they can demonstrate that public interest will be served by such changes.

"While the Committee does not recommend any radical change in principle in existing rules relating to commercialization, it does suggest a clarification and simplification of existing rules in this respect.

"It should be made clear that the rules do not constitute an artificial barrier to the logical development of program technique, including the development of methods for making television useful as an advertising media conforming to favorable public reaction. Also it should be apparent that sponsorship is not prohibited, provided such sponsorship and the program facilities or funds contributed by sponsors are primarily for the purpose of experimental program development. The intent of the rules should be to prevent commercial exploitation of television as a service to the public prior to demonstrated proof of its readiness for regular operation in accord with public interest, convenience or necessity. Other than such alterations, the Committee is of the opinion that the Commission should not permit regular commercialization of television at present, but that instead the Commission should hold itself ready to consider the problem anew when general development progresses further into practicalities."

## BROADCASTING ECONOMICS AGAIN DISCUSSED BY THE COURT

The Court of Appeals of the District of Columbia has dismissed three broadcasting cases including the appeals of WLAC, Tri-State Broadcasting Company, and Tri-City Broadcasting Company.

In the Tri-State case, licensees of station KTSM, the Court dismissed the case. This was an appeal from a decision of the Federal Communications Commission of June, 1938, in which the Commission granted Dorrance D. Roderick a construction permit for a new station to use 1500 kilocycles, 100 watts, unlimited time.

In January, 1937, the Commission granted Roderick's application and Tri-State Company appealed from that decision to the Court of Appeals. The Court reversed the decision of the Commission and remanded the case for further judgment. The Commission vacated its decision of January, 1937, and reopened the case. In June, 1938, the Commission again granted the Roderick application. Tri-State again appealed to the Court on the economic grounds and that it had not had an opportunity to present an oral argument to the Commission.

In its decision in this case the Court said in part:

"Thus, we are called upon to review the finding of the Commission in respect of economic injury resulting from the granting of the license for the new station, to determine whether or not the competition expected to result therefrom will be destructive and ruinous as urged by the appellant.

"The owner of an existing station may well contend in any case that a new station may reduce the present income of his station, but it requires more to justify the Commission refusing to grant the new license. A mere showing that the income of an existing station may be reduced if another station enters its field is not

sufficient. The appellant recognizes that such can not be the criterion of economic injury herein, as it charges that the competition complained of will be destructive and ruinous."

Discussing the question of allowing oral argument the Court says:

"We may not consider the additional grounds advanced by appellant for reversal, except that one which urges the invalidity of the Commission's order because it failed to afford appellant an opportunity to present oral argument before the full membership of the Commission, which had not at any time heard oral argument. Obviously oral argument under the statute is an important right to a party claiming it will suffer economic injury from an additional facility allowed by the Commission. It might very well induce the Commission to make one finding, when, without such argument, it may have made a contrary finding. Right of argument is an indispensable step to a fair hearing."

The Court held, however, that the appellant did not make any request of the Commission for oral argument. The Court on this question says:

"It (Tri-State) failed to give the administrative body an opportunity to grant oral argument, and can not be heard to complain thereof for the first time before this court. It is very clear in the present case that no error occurred in this respect."

The Court also dismissed the WLAC case. This was an appeal from a decision of the Federal Communications Commission of May, 1938. The Commission denied rehearing to WLAC on its granting of an application of WMEX for a construction permit to operate on 1470 kilocycles, 5000 watts, unlimited time using a directional antenna. WLAC appealed because of the alleged failure of the Commission to make findings with respect to interference WMEX would cause to WLAC. WLAC operates on 1470 kilocycles, 5000 watts, day and night.

This is a companion case to the Yankee Network case rendered by the Court, and arose out of the same proceeding. (See NAB REPORTS, Aug. 25, 1939, p. 3676.) In its conclusions in this case the Court says:

"We have said that if the Commission's prior consideration of a previously filed and copending application—where request has been made for joint consideration—has 'seriously prejudiced' an application we would have a case in which we might say that the latter applicant has an appealable interest as a person aggrieved. However, we cannot say, under the circumstances of the present appeal, that appellant has been prejudiced as a matter of law. The Commission's rule, permitting a joint hearing of pending applications, is certainly a reasonable one. As appellant, full-handed with knowledge of the situation, failed to request such a joint hearing, he is in no position to demand—and we have no power to require—that the Commission suspend its normal functions and reopen its proceedings in order to determine the large questions which he seeks now to have determined. For, indeed, large and important questions will be involved in determining whether the Commission's Rule 119 should be amended and kilocycles frequency 1470 reallocated for clear channel purposes; whether the classification of Station WLAC should be changed from a regional to a clear channel station; whether Station WLAC should be required to install directional antenna; whether Station KGA should be permitted to change its frequency from 1470 to 950 kilocycles; whether or not—and if so to what extent—the Commission should integrate into its rules the 'Standards of Good Engineering practice' or provisions of the Havana Treaty.

"So long as the Commission complies with the mandate of the statute it has, and should have, wide discretion in determining questions both of public policy and of procedural policy, and in making and applying appropriate rules therefor. It is not the function of this Court to direct the Commission as to the routine of its administrative procedure, so long as it conforms to the law. No violation of law is revealed by the record or shown by appellant.



"In view of our determination of the foregoing questions it is unnecessary to consider other assignments and contentions presented by appellant."

No written decision was rendered by the Court in the Tri-City Broadcasting Company case. The Court stated:

"Upon consideration of the motion to dismiss this appeal, and since it appears from the statement of reasons for appeal that appellant has stated no grievance which if true would justify this Court in reversing the decision of the Federal Communications Commission appealed from, it is

"Ordered that the appeal of the Tri-City Broadcasting Co., Inc., from the decision of the Federal Communications Commission denying appellant's application for a construction permit, effective March 27, 1939, be and hereby is dismissed."

## CIVIC INTEREST CONSIDERATION IN BROADCAST GRANTS

The words "public necessity" in the Communications Act "are not to be construed narrowly, but rather as calling for the most widespread and effective broadcast service," declared the FCC in granting application of F. W. Meyer for construction permit for a new broadcast station in Denver, Colorado.

The Commission explains:

"Nothing in the Communications Act, our Rules and Regulations or our policy requires a finding of a definite need to support the grant of an application. Cases where such a finding of need is not made are, however, to be distinguished from situations in which a real lack of broadcast service is made clear. . . . In the latter class of cases the Commission will give due consideration to this fact. The 'public interest, convenience or necessity' which the statute provides as the basis for a grant, cannot be construed as a mandate that actual necessity for the particular facilities must be shown. Neither the disjunctive form nor the public convenience as an independent factor is to be entirely ignored. Indeed the words 'public necessity' in the Act are not to be construed narrowly, but rather as calling for the most widespread and effective broadcast service possible."

Opposition to granting the application argued that no public need is shown for additional broadcast facilities in Denver. All of the stations operating full time in that city are affiliated with the national chains. Thus the hours during which these stations may reach the greatest number of listeners are not available for local broadcasting. Local governmental, educational, civic, charitable, and community organizations thus lack an effective means of reaching the radio public in the vicinity.

The Meyer station proposes to operate on 1310 kilocycles with power of 100 watts at night and 250 watts until local sunset, unlimited time.

The application was denied originally on May 18, 1939. Subsequently, the applicant filed a petition for rehearing, which was granted and the case was reargued November 9th last. Under all the circumstances and evidence presented, the Commission concludes that "public interest, convenience and necessity" will be served by granting the application.

## STATIONS COOPERATE TO BETTER SERVICE

An example of public benefit resultant from broadcast stations working out mutual problems of power allocation

was revealed when the FCC granted applications of stations KTUL, WIRE and KLO for increased power facilities.

The Tulsa Broadcasting Company, Inc., operating KTUL at Tulsa, Oklahoma; Indianapolis Broadcasting, Inc., operating WIRE at Indianapolis, Indiana, and the Interstate Broadcasting Corporation, operating KLO at Ogden, Utah, are the stations who cooperated to improve service in those areas.

The three stations were each operating with 5 kilowatts day and one kilowatt at night. Each wanted to increase its night power to five kilowatts. But they couldn't do that independently without interfering with one another. So they got together and worked out technical details whereby, through the use of directional antenna, they will minimize the interference problem and, at the same time, be able to extend their respective services.

When the joint arrangement was presented to the Commission it was approved without delay. The case is typical of mutual effort of other broadcasters who, by using modern engineering methods, are able to improve broadcast quality and coverage, the FCC said.

## 809 STATIONS

During the month of October, 1939, the Federal Communications Commission issued operating licenses to eight stations. The Commission granted eleven permits for the construction of new stations and cancelled two construction permits which it had previously granted. A comparative table by months follows:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sep. 1	Oct. 1	Nov. 1
Operating	722	727	729	732	734	735	735	738	739	743	751
Construction	42	39	37	37	38	38	43	56	59	57	58
	764	766	766	769	772	773	778	794	798	800	809

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDERS

The Federal Communications Commission this week adopted a final order "dismissing as in default" the application of the Seaboard Broadcasting Corporation for a construction permit for the erection of a new station at Savannah, Ga., to use 1310 kilocycles, 100 watts night, and 250 watts day, until LS, unlimited time. The case was designated for oral argument before the Commission on October 13 and "applicants failed to appear and present oral argument."

Final order was also entered by the Commission denying the application of WMBR, Jacksonville, Florida,

to change its frequency from **1370 to 1120 kilocycles**, to increase its power from 100 watts night and 250 watts day to 500 watts night and 1,000 watts day, on an unlimited time basis, to move its transmitter locally and use a directional antenna at night.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing are scheduled before the Commission in broadcast cases for the week beginning Monday, November 20. They are subject to change.

**Monday, November 20**

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

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

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WLBL—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Granted voluntary assignment of license from Board of Regents, University of Wisconsin, to State of Wisconsin, Department of Agriculture.

KARM—George Harm, Fresno, Calif.—Granted construction permit to make changes in equipment and increase power from 100 to 250 watts.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted construction permit to make changes in composite equipment and increase power from 100 to 250 watts, upon condition that the grant is not to be construed as a finding for renewal of license of KVOS nor upon application of Bellingham Broadcasting Company, nor upon any of the issues involved in these cases.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Granted modification of construction permit approving transmitter and studio sites, installation of vertical radiator, and increase in night power from 100 to 250 watts.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted modification of license to increase night power from 100 watts to 250 watts.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted modification of license to increase night power from 1 KW to 5 KW, employing directional antenna for nighttime operation, and make changes in DA system.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted modification of license to increase night power from 1 KW to 5 KW and make changes in directional antenna system.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted modification of license to increase night power from 1 KW to 5 KW and to change phasing in directional antenna system.

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

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Granted amended application for construction permit to move station locally; install new equipment; increase power from 500 watts to 1 KW night, 5 KW day, and hours of operation from limited time to unlimited.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted modification of license to change assignment from 650 kc., 250 watts, limited time, to 710 kc., 1 KW, unlimited time.

### DESIGNATED FOR HEARING

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

WSAL—Frank M. Stearns, Salisbury, Md.—Designated for hearing before Commissioner Brown, the matter of the Order of Revocation of License.

### RENEWAL OF LICENSES

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

KANS, Wichita, Kans.; KASA, Elk City, Okla.; KCKN, Kansas City, Kans.; KFIJ, Klamath Falls, Ore.; KFYO, Lubbock, Tex.; KGFJ, Los Angeles; KGHJ, Little Rock, Ark.; KIUL, Garden City, Kans.; KROC, Rochester, Minn.; KRRV, Sherman, Tex.; KTSM, El Paso, Tex.; KVAK, Atchison, Kans.; KVCV, South of Redding, Calif.; KWNO, Winona, Minn.; KWOS, Jefferson City, Mo.; WJLS, Beckley, W. Va.; WKBO, Harrisburg, Pa.; WMBO, Auburn, N. Y.; WMPC, Lapeer, Mich.; WOLS, Florence, S. C.; WSBC, Chicago; WSJS, Winston-Salem, N. C.; WTJS, Jackson, Tenn.; WTRC, Elkhart, Ind.; WAYX, Waycross, Ga.; WBEO, Marquette, Mich.; WBRE, Wilkes-Barre, Pa.; WBRK, Pittsfield, Mass.; WCAT, Rapid City, S. Dak.; WCAX, Burlington, Vt.; WCRW, Chicago; WDAH, El Paso, Tex.; WEBR, Buffalo, N. Y.; WEBR, Auxiliary; WFTC, Kinston, N. C.; WGAU, Athens, Ga.; WGTM, Wilson, N. C.; WHAI, Greenfield, Mass.; WIL, St. Louis, Mo.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted renewal of license for the period ending August 1, 1940.

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted renewal of license for auxiliary for the period ending August 1, 1940.

WSMB—WSMB, Inc., New Orleans, La.—Granted renewal of license for the period ending August 1, 1940.

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted renewal of license for the period ending February 1, 1940.

WNEL—Juan Piza, San Juan, P. R.—Granted renewal of license for the period ending June 1, 1940.

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

KEHP, area of San Diego, Calif.; KEGA, area of Los Angeles; WEGM, New York City; WEGO, Terre Haute, Ind.; WENW, area of Champaign, Ill.; KEGL, area of Los Angeles, Calif.; KEGN, area of San Francisco; KEGO, area of Los Angeles; KEGQ, area of Los Angeles; WEHP, area of Toledo, Ohio; WEIL, area of Miami, Fla.; WEIM, area of Miami, Fla.; KEID, area of Kansas City, Mo.; KEGD, area of Beaumont, Tex.; WAUJ, area of Louisville, Ky.; WEIZ, area of Dayton, Ohio; WEJY, area of Dayton, Ohio; WEJZ, area of Dayton, Ohio; WENU, area of Baltimore; KEIU, area of Missoula, Mont.; KEJC, area of Denver; KEJL, area of San Francisco; WEJD, WEJE, area of Washington, D. C.; WEJI, WEJJ, area of New York City; WEJK, area of Chicago; WEJL, WEJN, area of New York City; WEJO, WEJP, WEJQ, area of Cleveland, Ohio; WEJR, area of New York City; WEJS, WEJT, area of Washington, D. C.; WEJU, WEJW, area of New York City; WEJV, WEJX, area of Chicago; KEJD, KEJE, KEJG, area of Denver; KEJJ, area of Denver; WEOF, area of Nashville, Tenn.; KEIV, area of Long Beach, Calif.; KEIZ, area of Portland, Ore.; WEKG, area of Philadelphia; KEJM, area of Sioux City, Iowa; KEJO, area of St. Louis, Mo.; WEHT, area of Racine, Wis.; WEHY, area of Bristol, Tenn.; KEGU, area of Salt Lake City; WEKT, area of St. Petersburg, Fla.; KEGW, area of Phoenix, Ariz.; KEGX, area of Phoenix, Ariz.; WEKO, WEKP, area of Scranton, Pa.; WEKQ, area of Tallmadge, Ohio; WEKR, area of South Bend, Ind.; KEGY, area of Tulsa, Okla.; KEHB, KEHC, KEHD, area of Topeka, Kans.; WEKV, WEKW, area of Hartford, Conn.; WELD, WELE, area of Columbus, Ohio; WEOE, area of Fargo, N. Dak.; WELN, area of Hartford, Conn.; WELP, area of New Orleans; WELW, WELX, area of Philadelphia; WELY, area of Lancaster, Pa.; WAIF, WAIG, WELZ, area of Chicago; WENF,



WENG, area of Detroit; KEHL, area of Oklahoma City; WEOD, WEKN, WEKY, WEKZ, area of Boston, Mass.; WEGN, area of Newark, N. J.; KEGE, area of Dallas, Tex.; WEGW, WEGX, area of Charleston, W. Va.; WEHG, WEHK, area of New York City; WLWD, WLWE, WLWF, WLWG, WLWH, WLWX, area of Cincinnati, Ohio.; WEIC, area of Schenectady; KEIA, area of Honolulu; WEIT, area of New Orleans; WEIX, area of Memphis, Tenn.; KEIT, area of Kansas City, Mo.; WENV, area of Baltimore.

WABG—Memphis Commercial Appeal Co., area of Memphis, Tenn.—Granted renewal of relay broadcast station for the period ending October 1, 1940.

WDJM—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted renewal of international broadcast station license for the period ending November 1, 1940.

WCAB—WCAU Broadcasting Co., Philadelphia, Pa.—Granted renewal of international broadcast station license for the period ending November 1, 1940.

### MISCELLANEOUS

KEX—Oregonian Publishing Co., Portland, Ore.—Granted extension of special temporary authority to operate a portable MOPA 100 watt transmitter from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station, on the frequency **1140 kc.**, in the vicinity of Portland, Oregon, for the making of transmitter site tests, during daytime, for the period November 10 to November 19, 1939.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW power night, using directional antenna, for the period November 11 to not later than December 10, 1939, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.**, reduces power so that additional interference is not involved, or until defective directional system of CMQ is corrected by installing new tuning condensers.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS, November, 4:45 p. m. and December, 4:30 p. m., CST), for the period November 14 to not later than December 13, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs of outstanding interest, and in order to carry programs of great local interest from the Mutual Broadcasting System.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW power night, using directional antenna, from November 11 to December 10, 1939, in order to overcome interference from Cuban Station CMQ provided such operation with additional power terminates immediately when CMQ ceases operation on **780 kc.**, reduces power so that additional interference is not involved, or until defective directional system is corrected by installation of new tuning condensers.

Inter-Island Airways, Ltd., Honolulu, Hawaii.—Granted special temporary authority to operate Aircraft Station KHCMB as a relay broadcast station on the frequency **5375 kc.**, November 11, 1939, to transmit to Standard Broadcast Station KGU program material in connection with the Tenth Anniversary of Air Transportation in Hawaii under the express condition that no interference is caused to other stations operating on this frequency.

KUMA—Albert H. Schermann, Yuma, Arizona.—Denied special temporary authority to operate from 10:00 p. m., MST, to the conclusion of a football game on December 9, 1939, in order to broadcast football game only.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Granted petition to intervene in the bearing of Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Illinois, for a new station to operate on **1370 kc.**, 250 watts, unlimited time.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted special temporary authority to operate on the frequency **1200 kc.**, at present transmitter site until construction is completed at approval site in accordance with permit, for the period November 12, 1939, until not later than December 11, 1939.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate additional time for the period December 1, 1939, and ending not later than December 25, 1939, in order to broadcast programs as described in letter

dated October 31, 1939, and on December 31, 1939, in order to broadcast church program and to remain on until midnight, in order to welcome in the year 1940.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate additional time simultaneously with station KFVS on November 17, 1939, in order to broadcast dedicatory address for the dedication of the new Elks Home, only.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7:30 p. m. to 8:30 p. m., power of 250 watts, on November 13, 1939, in order to broadcast proceedings of the banquet incident to the opening of the Community Chest campaign in Sharon.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from local sunset at Abilene, Kansas (November and December, 5:15 p. m., CST), to local sunset at Los Angeles, Calif. (November and December, 6:45 p. m., CST), with 1 KW power, for the period November 15, 1939, to not later than December 1, 1939, in order to broadcast political, civic, charitable, religious, educational, fraternal, and commercial programs of outstanding local interest.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Territory of Hawaii.—Granted modification of license to change corporate name of licensee from Honolulu Broadcasting Company, Ltd., to Hawaiian Broadcasting System, Limited.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Granted license to cover construction permit for new equipment and increase in power from 100 watts to 250 watts.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Granted license to cover construction permit for new station to operate on **1370 kc.**, with 100 watts night, 250 watts day, unlimited time.

WISE—Harold H. Thoms, Asheville, N. C.—Granted license to cover construction permit for new station to operate on **1370 kc.** with 100 watts power.

WJPR—John R. Pepper, Greenville, Miss.—Granted license to cover construction permit for new station to operate on **1310 kc.**, with 100 watts night, 250 watts day, unlimited.

WJPR—John R. Pepper, Greenville, Miss.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted license to cover construction permit for changes in equipment and increase in power to 250 watts.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Granted modification of license to change corporate name of licensee from Honolulu Broadcasting Company, Ltd., to Hawaiian Broadcasting System, Ltd.

W8XVC—The Cincinnati Times Star Co., Cincinnati, Ohio.—Granted modification of construction permit for additional time to construct Facsimile Broadcast Station W8XVC, commencement date May 6, 1940, and completion date November 6, 1940; granted upon an experimental basis only, conditionally.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted extension of special temporary authority to use ultra high frequency transmitter Type A. Serial No. 315 and authorized to be used by Television Broadcast (experimental) Station W2XDR, by Facsimile Broadcast Station W2XR, for the period November 12, 1939, to not later than December 11, 1939, pending action on modification of license for W2XR.

WAIR—C. G. Hill, George D. Walker & Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to re-broadcast the NAA time signals for the period ending in no event later than 3:00 a. m., EST, June 1, 1940.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted motion to dismiss without prejudice the application for construction to increase operating assignment of WLAW from sunset at Lawrence, Mass., to sunset at San Francisco, and install directional antenna for nighttime use. Dismissed petition for rehearing filed by WLAW in re this matter.

William F. Huffman, Wisconsin Rapids, Wis.—Adopted new bill of particulars in accordance with action taken on October 24, in designating for hearing the application of William F. Huffman for a new station; new bill to contain issues regarding technical and program service to be rendered and financial qualifications of applicant; also whether the application of George F. Meyer, Medford, Wisconsin, and Huffman's application are mutually exclusive, and if so, whether public interest, convenience and necessity would be served by granting this application.

Airfan Radio Corp., Ltd., San Diego, Calif.—Dismissed petition requesting the Commission to reconsider its action of July 26, granting the motion of Worcester Broadcasting Corporation to file application for construction permit and to incorporate the record in Dockets 5378 and 5381 as part of said application, in so far as said action incorporated such record.

KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Granted modification of construction permit for extension of completion date from November 20, 1939, to December 20, 1939.

WATR—The WATR Company, Inc., Waterbury, Conn.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

KOTN—Universal Broadcasting Corp., Pine Bluff, Arkansas.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

WILL—University of Illinois, Urbana, Illinois.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

WFBM—WFBM, Inc., Indianapolis, Ind.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new transmitter; make changes in directional antenna; increase power from 1 to 5 KW; move transmitter from College Point Causeway, Flushing, N. Y., to Belleville Turnpike, Kearny, N. J.

### 610 Kilocycles

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover construction permit B3-P-2449 for equipment changes.

### 620 Kilocycles

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

### 740 Kilocycles

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Modification of license to change hours of operation from daytime to limited to WSB, Atlanta, Ga., using 250 watts power day and night.

### 930 Kilocycles

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW day and night.

### 980 Kilocycles

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—License to cover construction permit B2-P-2308 as modified for a new transmitter and move of transmitter.

### 1200 Kilocycles

WCPO—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Authority to determine operating power by direct measurement.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Authority to determine operating power by direct measurement of antenna power.

KFJB—Marshall Electric Co., Marshalltown, Iowa.—Authority to determine operating power by direct measurement of antenna power.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Bloomington, Ill.—Authority to determine operating power by direct measurement of antenna power.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—License to cover construction permit B3-P-2348 as modified for equipment changes and increase in power.

### 1210 Kilocycles

WSOC—WSOC, Inc., Charlotte, N. C.—Construction permit to install new transmitter, directional antenna, for night use; change frequency from 1210 kc. to 610 kc.; increase power from 100 watts, 250 watts day, to 1 KW day and night; move transmitter from 516 West Trade St., Charlotte, N. C., to near Charlotte, N. C.

### 1310 Kilocycles

KGFW—Central Nebraska Broadcasting Corp., Kearny, Nebr.—Authority to determine operating power by direct measurement.

KFYO—Plains Radio Broadcasting Company, Lubbock, Tex.—Construction permit to install new transmitter and vertical antenna; change frequency from 1310 kc. to 1380 kc.; increase power from 100 watts, 250 watts day, to 500 watts, 1 KW day; move transmitter from 2312 Fifth St., Lubbock, Tex., to site to be determined at or near Lubbock, Tex. Amended to request 1 KW power day and night.

KWOC—A. L. McCarthy, O. A. Tedrick, and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

KLUF—The KLUF Broadcasting Company, Inc., Galveston, Tex.—Construction permit to install new transmitter; change frequency from 1370 kc. to 1360 kc.; increase power from 250 watts to 500 watts; 1 KW day.

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Modification of construction permit B3-P-2346 for a new station, requesting approval of antenna and of transmitter site at 13th St. and 11th Ave., Hickory, N. C.; increase power from 100 watts, 250 watts day, to 250 watts power; change type of transmitter.

### 1420 Kilocycles

WELL—Enquirer-News Co., Battle Creek, Mich.—Voluntary assignment of license from Enquirer-News Co. to Federated Publications, Inc.

WJMS—WJMS, Inc., Ironwood, Mich.—Authority to determine operating power by direct measurement of antenna power.

WNOE—WBNO, Inc., New Orleans, La.—Modification of license to change name from WBNO, Inc., to WNOE, Inc.

### 1470 Kilocycles

KGA—Louis Wasmer, Spokane, Wash.—Construction permit to install new transmitter; make changes in antenna; increase power from 5 to 10 KW; move studio from Standard Stock Exchange Bldg., Spokane, Wash., to Radio Central Bldg., Spokane, Wash., and move transmitter from 325 East Towan Ave., Spokane, Wash., to 4102 South Regal St., Spokane, Wash.

### 1500 Kilocycles

KFDA—Amarillo Broadcasting Corporation, Amarillo, Tex.—Authority to transfer control of corporation from C. S. Gooch to J. L. Nunn, 10,200 shares common stock.

KFDA—Amarillo Broadcasting Corporation, Amarillo, Tex.—License to cover construction permit (B3-P-2485) for new equipment, increase in power.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

## MISCELLANEOUS

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—License to cover construction permit B1-PVB-6 as modified for new equipment, increase in power, and addition of A-3 emission. License application specifies 50000-56000 kc.

Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.—Construction permit for new high frequency station to be located at Architects Bldg., 17th and Sansom Sts., Phila-



delphia, Pa., on 42600 kc., 1 KW, unlimited time, special emission.

Guy S. Cornish, area Cincinnati, Ohio.—Construction permit for low power portable transmitter for public address service on 305000, 310000, 315000, 325000 kc., 5 watts power, A-3 emission. Amended to request 310000 kc. only and 1 watt power.

WEJA—National Broadcasting Co., Inc., New York, N. Y.—Modification of C. P. (B1-PRE-305) for changes in equipment and increase power to 100 watts.

W8XE—United Broadcasting Co., Cleveland, Ohio.—License to utilize equipment of relay station WRPM in lieu of equipment of high frequency broadcast station W8XNT and power output to be 100 watts. Amended: To change name of applicant.

KAOU—Arizona Broadcasting Co., Inc., Tucson, Arizona.—License to cover construction permit B5-PRE-292, for new relay broadcast station.

KEIM—KTAR Broadcasting Co., area of Phoenix, Arizona.—License to cover construction permit B5-PRE-293, for equipment changes and increase in power.

NEW—Monocacy Broadcasting Co., Frederick, Md.—Construction permit for new relay broadcast station to be operated in area of WFMD, Frederick, Md., on 1622, 2058, 2150, 2190 kc., 40 watts, A-3 emission.

## 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 Products Company**, a corporation manufacturing food and toilet products, and The Zanol Products Company, its selling agent and subsidiary, both having offices at 3265 Coleraine Ave., Cincinnati, have been ordered to cease and desist from misrepresentations affecting prospective sellers of its products.

Findings of the Commission are that the respondents advertised in daily newspapers, trade magazines and other periodicals, seeking sales representatives for the products, and making offers to prospective salesmen that were exaggerated and untrue. Among them, it was found, were: "I will pay you up to \$42.50 a week and I will furnish a car to producers." . . . "Best of all I am going to start you in this wonderful business at my expense. I am going to put complete faith and confidence in you. I am going to assume all the expense and take all the risk." . . . "Wonderful chance to make \$6 a day taking orders for No-Frost." . . . "MAN—I want a man for local tea and coffee route paying up to \$27.50 first week. Opportunity for steady cash increases. Approximately 200 customers." . . . "Free Auto If You Qualify." . . . "Automobile Given to Producers." . . . "Automobile Given to Man Who Qualifies." . . . "FIVE MILLION A YEAR. These ideas are the rock on which I built my business and on which it has grown and prospered and brought money to hundreds and hundreds of men and women. When I tell you that I started with practically nothing and that now housewives buy five million dollars worth of Zanol products annually you know how successful my ideas have been."

Findings of the Commission are that average earnings of salesmen under normal conditions are but a small percentage of the amounts named in the advertisements, that no automobiles are given salesmen unless they have purchased at wholesale prices not less than \$2500 worth of goods in a year from the respondents, and that deposits are required from salesmen on all goods or samples supplied.

The respondents are ordered to cease and desist from misrepresenting in any manner the volume of their business; representing that salesmen or distributors of their merchandise incur no risk or expense, when in fact the respondents require a deposit from

such persons; using the word "free" or any other term of similar import, unless all the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with the term "free"; representing any specified sum of money as earnings or profits of any specified dealer or sales person for any stated period of time, unless such sum of money has been, in fact, averaged over a period of at least two months in the ordinary course of business and under normal conditions. (2836)

**Hamilton Manufacturing Company**, 413 South Fifth St., Minneapolis, manufacturer and distributor of push cards and punch boards involving games of chance and lottery schemes when used in the distribution of merchandise to the consuming public, is charged in a complaint with engaging in unfair acts and practices in commerce in violation of the Federal Trade Commission Act. (3944)

**Harlich Manufacturing Company**—A complaint has been issued against Leo, Libbie and Byron J. Lichtenstein, individually and as co-partners trading under the name of Harlich Manufacturing Company, 1401-1417 West Jackson Blvd., Chicago, charging the manufacture and distribution of push cards and punch boards to be used as lottery devices in connection with the sale and distribution of merchandise to ultimate consumers. (3947)

**Pasadena Products, Inc.**, 300 North Lake Ave., Pasadena, Calif., distributor of a medicinal preparation designated "Sal-Ro-Cin," is respondent in a complaint alleging misrepresentation.

Through radio broadcasts and advertisements in newspapers and periodicals, the complaint alleges, the respondent represented that "Sal-Ro-Cin" is a competent and effective treatment for rheumatism, neuritis, lumbago and other ailments, and that the company will mail a liberal free sample of the preparation to any one requesting it.

The complaint charges that the preparation is not a competent or effective treatment for any of the ailments named, that at best it will bring only palliative relief from pains accompanying the ailments, and that the respondent does not mail free any samples, but makes a charge for all samples sent. (3945)

### STIPULATIONS

The Commission has entered into the following stipulations:

**F. R. Glover**, Cortland, N. Y., engaged in selling medicinal preparations for poultry designated "Glover's Poultry Tonic," "Glover's Conditioning Powder," "Glover's Roup Cure (Liquid)," "Glover's Powdered Roup Cure," "Glover's Cholera Cure," "Glover's Pox Cure," "Glover's Poultry Wormer," "Glover's Louse Exterminator," "Ratin," and a book called "Poultry Diseases," has entered into a stipulation in which he agrees to cease certain misrepresentations in the sale of his products.

The respondent will discontinue representing that "Glover's Poultry Tonic" builds up resistance of a flock so that it will not be liable to disease, increases the egg yield of a flock three-fold or in any material amount, or enables one to raise chicks without losing any by disease; that "Glover's Conditioning Powder" is the world's greatest conditioner, will put every class of stock in the "pink of condition," will keep down fever in poultry and will condition cocks to win; that "Glover's Roup Cure" and "Glover's Powdered Roup Cure" will cure roup, colds, rattles, canker and all kindred diseases of poultry, are tonics or will serve as preventives of disease; that "Glover's Roup Cure (Liquid)" keeps the passages of the head and throat of poultry open and heals the delicate membranes; that "Glover's Powdered Roup Cure" drives the poison from the blood of poultry and brings about a sure, speedy and complete cure of roup; that "Glover's Cholera Cure" is an effective remedy or competent treatment for cholera or bowel troubles of poultry, or will check the worst attack of cholera at once and soon cure it; that "Glover's Pox Cure" is an effective remedy or competent treatment for Favus, scurvy and all like diseases of poultry, and that the powder included in "Glover's Pox Cure" eliminates the poison from the blood of poultry affected with pox, and the ointment heals the sores; that "Glover's Poultry

Wormer" is a sure cure for "all" worm troubles in poultry; that "Glover's Gapes Cure" is an absolute cure for gapes; that "Glover's Louse Exterminator" will keep fowls free from head and body lice and mites of all kinds or will rid one's flock of lice; that "Ratin" is effective for eliminating mice and rats of all sizes, and that the respondent's book entitled "Poultry Diseases" explains fully the cause of each disease, gives the symptoms of poultry diseases in such a manner as to enable the layman to readily distinguish one disease from another, or offers the best possible treatment for various poultry diseases and that range paralysis, brooder paralysis and leg weakness in poultry come from intestinal poisoning and in many cases from worms. (02457)

**Morton Distributing Co.**—A. C. Morton, doing business under the trade name of Morton Distributing Company, Sedalia, Mo., engaged in selling a medicinal preparation designated "Russell's Black Gold Ointment," has entered into a stipulation in which he agrees to cease representing that "Russell's Black Gold Ointment," or any medicinal preparation containing substantially the same ingredients, is a competent remedy in the treatment of eczema, psoriasis, acne or any other affections of the skin which are due to or based upon a systemic or constitutional background; is a competent remedy in the treatment of athlete's foot or any other affections of the skin resulting from a deep-seated invasion of the skin by a group of fungi, "will take care of practically any of the common run of skin troubles," or "draws out impure, poisonous waste matter". (02456)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Antisepto Products Company**—In connection with a cease and desist order issued against Edward L. Jenkins and Mildred Jenkins, trading as Antisepto Products Company, Antisepto Products, Educational Products Company, Sanitol Products Company, XL Products Company and XL Products, 3335 Belle Plaine Ave., Chicago, the Commission finds that irreparable injury to health may be caused by use of the alleged remedies for delayed menstruation and prostate gland weaknesses distributed by the respondents.

The Federal Trade Commission, on July 11, 1939, obtained from the United States District Court in Chicago a preliminary injunction prohibiting the respondents from falsely advertising their alleged remedies for delayed menstruation.

The preparations were advertised in newspapers and periodicals as being competent and effective remedies, and were sold largely through the mails at prices ranging from \$1 to \$3.50.

The drugs used in compounding the preparations for women, the Commission finds, if used under the conditions prescribed in the advertisements, could cause uterine infection, blood poisoning, or result in a gangrenous condition of the lower limbs, while those used as ingredients of the prostate gland remedy, under certain conditions prescribed in the advertising, might cause brain disorders, injury to the urinary tract or serious nephritis to users. None of the preparations, the findings state, is a cure or remedy for the diseases for which it is prescribed, nor is it a competent or effective treatment.

The respondents are ordered to cease and desist from representing that use of the preparation known as "Guaranteed Antisepto Anti-Delay Compound," regular or super strength, or any other preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, sold under any name, is a competent, safe or scientific treatment for delayed menstruation or that their use will have no ill effects upon the human body, or that use of the preparation known as "Guaranteed Prosaide Gland Medicine" or any similar preparation sold under any name, is a cure for or has any therapeutic value in the treatment of prostate gland weakness or inactivity.

The order also prohibits dissemination of advertisements which fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of users. (3867)

**Christopher Candy Company**, manufacturer of candy at 4020 Avalon Boulevard, Los Angeles, has been ordered to cease and desist from selling or supplying to dealers or others candy or other merchandise so packed and assembled that sales to the general public are to be made by means of a game of chance, gift enterprise or lottery scheme; supplying or placing in the hands of others assortments of candy together with lottery devices to be used in selling or distributing the candy to ultimate purchasers; supplying push cards, punch boards or other lottery devices either in assortments of candy or separately, when such devices are to be used in selling or distributing the candy, and selling or otherwise disposing of candy by means of a game of chance, gift enterprise or lottery scheme. (3394)

**Educational Products Company**—See Antisepto Products Company.

**E. Fougera & Company**—See Perasthman Company, Inc.

**Marvo Manufacturing Company**—See Supreme Manufacturing Company.

**Old Mission Tablet Company**—E. W. Knowlton, trading as Old Mission Tablet Company, Pasadena, Calif., has been ordered to cease and desist from misrepresentations made in radio broadcasts and in advertisements in newspapers, magazines and other publications, that "Old Mission Tablets" or "O-M Tablets" are identical with the preparation which helped build up the reputation of one of the greatest stomach and kidney specialists in the United States, or are one of the greatest tablets offered for general run-down stomach condition.

The respondent also is ordered to cease representing that the preparation is one of the largest selling or most favored tablets for such condition, is an effective treatment for stomach or digestive troubles caused by costive weakened digestive system, or is an effective treatment for congestive stomach soreness, sick headaches, backaches, dizzy spells or gastric stomach attacks, unless such representations disclose that such effectiveness is limited to cases where such conditions are caused primarily by constipation. (3664)

**Peerless Manufacturing Company**—See Supreme Manufacturing Company.

**Perasthman Company, Inc.**, 276 Fifth Ave., New York, manufacturer of a proprietary medicine designated "Perasthman" or "Perasthman Tablets," advertised as an alleged remedy for asthma, and E. Fougera & Co., Inc., 75 Varick St., New York, its exclusive distributing agent, are ordered to cease and desist from misrepresentations of the product's efficacy as an asthma treatment.

The Commission finds that the principal ingredient of the preparation is ephedrine, which is not safe for use by persons with heart or kidney ailments except in limited quantities and under competent medical supervision. The respondents are ordered to cease and desist from representing that the preparation is an effective treatment or a cure for asthma, or that it has any therapeutic value in the treatment of asthma other than affording, in some cases, temporary relief from some of the symptoms of asthma; that the preparation is harmless or will assure sufferers from asthma nights of restful sleep or days of greater comfort, or will stop wheezing or other symptoms of asthma.

The respondents also are ordered to desist from use of advertising which fails to reveal that the preparation is not safe if used in self-medication by members of the lay public suffering from heart and kidney ailments. (3719)

**Sanitol Products Company**—See Antisepto Products Company.

**Supreme Manufacturing Company**—C. C. Johnson, 1014 City National Bank Building, Omaha, Nebr., trading under the



names Supreme Manufacturing Company, Carlyle Service, Marvo Manufacturing Company, and Peerless Manufacturing Company, has been ordered to cease and desist from representing that the use of a preservative or mending powder distributed by him will strengthen silk hosiery or lingerie, or save 50 per cent of its cost.

Among representations made to prospective customers, and on labels attached to the product, the Commission finds, were the following: "Prevents the runs and snags in your silk hosiery and lingerie . . . strengthens the heel and toe of your hosiery, thereby making them last four or five times longer . . . this treatment is permanent . . . now this product will cut your hosiery and lingerie expense in half . . . also prevents the silk from rotting, and one treatment is sufficient for the life of the hose."

Findings of the Commission are that the product will not accomplish any of the results claimed, and that respondent is not its manufacturer. The Commission's order is that C. C. Johnson,

trading under any name or names, cease representing that use of the product will prevent runs and snags in or the rotting and fading of hosiery and lingerie; that its use can save the purchaser approximately 50 per cent of the cost of silk lingerie and hosiery; that hosiery treated with the product will last four or five times longer than it would without being so treated; that its use will result in any substantial increase in the wearing qualities of silk hosiery, or that the respondent is the manufacturer of the product, unless or until such is the fact. (3712)

**XL Products Company**—See Antisepto Products Company.

**Zanol Products Company**—See American Products Company.