



## The Week in Washington

A long list of new backers for Broadcast Music, Inc., came in from the Pacific Coast this week after Neville Miller had meetings in Los Angeles, San Francisco, Portland and Seattle. Mr. Miller wound up his coast-to-coast tour in Broadcast Music's behalf this week with meetings in Columbus, Ga., and Orlando, Fla.

The Senate again deferred consideration of the Johnson (D-Colo.) bill to forbid beer and liquor advertising on the air. The bill remains on the calendar.

The National Plan of Settlement between the A. F. of M. and networks and affiliates expired without either renewal or a strike. Representatives of the networks assured the union they had no intention of reducing the employment of staff musicians at their stations. IRNA suggested to affiliates on January 5 that continued employment of staff musicians "in so far as their services are reasonably compatible with program requirements and possibilities" might preserve peace.

The FCC received nearly all the money it asked for from the House Appropriations Committee. During subcommittee hearings on the appropriation, the NAB Code came in for considerable discussion. James Lawrence Fly, FCC chairman, said he believed "right now that a majority of the broadcasters and a majority of the public generally accept the (controversial issues) rule as being a wholesome one."

The FCC started hearings on its television rules, and clarified its rule on record and transcription announcements.

In search of new business for broadcasters, the Bureau of Radio Advertising this week went after department stores and cleaners and dyers.

### WEST COAST COPYRIGHT MEETINGS SUCCESSFUL

Four groups of West Coast broadcasters held meetings with Neville Miller last week, with excellent results for Broadcast Music, Inc.

Representatives of the following stations signed, promised to sign, or promised to recommend signing stock subscriptions to their station owners:

KIEM, KARM, KMJ, KDON, KLS, KLX, KROW, KFBK, KROY, KGO, KJBS, KPO, KSN, KSFO, KQW, KSRO, KWG, KTKC, KOH, KHBC, KGMB, KSUN, KOY, KGLU, KTUC, KICA, KWEW, KGFL, KERN, KPMC, KMPC, KIEV, KFOX, KGER, KECA, KFAC, KFI, KFVD, KMTR, KNX, KRKD,

KFSD, KTMS, KUIN, KOOS, KMED, KALE, KEX, KGW, KOIN, KRNR, KJR, KOMO, KGA, KHO.

Mr. Miller met first with District 16 broadcasters in Los Angeles in January. The following were present:

Fred Palmer, KSUN-KOY-KGLU-KTUC; W. E. Whitmore, KWEW-KGFL; Robert Stoddard, KERN; L. A. Schamblin, KPMC; Leo B. Tyson, KMPC; L. W. Peters, KIEV; Lawrence McDowell, KFOX; C. Merwin Dobyns, KGER; Harrison Hollisway, KECA-KFI; Calvin J. Smith, KFAC; J. F. Burke, KFVD; Harry Maizlish, KFVB; Ben S. McGlashan, KGFJ; Van Newkirk, KHJ; Victor Dalton, KMTR; D. W. Thornburgh, KNX; J. Austin Driscoll, KRKD; J. C. Lee, KFXM; Thomas E. Sharp, KFSD; Ernest L. Spencer, KVOE; and Frank V. Webb, KTMS.

On January 10, Mr. Miller met with District 15 broadcasters in San Francisco, with the following present:



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*; Andrew W. Bennett, *Special Copyright Counsel*

## WEST COAST COPYRIGHT MEETINGS

(Continued from page 3965)

Lou Keplinger, KARM; G. C. Hamilton, KMJ-KWG; Howard Walters, KDON; L. S. Warner, KLS; Preston Allen, KLX; Phil Lasky, KROW-KSFO; Howard Lane, KFBK-KOH; Will Thompson, KROY; William Pabst, KFRC; Glenn Dolberg, KGO; Ralph Brunton, KJBS; A. E. Nelson, KPO; William Grove, KSAN; C. L. McCarthy, KQW; Wilt Gunzendorfer, KSRO; C. P. Scott, KTKC; Marion Walker, KHUB; Fred G. Williams, KHBC-KGMB; Sherwood Brunton, KJBS; Gerald King, Standard Radio; W. H. Beltz, RCA Manufacturing Co.; Charles Whitmore, KTKC; R. F. Schuetz, NBC; Ray Lewis, KQW; John Brunton, KJBS; Neville Miller, NAB.

Part of District 17 met in Portland on January 12. The following were at the meeting:

Harry Spence, KXRO; Paul H. Connet, KEX; Harold M. Finlay, KLBK; Ben E. Stone, KOOS; Harry H. Burkendahl, KOIN-KALE; Ted Koorman, KALE; Gerald King, Standard Radio; W. Carey Jennings, KGW-KEX; M. J. Frey, KGW-KEX; H. Q. Cox, KGW-KEX; John Walker, KOIN; C. Roy Hunt, KALE-KOIN; H. M. Swartwood, KOIN-KALE; Frank H. Loggan, KBND; John Bauriedel, KUIN; Marshall H. Pangra, KRNR; Harris Ellsworth, KRNR; Lee Bishop, KMED; Frank L. Hill, KIDO-KONE, Boise, Idaho; C. O. Chatterton, KORE-KSLM; George Kincaid, KFJI; John H. Kendall, Attorney; C. W. Myers, KOIN-KALE; James C. Wallace, KAST; T. W. Symons, Jr., KXL; Harvev Benson, KOIN-KALE; Louis Wasmer, KHQ-KGA; Lee Davis, KWJJ; G. E. Spierston, KWJJ; C. E. Arnev, Jr., KOMO-KJR; Harry Reed, KSLM; Glenn McCormick, KORE.

Other broadcasters in District 17 met in Seattle on January 13. They were:

Harry R. Spence, KXRO; J. Elroy McCaw, KELA; Florence Wallace, KXA; Vernice Erwin, KVI; J. A. Murphy, KIT-KMO; Archie Taft, KHQ-KGA-KOL; Rogan Jones, KVOS; H. J. Quilliam, KIRO; Robert E. Priebe, KRSC; Arthur L. Smith, KFIO; Birt Fisher, KOMO-KJR; R. F. Meggee, KXA.

## Shotwell Bill

For fear remarks in last week's REPORTS about the Shotwell copyright bill (S. 3043) be misunderstood, the NAB considers the bill as a *whole* quite unsatisfactory. Attorneys Myers, Sprague, and Kaye, who attended the Shotwell Committee meetings on behalf of the industry, have pointed out that the bill is, in most *important* respects, even more unfavorable to broadcasters than the present law. An extended analysis of the bill will appear in the REPORTS within a few weeks.

## FCC To Get More Money; Fly Discusses Code

The House Appropriations Committee this week recommended that the FCC get \$2,116,340 for the fiscal year starting next July 1—an increase of \$278,165 over the amount appropriated for the current year.

The only item deleted from the increase asked by the Commission was \$8,660 for increased personnel for the Interdepartmental Radio Advisory Committee.

James Lawrence Fly, FCC Chairman, Commissioners Craven and Brown, and a number of Commission officials appeared before a House Appropriations Subcommittee on December 13, to discuss the FCC appropriation for the fiscal year starting next July. First, Mr. Fly pointed out that in addition to the \$1,800,000 appropriated for the current fiscal year, the Commission wanted \$300,000 more next year. Half of the increase was to go for modernization of monitor equipment and half for increased personnel.

Representative Wigglesworth (R-Mass) asked the Commission to furnish for the record tables showing the transfer of control of stations, the valuation of physical assets of these, how much was paid for them and whether the transfer was by lease or otherwise. He also asked for a table giving experimental licenses approved during the year. These were inserted in the record.

Mr. Wigglesworth then asked for a table showing the number and disposition of complaints against programs. This also was furnished.

Mr. Wigglesworth asked about the status of the monopoly investigation. William J. Dempsey, Commission counsel, said that the committee which conducted the investigation "will probably, although not necessarily, by the middle of January have a report in the hands of the Commission."

Representative Dirksen (R-Ill) asked that Mr. Fly put in the record a list of stations owned and operated directly or indirectly by newspapers. This was done. Mr. Dirksen also asked Mr. Fly to insert "any censorship activities of the Commission in the last year, if any."

"I would state, sir, so far as my knowledge goes, there has been nothing approaching censorship," Mr. Fly replied. "We have a lot of complaints about what somebody said on the radio, but we have not gone after the station on the basis of any individual remarks. It is my theory—I am not sure it is the right one, although I do feel fairly confident in it—that all we can do is review the conduct of the station as a whole."

Mr. Dirksen then asked "what has been the general reaction from those engaged in the radio business as well as certain segments of the public with respect to the



operation of that (NAB) Code and with respect also to the possible impairment and abridgment of the first amendment of the Constitution of the United States.”

Mr. Fly replied he assumed Mr. Dirksen meant that section of the Code dealing with controversial issues, then added:

“There have been very substantial elements in the industry that have complained about it, or have declined to accept it or have followed it only in a half-hearted way. I think there have been substantial complaints from portions, goodly portions of the public. It is my best guess now, and I don’t want to pass final judgment either upon the state of opinion in the industry or to the public or the wisdom of the rule. I believe right now that a majority of the broadcasters and a majority of the public generally accept the rule as being a wholesome one.”

The following discussion then took place:

“Mr. Wigglesworth: You refer to the rule that no controversial question can be discussed without the consent of the station?”

“Mr. Fly: That is not the rule, sir.

“Mr. Dirksen: The basis of the rule is to grant free time to controversial matters so that both sides will be heard.

“Mr. Fly: That is the way that is expressed. In fact it really provides for the nonsale of time for a one-sided discussion of a controversial subject. There is some serious question as to how you get the most freedom of speech, whether you get it by selling the time to the highest bidder or whether you get it by keeping time under control and giving time away so that both sides will be presented to the public. I don’t think you can assume that freedom of speech is on one side and something else on the other.

“Take the power to buy time. That lodges freedom of speech in an individual. That lodges freedom of speech in an individual who can buy the time. It does not give any freedom to millions of listeners. You have one man at the transmitter who is claiming some sort of right and you have millions of people at the receiving end of it and the receiving end is where the public interest is involved; it is the public interest as compared to the interest of a single man at the transmitter. Conceivably the man that does have the most money and buys the most time has gotten for himself the greatest freedom of speech. But what has the public gotten out of it? Hitler, for example, has perhaps the greatest freedom of speech of anybody because he can move in there and take control of that transmitter and millions have nothing to do but listen to it. Now, you see the test used, when it is said that because stations won’t sell time for the one-sided presentation of a controversial subject there is a restriction on the freedom of speech. But it may be just as easy to suggest that a balanced discussion freely given, where both sides can be represented, gives the public something more in terms of freedom of speech.

“Mr. Woodrum: You would be giving the public a pretty good sock in the eye if you gave free time to anybody who wanted to get it and give an argument.

“Mr. Fly: That cannot be done. You are entirely right.

“Mr. Woodrum: It looks to me like a matter of very great public importance if somebody can afford to pay the rather reasonable fees which would be charged by radio stations for 30 minutes’ time. I can think of nothing of great widespread public importance that one side of the issue would be able to pay for an hour’s time and the other side would not be able to be heard.

“Mr. Fly: I am not sure, sir, that would be true in every case. I do not think you want a situation where a vast number of the public have no means of expression and cannot get to the transmitter and cannot buy the time. I am not at all clear you will always find the funds behind the side that needs the right to expression. I think in the average case you probably would but I do not think it is a very dependable thing. Of course—let me suggest something else, sir. I think it is important to note that under the Code, as I understand it, if you want to promote a debate which you think would be in the public interest you can do that. You can have a so-called forum type of discussion. You can buy an hour’s time and take the two leaders of each side of the controversy and put them up and give each a half hour

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and let them go at it. You can always do that sort of thing. You have to pay for the time.

“There are some now, as you know, very useful types of forum. I do not mean to suggest, Congressman Wigglesworth, that that really is the ultimate in this field. It is a difficult field. It is one through which we want to be guided before we see anything crystallized in an arbitrary manner.

“Mr. Fitzpatrick: It is a force for a good deal of good or evil if it is not controlled.

“Mr. Fly: That is true, I think. All of the studies are considered and deliberate in any move forward in that field. If there is anything we all want it is to see the people get the fairest, in terms of expression of opinion, the fairest and best service that we can. We want to see the most freedom of speech in the true sense of freedom of speech that we can have.

“Mr. Woodrum: A lot of sins are committed under the guise of freedom of speech.

“Mr. Fly: Absolutely.

“Mr. Wigglesworth: Let me ask you this: Under the present code supposing Mr. Woodrum wants to talk on the air on a controversial issue, he cannot do it by paying for the time?”

“Mr. Fly: He can if he is a candidate.

“Mr. Wigglesworth: Supposing he is not?”

“Mr. Fly: I take it under the code he could do that on free time. The broadcaster should then permit somebody to answer him either on the same program or some other program at the same or comparable time.

“Mr. Wigglesworth: He has got to go on free time?”

“Mr. Fly: Yes; he would need to go on free time.

“Mr. Wigglesworth: Who decides whether or not he shall go on free time?”

“Mr. Fly: The broadcaster. The broadcasters decide all these questions. You won’t let me decide it. You won’t let any governmental agency decide it. And I don’t blame you. You tell us to keep our hands off. You don’t want us censoring the radio.

“Mr. Wigglesworth: I certainly do not, but if I want to I can buy space in a newspaper while under this code, as I understand it. I cannot buy time on the air.

“Mr. Dempsey: Mr. Congressman, you cannot buy a newspaper if the publisher doesn’t want to sell it to you.

“Mr. Dirksen: Mr. Fly, coming around to the point that was in my mind—whether the Commission directly or indirectly, passively or otherwise, as an individual or group of individuals or any member of the Commission has given sanction and blessing to this new NAB Code.

“Mr. Fly: I made a speech on this sir. I think that is all that has been done. Certainly, I did not speak for the Commission, and I am only, just as I would not want to be taken as speaking for the Commission now as a whole, trying to give you my best judgment and experience on it. Now, I made a speech which roughly follows the lines I have followed in this discussion. I would be happy to send you a copy of it, sir. But I refrained from committing myself in any final sense, and certainly refrained from endeavoring to commit the Commission in any way. I think you will agree when we do occupy any position in this field, if we have any business in it at all, we want to do it right and after thorough consideration.

"Mr. Dirksen: Of course, any public utterance you make in the field of radio, Mr. Fly, you will have great difficulty in divorcing yourself in the public mind from your official capacity.

"Mr. Fly: I appreciate that. That is the reason the speech was carefully drafted, to help preserve the right to keep the subject open.

"I can send it to you, and you can insert it in the record.

"Mr. Dirksen: I wonder if it is not too long?

"Mr. Fly: May I send it to you? I do not object to inserting it, if you like.

"Mr. Fitzpatrick: Can you send one to the members of the committee?

"Mr. Wigglesworth: Is that speech the probable basis for the statement by a distinguished democrat and former Member of Congress to the effect that 'only the other day the new Chairman of the Commission gave the new code his implied blessing?'

"Mr. Fly: Well, I think that is probably the basis, but I think you will agree when you read it it is hardly that. Although I do say, and I want to say now, it is my own best judgment the Code ought to be given an opportunity to determine in actual practice whether or not it would serve the public interest.

"Mr. Wigglesworth: There is a question of principle, as well as one of practice?

"Mr. Fly: No, sir. The principle is all involved in the practice. They are tied in together there and the question is how to get the most and best in terms of freedom of expression and in terms of the public interest. Now, we have made some study of that so-called principle. If an opponent of the code is on the freedom of speech side, then certainly in this tentative position that I am in, I am in a false position at this moment. But I do not see that the problem can be boiled down to that."

This ended discussion of the NAB Code. Mr. Wigglesworth then questioned Mr. Fly about the regulation of licenses for international broadcasting, the possibility of the Commission obtaining a New York office, an investigation to disclose "the real ownership" of all stations, the Bulova stations, the Cumberland Broadcasting Company, the average time for granting a permit, and the financial status of networks.

A transcript of the entire hearing can be obtained from the United States Government Printing Office. It is part of the "Hearings on the Independent Offices Appropriation Bill for 1941."

## FCC REPORTS ON PROGRAM COMPLAINTS LAST YEAR

The FCC reports that it received only 1,768 complaints against radio programs during the year ended last June 30.

Out of that number, 885 were dismissed without even investigation as "frivolous, unsubstantiated, or otherwise not warranting investigation," while 854 more were dismissed after investigation.

Only 29 were deemed worthy of a formal hearing.

During the year covered by the Commission's report the industry broadcast 3,250,000 hours of programs. Thus there was only one complaint for every 1,838 hours of broadcasting.

Out of the total number of complaints, 625 (or 35 per cent) were against one program—the Orson Welles "War of the Worlds." There were only 24 complaints against children's programs. There were 123 against allegedly false, fraudulent or misleading statements; 65 about medical programs; 84 about alleged propaganda; 93 against alleged obscene, indecent or profane language;

58 about failure to receive prizes from contests; and 62 about excessive advertising, excessive use of recordings and general inferior program service.

The Commission pointed out that these figures did not include duplicate complaints in all cases, or "fan mail."

This report was included in the Commission's testimony December 13 before a House Appropriations Subcommittee.

## Labor

### CIRCUIT COURT SAYS WAGNER ACT DOES NOT REQUIRE WRITTEN AGREEMENTS

The U. S. Circuit Court of Appeals in Chicago has ruled that there is nothing in the Wagner Act to force an employer to make a written agreement with a labor union.

In its opinion in the Inland Steel case, the court quoted the Supreme Court as saying that "the Act does not compel agreements between employers and employees." Both Senator Wagner and Senator Walsh also were quoted to the same effect.

It is doubtful that the Labor Relations Board will appeal this case, which grew out of the "little steel" strike of 1937. The board, it is said, is going to make its case on this point with the Art Metal Construction Company controversy, now pending in the New York Circuit Court of Appeals.

During the board hearing in the Art Metal case, counsel for the company stipulated that "at all times past, during the period in which negotiations have occurred \* \* \* Art Metal Construction Company has refused and now does refuse to enter into or sign any agreement in writing \* \* \* on the ground, among others, that it is not required to do so under the National Labor Relations Act."

### A. F. OF M.

The national plan of settlement between networks, affiliates and the American Federation of Musicians expired January 17. The plan was not renewed, nor was there a strike.

Representatives of the networks appeared before the A. F. of M. executive board at the Everglades Hotel in Miami on Tuesday, January 16, and informed the board that the networks would not reduce employment of staff musicians at either key or M. and O. stations.

It was learned from both the networks and IRNA that the networks had repeated to their affiliates the suggestions made by IRNA regarding continuation of the employment of musicians.



The musicians' board discussed the matter and concluded there would be no strike at this time. The board decided to await and observe the attitude of the stations in continuing employment.

It is generally agreed that wholesale dropping of musicians probably would precipitate trouble.

Early this month, Joe Weber, A. F. of M. president, notified all his locals that they were not to make any new local agreements with broadcasters, but that their members might continue to work for broadcasters without any agreement.

### I. B. E. W. WINS ELECTION

The International Brotherhood of Electrical Workers (A. F. of L.) defeated the American Communications Association (C.I.O.) by a vote of 3 to 0 in a Labor Board election January 8 among the technicians at Station WQXR, New York City. Two of the five eligible voters cast their ballots for "neither union." The Station had been dealing with the ACA.

### CRAWFORD NEW GUILD HEAD

Kenneth Crawford, Washington correspondent for the *New York Post*, has been elected president of the American Newspaper Guild (C.I.O.) to succeed the late Heywood Broun. Upon taking office, Mr. Crawford made the following statement about Guild policy:

"Stated generally, it is my opinion that the Guild's function is to protect and improve the wages, hours and working condition of newspaper people; that this objective should be pursued by trade union methods in cooperation with the C. I. O. and the rest of the labor movement; that it is not the Guild's business to reform the world or the world's newspapers."

The Guild has contracts with several broadcasting stations.

### AVERAGE PAY

The FCC reports that the average pay of all full-time employees, executives excluded, in broadcasting stations for the week of December 11, 1938, was \$35.84. Executives received an average of \$78.51. The average for the entire full-time personnel was \$41.17, compared with \$45.12 for the week of March 6, 1938.\*

For the week of December 11, 1938, the average pay for operating technicians (research excluded) was \$39.07; for production men, \$38.17; for writers, \$32.39; for announcers, \$32.19; for staff musicians, \$45.07; and for outside salesmen, \$48.41.

The NAB is endeavoring to get a break-down of these figures geographically and by size of station.

\* The FCC report for the week of March 6 covered 626 stations, while the report for the week of December 11 covered 660. The addition of smaller stations with comparatively low wage rates must have accounted for the decrease in the average pay. No widespread pay cuts were reported to the NAB.

## Advertising

### BUREAU OF RADIO ADVERTISING AFTER STORES, CLEANERS AND DYERS

The NAB Bureau of Radio Advertising this week went into action on two large advertising fronts important to the development of more local and regional business.

Samuel J. Henry, Jr., of the Bureau, was on hand at the National Retail Dry Goods Convention in New York, where the problems of local radio advertising were given their first major convention-wide consideration. The Bureau has arranged for a complete transcript of the radio panel discussion reported below. It will be released shortly to all member stations. Out of this, Headquarters believes will come a greater understanding and a wider use of radio by department stores and retailers.

Meanwhile, Ed Kirby presented the case of radio advertising to another large group wherein lies a tremendous new volume of potential advertising revenue. He addressed the 3,000 delegates gathered in Baltimore at the annual convention of the National Association of Cleaners and Dyers.

### RETAILERS PRAISE RADIO

"Radio has definitely established itself as a profitable medium for department stores. If it does not get the expected results, look to your program or other factors—don't blame radio generally."—Irwin D. Wolf, vice-president, Kaufman's, Pittsburgh, Pa.

"Retailers should tell the station man their problems, if they want radio to show maximum results. Open up—tell the radio man something about your business. Given a fair chance to help, he in turn can then best advise you as to the most effective use of the medium."—Willard H. Campbell, Publicity Director, G. Fox & Company, Hartford, Conn.

These were two of the many significant words of advice given to National Retail Dry Goods Association members at the radio panel discussion held January 17 at Hotel Pennsylvania, New York, where the association met in its twenty-ninth annual convention January 15-19. Several hundred department store and retail advertising executives displayed keen interest in the informative discussion, arranged by Alan Wells, NRDGA Sales Promotion Manager.

Two boards of experts, composed of eight department store officials who have used radio successfully over a period of years, answered the questions gathered from NRDGA members, and put to them in the form of an "Information Please" program. The questions covered these four general subjects:

1. Why Radio for Retailers?
2. Retail Radio Programs
3. Costs of Radio Advertising
4. Results from Radio

The experts, on panels 1 and 3 were:

Irwin D. Wolf, vice-president, Kaufman's, Pittsburgh.  
 George Slockbauer, vice-president, L. Bamberger's, Newark.  
 Miss Lois Munn, sales promotion manager, Hangerer's, Buffalo.  
 B. Louis Posen, publicity director, Hochschild, Kohn, Baltimore.

On panels 2 and 4:

Marvin Oreck, vice-president, Oreck's, Duluth.  
 C. I. Burtanger, sales promotion manager, Rike-Kumler, Dayton.  
 Kenneth Taylor, vice-president, John Taylor's, Kansas City, Mo.  
 M. Manus Roisen, sales promotion manager, Edward's Buffalo.

Willard H. Campbell, publicity director, G. Fox & Co., Hartford, and vice chairman, Sales Promotion Division, NRDGA, was chairman of the discussion, with Walter Johnson, sales manager, WTIC, Hartford, acting as master of ceremonies and firing the series of questions at the retail experts.

Among the many suggestions for successful radio advertising offered by the experts, the following were especially significant:

The entire store personnel must be kept informed on the program, items advertised each day, etc. Buyers must be sold and kept sold on the value of the radio campaign to their particular department.

The program should create a definite and distinct air personality for the store. It was recommended that the store should place an experienced radio person in complete charge, to work closely with the station on production, commercial copy, etc.

Much emphasis was given to the desirability of giving radio a full and fair chance to do the required job—with no less than 52 week contracts and daily broadcasts recommended wherever possible. Even the best program, it was pointed out, may take 10 to 20 weeks to build an audience and establish a following, while on the question of frequency of broadcast, anything less than daily use of radio places it in an unfair position as compared with newspapers.

All the usual publicity and promotion efforts should be made, particularly at the start of the campaign, to build an audience for the program. Stations, it was pointed out, are usually glad to cooperate toward that end.

Many retailers expect too much of radio, more than of any other medium, without giving it a real chance to succeed. Care should be taken to enlist the proper merchandising and store-wide cooperation so essential to the success of any advertising effort. Radio can stand on its own feet, but it is entitled to every legitimate and reasonable assistance if the store is to enjoy maximum results.

Radio's ability to build goodwill and acceptance for the entire store is especially important today, when prob-

lems of public relations are becoming more vital to all business.

Radio's superior coverage is of value in expanding the store's market, bringing in new customers, charge accounts, phone and mail orders.

Radio is a more flexible medium than any other, allowing last minute copy changes to take advantage of weather changes and other emergencies.

Through its ability to dramatize and paint "ear pictures" radio has sold fashion items as well as "price appeal" and sale merchandise. The right program can also sell high-priced products, such as refrigerators. The experts cited actual cases where radio had proved its value not only in direct selling of all types of merchandise, but in building store traffic and increasing goodwill and prestige.

## FTC RULES FOR RADIO ADVERTISING COPY

A station program manager asked the NAB this week if there were any fixed rules for radio advertising copy to insure its compliance with Federal Trade Commission standards.

Russell P. Place, NAB counsel, replied as follows:

In reply to your letter of January 5, permit me to state that yesterday I talked with Mr. James A. Horton, Chief Examiner of the Federal Trade Commission, relative to procuring standards to guide you in editing script with regard to "unfair methods of competition" and "unfair or deceptive acts or practices in commerce."

It appears that they have no printed standards for distribution. But it may be helpful in this connection to quote from a recent address of Mr. Horton's and from the Annual Report of the Federal Trade Commission for 1939.

Mr. Horton has stated, "\* \* \* The rule of construction applied to a false and misleading advertisement considers the advertisement in its entirety. The question of whether any particular statement is true or otherwise is not the wholly pertinent question; the really pertinent question is whether the advertisement as a whole is calculated to deceive." Again quoting Mr. Horton:

"The second part of the Wheeler-Lea Act adds a number of entirely new sections to the Federal Trade Commission Act and is the result of public demand for more stringent penalties for false advertising in the specific fields of food, drugs, devices, and cosmetics.

"The term false advertisement is defined as an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates under the conditions prescribed in said advertisement, or under such conditions as are customary or usual.

"This provision is designed to protect the purchaser against his own lack of information. It would appear that if the advertiser truthfully represents the characteristics and ingredients of his produce in the light of the use for which the produce is intended, he may not be held responsible for consequences resulting from the use of the product under conditions not prescribed or normal. He is, however, required to tell the whole truth without deceptive concealment whenever it is required for the protection of the public."

The annual report of the FTC for 1939, at page 82, lists certain typical methods and practices condemned in orders to cease and desist. This list is not limited to orders issued during the last year, and I will quote those types that seem to apply to radio advertising.



1. The use of false or misleading advertising, calculated to mislead and deceive the purchasing public to their damage.

6. Making false and disparaging statements respecting competitors' products and business, in some cases under the guise of ostensibly disinterested and specially informed sources or through purported scientific, but in fact misleading, demonstrations or tests; and making false and misleading representations with respect to competitors' products, such as that seller's product is competitor's, and through use of such practices as deceptive simulation of competitor's counter-display catalogs or trade names; and that competitor's business has been discontinued, and that seller is successor thereto or purchaser and owner thereof.

13. Using merchandising schemes based on lot or chance.

18. Various schemes to create the impression in the mind of the prospective customer that he or she is being offered an opportunity to make a purchase under unusually favorable conditions when such is not the case, such schemes including—

(a) Sales plans in which the seller's usual price is falsely represented as a special reduced price made available on some pretext for a limited time or to a limited class only, or involving false claim of special terms, equipment, or other privileges or advantages.

(b) The use of the "free goods" or service device to create the false impression that something is actually being thrown in without charge, when, as a matter of fact, it is fully covered by the amount exacted in the transaction as a whole.

(c) Use of misleading trade names calculated to create the impression that a dealer is a producer or importer, selling directly to the consumer, with resultant savings.

(d) Use of pretended, exaggerated retail prices in connection with or upon the containers of commodities, intended to be sold at lower figures as if bargains.

(e) Use of false or misleading representation that article offered has been rejected as nonstandard or is, for some other special and unusual reason, offered at an exceptionally favorable, or other than its normal, price, or that the number thereof that may be had or purchased is limited.

(f) Falsely and misleadingly representing that the goods are not being offered as sales in ordinary course, but are specially priced and offered as a part of a special advertising campaign to secure customers or for some purpose other than the customary profit.

20. Concealing business identity in connection with the marketing of a product, or misrepresenting the seller's relation to others; such as claiming falsely to be the agent or employee of some other concern, or failing to disclose the termination of such a relationship in soliciting customers of such concerns.

21. Misrepresenting in various ways the necessity or desirability or the advantages to the prospective customer of dealing with the seller, such as—

(a) Misrepresenting seller's alleged advantages of location or size, or the branches, domestic or foreign, or the dealers he has.

(b) Making false claim of being the authorized distributor of some concern, or of being successor thereto or connected therewith, or of being the purchaser and owner of competitor's business, or falsely claiming the right to prospective customer's special consideration, through such false statements as that customer's president or chairman of its board, or the customer's friends, have expressed a desire for, or special interest in, consummation of seller's transaction with the customer.

(c) Alleged Government connection of a concern, or endorsement of it or its product by the Government or by nationally known business organizations.

(d) False claim by a dealer in domestic products of being an importer, or by a dealer of being a manufacturer, grower, or nursery, or by a manufacturer of some product of being also the manufacturer of the raw material entering into the product.

(e) Claiming to be a manufacturer's representative and outlet for surplus stock sold at a sacrifice, when such is not the fact.

(f) Representing that the seller is a wholesale dealer, grower, producer, or manufacturer, or owns a laboratory in which product offered is analyzed and tested, when in fact such representations are false.

(g) Representing that ordinary private commercial seller and business is an association, or national association, or connected therewith, or sponsored thereby, or is otherwise connected with noncommercial or professional organizations or associations, or constitutes an institute, or, in effect that it is altruistic in scope, giving work to the unemployed.

(h) Falsely claiming that business is bonded or misrepresenting its age or history, or the demand established for its products,

or the selection afforded, or the quality or comparative value of its goods, or the personnel or staff or personages presently or theretofore associated with such business or the products thereof.

(i) Claiming falsely or misleadingly patent, trade-mark, or other special and exclusive rights.

24. Giving products misleading names so as to give them a value to the purchasing public, or to a part thereof, which they would not otherwise possess, such as names implying falsely that—

(a) The particular products so named were made for the Government or in accordance with its specifications and of corresponding quality, or are connected with it in some way, or in some way have been passed upon, inspected, underwritten, or endorsed by it; or

(b) They are composed in whole or in part of ingredients or materials, which in fact are contained only to a limited extent or not at all, or that they have qualities or properties which they do not have; or

(c) They were made in or came from some locality famous for the quality of such products; or

(d) They were made by some well and favorably known process, when as a matter of fact they were made in imitation of and by a substitute for such process; or

(e) They have been inspected, passed, or approved after meeting the tests of some official organization charged with the duty of making such tests expertly and disinterestedly, or giving such approval; or

(f) They were made under conditions or circumstances considered of importance by a substantial part of the general purchasing public; or

(g) They were made in a country, place, or city considered of importance in connection with the public taste, preference, or prejudice.

29. Employing various false and misleading representations and practices to give products a standing, merit, and value to the purchasing public, or a part thereof, which they would not otherwise possess, such practices including—

(a) Misrepresenting, through salesmen or otherwise, products' composition, nature, qualities, results accomplished, safety, value, and earnings or profits to be had therefrom.

(b) Claiming falsely unique status or advantages, or special merit therefor, on the basis of pretended, but in fact misleading and ill-founded, demonstrations or scientific tests, or pretended widespread tests, or of widespread and critical professional acceptance and use.

(c) Misrepresenting the history or circumstances involved in the making and offer of the products or the source or origin thereof (foreign or domestic), or of the ingredients entering therein, or parts thereof, or the opportunities brought to the buyer through purchase of the offering, or otherwise misrepresenting scientific or other facts bearing on the value thereof to the purchasers; and

(d) Representing products falsely as legitimate, or prepared, tagged, and labeled in accordance with law, or prepared in accordance with Government or official standards or specifications; and

(e) Claiming falsely Government or official, or other acceptance, use, and indorsement of product, and misrepresenting success and standing thereof through use of false and misleading indorsements or false and misleading claims thereto, or otherwise.

At page 139, the Report states:

*"Requests for advice.*—Many requests have been received from radio stations, advertisers, and advertising agencies for advice and information concerning certain advertisers and their products. The Commission cannot give the information requested in many cases either because the matter may be under investigation or it is not fully advised of all the facts and cannot render opinions therein; and, in any case, it is not the Commission policy to pass on the merits of products advertised. It treats as confidential all proceedings prior to acceptance of a stipulation or issuance of a complaint. After a stipulation has been accepted and approved, or a complaint issued, the facts concerning such proceedings are for the public record and available to anyone who may request them."

If I can be of any further help in the matter, I shall be glad to have you write me.

Very truly yours,  
RUSSELL P. PLACE,  
Counsel.

## Engineering

### HEARING ON TELEVISION RULES

The FCC met on Monday, January 15, to consider objections to the rules and regulations for television stations which were tentatively adopted by the Commission on December 21, 1939, and to specify recommendations of its television committee. The first witness called was Edwin H. Armstrong. However, Major Armstrong was confined to his hotel by a bad cold and his testimony was deferred.

The next party to be called was the committee on organization of F. M. broadcasters. Mr. Philip G. Loucks, on their behalf, asked that no action be taken which would affect the issues in the F. M. hearing scheduled for February 28. The next party to present testimony was Allen B. DuMont Laboratories, Inc., of Passaic, New Jersey, represented by Mr. Roberts. Dr. Thomas T. Goldsmith, television engineer for DuMont, gave a short historical sketch of television development. On behalf of DuMont he asked that the FCC should not freeze the standards for television at 441 lines per frame and a frame frequency of 30 per second. He asked that flexibility be provided. Dr. Goldsmith claimed that the number of lines could be increased and the number of frames decreased, and still remain within the present six megacycle channel width and yet give a better picture.

Mr. C. A. Priest, engineer in charge of transmitter engineering of the Schenectady works, appeared for the General Electric Company. Mr. Priest's testimony dealt mainly with the allocation tables as set up by the FCC. Under the FCC allocation plan, Albany and Bridgeport were assigned to channel number 7, using 1 kw. each. It was Mr. Priest's contention that Schenectady should have a 10 kw. assignment and he offered an alternate allocation proposal.

Horace Lohnes, attorney for the Don Lee Network, placed Harry R. Lubcke, director of television for Don Lee, on the witness stand. Mr. Lubcke testified that the R. M. A. standards should not be adhered to too closely, however, that he was generally in favor of them. It was his opinion that powers higher than those proposed by the Commission should be used in order to overcome interferences such as emanated from diathermy machines. Louis Ellen Weiss, vice president, continued the testimony for Don Lee. It was his opinion that the changes allowed under the proposed regulation should be more liberal. Mr. Weiss estimated that there were from four to eight hundred television receivers in their area.

The hearing was resumed on Tuesday, starting with testimony for Philco, represented by Louis Caldwell. W. D. Smith, testifying for Philco, advocated the use of vertically instead of horizontally polarized waves. He

stated that they had been experimenting with a set using a loop inside the receiver and he believed that due to the elimination of the expense and installation of a horizontal antenna, that the cost of television receivers could be forty to fifty dollars cheaper, each. Mr. Smith objected to the synchronization standards, stating that the synchronization and sound are not as good as they should be and need improvement. It was his feeling that more power was needed for the sound channel and that the use of a third carrier should be considered for carrying the synchronization impulses. Mr. Smith suggested a delay of a few months in order to bring standards up to date before freezing them.

Mr. John V. L. Hogan, president of Radio Pictures, Inc., New York City, was the next witness heard by the Commission. Mr. Hogan testified that he was working on the development of a synchronizing system which would be better and cheaper. He maintained that both class 1 and 2 stations should be allowed to charge for program production. Mr. Hogan also objected to the stipulation in rule 4.74-D as to the number of stations in large cities. It was his opinion that leeway should be left in the channel assignments so that economics would be a governing factor. He contended that for the present the FCC should not adopt any standards. He also suggested the elimination of the class 1 and 2 categories and allow all stations to experiment with both the technical and program aspects. Mr. Hogan also suggested that if the stations are allowed to charge for programs that they should also be allowed to charge for transmission. It was Mr. Hogan's feeling that the Commission should encourage more stations to experiment. Testimony was again resumed by the DuMont Company, placing R. M. Campbell on the stand. Mr. Campbell described the DuMont flexible line per inch system and claimed that synchronization was more reliable and sure, and that equalizing pulses were unnecessary. It was his contention that the DuMont system was not bothered quite as much by interferences as was a system under the R. M. A. standards; however, he admitted that a third carrier for synchronization was more satisfactory than both. The minimum size acceptable picture for home use was given as 8 x 10, and that the best size would be the same size that we now have on a home movie screen.

The testimony of John Howland for the Zenith brought out an interesting possibility and that was, that Frequency Modulation be used for the sound channel and that the synchronizing impulses be multiplexed on the same channel. Mr. Howland stated that television is not ready for the public and that more experimental work should be encouraged.

Mr. Robert Robins appearing for the Cart-Ray Electronic Laboratories, Inc., New York City, testified that the company was ready to market a radio and television receiver with a seven inch tube in the one hundred dollar



(\$100.00) price field. He asked that the present license holders be compelled to maintain a regularly scheduled program service.

The Television Hearing reconvened Wednesday morning with Mr. Paul W. Kesten taking the stand for Columbia. Mr. Kesten propounded three courses of action for the FCC to follow without committing Columbia to any of them. The three courses of action were:

1. Freeze the standards for a stated number of years, probably eight to ten, and allow regularly scheduled programs.

2. Delay standards and regular programs until some indication of a fair stability has been attained. This would take about one year.

3. If either one or two cannot be put into effect, proceed with programs as proposed without freezing the standards and tell the public that there is no guarantee for the future as to obsolescence of their sets.

Mr. Kesten estimated that with the advent of a second program source in New York City there would be sales of between ten and fifteen thousand sets in the first year and that in the second year there would be thirty to forty-five thousand. Mr. Kesten foresees that public indignation will be focused on the broadcasters and not the manufacturer of the receiving sets, should the sets suddenly become obsolete through changes in standards, it was his belief that under R. M. A. standards, pictures twice as good as we now have can be obtained through development without making present standards obsolete. Mr. Kesten does not see any threat to the sound broadcasters from television. It was his estimate that ultimately we could expect not over 30 per cent ownership and that ultimately the probable looking hours per day would be two as compared with five hours of sound now.

Dr. Peter Goldsmith replaced Mr. Kesten on the stand and gave technical testimony as to the present quality of pictures and what we might expect in the future if we freeze on the R. M. A. standards.

Several of the witnesses and several of the commissioners were apparently quite surprised to find that the Radio Manufacturers Association standards for television were not unanimously acceptable to the industry.

The main questions brought out in the hearing up to date are whether television under the R. M. A. standards can be as good as it should be and whether or not the commission should allow commercialization at this time.

The hearing was adjourned until Friday morning.

## FREQUENCY MODULATION

Frequency modulation was demonstrated before 500 members and guests of the Washington Radio Club, January 13 in the National Museum auditorium.

Major Edwin Armstrong discussed the historical and technical background of F. M.

Stewart Bailey conducted the demonstration of records, live talent, sound effects and the multiplexing of a radio typewriter. The transmission was made from the Jansky and Bailey experimental F. M. station in Georgetown. The reproduction of the live talent was so lifelike that it evoked spontaneous applause from the audience even though they were only hearing the artists thru a loud-speaker.

C. M. Jansky, Jr., took up a discussion of the F. M. allocation problem and stated that, due to the small ratio needed between the desired and undesired signal, comparatively few channels would be needed to supply a good broadcast system for the United States.

Fred W. Albertson, chairman of the Washington Radio Club presided.

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In a talk before the Washington section of the Institute of Radio Engineers, January 8, Paul A. de Mars presented his observations on Frequency Modulation transmission from the Yankee Network experimental station at Paxton.

His observations indicate a coverage of 100 miles radius, interference free and of high fidelity, when the Paxton power is raised from its present power of 2 KW up to 50 KW.

Mr. de Mars showed a map with the coverage of present broadcast stations and the F. M. 50 KW Paxton station. A marked improvement in coverage was indicated.

## FCC RECORDING RULES

As a result of numerous inquiries from member stations, the NAB this week obtained informally from the FCC an interpretation of Section 3.93 (e) of the new Record Rules. Use of the words "transcribed" or "recorded" is permissible under the new rule as heretofore.

## FCC FINANCIAL REPORT

By this time all stations have undoubtedly received FCC blanks for the annual financial report. In addition stations received a single page on which stations were asked to report as promptly as possible page 11, schedule 8. On line 23(b) of that sheet the word "from" should be changed to read "for." This was an error in the form and at the request of the FCC Accounting Department the NAB is calling this to the attention of members.

As stated in last week's REPORTS, the FCC extended the filing date of the complete financial statement until April 15, but requests that page 11, schedule 8 be returned as promptly as the figures can be assembled.

## FCC ANNUAL REPORT

The fifth annual report of the Federal Communications Commission to Congress covering its operation during the

fiscal year, July 1, 1938 through June 30, 1939, was released January 15. The report covers the entire operations of the FCC in the field of radio, telephone and telegraph, set forth under the following chapter headings: Introductory Summary, General, Regulation of Telephone and Telegraph Carriers, Regulation of Broadcast Service, Promotion of Safety of Life and Property, Licensing, Recommendations to Congress and Appendixes.

On the subject of broadcasting, the Commission reports the total number of broadcasting stations in the United States and its possessions. The following table presents this information together with an accounting of the changes during the year.

| <i>Class of Station</i>                    | <i>New stations authorized</i> | <i>Stations deleted</i> | <i>Total number of stations June 30, 1939</i> |
|--|--------------------------------|-------------------------|---|
| Broadcast .....                            | 39                             | 8                       | 774   |
| Special broadcast .....                    | 0                              | 0                       | 4   |
| Relay (low frequency) broadcast .....      | 64                             | 8                       | 199   |
| Relay (high frequency) broadcast .....     | 47                             | 38                      | 275   |
| High-frequency broadcast ....              | 6                              | 8                       | 46  |
| Television broadcast .....                 | 7                              | 3                       | 23  |
| International broadcast .....              | 2                              | 1                       | 14  |
| Facsimile broadcast .....                  | 7                              | 1                       | 12  |
| Developmental broadcast .....              | 3                              | 5                       | 12  |
| Non-commercial educational broadcast ..... | 1                              | 0                       | 2   |
| Total .....                                | 176                            | 72                      | 1,361   |

Several tables are included in the report which analyze the number of standard broadcast stations by type of channel and hours of operation.

Included is a discussion of the new rules and regulations and standards of good engineering practice issued by the Commission during the year. There are reports, also, under the subjects of television, broadcast services other than standard, international broadcast stations, relay service, facsimile, high-frequency, educational broadcasts, use of broadcast facilities in emergencies, monopoly investigation, field inspections, examinations, investigations and litigation.

The latter part of the report is devoted to appendixes. Appendix F deals with the financial and statistical data on standard broadcasting stations in continental United States. Some financial material, not previously released by the Commission, is presented here. The total investment of the broadcasting industry after depreciation and exclusive of goodwill is reported at \$33,826,792 at the end of 1938.

The income of the industry from the sale of station time for the year 1938 is reported at \$117,379,459. No comparison is presented in the report with similar figures gathered by the FCC for 1937. It is not possible to present a comparison here because of accounting difference which exists between the two sets of data. The apparent loss of the industry from the figure of \$117,908,973 presented in the fourth annual report of the Commission will undoubtedly be changed to show a slight increase for the

industry when the 1937 figures are put on a comparable basis with the figures of 1938. There is also some question as to whether the entire income from the sale of station time of regional networks is included in the 1938 figures.

Income and expense figures are presented for network operations, the 23 network managed and operated stations and the 637 other reporting stations. This information is also tabulated for stations operating on the various channels under the various classifications of operating hours and also by geographic districts and states.

A tabulation by state presents population and families as of July 1, 1937; families owning radios as of January 1, 1938, showing the number, the ratio to families, and the percent of total United States; retail sales of retail stores as of 1935 with percent of total U. S.; and broadcast revenue showing the amount, the percent of total U. S. and the average revenue per radio family.

The figure of average revenue per radio family for the United States is reported at \$2.97. This figure loses its significance to a great extent when reported by state because of overlapping market areas. As an example, the District of Columbia is listed as having the highest ratio, at \$6.48. However, the physical limits of the District of Columbia is used as a criterion of Washington station coverage and does not take into account the large number of radio families in adjacent counties of Maryland and Virginia, which, if included, would materially reduce the ratio.

The Commission reports that during the week beginning December 11, 1938, the broadcasting stations of the country released 67,283 hours of radio programs. Program hour information is broken down by programs originating from national networks, regional networks and from local studios and shown separately for personal and mechanical renditions. Also included is a tabulation of the types of commercial and sustaining programs. For the week reported, 33.86 percent of programs were commercial and 66.14 percent sustaining.

During the week beginning December 11, 1938 stations and networks employed 18,358 persons full-time and 4,377 part-time. For the full year 1938, the industry employed 23,060 persons with a total payroll of \$45,-663,757. A tabulation is given showing the classifications of employees, their number, total compensation and average weekly compensation.

State Legislation

KENTUCKY:  
H. 91 (Lyon) COPYRIGHTS—TEXTBOOKS—To require copyrights on textbooks in elementary high school and state supported institutions.



## NEW YORK:

A. 184 (Holley) **INSTALLMENT CONTRACTS—SELLERS**—Provides for uniform statement of terms in installment contracts for sale of goods and for licensing and regulating installment sellers, no warrant of seizure to be issued in New York City municipal court if defendant tenders all arrearages. Referred to General Laws Committee.

A. 226 (Crews) **EMPLOYMENT AGENCIES—DISCRIMINATION**—Prohibits discrimination by employment agencies on account of race, color or religion, violation being sufficient cause for suspension or revocation of license. Referred to Civil Service Committee.

A. 399 (Schwartz) **EMPLOYMENT AGENCIES**—Regulates private fee-charging employment agencies and appropriates \$40,000 to Labor Department. Referred to Ways and Means Committee.

S. 198 (Coughlin) **DISCRIMINATION—PRESS AND RADIO**—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship. Referred to Codes Committee.

## VIRGINIA:

S. 14 (Parker) **RADIO STATIONS—COLLEGES AND UNIVERSITIES**—To authorize governing bodies of state colleges and universities to construct, equip, maintain and operate for certain purposes radio transmitting and broadcasting stations and apparatus. Referred to Public Institutions and Education Committee.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are scheduled before the Commission during the week of Monday, January 22.

### FUTURE HEARINGS

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

#### January 30

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts, unlimited time.

#### February 1

Oral Argument Before the Commission

WRTD—Times-Dispatch Radio Corp., Richmond, Va.—C. P., **590 kc.**, 1 KW night, 1 KW day, unlimited (DA night).

#### February 7

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Renewal of license, **1390 kc.**, 1 KW, daytime.

#### February 8

Further Hearing

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

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted construction permit, subject to approval of trans-

mitter site, authorizing a new broadcast station to operate on **1300 kc.**, 1 KW, unlimited time, employing directional antenna both day and night.

Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Granted construction permit, subject to approval of transmitter site, authorizing a new broadcast station to operate on **1420 kc.**, 100 watts (Class IV), unlimited time.

### MISCELLANEOUS

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Co., San Antonio, Tex.—Granted motion to accept amendment to application to use directional antenna and specify site. (Application requests change in frequency from **1370 kc.**, power from 100 watts, 250 watts local sunset, and time from shares KONO, to frequency **930 kc.**, power 1 KW, unlimited time).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted petition to intervene and for consolidation of hearings on applications of Springfield Radio Service, Inc., Springfield, Ohio, for construction permit to operate on **780 kc.**, 250 watts, daytime, and petitioner's application for construction permit to install new transmitter and increase power to 1 KW.

Lookout Mountain Co. of Georgia, Lookout Mountain, Ga.—Referred to Commission petition to fix hearing date and to consolidate application for construction permit to operate on **1370 kc.**, 250 watts, unlimited time, with application of Joe W. Engel, Chattanooga, Tenn., for construction permit to operate on **1370 kc.**, 250 watts, unlimited time.

G. D. Gillett, Washington, D. C.—Granted motion for continuance of hearing to February 7, 1940, in re application of E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, for renewal of license to operate on **1390 kc.**, 1 KW, daytime, scheduled January 17, 1940.

G. D. Gillett, Washington, D. C.—Granted motion for continuance of hearing scheduled January 16, 1940, to January 30, 1940, in re application of John H. Stenger, Jr., Wilkes-Barre, Pa., for renewal of license to operate on **1210 kc.**, 100 watts power, unlimited time.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from local sunset at Abilene, Kans. (January 5:30 p. m., CST), to 7:30 p. m., CST, on January 14, 1940, in order to broadcast football game between Green Bay Packers and Professional All Stars only, using 1 KW power.

Joe W. Engel, Chattanooga, Tenn.—Designated P. W. Seward to preside at hearing on application for construction permit for new station to operate on **1370 kc.**, 250 watts, unlimited time, in lieu of R. H. Hyde.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted license to cover construction permit to use present licensed transmitter as an auxiliary transmitter at new site, increase power to 1 KW for auxiliary; use directional antenna at night. Also granted authority to determine operating power by direct measurement of antenna input.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Texas.—Granted special temporary authority to rebroadcast transmissions between the ground and plane of Army stations at Randolph Field over radio station KABC on Thursdays for a period not to exceed thirty days.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8:00 p. m. to midnight, EST, on January 22, 1940, in order to broadcast March of Dimes program for President's Birthday Ball.

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate from 7:30 p. m. to 8:30 p. m., EST, on January 16, 1940, in order to broadcast public meeting with Governor speaking.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2:00 p. m. to 3:00 p. m., EST, on January 13, 20, 27, February 3 and 10, 1940, in order to broadcast the following sustaining programs: 2 to 2:10 p. m. Newscast, 2:10 to 2:30 p. m.; Matinee Moods, 2:30 to 3 p. m. Suggestions in Symphony; to operate from 2:00 p. m. to 3:00 p. m., EST, on January 14, 21, 28, February 4 and 11, 1940, in order to broadcast the following programs: 2 to 2:15 p. m., Newscast, 2:15 to 2:30 p. m.; Tune Travels, 2:30 to 2:45 p. m.; Sabbath Meditations, 2:45 to 3:00 p. m.; ¼ hour in ¾ time, Musical Program; and to operate as follows on February 12, 1940: 8:30 to 9 a. m.; Breakfast Club, 9 to 9:30 a. m. Opening of Mail,

- 9:30 to 10 a. m.; Dances of the World, 2 to 2:10 p. m.; Newscast, 2:10 to 2:30 p. m.; Matinee Moods, 2:30 to 3 p. m.; Suggestions in Symphony (provided WSVS remains silent).
- WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted license to cover construction permit for installation of new transmitter; frequency **1420 kc.**, power 250 watts, unlimited time.
- KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted license to cover construction permit for changes in equipment, increase in power and change in hours of operation to **1210 kc.**, 250 watts, unlimited.
- WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted license to cover construction permit as modified, for new broadcast station; **1100 kc.**, 1 KW, daytime.
- WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WNBI and WRCA over Station WNEL for a period not to exceed 30 days.
- WRTD—The Times Dispatch Radio Corp., Richmond, Va.—Scheduled Oral Argument to be held on February 1, 1940, on Report No. B-84.
- WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted license to cover construction permit authorizing changes in equipment and increase in power to 250 watts on **1420 kc.**, unlimited time.
- WAIQ—WAVE, Inc., Portable-Mobile (area of Louisville, Ky.).—Granted license to cover construction permit for new relay-broadcast station to be used with applicant's standard broadcast station WAVE; frequency **2790 kc.**, **1622**, **2058**, **2150 kc.**, 50 watts.
- W2XB—General Electric Co., New Scotland, N. Y.—Granted license to cover construction for new television station; frequencies **60,000-86,000 kc.**, visual 10 KW, aural, 3 KW, upon an experimental basis only.
- WPRO—General Electric Co., New Scotland, N. Y.—Granted license to cover construction permit and modification thereof, for increase in power, move of transmitter, installation of new equipment, and to make changes in directional antenna. Station operates on **630 kc.**, 1 KW night, 5 KW day, unlimited time, directional antenna at night.
- WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted license to cover construction permit authorizing changes in transmitting equipment and increase in power, **1420 kc.**, 250 watts, unlimited time.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted modification of construction permit as modified, authorizing move of transmitter, installation of new transmitting equipment and directional antenna and increase in power *requesting* extension of required completion date of construction to March 8, 1940.
- KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input.
- KGFL—KGFL, Inc., Roswell, N. Mex.—Granted authority to determine operating power by direct measurement of antenna input.
- KOAM—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Granted authority to determine operating power by direct measurement of antenna input.
- KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted license to cover construction permit authorizing changes in transmitting equipment and increase in power to 250 watts LS, using 100 watts night, on **1500 kc.**, unlimited time.
- WJHL, Inc., Johnson City, Tenn. (area), Portable-Mobile.—Granted construction permit for new low frequency relay broadcast station to operate on frequencies **1622**, **2058**, **2150**, **2790 kc.**, power 40 watts, to communicate as a relay broadcast station in accordance with Sections 4.21 and 4.22(c); hours of operation in accordance with Section 4.24; to be used with applicant's standard broadcast station WJHL.
- KGGF—Hugh J. Powell, Coffeyville, Kan.—Granted special temporary authority to remain silent from 2:00 p. m. to 3:00 p. m., CST, on February 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, and 29, 1940 and from 3:00 p. m. to 3:30 p. m., CST, on February 5, 12, 19, and 26, 1940, in order to permit WNAD to broadcast special educational programs.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate during above periods (provided KGGF remains silent) in order to broadcast educational programs.
- KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period January 19, 1940, to not later than February 17, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.
- KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 9:00 p. m. to midnight, PST, on January 18, 1940, in order to broadcast the meeting of the Central California League of Municipalities and to operate from 9:00 p. m. to midnight, PST, on January 20, 1940, in order to broadcast the California-Nevada Convention of Kiwanis Clubs.
- Thumb Broadcasting Co., Brown City, Mich.—Upon consideration of a petition for rehearing filed by Thumb Broadcasting Co., the Commission ordered that its Opinion and Order of November 8, 1939, denying application of applicant for a new station to operate on **880 kc.**, with 1 KW power, daytime only, be set aside, and the application remanded for further hearing to determine whether the Commission's Standards of Good Engineering Practice would be met by a grant of the application in part so as to permit the use of frequency **880 kc.**, with 250 watts power.
- Lookout Mountain Company of Georgia, Lookout Mountain, Georgia.—Granted petition only in so far as it requests petitioner's application be designated for hearing (to be held February 19, 1940) on the following issues: (1) to determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed broadcast station; (2) to determine type and character of program service to be rendered; (3) to determine the area and population which would be expected to receive interference-free primary service both daytime and nighttime; (4) to determine whether the proposed station would render service in accordance with the Commission's Standards of Good Engineering Practice for Class IV stations; (5) to determine whether public interest, convenience and necessity will be served through a grant of the application, or through a grant of the application of Joe W. Engel (B3-P-2483), or through a denial of both applications.
- KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Denied petition for rehearing in re application of Red River Valley Broadcasting Corporation (KRRV), Sherman, Tex., for construction permit to move transmitter locally to a new site, install new equipment, including a directional antenna, and change frequency from **1310 kc.** to **880 kc.** and power output from 250 watts, daytime only, to 1 KW, unlimited time, granted by the Commission on November 8, 1939.
- KVIC—Radio Enterprises, Inc., Victoria, Tex.—Granted license to cover construction permit as modified for new broadcast station, frequency **1310 kc.**, 100 watts night, 250 watts daytime, unlimited time.
- KVOS—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.
- WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.
- WEKR—South Bend Tribune, Portable-Mobile (area of South Bend, Ind.)—Granted license to cover construction permit to install new transmitter in Relay broadcast station and increase power to 15 watts.
- WHPM—United Broadcasting Co., Portable-Mobile (area of Cleveland).—Granted license to cover construction permit for new relay broadcast station; frequencies **31620**, **35260**, **37340** and **39620 kc.**, 25 watts for relaying programs and orders in re such programs, and 50 watts on **37340 kc.** for transmission of orders only.
- WEJA—National Broadcasting Co., Inc., New York City—Granted license to cover construction permit as modified, to make changes in equipment of relay broadcast station, and increase power to 100 watts.
- WFYB—Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted modification of license for relay broadcast station to change type number of equipment to agree with actual type number of present equipment.



WEHP—The Fort Industry Co., Portable-Mobile (area of Toledo, Ohio).—Granted modified license to increase power of relay broadcast station to 50 watts.

WEMW—The WGAR Broadcasting Co., Portable-Mobile (area of Cleveland).—Granted modification of relay broadcast station license to increase power to 100 watts.

WRCA—National Broadcasting Co., Inc., New York City.—Granted modified license to correct description of transmitter in international broadcast station.

WNBI—National Broadcasting Co., Inc., New York City.—Granted modified license to correct description of transmitter in international broadcast station.

W1XBO—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Granted modification of construction permit to change equipment in high frequency broadcast station.

KWOC—Radio Station KWOC, Poplar Bluff, Mo.—Granted license to cover construction permit for changes in transmitting equipment, changes in hours of operation to unlimited, and increase power to 250 watts on 1310 kc. Also granted authority to determine operating power by direct measurement of antenna input.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted authority to determine operating power by direct measurement of antenna input.

KHUB—John P. Scripps, Watsonville, Cal.—Granted authority to determine operating power by direct measurement of antenna input.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted authority to determine operating power by direct measurement of antenna input.

WABC-WBOQ—Columbia Broadcasting System, Inc., New York City.—Granted authority to determine operating power by direct measurement of antenna input.

KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Granted license to cover construction permit as modified, for changes in transmitting equipment and increase in power to 250 watts.

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted license to cover construction permit as modified, for changes in transmitting equipment and increase in power to 250 watts.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted modification of license to change main studio location from Plainfield St., Ulster Twp., New York, to Governor Clinton Hotel, Albany Ave., Kingston, N. Y. Also granted authority to determine operating power by direct measurement of antenna input.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted license to cover construction permit as modified for new station to operate on 1500 kc., 100 watts, daytime.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted license to cover construction permit as modified for new transmitter, and increase in power to 250 watts, on 1420 kc.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted modification of construction permit to increase night power to 5 KW, install directional antenna for night use, and make changes in equipment.

WGNV—Courier Publishing Corp., Newburgh, N. Y.—Granted modification of license to change corporate name of license from Courier Publishing Corp. to WGNV Broadcasting Co., Inc.

WEHK—Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted construction permit to increase power in relay broadcast station to 2 watts, and make change in equipment.

WCLA—Larus & Brother Co., Inc., Portable-Mobile (area of Richmond, Va.).—Granted modification of construction permit to change equipment and increase power to 40 watts, in relay broadcast station.

WEMP—Radio Station WSOB, Inc., Portable-Mobile (area of Charlotte, N. C.).—Granted license to cover construction permit to make changes in equipment of relay broadcast station.

WAGF—John T. Hubbard, Julian C. Smith, and Fred C. Mosely, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 9:00 p. m. to 10:00 p. m., CST, on January 20, 1940, in order to broadcast "A Symphony from the New South" program.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate high frequency (experimental) broadcast station W2XWG to utilize amplitude modulation and frequency modulation on frequency 42600 kc. for a period not to exceed 30 days, in

order to accumulate data for direct comparison of the effectiveness of frequency modulation versus amplitude modulation for presentation at the February 28, 1940, hearing.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted special temporary authority to operate from 7:30 p. m., CST, to the conclusion of basketball games described in letter dated January 10, 1940, on January 25, 26, February 2, 3, 5, 6, 10, 12, 13, 16, 17, 19, 23, 24, 1940, in order to broadcast basketball games only, using 250 watts power to operate from local sunset (February 5:30 p. m., CST) to the conclusion of the Macon County Farmers Institute sessions on February 21 and 22, using 250 watts power.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7:30 p. m. to 8:00 p. m., EST, or to the conclusion of the annual banquet of the Shenango Valley Junior Chamber of Commerce in order to broadcast proceedings on January 23, 1940.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate from 7:00 p. m. to 8:00 p. m., CST, on January 21, 28, and February 4, 1940, in order to broadcast church services.

The Commission (by its Administrative Board) on January 17 took the following action:

WRVA—Larus & Brother Co., Inc., Richmond, Va.—Granted construction permit to use old W. E. transmitter as an auxiliary, with power of 5 KW, DA day and night, and move to site of main transmitter on James River 12 miles southeast of Richmond.

WSAV—WSAV, Inc., Savannah, Ga.—Granted license to cover construction permit as modified, authorizing new station to operate on 1310 kc., 100 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted license to cover construction permit and modification thereof, for change in frequency to 1200 kc., increase power to 250 watts, move transmitter and make changes in antenna.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Construction permit to install new transmitter, vertical antenna, increase power from 1 KW to 1 KW night and 5 KW day, move transmitter to Granger, Oregon. Amended to request 5 KW power day and night, changes in requested transmitting equipment, installation of directional antenna for day and night use.

### 580 Kilocycles

KMJ—McClatchy Broadcasting Company, Fresno, Calif.—Extension of special experimental authority for transmission of facsimile signals, for period 4-1-40 to 4-1-41.

### 600 Kilocycles

WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—License to cover construction permit (B3-P-2361) for installation of auxiliary transmitter.

### 620 Kilocycles

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit to install directional antenna for night use and increase power from 1 KW night and 5 KW day to 5 KW day and night.

### 650 Kilocycles

WSM—The National Life and Accident Insurance Co., Nashville, Tenn.—Extension of special experimental authority for transmission of facsimile signals from 12 midnight to 6 a. m., for period 2-1-40 to 2-1-41.

### 780 Kilocycles

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit to install directional antenna for night use, increase power from 1 KW and 5 KW day to 5 KW day and night.

### 900 Kilocycles

NEW—The Fort Industry Co., Cleveland, Ohio.—Construction permit for a new station on 810 kc., 1 KW, daytime opera-

tion. Amended to request **900 kc.**, 5 KW power, unlimited time, changes in antenna and transmitting equipment.

### 1050 Kilocycles

KFBI—The Farmers & Bankers Broadcasting Corporation, Wichita, Kans.—Modification of construction permit (B4-P-1865) as modified, for new equipment, new antenna, and move of transmitter and studio, further requesting authority to install new transmitter.

### 1110 Kilocycles

NEW—Mosby's, Inc., Anaconda, Mont.—Construction permit for a new station on **1110 kc.**, 500 watts night, 1 KW day, unlimited time.

### 1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—License to cover construction permit (B3-P-1958) for changes in equipment and increase in power.

### 1150 Kilocycles

NEW—Helen L. Walton and Walter Bellatti, Jacksonville, Ill.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts power, unlimited time. Amended to request **1150 kc.**, daytime operation, and amend sections 19(f), 30 and 33.

### 1200 Kilocycles

WHOP—Paducah Broadcasting Co., Inc., Hopkinsville, Ky.—License to cover construction permit (B2-P-2519) for a new broadcast station.

WHOP—Paducah Broadcasting Co., Inc., Hopkinsville, Ky.—Authority to determine operating power by direct measurement of antenna power.

KVNU—Cache Valley Broadcasting Company, Logan, Utah.—License to cover construction permit (B5-P-2469) for changes in equipment and increase in power.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

### 1210 Kilocycles

NEW—Western Gateway Broadcasting Corporation, Schenectady, N. Y.—Construction permit for a new station on **1210 kc.**, 250 watts, unlimited time.

### 1280 Kilocycles

WIBA—Badger Broadcasting Company, Inc., Madison, Wis.—Construction permit to make changes in directional antenna for use at night, and increase power from 1 KW; 5 KW-daytime to 5 KW day and night.

### 1310 Kilocycles

KFYO—Plains Radio Broadcasting Co., Lubbock, Texas.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

WTEL—Foulkrod Radio Engineering Company, Philadelphia, Pa.—Construction permit to make changes in equipment, increase power from 100 to 250 watts. Amended to change frequency from **1310 kc.** to **1500 kc.**, and hours of operation from S-WHAT to unlimited.

WMBO—WMBO, Inc., Auburn, N. Y.—Authority to determine operating power by direct measurement of antenna power.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Construction permit for a new station to be operated on **680 kc.**, 250 watts power, daytime. Amended to request **1310 kc.**, 100 watts power, unlimited time.

### 1320 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Modification of construction permit (B-P-2220) as modified, for change in frequency, increase in power, new transmitter and antenna, and move of transmitter, requesting extension of completion date from 2-20-40 to 8-20-40.

WSMB—WSMB, Inc., New Orleans, La.—Authority to determine operating power by direct measurement of antenna power.

### 1330 Kilocycles

WDRC—WDRC, Inc., Hartford, Conn.—Modification of construction permit (B1-P-2223) for installation of directional antenna and increase in power, further requesting changes in directional antenna for use day and night, and extend commencement date 30 days after grant and completion date 150 days thereafter.

### 1370 Kilocycles

WMAN—Richland, Inc., Mansfield, Ohio.—Modification of license to change hours of operation from daytime to unlimited, using 250 watts power.

NEW—The Hampden-Hampshire Corporation, Holyoke, Mass.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts power, unlimited time. Amended: equipment changes and specify antenna to be determined.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Authority to determine operating power by direct measurement of antenna power.

### 1380 Kilocycles

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1400 Kilocycles

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Authority to determine operating power by direct measurement of antenna power.

### 1410 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of license to increase power from 250 watts, 1 KW day, to 1 KW day and night.

### 1420 Kilocycles

WSPB—WSPB, Inc., Sarasota, Fla.—Authority to determine operating power by direct measurement of antenna power.

KABC—Alamo Broadcasting Company, Inc., San Antonio, Tex.—Authority to determine operating power by direct measurement of antenna power.

WSPB—WSPB, Inc., Sarasota, Fla.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

### 1450 Kilocycles

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment and make changes in directional antenna (for use day and night); change frequency and power from **1450 kc.**, 1 KW, 5 KW day, to **730 kc.**, 10 KW day and night; move transmitter from 1000 Harvard Ave., Cuyahoga Heights, Ohio, to Bassett Road, Dover, Ohio.

### 1500 Kilocycles

WMEX—The Northern Corporation, Boston, Mass.—Modification of construction permit (B1-P-1167) for change in frequency, increase in power, new transmitter, directional antenna, and move of transmitter, further requesting changes in directional antenna and move of transmitter from Granite Ave., Milton, Mass., to W. Squantum St. and John St., Montclair (Quincy), Mass.; and extend commencement date 30 days and completion date 180 days. Corrected re: sections 11 b and e, and new resolution filed under section 18.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Modification of construction permit (B3-P-2384) for a new station, requesting authority to make changes in equipment, and approval of antenna, and approval of studio and transmitter site at end of 23rd Ave., Cordele, Ga.

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant R. Wrathall, d/b as Utah Broadcasting Company, Salt Lake City, Utah.—License to cover construction permit (B5-P-2513) as modified for changes in equipment and increase in power.

WKEU—Radio Station WKEU, Griffin, Ga.—Construction permit to make changes in antenna and change hours of operation from daytime to unlimited, using 100 watts power.

KNEL—G. L. Burns, Brady, Tex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.



## MISCELLANEOUS

- W1XK**—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Modification of construction permit (B1-PHB-76) to change transmitter site from Hotel Bradford, 275 Tremont St., Boston, Mass., to Newport Road, Hull, Mass., and extend commencement date to 60 days after grant and completion date to 180 days thereafter.
- WBOS**—Westinghouse Electric & Manufacturing Co., Millis, Mass.—Modification of license to add the frequencies of **11870** and **17780 kc.** to those already authorized (**6140, 9570, 15210, 21540**), sharing time on all frequencies with **WPIT**.
- WENH**—WJR, The Goodwill Station, Portable-Mobile.—License to cover construction permit (B2-PRY-185) to change frequencies and make changes in equipment.
- NEW**—William G. H. Finch, New York, N. Y.—Construction permit for a new high frequency broadcast station to be located at 1819 Broadway, New York, N. Y., to be operated on **117910 kc.**, 1 KW power, unlimited time, special emission.
- W2XWG**—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-PHB-80) for new high frequency broadcast station.
- NEW**—God's Bible School and College, Cincinnati, Ohio.—Construction permit for a new international broadcast station to be located at 1810 Young St., Cincinnati, Ohio, on **11710** and **21610 kc.**, unlimited time to **21610 kc.** and sharing time on **11710 kc.**, 60 KW power, A-3 emission.
- KBQB**—Edwin A. Kraft, area of Juneau, Alaska.—License to cover construction permit (B5-PRY-196) for new relay broadcast station.
- NEW**—Muzak Corporation, New York, N. Y.—Construction permit for a new high frequency broadcast station to be located in New York, N. Y., to be operated on **43600** and **117910 kc.**, 1 KW, unlimited time, special emission.
- NEW**—WIBX, Inc., area of Utica, N. Y.—Construction permit for a new relay broadcast station on **1606, 2022, 2102, 2758 kc.**, 100 watts, A-3 emission, unlimited time. Located in area of Utica, N. Y. Portable-Mobile.
- NEW**—Peoria Broadcasting Co., area of Peoria, Ill.—Construction permit for a new relay broadcast station to be operated on **33380, 35020, 37620, 39820 kc.**, 1 watt power, A-3 emission, unlimited time. Portable-Mobile, area of Peoria, Ill.
- NEW**—Peoria Broadcasting Co., Peoria, Ill.—License to cover above.
- W9XMK**—Peoria Broadcasting Co., Peoria, Ill.—Construction permit to change frequencies from Group G (**33380, 35020, 37620, 39820 kc.**) to Group A (**1622, 2058, 2150, 2790 kc.**) and make changes in equipment and operate with 50 watts power.
- NEW**—The Crosley Corporation, Cincinnati, Ohio.—Construction permit for a new high frequency broadcast station to be located at corner Vine and Fifth Streets, Carew Tower, Cincinnati, Ohio, to be operated on **43200 kc.**, 1 KW power, unlimited time, special emission.
- KEIT**—Midland Broadcasting Co., Portable-Mobile.—License to cover construction permit (B4-PRE-325) for changes in equipment.
- NEW**—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit for a new television broadcast station to be located at 1450 Broadway, New York, N. Y., on the frequency channel **84000-90000 kc.**, 1 KW power for both visual and aural, A-3 and A-5 emission. Amended to request Class II television station and change frequency channel to Channel 4 (**78000-84000 kc.**).

## 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.

**Aurine Company, Inc.**, Chicago, Ill., in newspaper and periodical advertising, allegedly made representations, directly or by implication, to the effect that its preparation "Ourine" is a cure or remedy for deafness, has therapeutic value in treating it, and is competent and effective in treating ringing and buzzing head noises due to hardened or coagulated wax in the ear. The respondent also allegedly advertised that it refunds the purchase price to dissatisfied customers.

The complaint charges that the respondent's representations are misleading and constitute false advertisements. Deafness, the complaint continues, may be caused by either a central or systemic or local disorder or condition. "Ourine" allegedly is not a cure or remedy or competent or effective treatment for deafness or conditions due to hardened wax in the ear although its use may soften accumulations of wax in the ear. However, the complaint points out, without the use of an instrument to extract wax, the conditions which may result from an accumulation of wax, namely, temporary deafness, ringing or buzzing head noises, will not be materially benefited or relieved. The complaint alleges that the respondent does not uniformly make refunds to purchasers who are not satisfied with the results obtained.

Alleging violation of the Federal Trade Commission Act, the complaints grant each respondent 20 days for filing answers. (3993)

**Theodore Radin, Inc.**, New York, N. Y., distributes "Glycirenol", "Glycirenol-Forte", "Jodirenol", "Inhaledrin-Compositum", and "Aerizon", which it allegedly advertises in newspapers, testimonials and circulars as being cures, remedies or competent treatments for asthma, hay fever, sinus discomfort, bronchial asthma and other bronchial ailments. It is also alleged to represent that its preparations are absolutely harmless no matter how often used, and that their use will prevent attacks of asthma and hay fever or the recurrence of these ailments and will relieve the suffering incident to them.

The complaint charges that the respondent's assertions are exaggerated and misleading, and that its products do not constitute competent and effective treatments in excess of furnishing temporary symptomatic relief from the paroxysms of asthma, attacks of hay fever, bronchial irritations and sinus discomfort. Further, the complaint alleges, the preparations are not absolutely harmless no matter how often used because of the presence of epinephrine and ephedrine and their use over a long period is likely to produce prolonged vasoconstriction such as to cause tissue damage from anoxemia, with secondary inflammatory reactions. (3992)

### CEASE AND DESIST ORDERS

No cease and desist orders were entered into during the week.

### STIPULATIONS

The Commission has entered into the following stipulations:

**American Electrical Sales Company, Inc.**, 65 East 8th St., New York, agrees to desist from advertising or distributing used or reconditioned electrical apparatus or equipment without properly disclosing the fact that it is used or reconditioned, and from implying in its advertising or otherwise that the merchandise is new and unused. The respondent also agrees to desist from misrepresenting prices of equipment. (2644)

**Ascot Mills**—Abe D. Kasen, trading as Ascot Mills, New York, in the sale of knitted sportswear or other products, agrees to desist from use of the word "Mills" as a part of his trade name or in any manner implying that the respondent knits or manufactures the products sold by him or owns or controls a mill in which such goods are made, when this is not a fact. The stipulation points out that the respondent fills orders with products made by other concerns as to which he has no ownership or control and for which he acts only as selling agent. (2650)

**David H. Blanck & Company**—David H. Blanck, trading as David H. Blanck & Co., Philadelphia, Pa., in the sale and distribu-

tion of drugs and other merchandise, agrees to cease simulating or imitating the wrappers or containers of a competitive product in any way by design, arrangement, wording or otherwise, with a tendency to confuse purchasers into believing that the product so labeled is that of another concern. The stipulation points out that in the sale of "Femigene", a douche powder, the respondent used labels on the containers which simulated those of a competitive douche powder. (2647)

**Century Hosiery Mills, Inc.**, Burlington, N. C., distributor of hosiery, agrees to desist from use of the word "Mills", as part of its corporate or trade name, on stationery or other printed matter, in advertising or in any manner tending to convey the belief to purchasers that all the products offered for sale by it are knitted or manufactured in its own mills, or that it actually owns, operates or directly and absolutely controls the mill or factory wherein the products are manufactured, when such is not the fact. (2641)

**Ciba Pharmaceutical Products, Inc.**, Summit, N. J., agrees to cease representing that "Agomensin 'Ciba'" has the action in all cases of activating menstruation, stimulating ovarian function, or preventing hyperemia; is indicated as a proper and effective treatment or cure for certain diseases of women, regardless of the cause, and that its hormone content, estrin or progestin, is sufficient to have therapeutic effect, except in cases where relatively low hormone potency is indicated. Further representations to be discontinued are that "Sistomensin 'Ciba'" is a competent and effective treatment for the control of hemorrhage of puberty and of menopause, in all cases; is indicated for all symptoms of hormone deficiency or for all types of climacteric disturbances, and that the estrin content of "Sistomensin 'Ciba'" is such that, when given as directed, it will be effective, except in cases where relatively low hormone potency is indicated. (2649)

**Clark's Cancellation Shoes**—David R. Schlossman, trading as Clark's Cancellation Shoes, 525 13th St., N. W., Washington, D. C., engaged in selling women's shoes at retail, agrees to discontinue use of the word "Cancellation" as part of his trade name and from use of the word or any similar words in his advertising matter which tends to convey the belief to purchasers that the shoes sold by him are of the "cancelled order" class, when such is not the fact. (2642)

**G. E. Conkey Company**, Cleveland, Ohio, in its supplemental stipulation, agrees to cease advertising, directly or by implication, that either of its products, "Conkey's Y-O Starting Feed" or "Conkey's Y-O 32% Supplement", will prevent leg weakness in poultry when that condition is not due to a deficiency of Vitamin D, and that either product is a competent treatment or effective remedy or cure for an existing leg weakness. The respondent company admitted that its products will be of no benefit in preventing leg weakness in poultry except when that condition is due to a deficiency of Vitamin D and that the preparations are not competent to treat or cure an existing leg weakness. (02269)

**Consolidated Theatre Supply Corporation**, New York, in the sale of theatre equipment, accessories and supplies, will cease employing the word "Manufacturers" as descriptive of its business or in any way except in referring to products it may actually manufacture; describing its business as that of "Distributors" or in any other manner implying that the respondent, a jobbing concern, is a duly constituted distributing agency for the producers of the goods which it sells; describing its business as that of "Exporters", unless and until a substantial part of its regular business is actually in the export trade, and representing itself to be the "Theatre Equipment Center of America" or using any assertions conveying the impression that the respondent corporation conducts a large and imposing business. Other practices to be discontinued are the advertising or selling of second-hand or rebuilt equipment without disclosure that it is such; placing a fictitious or exaggerated valuation upon certain merchandise; representing that prices quoted in the ordinary course of trade are "Special", "Introductory" or "Drastic Reductions", or that prices and quality are guaranteed, unless the language is properly qualified, and designating its method of merchandising as a "Triple Thrift Replacement Plan" or otherwise representing that advantageous transactions are offered other than the usual prices and payment terms, when such is not a fact. (2651)

**Donnelly Company**—A stipulation has been entered into to cease misleading representations in the sale of their preparations from Arthur M. Donnelly and E. R. Evans, trading as Donnelly Company, 5988 Easton Ave., St. Louis, dealers in cosmetics.

In the sale of "Roll Away Lotion", the respondents agree to discontinue advertising, directly or by implication, that their product or any other cosmetic preparation containing substantially the same ingredients or the same properties, whether sold under that or any other name, is the only new and unique skin lotion on the market, the only preparation which rolls off the skin, and the only cleanser which will not dry the skin.

The respondents also agree to cease representing that their product is efficient as a general healing preparation; that it smooths out horny, scratchy or wrinkled skin in every instance, possesses penetrating qualities, is more effective than other lotions in softening and smoothing rough skin surfaces, and whitens the skin or possesses bleaching properties. (02492)

**O. Henry Shirt Company**—Agreeing to discontinue misleading representations in the sale of men's shirts, Harry Marks, trading as O. Henry Shirt Co., Greensboro, N. C., has entered into a stipulation.

The respondent agrees to cease advertising that the shirts he sells will not shrink or are otherwise pre-shrunk, when the materials used in their manufacture have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left in them, and to discontinue representing that the shirts he sells will not fade or are manufactured from materials the colors of which are fast, unless or until the color or dye in the materials is a true fast color and will not fade or blanch when subjected to laundering. (02491)

**K-C Optical Company**—See Specialty Optical Company.

**Kresge Department Stores, Inc.**, operating under the trade name of The Palais Royal, 11th & G Sts., N. W., Washington, D. C., has entered into a stipulation to cease making certain misleading representations in the sale of Chinese filet banquet or dinner cloths advertised as "Tuscany Lace".

The respondent corporation agrees to cease representing, directly or by implication, that any banquet cloths or other articles sold by it are "Tuscany Lace", unless they are in fact true Tuscany Lace, which is defined in the stipulation as being a hand-made filet lace of grape design produced in the Tuscany district of Italy, from linen thread.

The stipulation points out that the banquet cloths referred to by the respondent corporation as "Hand-Made Tuscany Lace" were in fact filet laces made of cotton thread in China to imitate the true Tuscany lace. (02489)

**G. L. Morris Corporation**, Cleveland, Ohio, distributor of theatrical equipment, including portable dance floor mats, agrees to desist from representing itself to be a manufacturer when it neither owns, operates nor controls a manufacturing plant and from representing itself to be the "exclusive" manufacturer of portable dance floor mats or any other product when there are similar articles on the market made and sold by others. (2643)

**Palais Royal**—See Kresge Department Stores, Inc.

**Paty Publishing Company**—William Michael, trading as The Paty Publishing Company, 618 South Western Ave., Los Angeles, engaged in selling a system for making selections in horse races designated "The Flat Wager System", agrees to discontinue representing that a booklet which he distributes gratuitously for advertising purposes contains instructions and information for making selections in horse races. (02490)

**Pritchard and Thompson Advertising Agency, Inc.**, New Orleans, La., agrees to cease disseminating advertisements which represent, directly or by implication, that "HF" is a remedy and a complete treatment or cure for athlete's foot; that other preparations are not beneficial in treating this condition or disease and will not reach the parasites causing it, and that the use of "HF"



will keep a person "rid" of this disease or condition and eradicate the germs causing it.

Other representations to be discontinued by the agency are that the use of "HF" will cause the itching accompanying athlete's foot to stop; that the product is world renowned, and that more money has been spent for advertising it in a given time than for any other athlete's foot medicine. (02488)

**Sears, Roebuck & Company**, Chicago, agrees to discontinue representations in advertising matter, by use of the words "Hand-Made" or "Hand-Stitched," to imply that merchandise is made or stitched by hand, when such is not a fact. The stipulation points out that certain machine-stitched comforters were purportedly so advertised. (2648)

**Silbermann, Kolm & Wallenstein, Inc.**, New York, N. Y., importer of diamonds and manufacturer of jewelry, agrees to desist from the use in advertisements, or from placing advertisements in the hands of others for their use, in which appear any representation directly asserting or the effect of which tends to convey the impression that an individual, firm or corporation named in the advertisements is the importer of the displayed merchandise, when in fact such person or concern is not the importer. The stipulation points out that in order to stimulate the sale of its diamonds and other jewelry, the respondent adopted a plan of causing various of its customers to receive, purportedly as importers, diamonds from a source of supply in a foreign country for the purpose of having the package containing the diamonds and the shipping documents pertaining thereto photographed and such pictures featured in newspaper or other advertisements of jewelry with diamond settings.

The respondent also agrees to cease representing in advertising matter or in any other way that prices charged for designated merchandise have been stripped of the profits of the middleman, broker or importer, when such is not a fact. (2640)

**N. G. Slater Corporation**, 3-7 West 29th St., New York, agrees to discontinue representations in catalogs or other advertising matter implying that it is the manufacturer of certain products distributed by it, or that the corporation owns or operates the plants in which such merchandise is manufactured, when such is not a fact. (2645)

**Southwestern Distilled Products, Inc.**, West Memphis, Ark., engaged in the rectifying, bottling and sale of distilled spirits, agrees to desist from holding itself out to be, or in any way designating itself as, a distiller, in its advertising matter, trade literature, labels or otherwise, when such is not a fact; or in any manner representing that the liquors sold by it have been distilled in its own plant when it neither owns, operates nor controls the plant in which such distilled spirits are produced. The stipulation points out that the respondent described itself as "Distillers and Rectifiers" when it neither operates nor is licensed or authorized to operate a distillery, although it does conduct a rectifying and bottling plant. (2646)

**Specialty Optical Company**—John David Brock, trading as Specialty Optical Company, Superior Optical Company, and K-C Wholesale Optical Company, Kansas City, Mo., according to the stipulation, referred in catalogs to certain spectacle frames as being "Neatly Engraved Rhodium Plated—Pink Finish" or "Tan Finish", when in fact such advertising was misleading in that it tended to convey the impression to purchasers that the pink or tan finish was an inherent quality of the rhodium used in plating such products and, therefore, would not wear away or change its color. The respondent agrees to cease such use of the words "Pink Finish" or "Tan Finish". The respondent also stipulates that he will desist from using the term "Semi-Precious" as descriptive of products made from so-called "Villadium" which is not composed of the precious metals. (2638)

**Superior Optical Company**—See Specialty Optical Company.

**Ver Halen Publications**—Charles J. Ver Halen and Charles J. Ver Halen, Jr., trading as Ver Halen Publications, Los Angeles, Cal., and engaged in the publication of "Photographic Dealer", a trade paper, agree to cease representing, directly or by implication, that their journal is either the first or the only trade journal in the photographic industry. The respondent co-partners also agree to desist from the claim that their publication is the "Official Buying Guide of the Photographic Industry", when such is not a fact, and to discontinue any representation concerning the alleged cost of mailing an issue of the publication to subscribers in various zones of the United States which is not in all respects true. (2639)