

FCC Adopts Rules For Television Stations

The present state of flux of television does not warrant confining standards, but development of the industry does merit limited commercial operations in the near future, the FCC holds unanimously on the basis of its recent public hearing and subsequent study of the situation.

Accordingly, the Commission has adopted the rules recommended by its Television Committee, with revisions including provision for limited commercial operations beginning September 1. The Commission declined, pending further study, to take any steps to crystallize the allocation of frequencies to television and other competing services. The channels already assigned to television remain unchanged pending consideration of testimony at the Commission's hearing, scheduled to begin March 18, on aural broadcasting on frequencies above 25,000 kilocycles.

"That research should not halt and that scientific methods should not be frozen in the present state of the art is fairly to be deduced from the engineering testimony of representatives of the companies represented at the hearing," points out the Commission's report, adding:

"Actual demonstrations to members of the Commission indicate the need for further improvement in the technical quality of television. The evidence before the Commission reveals a substantial possibility that the art may be on the threshold of significant advance. Research in fact does and should continue in significant phases of the field."

The Commission asserts that nothing said in the report should "be construed as a lack of confidence in the future of television." It hails television as "a mighty achievement" and credits pioneers in the field with making "great advances." Continues the Commission:

"We feel that potentially television is of tremendous value to the public generally. Even now, there is no reason apparent why those members of the public to whom regular television programs are available, who are conscious of the fluid state of the art, and who are willing to assume the financial risks

involved for the obvious benefits of current programs, should not acquire receivers. Nor is it suggested that television broadcasters should be barred from going forward in program production and sponsorship. The progress made by the industry is worthy of recognition, and the present state of the art renders appropriate the further steps permitted by the rules being established."

In general, the rules being issued are based substantially on the rules proposed by the Commission's Television Committee on November 15th last. Two classes of television stations are set up. Class I stations will carry forward technical investigations and may be assigned to more than one channel. Class II stations are designed to experiment in program production and technique and will operate on one channel only. Under proper showing, a license may incorporate provisions for both classes.

Beginning September 1, Class II television stations may begin limited commercial operations under which advertising will be permitted in connection with programs the cost of which is borne by sponsors. The rules stress, however, that emphasis on the commercial aspects of the operation at the expense of program research is to be avoided.

In not attempting to impose standards at this time, the Commission recommends that the industry itself eschew such restrictions. The report explains:

"Enough has been said to indicate the present state of flux of television and the fact that its progress still continues. The issuance or acceptance of transmission standards by the Commission, especially in combination with the more extensive experimental program service which will in all probability develop under these rules, would have a tendency to stimulate activity on the part both of manufacturers and the public in the sale and purchase of receivers for home use. It is inescapable that this commercial activity inspired and then reinforced by the existence of Commission standards would cause an abatement of research. To a greater or less extent the art would tend to be frozen at that point.

"Even more important, nothing should be done which will encourage a large public investment in receivers which, by reason of technical advances when ultimately introduced, may become obsolete in a relatively short time. The Commission has not overlooked the significant sums invested by pioneers in making possible our present knowledge of television, and it is not unsympathetic with their desire to recoup their investment in the process of bringing television's benefits to the public. It will be realized, however, that the loss to the public by premature purchase in a rapidly advancing field might in a relatively short period exceed many times the present total cost of research. Such an economic loss in the long run can rebound only to the harm of the industry. In view of the apparent proximity of improvements and of the resolution of disputed technical questions, these risks should not be taken. The Commission is, therefore, reserving the matter of issuing standards for consideration at some future time."

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*

FCC ADOPTS TELEVISION RULES

(Continued from page 4063)

The Commission hopes that the members of the industry "will make every effort to obtain and maintain informal unanimity of opinion among themselves so that their now proven valuable assistance may be available to the Commission in serviceable form" when the time comes to consider standards. In this connection, the Commission suggests attention to marketing of receivers capable, insofar as consistent with reasonable cost, of receiving or of being adjusted to receive any reasonable change in methods of synchronization or changes in number of frames or lines which may be found to be practical and licensed in the future operation of Class II stations. Increased size of receiving set screens, it feels, is essential to widespread public acceptance of television. The Commission is also of the opinion that continued experiments in the staging and studio aspects of television performances are necessary.

The new rules are printed on page 4070 of the REPORTS.

EIGHT MORE STATIONS JOIN BROADCAST MUSIC, INC.

Eight additional stations have subscribed to Broadcast Music, Inc., by sending in stock and license agreements together with their checks in payment of their stock subscriptions. With the addition of these stations, 268 stations have now subscribed and paid for stock in BMI. A list of 260 stations were printed in the NAB REPORTS (Feb. 16, 1940, p. 4030).

The latest subscribers to BMI are as follows:

District 2
WENY—Elmira, New York
District 3
WBRE—Wilkes Barre, Pa.
District 6
WJDX—Jackson, Mississippi
District 12
KSAL—Salina, Kansas
District 15
KSFO—San Francisco, Cal.
KTKC—Visalia, California
District 17
KMED—Medford, Ore.
KXA—Seattle, Wash.

The 268 stations which have already paid their stock subscriptions will pay into BMI the sum of approximately \$1,173,000 in stock and license fees. In addition, there

are another 107 stations that have committed themselves to Broadcast Music.

RESEARCH COMMITTEE APPOINTED

Mr. Miller announced this week the appointment of a Research Committee. Mr. H. K. Carpenter of Radio Stations WHK—WCLE, Cleveland, was asked to serve as Chairman of the committee consisting of H. M. Beville, Jr., Research Manager of the National Broadcasting Company; Scott H. Bowen, President of Radio Station WIBX, Utica, New York; Arthur B. Church, President of Radio Station KMBC, Kansas City, Missouri; James D. Shouse, Vice President of Radio Stations WLW—WSAI, Cincinnati, Ohio; Dr. Frank N. Stanton, Research Director of the Columbia Broadcasting System; and, Theodore C. Streibert, Vice President of Radio Station WOR, Newark, New Jersey.

The first meeting of the newly appointed Research Committee will be called in mid March at a date not yet set.

FCC CONSIDERS NAB REQUEST FOR RECORD RULES CHANGE

Below is the FCC's reply to NAB's request for modification of the Record Rules (NAB REPORTS, Feb. 23, p. 4050):

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

February 28, 1940

National Association of Broadcasters,
Normandy Building,
1626 K Street, N. W.,
Washington, D. C.

Attention: Mr. Russell P. Place, Counsel.

Gentlemen:

This will acknowledge receipt of your letter of February 16, 1940, with respect to Section 3.93(e) of the Commission's Rules and Regulations, as amended, effective January 6, 1940. As presently worded, the rule is to be interpreted as requiring the precise words which are specified in the rule to be used in making the identifying announcement.

The Commission will give consideration to your request for modification of the requirements of this rule, as well as to the request that as to certain transcriptions the rule be suspended until August 1, 1940, and you will be informed as soon as practicable as to any action taken. In the meantime, of course, stations are required to comply with the provisions of Section 3.93(e), as amended.

Very truly yours,

T. J. Slowie,
Secretary.

Legislation

JOHNSON LIQUOR AD BILL AGAIN AMENDED

On February 26, Senator Johnson (D-Colo) introduced another amendment in the nature of a substitute

to his bill (S. 517) to prohibit the advertising of alcoholic beverages by radio. It is identical with the amendment which he introduced January 29 (NAB REPORTS, Feb. 2, 1940, p. 3999), with the following exceptions. The prohibition is limited to broadcasts of liquor advertising received or receivable by means of radio receiving sets "located in any State, or any political subdivision of a State, in which the purchase or sale of such alcoholic beverage for use as a beverage is not permitted," and to such broadcasts received or receivable by radio receiving sets "located in any State of the United States or any Province of the Dominion of Canada, during such hours as the broadcasting of a similar advertisement or similar information by a radio station located in such State or Province is prohibited by the laws or regulations of such State or Province."

In view of the language of the amendment pertaining to political subdivisions of a state, for all practical purposes this amendment is about as objectionable as the previous one.

Here is a list of those states which limit the alcoholic content of malt beverages, with the permissible alcoholic content indicated.

Arkansas—No limit, but malt beverages containing less than 5% alcohol by weight and stronger malt beverages are regulated by different laws.

California—Draught beer—3.2% by weight, bottled beer—4% by weight.

Colorado—3.2% for 3.2% licensees. No limit for beer under Heavy Beer, Wine and Liquor Law.

Florida—No limit but beer is classified as containing more or less than 3.2% by weight.

Georgia—6% alcohol by volume.

Idaho—4% alcohol by weight.

Iowa—4% by weight.

Kansas—3.2% by weight.

Louisiana—No limit, but 6% by volume beverages and stronger regulated by Alcoholic Beverage Law. (Acts 1934, No. 15.)

Maryland—No limit in General Laws, however Alleghany County has a separate license for light beer which is defined as beer not over 5% by volume. Only 3.2% by weight may be sold in Carolina county. 6% beer by volume and wine and other beverages not exceeding 14% only may be sold in Hartford County. (Includes Havre de Grace.)

Massachusetts—12% by weight.

Michigan—16% by volume.

Minnesota—No limit but beer over 3.2% by weight is intoxicating under the law and is subject to different control.

Mississippi—4% by weight.

Missouri—No limit but 3.2% by weight beer and stronger malt beverages controlled by different licensing systems.

Montana—4% by weight.

New Hampshire—6% by volume.

North Carolina—5% by weight.

North Dakota—No limit but beer over 4% alcohol by weight sold by liquor licensees.

Ohio—7% by weight. 3.2% by weight and stronger beverages controlled differently.

Oklahoma—3.2% by weight.

Oregon—Over 4% and all over 8% by weight sold only through state stores.

South Carolina—5% by weight. Stronger malt beverages subject to heavy tax penalties.

South Dakota—Non intoxicating beer—3.2% by weight. High point beer between 3.2% and 6% by weight.

Tennessee—5% by weight.

Texas—No limit but beer containing not more than 4% alcohol by weight and beer containing over 4% alcohol by weight are sold under different licensing systems and taxed at different rates.

Utah—3.2% by weight. Stronger beverages may theoretically be sold by the Utah Liquor Control Commission.

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Vermont—6% by volume at 60 degrees Fahrenheit. Stronger malt beverages sold only through the Liquor Control Board.

Washington—4% by weight. Stronger sold by the State Liquor Control Board.

West Virginia—5% by weight. Stronger sold through state stores only.

Wisconsin—5% by weight. Stronger sold under liquor licenses.

FEDERAL LEGISLATION

S. 517 (Johnson, Colo.) LIQUOR ADVERTISING—Amendment (in the nature of a substitute) to the committee amendment to the bill (S. 517) to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Ordered to lie on the table and to be printed.

STATE LEGISLATION

MISSISSIPPI:

H. 139 (Porter et al.) EGGS—To regulate the sale of eggs; to require registration by dealers; to impose an inspection fee. Referred to Committee on Agriculture.

NEW YORK:

A. 1672 (Holley) (Same as S. 1323) CONDITIONAL SALES—PERSONAL PROPERTY—Imposes certain requirements in relation to contracts for conditional sale of personal property for personal use or consumption including furniture, radio, oil burners, etc., obligating buyer to pay \$1,000 or less on any time payment plan under which seller retains title or security interest. Referred to Judiciary Committee.

NEW YORK:

S. 1323 (Williamson) (Same as A. 1672) CONDITIONAL SALES—PERSONAL PROPERTY—Imposes certain requirement in relation to contracts for conditional sale of personal property for personal use or consumption including furniture, radio, oil burners, etc., obligating buyer to pay \$1,000 or less on any time payment plan under which seller retains title or security interest. Referred to Judiciary Committee.

RHODE ISLAND:

S. 139 (Algren) OPTOMETRISTS AND OPTICIANS—LICENSING—In amendment of sections 1, 2, 3, 5, 9, 11, 12 and 13 of chapter 277 of the general laws, entitled "Licensing and regulation of optometrists and opticians," as amended. Referred to Judiciary Committee.

VIRGINIA:

S. 310 (Hillard et al.) FOODS—To provide for the control of the manufacture, sale, advertising of and traffic in certain foods; to define adulterated or misbranded food, and to prohibit the manufacture and sale of and traffic in such food; to confer upon the Commissioner of Agriculture and Immigration and the Board

of Agriculture and Immigration certain powers and duties with respect to certain foods, and to provide penalties for violations of this act. Referred to Committee on Agriculture.

Labor

WAGE AND HOUR ACT

The Wage and Hour Administration's ruling that "talent charges" must be included in calculating the basic pay of broadcasting station employees is not as far-reaching as it might seem at first glance.

Talent charges need not be included when the broadcasting station is not the employer of the talent.

The Internal Revenue Bureau, in its Social Security tax rulings, has defined when the broadcaster is the employer, and when he is not. An official summary of these rulings was printed in the December 31, 1938, issue of *The Billboard*. In part, the summary said:

"As a part of the service provided in connection with the purchase of physical facilities (by advertisers or their agents) the broadcasting companies supply announcers, production men, et cetera, selected at the discretion of the broadcasting companies from their regular staffs. However, if an advertiser desires to have a particular announcer appear on his program he negotiates a contract with the broadcasting company for the services of the announcer at a specified sum per broadcast. This sum, minus the regular management commission of the broadcasting company's artists' service, is paid to the announcer in addition to his regular compensation from the company. Under such an arrangement the broadcasting company retains no direction or control over the manner in or the method by which the announcer performs his services, acting merely as his agent in procuring the engagement, and is therefore not considered to be the employer of the announcer with respect to those services. . . .

"In some cases the broadcasting company agrees with the sponsor to furnish a program of a particular type designed to occupy the time which the sponsor has purchased in order to advertise his products or services. Under this arrangement the broadcasting company agrees to deliver to the sponsor what might be designated as a 'complete package' or a finished product for a pre-determined price. In such cases the sponsor has nothing to do with the selection of the artists, the presentation of the program or the direction and control exercised over the talent appearing therein, these matters being solely within the province of the broadcasting company. Such programs, termed 'studio-built' programs, are formulated by the broadcasting company on its own account, produced under its own direction and control, without interference from the sponsor, and furnished to the latter as a complete package for a lump-sum payment. The individuals performing services on such studio-built programs may generally be said to be employees of the broadcasting company."

In other words, if the broadcaster makes a talent charge, passes it on to, say, an announcer, but is not the announcer's employer in the above sense as far as the particular program goes, then the talent charge need not be included in basic pay.

The NAB Labor Relations Director has notified the Wage and Hour Administration that he has sent out the above opinion.

(Note: The NAB Labor Relations Director was wrongly informed when he said in NAB REPORTS of February 16 that a sponsor had to pay talent directly to qualify as "the employer.")

A federal district judge in North Carolina has ruled that watchmen in industries covered by the Wage and Hour Act were included in the coverage.

"Watchmen are just as much engaged in the production of goods that are going into commerce as the man sawing logs," the judge said. "It would have been cruel of Congress to have legislated otherwise."

The Wage and Hour Administration has amended its regulations regarding the keeping of records. If the complete records are filed in an office away from the place of employment, an abbreviated record showing total hours worked and total wages paid each week must be filed "at the place of employment." A strict interpretation of this would mean that an abbreviated record should be kept for transmitter engineers at the transmitter. However, this seems to be unreasonable, and the NAB Labor Relations Director is asking for an opinion from the Administration. The new regulations also provide that complete records must be kept on file for four years, and abbreviated records, if any, for two years.

The Act requires every employer subject to any provisions of the Act or any order issued under the Act to "make and preserve records" showing the full name of the person employed, home address, date of birth if under 19, hours worked each workday and each workweek; regular rate of pay and basis upon which wages are paid; wages at the regular rate of pay for each workweek excluding extra compensation attributable to the excess of the overtime rate over the regular rate; extra wages for each workweek attributable to the excess of the overtime rate over the regular rate; additions to cash wages at cost, or deductions from stipulated wages in the amount deducted or at the cost of the item for which deduction is made, whichever is less; total wages paid for each workweek, and date of payment.

The success of a group of track workers in suing the Atlantic Coast Line railroad for double the amount illegally withheld from them in wages indicates that employees' suits may be a major factor in the enforcement of the Wage and Hour Act, said Colonel Philip B. Fleming of the Wage and Hour Division, U. S. Department of Labor, shortly after his appointment as Administrator was confirmed by the Senate.

"I am calling attention to this in the hope that the management of establishments covered by the Wage and Hour Law—that is, those engaged in interstate commerce or in the production of goods for interstate commerce—who have not yet put their houses in order under the Act, will do so before situations like this accumulate to serious proportions," he added.

"Any employer who has been violating the law by failing to pay the minimum wage of 30 cents an hour and at least one and one-half times the worker's regular rate for work in excess of 42 hours a week, will find the Wage and Hour Division field personnel in our 30 branch offices ready and willing to cooperate with him in coming into compliance with the Law."

LABOR NOTES

The Federal Circuit Court of Appeals in New York on February 26 held that collective bargaining as required by the Wagner Act entailed the signing of a written agreement if an agreement is reached (NLRB vs. Art Metals Construction Co.).

The Federal Circuit Court of Appeals in Chicago on January 9 held that the Wagner Act did not require any agreement at all and that whether an agreement, if any, should be written was a subject for bargaining (NLRB vs. Inland Steel).

It is generally expected that the New York case will be appealed to the Supreme Court.

The cost of living for wage earners and lower-salaried workers decreased 0.6 per cent during the quarter ended last December 15, the Labor Department reports. Chicago and Milwaukee were the only cities to report slight increases. Further details will be supplied to members upon request.

The Supreme Court of New York, Appellate Division, has upheld the legality of the joint action by the A. F. of M. and the I. A. T. S. E. (stagehands) to try to force Opera on Tour, Inc., to use "live" instead of recorded music for accompaniment.

The court said, in part:

"Summing up the situation presented to us, we find that the defendants (unions), in order to secure what they believed to be their economic betterment, are endeavoring to prevent the use of a mechanical contrivance which is in the nature of a labor saving device. This device is used to reproduce an essential element of the plaintiff's business, viz., music played to accompany plaintiff's operatic performances. The case is not one where the defendants are trying to force plaintiff to use an additional feature in connection with their business, which plaintiff has determined it could do without. Plaintiff wishes to have musical accompaniment for its opera. It says it can get along with mechanical music and save the cost of musicians' salaries. The defendants say that, unless 'live' musicians are hired, they will have less chance for work, and, therefore, are endeavoring, by stopping work, to prevent plaintiff's performances until plaintiff agrees to use a 'live' orchestra.

"It would seem to us that such conduct on defendants' part is justified as a legitimate endeavor of labor, even though it results in some injury to plaintiff."

Presiding Justice Francis Martin and Justice Edward J. Glennon dissented. An appeal is expected.

Engineering

COLUMBUS CONFERENCE

The third annual Broadcast Engineering Conference which opened February 12 closed at Ohio State University, Friday, February 23, sending the 250 members of the conference back to their stations throughout the country, with a better and more thorough knowledge of the current engineering problems facing the broadcasting industry.

The subject of greatest interest to the industry at present, Frequency Modulation, occupied more time on the conference agenda than did any other subject. The series of Frequency Modulation conference periods was opened with a general discussion of wide band FM by Major Edwin H. Armstrong, of Columbus University, the inventor of wide band FM, in which he reiterated his statements as to the ability of wide band FM to deliver to the listeners a signal of high fidelity, free of interference. Major Armstrong also gave a brief technical explanation of the operation of FM.

Paul deMars, technical director of the Yankee Network, continued the FM discussions with a review of the Yankee Network experiences with FM. The experiences with FM of the General Electric Company were related by H. P. Thomas and I. R. Weir, of the General Electric Company. Of particular interest was their relation of an experiment performed involving Major Armstrong's station at Alpine, New Jersey, operating with 30 KW on 42.8 megacycle and the General Electric station at Albany, New York, 117 miles away operating on the same frequency with a power of 150 watts and both stations transmitting with Frequency Modulation. It was explained that a test car driven from Albany received the Albany transmission clear of all interferences from Alpine out to a distance of about 27 miles and there a distance of 5 miles long was encountered over which sharp transitions were noted. Beyond this transitional area the Alpine transmission was received free and clear of interference from Albany. Mr. Weir pointed out that in narrowing the FM band down in order to conserve space in the frequency spectrum the full conservation possibility cannot be realized because in order to keep the distortion in the receiver low, it is necessary that the band width of the receiver be not reduced in the same proportion. For those who did not attend the conference it is suggested that they write to the General Electric Company, Radio and Television Department, Schenectady, New York, and ask for the pamphlet entitled "And Now Frequency Modulation." Frequency Modulation receivers were discussed by R. F. Shea of the General Electric Company.

The "General Discussion and Question Box" conducted by Mr. Andrew D. Ring, Assistant Chief Engi-

neer of the FCC, with Mr. R. M. Wilmotte as Chairman, was highlighted by Mr. Ring's statement that there might be an increase to 1,000 to 1,200 stations on the present band before saturation and that the country could economically support many more stations than this. Mr. Ring continued that this factor brought out the possibility of using the Ultra High Frequencies. The use of the U.H.F. has taken three turns of mind: 1—Amplitude Modulation, 2—Narrow Band Frequency Modulation, and 3—Wide Band Frequency Modulation. It was Mr. Ring's opinion that for practical purposes there is no difference in quality between AM in the standard band, AM on UHF, and FM on UHF. He pointed out that if we did change over to the FM system that approximately forty million receiving sets would need to be replaced. There are, either operating, or applications in for operation, for between 50 and 60 FM stations, and that no further grants will be made until after the March 18 hearing on the use of UHF. Mr. Ring stated that the quality received now is limited mainly by the microphone and loud speaker. He also pointed out that distortion was the main factor in the majority of listeners turning the tone control down on the receivers and that while the listener would lose high frequencies in doing this, he also lost the more undesirable distortions. Mr. Ring stated that FM transmitters are less expensive and the FM receivers more expensive and that in view of public interest this is not the right trend for the industry to follow. Mr. Ring said that there is some question as to whether television is technically far enough along to be put in regular service and that the FCC is making a detailed study of the situation and would probably have a decision on television within a few weeks. In regard to the Havana Agreement, Mr. Ring said that approximately 730 stations must change their frequencies and that the FCC tentatively expects to make the change on August 1. Two methods of making the change-over have been discussed. One was to do it piecemeal on the theory that it would be easier for manufacturers to supply crystals and the other that the change-overs all be done at the same time. Mr. Ring pointed out that the total time consumed would probably be about the same in both cases and that there more likely would be more confusion by the piecemeal method than by making the change all at once. Mr. Ring said that within a few weeks after the Mexican Government advises the Cuban clearing house that it has ratified the treaty, all licensees will be notified to show cause why they should not be changed to their new frequencies and then the United States Government will file with the Havana clearing house the changes contemplated in the United States and then any inter-country allocation problems will be ironed out in a conference. Further study was being made by the FCC to determine how long it will take to get new crystals, retune

transmitters, retune antennas and change directional arrays; and that there will be at least 2 months from the time of notification to the time of change in order to allow the stations to prepare for the switch-over. In connection with the change-over, Mr. Ring stated that the FCC requirement that power be measured directly in the antenna, would be postponed until about 2 months after the change. It was Mr. Ring's belief that it is desirable to reduce detailed regulation of broadcasting stations as soon as the FCC feels that the broadcasters will operate their stations properly without supervision or spasmodic supervision. This is in line with the recent FCC relaxation of its stringent rule concerning the substitution of antenna and plate meters, and is in line with a request made by NAB in the June 6, 1938 hearing on new rules and regulations.

One of the most significant conference periods was that devoted to the study of noise, made by Mr. J. H. DeWitt, Chief Engineer of Radio station WSM, of Nashville, Tennessee. Mr. DeWitt described the extensive research problem carried on under his direction at WSM, in determining the amount of noise background which the average person can be subject to and still consider the service received as being good. He also described the equipment developed for measuring noise and the extensive measurements made in the WSM area. Mr. DeWitt said that there were about 1,800 thunder storms on earth at any given time and he pointed out that thunder storm disturbances were better propagated at night, such as are regular radio signals. Mr. DeWitt pointed out that to get noise measurements comprehensively enough to indicate coverage, that a large amount of work was involved. It is rather strange that throughout the history of broadcasting we have worried a great deal about the strength of interfering signals and the limitations they have placed on coverage and yet we have never developed a real engineering basis for the limits of coverage placed on us by atmospheric and man made interference. It is the opinion of the Director of Engineering that Mr. DeWitt has started a too long delayed phase of our work and that the industry should be encouraged to further the investigation of this phase. The difficulties in carrying out such work as pointed out by Mr. DeWitt are great and undoubtedly have been the deteriorating force, however, Mr. DeWitt has now laid a good foundation on which to continue such studies and it is hoped that in the course of the next few years we might have as complete knowledge on this subject as we now have on the effects of interfering signals. Frequency Modulation development should be accompanied by extensive studies on noise.

As in the first 2 conferences the "Roundtable on Receivers," conducted by D. D. Israel, of the Emerson Radio Company and William F. Cotter of the Stromberg-Carlson Company was of great interest. Mr. R.

M. Wilmotte, Engineering Advisor to NAB, was Chairman of these discussions. The engineers present were pretty well in agreement that our radio system was of quite high quality from the input of the studio amplifier to the output of the radio receiver chassis and that a great deal of our poor quality could be traced to the acoustic systems associated therewith, namely, the studios, their microphones, the loud speakers and the room in which the program was reproduced. It was pointed out that the transformation from acoustic, to electric energy in the studio, and the retransformation of the electric energy back into acoustic energy introduced much of the distortion we now experience. It was pointed out that distortions of one kind or another usually accompany the expansion into the high audio frequencies and that these distortions were quite annoying and therefore the average listener finds it more pleasing to do away with the high frequency and the high distortion by turning down the tone control on his receiver. It was also pointed out that for background music it was more pleasing to reduce the high frequencies but that where the program was actually to be listened to the effect was more pleasing if the high frequencies were also present. In this discussion it was pointed out that the listeners did not differentiate as fully as they should between the use of a primary high fidelity receiver in the living room of the home and the use of small secondary receivers for places other than the living room. It was the opinion of one member of the conference that for one reason or another the public has never really heard high fidelity and therefore has not been able to readily determine whether it likes a wide audio-band or not. It was pointed out in this discussion that even though high quality transmission was available and high quality receivers are available that economically a big per cent of the population could not afford real highgrade receivers, and therefore for economic reasons a great many listeners are forced to content themselves with reproduction of a degraded nature.

On Sunday, February 18, the members of the conference were taken by special train, to Louisville in order to inspect WHAS and Mr. Orrin Towner, Chief Engineer of WHAS, was given a vote of thanks at the banquet closing the convention, for the splendid way in which he organized and carried out this inspection trip.

The Ohio State Conference on Broadcast Engineering is a striking example of how a university can coordinate its academic work with industry and the broadcasting industry owes a big vote of thanks to the administration of Ohio State University and to Professor W. L. Everitt, director of the conference, for carrying out this splendid work.

Professor W. L. Everitt's book entitled "Communication Engineering" is now used as a textbook in some 60 odd schools and his selection of subjects for the third

annual conference has shown that he is attuned to the present day radio engineering trend.

The third conference was the first one in which NAB officially cooperated. The NAB Engineering Committee held a meeting in conjunction with the conference on Friday afternoon, February 16.

ENGINEERING QUESTIONS

The "General Discussion and Question Box" conducted by Mr. Andrew D. Ring, Assistant Chief Engineer of the FCC, at the Broadcast Engineering Conference at Ohio State University last week, pointed out an apparent need for an engineering question box throughout the year on questions concerning FCC rules and regulations. It was apparent that there are many questions coming up from time to time concerning the interpretation and application of certain FCC rules and regulations. Mr. Ring has kindly offered to cooperate with the Director of Engineering of NAB in conducting an engineering question box and therefore if there are any questions concerning the FCC rules and regulations, it is requested that you send your questions to the Director of Engineering of NAB. The questions will be answered individually except where the question might seem to have a broader interest, in which case an explanation will be given in the NAB REPORTS.

During the conference many questions were asked concerning the application of certain of the rules on operators' licenses. This will be the subject of an article in the NAB REPORTS in the immediate future, and the Director of Engineering would like to have those who have questions concerning these rules send them in as soon as possible.

BUREAU OF RADIO ADVERTISING

Owing to a change in plans, the transcript of the radio panel discussion held last month in connection with the National Retail Dry Goods convention will not be available to NAB members until some time in the spring, when the NRDGA plans to publish a complete Radio Manual for Retailers. Alan Wells, manager of the Sales Promotion Division of NRDGA, has resigned effective March 1 to join Kaufman's, Pittsburgh. His successor will be named shortly.

The NAB Research Department is preparing a comprehensive survey to gain up-to-date information on department store use of radio. The cooperation of all stations is earnestly requested in filling out and returning the questionnaire forms, which will be issued soon.

Along with its bulletin of February 28, the Bureau has sent to all members a reprint of an article by Kenneth Taylor, vice president of John Taylor Dry Goods Company, Kansas City, Mo., on the subject of radio for retailers. The article appeared in a recent issue of *The*

Retail Executive. Extra copies of the reprint are available on request to the Bureau.

INSURANCE ADVERTISING CONFERENCE

Representing the Bureau of Radio Advertising at the Insurance Advertising Conference at Hotel Biltmore, New York, February 29 and March 1, are Ed Kirby and William R. Cline, commercial manager, WLS, Chicago, and chairman of the NAB Sales Managers' Committee.

NO FREE OFFERS

The Bureau is glad to report that no new free offers were reported by members during the past two weeks. The following, however, sought to place "cost-per-inquiry" business, and have been advised of NAB policy on such proposals:

Beach Cities Advertising, Long Beach, California; Lifetime Photo Plaque Company, 295 Madison Avenue, New York City; National Classified Advertising Agency—Air Conditioning Training Corp., Youngstown, Ohio; Nu-Matic Arch Massage, Ltd., St. Joseph, Missouri; Amogen Company, 147 North Street, San Antonio, Texas.

ADVERTISING VOLUME

Printers' Ink released in this week's issue an estimate of the total volume of advertising in the United States for the year 1939 at \$1,602,000,000. This figure is divided between the various media as follows:

Newspaper	\$525,000,000
Magazine	150,000,000
Direct Mail	300,000,000
Radio	170,000,000
Out Door	50,000,000
Business Publications	50,000,000
Farm Publications	17,000,000
Miscellaneous	340,000,000

VETERAN OPERATORS ASSOCIATION HONORS INDUSTRY

A handsome bronze plaque inscribed to the American Broadcasting Industry, "Finest In The World," was received by Neville Miller last week from the Veteran Wireless Operators Association at the association's fifteenth anniversary dinner in New York. Mr. Miller also was made an honorary member.

WALKER'S MOTHER DIES

The broadcasting industry extends its sympathy to FCC Commissioner Paul Walker whose mother died last week.

PRIVATE RADIO SERVICE DENIED BY FCC

The FCC is receiving an increasing number of requests for authorizations permitting the use of radio for com-

munications between offices and automobiles. While such service would be a private convenience, it has not been shown to be in the public interest to grant such restricted facilities.

There have been many requests for such service on behalf of business concerns and individuals, but in no case within the continental United States has a station of this class been authorized except for emergency radio communications involving the safety of life and property, in which cases the facilities are required to be available to the general public for emergency communication.

TEXAS STATION REVOCATION HEARINGS SET BY FCC

Public hearings have been ordered by the FCC in the cases of six Texas radio stations involved in revocation proceedings. Commissioner George Henry Payne has been designated to sit at the separate hearings which are scheduled as follows: KTBC, State Capitol Broadcasting Association, Inc. (Austin), at Austin, on March 5; KNET, Palestine Broadcasting Association (Palestine), at Dallas, March 7; KRBA, Red Lands Broadcasting Association (Lufkin), at Dallas, March 11; KSAM, Sam Houston Broadcasting Association (Huntsville), at Dallas, March 12; KAND, Navarro Broadcasting Association (Corsicana), at Dallas, March 11; KGKB, East Texas Broadcasting Company (Tyler), at Dallas, March 14.

In ordering these hearings, the Commission denied motion for continuance of hearing filed on February 26 in behalf of stations KTBC, KNET, KRBA, KSAM, and KGKB.

FEDERAL COMMUNICATIONS COMMISSION RULES AND REGULATIONS

Part 4. Visual Broadcast Service

Television Broadcast Stations

Sec. 4.71 *Defined.* The term "television broadcast station" means a station licensed for the transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public. The transmission of synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast as herein set forth.

(a) There shall be two types of experimental television stations, namely, "Experimental Research Stations" and "Experimental Program Stations" which shall be known as Class I and Class II stations, respectively.

Sec. 4.72 Licensing requirements, necessary showing

(a) A license for a television Class I station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation in the technical phases of television broadcasting, which indicates reasonable promise of substantial contribution to the development of the television art.
2. That the transmission of signals by radio is essential to the proposed program of research and experimentation.
3. That the program of research and experimentation will be conducted by qualified personnel.
4. That the applicant is legally, financially, technically, and otherwise qualified to carry forward the program.

5. That public interest, convenience or necessity will be served through the operation of the proposed station.

(b) A license for a Class II station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a definite plan of experimentation in the television broadcast program service which indicates reasonable promise of substantial contribution to the advancement of television broadcasting as a service to the public.
2. That the program of experimentation will be conducted by qualified personnel.
3. That program material is available and will be utilized by the applicant in rendering broadcast service to the public.
- *4. That a minimum scheduled program service of ten hours per week will be maintained throughout the license period.
5. That the applicant will install and operate transmitting and studio equipment technically adequate to render a service suitable for reception by the public.
6. That the operation with respect to the suppression of spurious emissions and carrier noise, safety provisions, etc., will be in accordance with good engineering practice.
7. That the applicant's technical facilities will be adequate to serve an area appropriate for the program of experimentation.
8. That a competent engineering study has been made of the nature, extent and effect of interference which may result from the simultaneous operation of the proposed station and other Class II television stations.
9. That the applicant is legally, financially and otherwise qualified to render a satisfactory service to the public.
10. That public interest, convenience or necessity will be served through the operation of the proposed station.

Sec. 4.73 Charges

(a) No charges either direct or indirect shall be made by the licensee of a television station for the production or transmission of either aural or visual programs transmitted by such station, except as provided in subsection (b).

(b) Beginning September 1, 1940, Class II television licensees may make charges against program sponsors to cover the cost of programs produced for the respective sponsors; and such sponsored programs, including advertising material, may be transmitted as part of the station's experimental program service but without charge for such transmission.

(c) The limited commercialization permitted under subsection (b) above shall not take precedence over the experimental service, but shall be subordinated to it.

Sec. 4.74 Reports by Class II Stations

Quarterly reports on forms prescribed by the Commission shall be made by Class II television broadcast stations of their charges and costs as well as of other pertinent information which may be of assistance to the Commission in evaluating the economic feasibility of television broadcasting as a regular service to the public on a commercial basis.

Sec. 4.75 Announcements

At the time station identification announcements are made, there shall be added the following:

"This is a special television broadcast made by authority of the Federal Communications Commission for experimental purposes."

Sec. 4.76 Scope of Experimentation, Limitations and Restrictions

(a) Class I stations shall operate to conduct research and experimentation for the development of the television broadcast art in its technical phases but shall not operate to render a regularly scheduled television broadcast service to the public.

(b) No Class I station shall operate when objectionable interference would be caused by such operation to the regularly scheduled broadcast service of a Class II station.

(c) Class II stations shall operate to conduct television broadcast research and experimentation for the development of the art in its program phases and in connection therewith may carry out experiments with respect to power and antenna requirements for a satisfactory service to the public.

(d) Class II stations shall make all equipment changes necessary for rendering such external transmitter performance as the Commission may at any time require.

* This provision modifies Section 4.4(d) in so far as that Section applies to Class II television broadcast stations.

(e) Class II stations shall maintain a minimum scheduled program service of ten hours per week throughout the license period.

Sec. 4.77. Frequency assignment.

(a) The following groups of channels are allocated for assignment to television broadcast stations licensed experimentally:

Group A

Channel #1	44,000- 50,000 kc.
2	50,000- 56,000
3	66,000- 72,000
4	78,000- 84,000
5	84,000- 90,000
6	96,000-102,000
7	102,000-108,000

Group B

Channel #8	156,000-162,000 kc.
9	162,000-168,000
10	180,000-186,000
11	186,000-192,000
12	204,000-210,000
13	210,000-216,000
14	234,000-240,000
15	240,000-246,000
16	258,000-264,000
17	264,000-270,000
18	282,000-288,000
19	288,000-294,000

Group C

Any 6000 kc. band above 300,000 kc.
excluding band 400,000 to 410,000 kc.

(b) Each Class II television broadcast station will be assigned only one channel. Class I television stations may be assigned one or more channels as the program of experimentation requires. Both aural and visual carriers with side bands for modulation are authorized for both Class I and Class II stations but no emission shall result outside the authorized channel. The assignment of a channel to a Class II television broadcast station does not preclude the assignment of that channel for use by Class I stations, but such a Class II television station shall have priority for the use of the channel for its scheduled program service. Licenses for both a Class I and a Class II station may be issued to a single licensee only upon a showing that the development of the television art will be assisted thereby, particularly where authority to operate on channels in Group B and C is requested for the Class I operations.

(c) Channels in Groups B and C may be assigned to television stations to serve auxiliary purposes such as television relay stations. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

(d) For the present no Class II television broadcast station will be assigned a channel for time sharing operation.¹

Sec. 4.78 Power.

The operating power of a Class I station shall not be in excess of that necessary to carry forward the program of research and in no case in excess of the power specified in its license.

Sec. 4.79 Supplemental report with renewal application.

A supplemental report shall be filed with and made a part of each application for renewal of license and shall include comprehensive reports on the following:

(a) For Class I Television Broadcast Stations.

1. Number of hours operated.
2. Full data on research and experimentation conducted, including the power employed.
3. Conclusions, tentative and final.
4. Program for further developments of the television broadcast service.
5. All developments and major changes in equipment.
6. Any other pertinent developments.

(b) For Class II Television Broadcast Stations.

1. Number of hours operated during which programs were transmitted classified as studio performances, special events (with appropriate description), films, etc.

¹ This provision modifies Section 4.4(a) in so far as it applies to television broadcast stations.

2. Studio equipment used and any developments made during the license period.
3. Progress made in the advancement of television broadcasting as a service to the public.
4. Financial data on cost of operation during the license period.
5. Power employed, field intensity measurements and visual and aural observations to determine the service area of the station.

FCC RULE AMENDMENTS

Following is a list of all amendments to the Rules and Regulations since the printing of the FCC's rules in pamphlet form.

<i>Amendment No.</i>	<i>Subject</i>
1.	Amending Part 1.—Rules of Practice and Procedure (Sec. 1.142 <i>Copies</i>)
2.	Amending Part 3.—Rules Governing Standard Broadcast Station (Sec. 3.93 <i>Mechanical Records</i>)
3.	Amending Part 7.—Rules Governing Coastal and Marine Relay Services (Sec. 7.58 <i>Coastal Service</i>)
4.	Amending Part 10.—Rules Governing Emergency Radio Services. (Sec. 10.47 <i>Forestry Stations</i>)
5.	Amending Part 10.—Rules Governing Emergency Radio Services. (Sec. 10.252 <i>Modulation</i>)
6.	Amending Appendix B of Part 2.—General Rules and Regulations.
7.	Amending Part 8.—Rules Governing Ship Service. (Sec. 8.81 <i>Ship Service</i>)

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, March 4. They are subject to change.

Tuesday, March 5

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Renewal of license, **1200 kc.**, 100 watts, unlimited time.

Tuesday, March 5

Hearing to be held before Commissioner George Henry Payne, at Austin, Texas

KTBC—State Capitol Broadcasting Association, Inc., Austin, Tex.—In re: Revocation of station license of KTBC.

Wednesday, March 6

KXL—KXL Broadcasters, Portland, Oregon.—C. P., **740 kc.**, 10 KW, 10 KW LS, limited time (DA—day and night). Present assignment: **1420 kc.**, 250 watts, shares with KBPS.

KTRB—Thomas R. McTammany & William H. Bates, Jr., Modesto, Calif.—C. P., **740 kc.**, 1 KW, 1 KW LS, limited to WSB, Atlanta, Ga. Present assignment: **740 kc.**, 250 watts, daytime.

Thursday, March 7

Oral Argument before the Commission

Report No. B-75:

NEW—William C. Barnes & Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—J. R. Walker, S. S. Walker & C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

March 1, 1940

Thursday, March 7

Hearing to be held before Commissioner George Henry Payne, in the County Probate and Commissioners Court Rooms, Dallas, Tex.

KNET—John Calvin Welch, William M. Keller & Bonner Frizzell, d/b as Palestine Broadcasting Assn., Palestine, Texas.—In re: Revocation of station license of KNET.

FUTURE HEARINGS

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

March 19

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of license, **810 kc.**, 1 KW, specified hours (6 a. m. to 11 p. m., EST), (DA-daytime). Present assignment: **810 kc.**, 1 KW daytime—WCCO, directional antenna.

March 26

NEW—William F. Huffman, Wisconsin Rapids, Wisc.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Granted construction permit for new broadcast station to operate on **1200 kc.**, power 250 watts, unlimited time.

WJBW—Charles C. Carlson, New Orleans, La.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts; frequency **1200 kc.**, unlimited time.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts; frequency **1200 kc.**, unlimited time.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted construction permit to install new transmitter, increase power from 500 watts to 1 KW, move transmitter site from 5 miles south of corporate limits, east of Valley Pike, to a site to be determined, and install vertical radiator; frequency **550 kc.**

WOR—Bamberger Broadcasting Service, Inc., Carteret, N. H.—Granted extension of special experimental authority to operate Standard Broadcast Station WOR as a facsimile broadcast station between 1 a. m. to 6 a. m., EST, to August 1, 1940; station operates on **710 kc.**, **50 kc.**, unlimited time, using directional antenna.

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Granted construction permit to move studio and transmitter site, increase power from 100 watts to 250 watts, and install new transmitter and antenna; station operates with **1420 kc.**, unlimited time.

DESIGNATED FOR HEARING

KGDM—E. F. Pepper, Stockton, Calif.—Application for modification of license to change frequency from **1100 kc.** to **1530 kc.**, and increase time of operation from daytime only to unlimited; station operates with 1 KW power.

RENEWAL OF LICENSES

WTAL—Florida Capitol Broadcasters Inc., Tallahassee, Fla.—Granted renewal of license on temporary basis only until August 1, 1940 pending action on application for renewal of license.

The following stations were granted renewal of licenses for the period ending August 1, 1940:

WCFL (auxiliary), Chicago, Ill.; WHO, Des Moines, Iowa; WKAT, Miami Beach, Fla.; WLB, Minneapolis, Minn.; WSB and auxiliary, Atlanta, Ga.; KGKY, Scottsbluff, Nebr.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Granted further extension of license upon a temporary basis only to April 1, 1940, pending determination upon application for renewal of license.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted further extension of license upon a temporary basis only to April 1, 1940, pending determination upon application for renewal of license.

KSUB—Leland M. Perry, Cedar City, Utah.—Special temporary authorization to Leland M. Perry, surviving partner of Johnson & Perry, a partnership, to operate station KSUB. was further extended upon a temporary basis only to April 1, 1940, subject to whatever action may be taken upon formal application for regular authorization that may be submitted with respect to Station KSUB.

WMFJ—A. Wright Esch, Daytona Beach, Fla.—Granted further extension of license upon a temporary basis only to April 1, 1940, pending determination upon application for renewal of license.

WHO—Central Broadcasting Co., Des Moines, Iowa, and WSM—National Life & Accident Insurance Co., Nashville, Tenn.—Granted further extension of special experimental authorization to operate a regular broadcast transmitter for the experimental transmission of facsimile signals to April 1, 1940.

The following applications for renewal of facsimile broadcast station licenses were renewed for the regular period:

W2XUP, New York, N. Y.; W5XGR, Dallas, Tex.; W8XUJ, Cincinnati, Ohio; W2XBF, New York, N. Y.; W4XIH, Nashville, Tenn.; W9XZY, St. Louis, Mo.; W8XUF, Jackson, Mich.; W8XE, Cleveland, Ohio; W8XA, Buffalo, N. Y.; W8XUM, Columbus, Ohio.

W3XAD—RCA Manufacturing Co., Inc., Portable (Camden, N. J.).—Granted renewal of television broadcast station license for the period ending February 1, 1941.

W3XEP—RCA Manufacturing Co., Inc., Portable (Camden, N. J.).—Granted renewal of television broadcast station license for the period ending February 1, 1941.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted extension of facsimile broadcast station license upon a temporary basis only, to April 1, 1940, pending determination upon application for renewal of license.

W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Granted extension of facsimile broadcast station license upon a temporary basis only, to April 1, 1940, pending determination upon application for renewal of license.

Licenses for the following television broadcast stations were further extended upon a temporary basis only, to April 1, 1940, pending receipt and/or determination upon application for renewal of licenses:

W9XAL, Kansas City, Mo.; W1XG, Boston, Mass.; W9XG, West Lafayette, Ind.; W2XDR, Long Island City, N. Y.; W9XK, Iowa City, Iowa; W9XUI, Iowa City, Iowa.

Miscellaneous

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted construction permit to move auxiliary transmitter approximately 5.8 miles from North Snelling Ave., approximately 4½ miles northwest of St. Paul, Minn., to St. Paul, Minn.; use directional antenna as authorized, with auxiliary transmitter.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 3 p. m. to 4 p. m., EST, on March 3 and 10, 1940, in order to broadcast program prepared by the American Association of University Women, St. Lawrence County Branch.

WMAN—Richland, Inc., Mansfield, Ohio.—Granted special temporary authority to operate from 6 p. m. to 12 midnight, EST, on February 27, 1940, in order to broadcast election returns and incidental sustaining music.

E. E. Krebsbach, Miles City, Mont.—Denied petition to intervene in hearing on application of Star Printing Co., Miles City, Mont., for construction permit for new station to operate on 1310 kc., 250 watts, unlimited time.

Star Printing Co., Miles City, Mont.—Granted petition for consolidation of hearings in re applications of E. E. Krebsbach, Miles City, Mont., for construction permit for new station

to operate on 1310 kc., 100 watts night, 250 watts local sunset, unlimited time, and of Star Printing Co., Miles City, Mont., for construction permit for new station to operate on 1310 kc., 250 watts, unlimited time.

WFDF—Flint Broadcasting Co., Flint, Mich.—Continued for one week petition to intervene in re hearing on application of Thumb Broadcasting Co., Brown City, Mich., for construction permit for new station to operate on 880 kc., 250 watts, daytime.

William F. Huffman, Wisconsin Rapids, Wis.—Granted motion for continuance of hearing now scheduled for February 26, 1940, to new date to be fixed by Office of the Secretary, in re application for construction permit for new station to operate on 1310 kc., 100 watts night, 250 watts local sunset, unlimited time.

J. D. Falvey, Ottumwa, Iowa.—Granted supplemental petition for order to take depositions in re application for construction permit for new station to operate on 1210 kc., 100 watts night, 100 watts local sunset, unlimited time.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted motion for extension of time to file proposed findings due February 25, 1940, to March 15, 1940, in re application for construction permit to change assignment from 1 KW, local sunset, daytime only, to 830 kc., 5 KW, 5 KW local sunset, unlimited time (DA night).

Thumb Broadcasting Co., Brown City, Mich.—Continued for one week opposition to petition of Flint Broadcasting Co. (WFDF) to intervene with proposals of alternate relief in re application of Thumb Broadcasting Co. for construction permit for new station to operate on 880 kc., 250 watts, daytime.

WSPA—Virgil V. Evans, tr/as the Voice of South Carolina, Spartanburg, S. C.—Granted construction permit to install auxiliary transmitter, using 500 watts power, at Evanston Heights, Spartanburg, S. C.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted license to cover construction permit for new equipment and increase in power from 250 watts to 500 watts night and 1 KW day, frequency 1260 kc., unlimited time; also granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

KYSM—F. B. Clements & Co., d/b as Southern Minnesota Supply Co., Mankato, Minn.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

W2XWE—WOKO, Inc., Albany, N. Y.—Granted license to cover construction permit as modified for new facsimile broadcast station, frequency 25050 kc., power 500 watts, granted upon an experimental basis only, conditionally.

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—Granted modification of license to move studio locally and insert serial number of both aural and visual transmitters, 3001.

W9XAO—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted license to cover construction permit for new high frequency broadcast station, frequency 42600 kc., power 1000 watts, special emission for frequency modulation, maximum band width of not over 200 kc.; granted upon an experimental basis only, conditionally.

WSPA—Virgil V. Evans, tr/as the Voice of South Carolina, Spartanburg, S. C.—Granted special temporary authority to operate from 6:15 p. m., EST, to 11:00 p. m., EST, on February 23, 1940, in order to broadcast Finnish relief program.

Harry Jackson, Harrisburg, Pa. (T-4).—Adopted final order denying the application of Harry Jackson, Harrisburg, Pa., for a permit to construct a general experimental station; order to become effective February 24, 1940.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with Stations WIBW and WCHS, with power of 1000 watts, from 7:30 to 9:30 p. m., CST, on March 2, 1940, from 7:25 p. m. to 9:25 p. m., CST, on March 4, 1940, and from 7:00 p. m. to 11:00 p. m., CST, on March 14, 15, and 16, 1940, in order to broadcast basketball games only.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2:00 to 3:00 p. m., CST, on March 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27, and 28.

- 1940; from 3:00 to 3:30 p. m. CST, on March 4, 11, 18, and 25, 1940, and from 8:00 to 10:30 p. m., CST, on March 8, 1940 (provided KGGF remains silent) in order to broadcast special educational programs; to remain silent from 7:15 p. m. to 9:15 p. m., CST, on March 21, 1940, in order to observe Easter vacation.
- KGGF**—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent during above periods in order to permit WNAD to broadcast special educational programs; to operate from 7:15 p. m. to 9:15 p. m., CST, on March 21, 1940, in order to allow WNAD to remain silent during Easter vacation (provided WNAD remains silent).
- WEAN-WAAB-WNAC-WICC**—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to pick up and rebroadcast programs being broadcast by FM stations WIXOJ, WIXPW, W2XMN, W2XAG, or High Frequency Broadcast station W1XER, for the period February 25, 1940, to not later than March 25, 1940, in order to secure information for the high frequency hearing.
- KTSM**—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Granted special temporary authority to operate test transmitter with power not to exceed 100 watts, on **1350 kc.**, day and night, in order to select transmitter site in accordance with construction permit, for a period not to exceed 30 days.
- WBAA**—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 10:00 to 11:00 a. m., from 5:00 to 5:30 p. m., and from 6:45 to 10 p. m., CST, on March 1, 1940, to operate from 4:00 to 6:00 p. m. and from 7:15 to 10:00 p. m., CST on March 2, 1940, to operate from 4:00 to 6:00 p. m. and from 7:45 to 10:30 p. m., CST on March 9, 1940, and from 4:00 to 6:00 p. m. and from 7:45 to 10:30 p. m. CST on March 16, 1940, in order to broadcast basketball games only.
- KWLC**—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 10:45 a. m. to 11:00 a. m. CST on February 29, March 7, 14, and 21, 1940, in order to broadcast lectures by Prof. Frings; to operate from 2:00 to 2:30 p. m. CST on March 2, 1940, in order to broadcast speeches in connection with Lutheran Students' Union Convention; to operate from 10:30 to 12:00 a. m. CST on March 3, 1940, in order to broadcast the LSU convention church service (provided KGCA remains silent).
- KWJJ**—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted special temporary authority to operate on **1040 kc.**, from 7:25 p. m. to 9:00 p. m. PST on March 1, 2, 15, 16, and 18, 1940, in order to broadcast basketball games only.
- WWAE**—Hammond-Calumet Broadcast Corp., Hammond, Ind.—Granted special temporary authority to operate simultaneously with radio station WFAM from 5:15 p. m. to 8:00 p. m. CST on February 29, 1940, and from 6:00 p. m. to 8:00 p. m. CST on March 1, 2, 9, and 16, 1940, in order to broadcast basketball games only.
- WKAQ**—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WCBX and WCAB over Station WKAQ on a non-commercial experimental basis only, from February 28, 1940, to not later than March 28, 1940.
- W2XVT**—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate experimental television broadcast station W2XVT from 9:00 a. m. to 7:00 p. m. EST (provided W2XBS remains silent), in order to make tests and conduct demonstrations for the RMA Committee on television and to conduct demonstration for Commissioner Craven on February 26, 1940.
- WMRO**—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7:00 p. m. to 10:30 p. m. CST on March 1, 2, 6, 7, 8, 9, 13, 14, 15, and 16, 1940, in order to broadcast basketball games only.
- KFDY**—South Dakota State College, Brookings, S. D.—Granted special temporary authority to operate from 2:00 p. m. to 4:45 p. m. CST on March 8, 1940, and from 9:30 a. m. to 12:30 p. m., from 2:00 p. m. to 4:45 p. m., and from 8:00 p. m. to 11:00 p. m. CST on March 9, 1940, in order to broadcast basketball games only.
- KMJ**—McClatchy Broadcasting Co., Fresno, Calif.—Granted license to cover construction permit and modification thereof for increase in power from 1 KW to 1 KW, 5 KW day, move of transmitter and install new transmitter and antenna; frequency **580 kc.**, unlimited time; also granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.
- WMBG**—Havens and Martin, Inc., Richmond, Va.—Granted modification of construction permit as modified for changes in transmitting equipment and increase in power from 500 watts to 1 KW, 5 KW local sunset, for extension of required date of completion from February 28, 1940 to April 28, 1940.
- WTSP**—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.
- KTKC**—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, President, Visalia, Calif.—Granted construction permit to make changes in transmitting equipment.
- WIBC**—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.
- WJTN**—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.
- WAGM**—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 2 p. m. to 4 p. m. and from 8 p. m. to 10 p. m., EST, on February 29, March 1 and 2, 1940, in order to broadcast basketball games only; to operate from 8 p. m. to 9 p. m., EST, on February 26, 1940, in order to broadcast celebration of University of Maine 100th Anniversary.
- KFRU**—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF, with power of 250 watts, from 7:30 p. m. to 9:30 p. m., CST, on February 29, 1940, and from 7 p. m. to 8 p. m., CST, on March 1, 1940, in order to permit WGBF to broadcast basketball games.
- WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU as above in order to broadcast basketball games only.
- WJMC**—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7 p. m. to 11:30 p. m., CST, on March 6, 7, 8 and 9, 1940, in order to broadcast basketball games only.
- W2XOY**—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through high frequency station W2XOY the frequency modulated programs of high frequency station W2XMN, for a period not to exceed thirty days.
- WSOY**—Commodore Broadcasting, Inc., Decatur, Ill.—Granted special temporary authority to operate from 6:30 p. m., CST, to the conclusion of basketball games on March 1 and 2, 1940, in order to broadcast basketball games only, using 250 watts power.
- W2XB**—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through television broadcast station W2XB the television programs to be received from the NBC, Inc., transmitter located atop the Empire State Building, for a period not to exceed thirty days.
- WCLS**—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 10:45 p. m., CST, on March 6, 7, and 9, 1940, and from 10:30 p. m. to 10:45 p. m., CST, on March 8, 1940, in order to broadcast basketball games only.
- WKAQ**—Radio Corp. of Porto Rico, San Juan, P. R.—Granted special temporary authority to rebroadcast program to be received from international broadcast station WGEO over station WKAQ from 8:30 p. m., AST, to the conclusion of Professor Vincent Tovar's discussion on "Meditaciones de un Misanthrope," written by Rene Jimenez Malaret, on March 7, 1940.

APPLICATIONS FILED AT FCC 560 Kilocycles

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

570 Kilocycles

WSYR—WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Authority to determine operating power by direct measurement of antenna power.

580 Kilocycles

KSAC—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Authority to determine operating power by direct measurement of antenna power.

700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-P-2460) for changes in equipment, requesting extension of completion date from 4-22-40 to 10-22-40.

780 Kilocycles

WEAN—The Yankee Network, Inc., Providence, R. I.—Construction permit to make changes in directional antenna for day and night use and change power from 1 KW; 5 KW-day to 5 KW day and night. Amended: re: antenna.

880 Kilocycles

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Modification of license to increase power from 500 watts; 1 KW-day to 1 KW day and night. Amended to request class III-A station.

890 Kilocycles

WBAA—Purdue University, W. Lafayette, Ind.—Construction permit to install new transmitter, make changes in antenna, change hours of operation from specified hours to unlimited time, increase power from 500 watts, 1 KW to 1 KW; 5 KW day, move transmitted from Northwestern Ave., W. Lafayette, Ind. to 1 mile East of No. 43 and 6 miles North of Romeny, Wea Township, Ind. Amended: re: antenna changes (directional antenna at night).

900 Kilocycles

WBEN—WBEN, Incorporated, Buffalo, N. Y.—Construction permit to install directional antenna for night use, increase power from 1 KW; 5 KW-day to 5 KW day and night, move transmitter from R.F.D. No. 2, Shawnee Road, near Martinsville, N. Y., to Bush road, Grand Island, N. Y.

950 Kilocycles

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Modification of construction permit (B1-P-1332) as modified for a new station, requesting authority to change type of transmitter, and extend commencement date to 30 days after grant and completion date 120 days thereafter.

1040 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for a new station on **1040 kc.** (request **1080 kc.** when Havana Treaty effective), 1 KW, 5 KW day, unlimited time, directional antenna day and night use.

1120 Kilocycles

KSAL—KSAL, Inc., Salina, Kans.—Construction permit to increase power from 500 watts; 1 KW-day to 1 KW day and night, changes in directional antenna system.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Construction permit to increase power from 1 KW to 5 KW, install new equipment, and directional antenna for night use.

1200 Kilocycles

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

1210 Kilocycles

KALB—Alexandria Broadcasting Company, Inc., Alexandria, La.—Authority to determine operating power by direct measurement of antenna power.

NEW—LaGrange Broadcasting Co., LaGrange, Ga.—Construction permit for a new station on **1210 kc.**, 100 watts, unlimited time, site to be determined, LaGrange, Ga.

1230 Kilocycles

WFBM—WFBM, Inc., Indianapolis, Ind.—Modification of license to change power from 1 KW; 5 KW-day to 5 KW day

and night, using directional antenna at night, change name from Indianapolis Power and Light Co., to WFBM, Inc. Amended: re: directional antenna.

WNAC—Yankee Network, Inc., Boston, Mass.—Modification of construction permit (B1-P-1083) for increase in power from 1 KW; 5 KW-day to 5 KW day and night, changes in antenna system. Amended to make changes in directional antenna, for use day and nighttime.

1240 Kilocycles

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—Construction permit for a new station on **1240 kc.**, 250 watts, unlimited time.

1290 Kilocycles

WNEL—Juan Piza, San Juan, Puerto Rico.—Construction permit to make changes in transmitter, make changes in antenna, increase power from 1 KW, $2\frac{1}{2}$ KW-day to 5 KW day and night, and move transmitter from 99 Sol St., San Juan, Puerto Rico to Kilometer 3.6, Carolina, Puerto Rico.

1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—Modification of construction permit (B5-P-2344) as modified for increase in power, move of transmitter, new transmitter and changes in antenna, requesting extension of completion date from 3-10-40 to 5-1-40.

1350 Kilocycles

WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of construction permit (B2-P-1912) as modified for increase in power, equipment changes, installation of directional antenna for day and night use, requesting further increase in power to 5 KW day and night.

1370 Kilocycles

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—License to cover construction permit (B4-MP-895) for increase in power from 100 watts, 250 watts day, to 250 watts day and night.

NEW—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for a new broadcast station to be operated on **1380 kc.**, 500 watts power, daytime operation. Amended to request **1370 kc.**, 100 watts, unlimited time. Change applicant from Ralph M. Lambeth to Greensboro Broadcasting Company, Inc., and equipment changes.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Modification of license to change hours of operation from daily 8:30 a. m. to 10 a. m. and 2 to 3 p. m., EST, to Monday through Friday 8:30 a. m. to 10 a. m., EST.

1380 Kilocycles

WING—WSMK, Inc., Dayton, Ohio.—Construction permit to install new transmitter, frequency monitor, and make changes in directional antenna system (night use only), and increase power from 250 watts, 500 watts day, to 5 KW day and night.

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Modification of construction permit (B3-P-2242) as modified for 1 KW power, new antenna, move transmitter, requesting increase in power from 1 to 5 KW, install new equipment and directional antenna for night use, move transmitter from Mobile, Ala., to Mobile County, Ala., and extend commencement date to 30 days after grant and completion date to 90 days thereafter.

1420 Kilocycles

WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Modification of construction permit (P4-P-1243) for new station, requesting approval of antenna, new transmitter, studio site at 320 Busseron St., Vincennes, Ind., and transmitter at 6th St., U. S. Highway No. 41, Vincennes, Ind.

NEW—Capital Broadcasting Co., Washington, D. C.—Construction permit for a new station on **1310 kc.**, 250 watts power, unlimited time. Amended to request **1420 kc.**

WGPC—Albany Broadcasting Company, Inc., Albany, Ga.—Construction permit to make changes in equipment and increase power from 100 to 250 watts. Amended to install new

antenna and move studio and transmitter from 125½ N. Jackson St., Albany, Ga., to Gillionville Road, near Albany, Ga.

1460 Kilocycles

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to change corporate name to KSTP, Inc.

1500 Kilocycles

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Authority to determine operating power by direct measurement of antenna power.

NEW—MSB Broadcast Co., Omaha, Nebr.—Construction permit for a new broadcast station on 1500 kc., 250 watts, unlimited time. Amended: Re: Corporate structure.

NEW—WISH, Inc., Tupelo, Miss.—Construction permit for a new station on 1500 kc., 250 watts, unlimited time.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—License to cover construction permit (B2-P-2652) to use old RCA 250-W transmitter as auxiliary transmitter at new site.

Miscellaneous

NEW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Construction permit for a new high frequency broadcast station, site to be determined, near Chattanooga, Tenn., to be operated on 42600 kc., 1 KW, unlimited time, special emission.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to use both amplifiers (Type NRA-25B and Type NRA-25A) simultaneously on two directional antennas on 9670 kc.

NEW—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 43200 kc., 1000 watts, special emission for frequency modulation, site to be determined at or near Philadelphia, Pa.

NEW—The Ashland Broadcasting Co., Ashland, Ky.—Construction permit for a new high frequency broadcast station to be operated on 43200 kc., 1000 watts, unlimited time, special emission for frequency modulation, to be located at 20th and Front Streets, Ashland, Kentucky.

NEW—A. Frank Katzentine, area of Miami Beach, Fla.—Construction permit for a new relay broadcast station on 1646, 2090, 2190, 2830 kc., 50 watts, A-3 emission.

WENL—Station WIS, Inc., Portable-Mobile.—Voluntary assignment of license from Station WIS, Incorporated, to The Liberty Life Insurance Company.

KABE—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to change name only to KSTP, Inc.

KAIE—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to change name only to KSTP, Inc.

KIGH—National Battery Broadcasting Co., Minneapolis, Minn.—Modification of license to change name only to KSTP, Inc.

W6XAO—Don Lee Broadcasting System, Hollywood, Calif.—Modification of construction permit (B5-PVB-38) to move transmitter and specify frequencies 44000-50000 to comply with new rules, requesting extension of commencement date and completion date from 9-30-39 and 3-31-40, to 3-31-40 and 9-30-40, respectively.

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station, 42600 kc., 1 KW, special emission. Located on top Mt. Lee, Hollywood Hills, Los Angeles, Calif.

NEW—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit for a new high frequency broadcast station, 43000 kc., 1 KW power, special emission. Located at Ralston Road, Indianapolis, Ind.

W9XAZ—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—License to cover construction permit (B4-PHB-67) as modified, for reinstatement of station: 42260 kc., 500 watts power, A-3 emission. Located: 606 W. Wisconsin Ave., Milwaukee, Wisc.

W2XD—General Electric Co., Schenectady, N. Y.—Construction permit to reinstate station. Frequency 156000-162000 kc., 40 watts power, emission A-5. Visual transmission. Located at No. 1 River Road, Schenectady, N. Y.

W2XOY—General Electric Co., Albany, N. Y.—Construction permit to increase power from 150 watts to 1 KW, move transmitter from Albany, N. Y., to New Scotland, N. Y., and install new transmitter. Amended to change maximum rated power of transmitter.

W8XAD—WHEC, Inc., Rochester, N. Y.—License to cover construction permit (B1-PHB-81) as modified for new high frequency broadcast station.

NEW—The Metropolis Co., Jacksonville, Fla.—Construction permit for a new high frequency broadcast station, 42800 kc., 1 KW, special emission; located in Jacksonville, Fla., exact site to be determined.

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.

Eileen-Joy Fashions, Inc.—Charging misrepresentation in the sale of women's wearing apparel, a complaint has been issued against two New York corporations, Eileen-Joy Fashions, Inc., 1375 Broadway, and Teen Frocks, Inc., 520 Eighth Ave., and Morris Scharf and Henry Dudkin, individually and as officers of the two corporations, who formerly were co-partners trading as Eileen-Joy Fashions.

It is alleged that the respondents advertised as silk articles composed entirely of rayon by means of terms such as "Taffeta" and "Pure Dye" placed on tags, labels, price lists and in advertising matter; that products composed entirely of rayon were advertised as "Celanese" and "Celanese Clairanese Taffeta", and that these words, when used to designate rayon, are not sufficiently well known and understood by the purchasing public to inform them that they are buying rayon or anything other than silk.

It is alleged that the respondents' practice of furnishing misleading labels, tags and other advertising material to jobbers, retailers and other customers for attachment to the respondents' products, and the use of designations which fail to disclose the rayon content of their products, provide uninformed or unscrupulous dealers with a means of misleading buyers into believing they are purchasing silk instead of rayon garments. (4038)

Novelty Sales Company—Simon and Morris Aron and Louis Broudo, trading as Novelty Sales Company, 806 Walnut St., Philadelphia, are charged, in a complaint with use of lottery methods in the sale and distribution of merchandise.

The complaint alleges that the respondents, who are engaged in selling and distributing clocks, knives, flashlights and similar merchandise, sell to dealers assortments of their merchandise so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when the articles are sold to ultimate consumers. Such sales plans or methods, the complaint continues, have a tendency to induce the purchasing public to buy the respondents' merchandise in preference to that of competitors who do not use similar methods, and constitute unfair methods of competition within the meaning of the Federal Trade Commission Act. (4039)

Hamilton Ross Factories, Inc., 666 Lake Shore Drive, Chicago, a dealer in chinaware, glassware, plated silverware and cutlery, has been served with a complaint alleging misrepresentation in the sale of its products.

Through the use of advertising mats and color plates supplied to its department store and other retailer customers for insertion in newspaper advertisements, the respondent company is alleged to represent that silverware sold by it is "heavily plated," a term implying to the purchasing public that such silverware is of a quality and grade superior to the lower grades of plated silverware. The complaint alleges that the silverware sold by the respondent is not heavily plated but corresponds approximately to Grade A-1 of household silverware, the lowest grade to which quality marks are regularly applied.

The complaint also alleges that through the use of the word "Factories" in its corporate and trade name and in letterheads, invoices and other printed matter, the respondent implies that it owns, controls or operates factories where the products it sells are manufactured, when such is not a fact. (4040)

Teen Frocks, Inc.—See Eileen-Joy Fashions, Inc.

Trippe Manufacturing Company—Misrepresentation in the sale of an electric auxiliary light designed for use on motor vehicles, is alleged in a complaint issued against Trippe Manufacturing Company, 564 West Adams St., and Trippe Sales Company, 600 West Jackson Boulevard, Chicago, both of which have branch offices in Toronto, Canada, and Halifax, England.

The respondents are alleged to represent that the light rays from their "Trippe Safety Light" or "Trippe Speed Light" will penetrate and conquer fog regardless of its density; that fog is thin and less dense close to the ground and that the light rays from their light will cut under and stay under the fog blanket to give greater visibility; that the light will provide adequate illumination in fog, rain, mist or snow regardless of density, and to the extent of 1,000 feet ahead; that a person using the light will have 1,000 feet distance of visibility between the user and danger and that the respondents' light has been officially purchased or used by the United States Coast Guard.

The complaint alleges that the respondents' representations are misleading and in excess of their product's accomplishments. (4037)

Trippe Sales Company—See Trippe Manufacturing Company.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders during the past week:

Affiliated Products, Inc., 257 Cornelison Ave., Jersey City, N. J., has been ordered to cease and desist from misleading representations in the sale of cosmetics designated "Edna Wallace Hopper's Special Restorative Cream" and "Edna Wallace Hopper's White Youth Pack (Clay)."

Findings are that "Edna Wallace Hopper's Restorative Cream," through use of various advertisements and of the word "Restorative" in the trade name, was represented as a discovery of a great French scientist or a famous beauty expert and as being capable of rejuvenating the skin, restoring the oils of youth and a youthful appearance to aged skin and preventing and erasing wrinkles. However, the findings continue, the preparation is not a discovery of a great French scientist, but is made from a formula developed by Dr. A. B. Pacini, a cosmetician and graduate chemist, and it will not accomplish the results claimed.

It was found that much of the advertising involved in this proceeding was prepared and placed by the respondent's predecessor in business.

The respondent is ordered to cease use of advertisements which employ the word "Restorative" in the trade name of the special restorative cream and which represent that this preparation is a restorative cream or the discovery of a great French scientist; that its use will rejuvenate the skin or restore the oils of youth or youthful appearance to aged skin or make one's face appear 10 or any number of years younger or keep the skin young and prevent or erase wrinkles or age lines.

Under the order, the respondent company is also directed to desist from disseminating advertisements which represent that the white youth pack is of French origin, will nourish or revive the skin, remove blackheads or eliminate large pores or have any beneficial effect other than loosening blackheads and thereby aiding in their removal. (3734)

Buford & Owens College, 812 North East Third St., Oklahoma City, Okla., distributor of preparations for the hair and scalp, and three of its officers, have been served with an order to cease and desist from misrepresentations in the sale of their preparations. The respondent officers of the corporation are Gussie and George Buford and Mary Owens Boone Wellingham.

According to the findings, the respondents represented their preparations as constituting cures or remedies for dandruff, falling hair, and scalp diseases and as being capable of promoting the growth of hair, when such were not the facts. It was also found that by use of the word "College" in the corporate name of their organization the respondents represented that they conducted an institution of higher learning, when in fact the respondent corporation is not a college.

The order directs the respondents to cease advertising that "Buford & Owens Hair Oil", "Buford & Owens Pressing Oil", "Buford & Owens Special Oil", and "Buford & Owens Shampoo" are cures or remedies for dandruff, falling hair or scalp diseases, or will promote hair growth or prevent hair from falling out, and to discontinue using the word "College" as part of the corporate name or representing that the respondents conduct an institution of higher learning. (3790)

Curl-O-Wave Company—An order has been issued requiring J. W. Cooper and James J. Cooper, trading as Curl-O-Wave Company, 201 North Wells St., Chicago, to cease and desist from certain misrepresentations in the sale of a hair curling preparation.

In their advertising matter the respondents are found to have represented that their preparation, "Curl-O-Wave", will make the straightest hair naturally curly, transform obstinate hair into dainty curls, and improve the texture of the hair, and that their product is odorless, beneficial to the hair and not an ordinary hair curling fluid but a new discovery.

Findings are that the product will not accomplish the results claimed, and that it is an ordinary curling fluid and not a new discovery. Under the order, the respondents' representations as made in the aforesaid advertising matter are prohibited. (3524)

Economy Men's Hat Company, Inc., and Rosalind Nissenbaum, Lena Nissenbaum and Nat Gilman, individually and as officers of the corporation, have been ordered to cease and desist from certain misrepresentations in the sale of their products.

The Commission finds that the respondents, with their office and principal place of business located at 5 Elizabeth St., New York, buy old, worn and previously used felt hats, the bodies of which are cleaned, steamed, ironed and shaped by the respondents and fitted with new trimmings, sweat bands and size labels and sold to retailers. The respondents cause the words "De Luxe Quality" or similar words to be embossed on the sweat bands of the hats, preceded by the words "Made Over Hat".

Findings are that it is the practice of various manufacturers of hats to manufacture finished hats from new felt material, from hat bodies obtained from shop-worn hats that have not previously been worn or used, and from old, previously used hat bodies. By use of the words "Made Over Hat", and by failure to properly mark its products as having been made from second-hand hat bodies, the respondents fail to disclose that hats sold by them are made from old, worn or previously used hat bodies, as distinguished from hats made from shop-worn hat bodies which had never been worn or used.

The respondents are ordered to cease and desist from representing that hats composed in whole or in part of used or second-hand materials are composed of new materials by failure to stamp on the sweat bands in conspicuous the legible terms which cannot be removed or obliterated without mutilating the sweat bands a statement that the products are composed of second-hand or used material and provided that if sweat bands are not affixed to the hats, the bodies of the hats must be stamped with such explanation in conspicuous or legible terms which cannot be removed or obliterated without mutilating said bodies. (3837)

Thomas Quilt Factories—Chester L. Thomas, trading as Thomas Quilt Factories, Denver, Colo., has been ordered to discontinue certain misleading representations in the sale of quilts or other bed coverings.

Findings are that in advertising matter the respondent made statements implying or representing that "Thomas Feather Quilts" were of a value of \$37.50 and that \$18.75 was an introductory or special price limited as to time and was one-half the usual or customary price, when in fact the respondent did not sell his quilts for \$37.50, and \$18.75 was not a special or introductory price but the regular and customary price.

The order prohibits the respondent from representing as the customary or regular prices or values of quilts or other bed coverings prices and values which are in excess of the prices at

which the products are customarily sold and from representing that the prices at which he sells his articles constitute a discount to the purchaser or that such prices are special, reduced or introductory prices or are applicable for a limited time only, when in fact they are the usual and customary prices. (3375)

I. Sekine Company, Inc., of New York and Baltimore, has been ordered to discontinue certain misleading representations in the interstate sale of toothbrushes.

The respondent company is found to have imported handles and bristles for its brushes and, in the process of preparing the commodity for sale, to have bored holes for the bristles in the handles in the precise location of marks denoting Japanese origin of the handles, thus obliterating the words "Japan" or "Made in Japan" when the bristles were inserted. When the commodity was finally assembled, the findings continue, the sentence, "This brush is made in U. S. A.", was stamped in bold gold letters in a conspicuous place elsewhere on the handles of the brushes.

This practice was misleading, the findings continue, as the toothbrushes were not wholly "Made in U. S. A." It is pointed out that a substantial portion of the buying public has indicated a decided preference for American-made products, including toothbrushes.

The Commission order directs the respondents to cease and desist from using the words, "This brush is made in U. S. A.", or words of similar import, on toothbrushes made from imported handles, or on containers in which they are packed, or in any other manner. The order also prohibits the representation, directly or by implication through use of the foregoing phraseology or other words of similar meaning, or by unnecessary obliteration or concealment of the words indicating the foreign origin of the handles in processing the brushes, that toothbrushes made from imported handles are of domestic manufacture. (3624)

W. T. Wagner's Sons Company—Prohibiting use of the word "English" to designate a soda water made in the United States from domestic ingredients. A order to cease and desist has been issued against W. T. Wagner's Sons Company, 1920-26 Race St., Cincinnati.

The order also directs that the respondent cease representing that its product, which has been designated "Wagner English Club Soda", is imported from, or made of ingredients imported from, England, or that only soda waters made in England have the properties possessed by the respondent's soda water.

The findings point out that a substantial number of American purchasers have a preference for soda waters made in England or from ingredients imported from that country.

According to findings, the respondent, in advertising its "Wagner English Club Soda", made use of pictures of typical British institutions accompanied by phraseology such as "British as the Buckingham Guards" and "British as Big Ben". (3932)

STIPULATIONS

The following stipulations have been entered into by the Commission:

Apex Tire, Inc., 505 Central Ave., Pawtucket, R. I., has entered into a stipulation to discontinue misleading representations in the sale of rebuilt automobile tires.

In the sale of its "Apex Rebuilt Tires," the respondent corporation agrees to cease advertising that it is the world's largest re-builder of tires or America's largest quality tire re-builder, until such are the facts established by competent evidence.

Other representations to be discontinued, under the stipulation, are that Apex Tire, Inc. is the pioneer of the tire rebuilding industry; that its tires are guaranteed against all road hazards, or are unconditionally guaranteed for six months, and that they

are as safe or durable as new tires, or will save their owners 50 or nearly 50 per cent of new tire costs, or will give the same trouble-free service as first line new tires. (02515)

Kirkwood Laboratories, Inc., Clifton, N. J., stipulates that it will cease advertising "Har-Ex Capsules" as a competent or effective remedy for hay fever, rose fever or asthma, as a new medicine or method of treatment, as quick to ease suffering or sneezing from hay fever or rose fever or to give relief from trouble due to local irritation. The respondent also agrees to desist from the representation that the misery of rose fever, hay fever or asthma is ended by use of its preparation. (02512)

Likely Luggage Company—Sam Skuller, trading as Likely Luggage Company, Columbus, Ohio, in the sale of luggage, stipulates that he will desist from quoting, in his catalogs, price lists, labels, tags or in any other way, fictitious or misleading figures purporting to be the regular sale or list prices of merchandise, or figures which are in excess of the prices at which such articles are normally sold. The respondent also agrees to discontinue representing in any way in catalogs, trade literature or otherwise, that a discount of 50 per cent or any other fictitious reduction from his customary prices is offered to the purchaser, when such is not a fact. (2683)

Macksoud Importing Company—James S. Macksoud, trading as Macksoud Importing Company, New York, N. Y., agrees to desist from representing himself in any way to be a manufacturer of handkerchiefs or other merchandise, when he neither owns, operates nor directly controls the factory in which the goods he sells are made; from representing that he has manufacturing plants of his own at Swatow, Shanghai or Chefoo, China, or elsewhere, for the production of these or other goods, when such is not a fact, or from representing that he has an office or place of business in Shanghai, Chefoo or other place where he does not maintain such an establishment. (2682)

C. E. Twombly, Medford, Mass., agrees to discontinue representing "Cankerine", a preparation for poultry, as being sure in action, a cure for canker in pigeons or poultry, and as being capable of removing a canker without bleeding or soreness. The respondent also stipulates he will cease advertising that the product is prepared by him, unless and until he actually compounds it.

M. Williams—Ada Roehr, trading as M. Williams, Jersey City, N. J., sells a medal designated "Success Emblem", and printed instructions entitled "The Lifetime Guide." The respondent agrees to cease making various representations in the sale of these products, among which are the following: that the alleged psychological teachings embodied in "The Lifetime Guide", if followed, will enable one to attain love, success, prosperity, a new start in life, increased income, the mastery of difficult occupations, an easy living, and power to overcome jealousy, banish sickness, overthrow evil influence, stop others from taking advantage of one's kind disposition and cause undesirable persons to leave, move or go away, or that these teachings do other than offer instructions designed to influence the mental attitude of the student. (02511)

FTC CLOSES CASE

The Federal Trade Commission has closed its case against Ardell Razor Blade Corporation, Newark, N. J., and its selling agent, Fuller Blade Company, Inc., New York, which were charged with unauthorized use of well-known trade names in the sale of razor blades.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.