



## Campaign Use of Radio

Repeated requests for information as to the use of broadcast facilities for discussion of political issues and by candidates for public office prompts the FCC to explain:

Broadcast stations are licensed to serve the "public interest, convenience and necessity." This carries with it obligation on the part of stations to provide opportunity for well-rounded rather than one-sided discussion of public controversial issues and to render a program service in the general public interest. However, there is no requirement, express or implied, that the broadcast facilities must be afforded for the use of any particular individual or organization.

Section 3(h) of the Communications Act of 1934, as amended, expressly provides that a person engaged in radio broadcasting shall not be deemed a common carrier. In this respect broadcasting is unlike telephone, telegraph, or cable service. Accordingly, a broadcast station may refuse the use of its facilities to any particular person or group, even though offer is made to pay for the time.

However, Section 315 of the Act stipulates:

"If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."

This provision does not apply to persons other than the legally qualified candidates themselves but does require that, if a broadcast station permits the use of its facilities by a candidate, equal opportunities in the use of the station shall be afforded all other legally qualified candidates for the same office.

The Commission's Rules Governing Standard Broadcast Stations more specifically define broadcasts by candidates for public office in the following language:

"Section 3.101 *General requirements*.—No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities, provided that such licensee shall have no power of censorship over the material broadcast by any such candidate."

"Section 3.102 *Definitions*.—The following definitions shall apply for the purpose of Section 3.101:

"(a) 'A legally qualified candidate' means any person who has met all the requirements prescribed by local, state, or federal authority, as a candidate for the office which he seeks, whether it be municipal, county, state, or national, to be determined according to the applicable local laws."

"(b) 'Other candidates for that office' means all other legally qualified candidates for the same public office."

"Section 3.103 *Rates and practices*.—The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office."

"Section 3.104 *Records; inspection*.—Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted."

The Commission's Rules and Regulations do not impose any requirements as to the rendering of free service by broadcast stations. This is a matter to be determined by the individual stations themselves.

With respect to program content, Section 326 of the Communications Act provides:

"Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

The express prohibitions contained in the Communications Act with respect to program content are: the prohibition against the broadcasting of lottery information contained in Section 316, and the provision of Section 326 that no person "shall utter any obscene, indecent, or profane language" on the air.



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone National 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

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

## Four More Stations Join in BMI

Completed stock and license agreements to Broadcast Music, Inc., were received from four additional stations during the past week. This brings the total number of stations that have subscribed and paid for stock in BMI to 280. Another 99 stations have committed themselves to subscribe.

The latest four stations to subscribe are as follows:

### District 3

WIP—Philadelphia, Pennsylvania

### District 5

WSFA, Montgomery, Alabama  
WJHP, Jacksonville, Florida

### District 14

KGVO, Missoula, Montana

With the addition of these stations, the total amount which has now been paid for in stock and pledged as license fees is \$1,238,620.00.

## Code Manual Goes to All Members

The NAB Code Manual, containing Code interpretations and an interchange of program and operating experiences gathered from various stations throughout the country, is being mailed to member stations.

The Code Committee, which has compiled the material, believes it will be a valuable source of useful information for management, the station program director, and the sales department.

The book itself is divided into six sections to correspond with the six sections of the NAB Code. The material is in loose-leaf form and bound in a stiff-back cover. As new information is developed, it will be promptly sent out for insertion in the Manual in the proper section.

In a foreword, Edgar Bill, WMBD, Peoria, Illinois, chairman of the Committee, declares:

"Few businesses are confronted with such a complex intermingling of social, public and economic interest as is the business

of broadcasting. Of necessity, then, the NAB Code must be a continuous evolution of interpretation and policy to meet changing conditions of taste and circumstance. Moreover, in an industry which may be revolutionized overnight by new technical discoveries from the laboratory, a social-minded vigilance is needed at all times, and in all directions.

"The development of the broadcasters' Code has won the greatest degree of public confidence the industry has ever enjoyed. The public declarations of those organized groups in many diverse and oft-times competing fields bear witness to this. Here is an industry Code which has won support of both liberal and conservative, press and government, business and consumer, Catholic and Protestant. It is, in effect, an insurance policy for the American system of private and competitive broadcasting. It is an insurance policy whose beneficiary is, as well, the American public itself.

"In this Code Manual, the Committee has collected significant experiences and program policies, gathered from stations in all parts of the country confronted by many problems similar to those confronting each station. It believes that from this interchange of information, a broader concept of "public interest" will continuously emerge.

"The work of the Committee is advisory and interpretative. It has not been—nor will it ever be—dictatorial or arbitrary. It has endeavored to be helpful to each station which has asked its advice. It has been mindful of the delicate responsibility entrusted to it by the entire industry. It has not sought to assume responsibility delegated solely to the broadcast licensee. It has sought to place at his disposal information and accepted industry policy as it developed. It has recognized at all times those geographic, economic and operating differences characteristic of American radio. Such authority as it may possess comes only as favorable public opinion is earned in support of industry policy."

The Code Compliance Committee will meet in Washington, April 11, at the call of Chairman Bill. Problems of political broadcasting during the coming election campaign will be among the more important subjects to be discussed.

## Labor

### ABT CERTIFIED AT WCPO; AFRA ELECTION ORDERED

The National Labor Relations Board today announced certification of Associated Broadcast Technicians Unit of the International Brotherhood of Electrical Workers (A. F. of L.) as the sole collective bargaining agency for the broadcast technicians of Scripps-Howard Radio, Inc., Station WCPO, Cincinnati, upon the basis of documentary evidence submitted by the union, and an admission of the company that its four technicians were members.

At the same time, the Board announced that a secret ballot election would be held within 30 days among all the company's announcers and radio artists, excepting the "hillbillies," to determine whether or not they desire to be represented for collective bargaining purposes by American Federation of Radio Artists (A. F. of L.).

The Board ruled that Andre Carlon, the station's program director and chief announcer, and Glen A. Davis, chief engineer, should be included in the appropriate units in view of the time each devotes to non-supervisory functions. The Board excluded, however, a group of unpaid



musicians known as "hillbillies" and Albert Stephan, a writer in the program department.

Although the AFRA introduced evidence to show that it represented a substantial number of the company's employees, it nevertheless conceded that an election by secret ballot is necessary to resolve the question concerning representation.

No election was necessary among the technicians in view of the company's admission and the documentary proof presented by the ABTU, the Board said.

## WAGE AND HOUR RECORDS FOR TRANSMITTER ENGINEERS

Col. Philip B. Fleming, Wage and Hour Administrator, rules that abbreviated wage and hour records for transmitter engineers must be kept at the transmitter when the transmitter is away from the station offices.

These abbreviated records need show only two items: total hours worked and total wages paid each week.

"Since you state no executive or clerical assistance is available at such transmitter station, it is suggested that each employee keep an individual wage and hour book showing the required abbreviated information," Col. Fleming says in his ruling, requested by the NAB Labor Relations Director.

The information required for the complete record of each employee covered by the Act was listed in the NAB REPORTS, February 23, page 4051.

## COST OF LIVING

The NAB Labor Relations Director now has available Labor Department statistics showing how the cost of living compares among the 31 largest cities in the country. Such figures sometimes are useful in collective bargaining.

## FREE OFFERS

Only one "free offer" and one "cost-per-inquiry" proposal were reported to the Bureau of Radio Advertising by member stations during the past week. Driver & Company, advertising agency of Omaha, Nebraska, has asked stations to run free publicity as a "test" on behalf of its client, Miller Cereal Mills. The implication is that if the test is successful, stations may get considerable advertising. National Vocational Institute, New York City, offers to pay stations fifty cents for every one dollar order they produce for the Institute. The Bureau has sent the usual letter to these concerns, implying that if they want real results from radio, they can't do better than buy time at regular rates, as so many thousands of successful advertisers are doing.

## ACCOUNTING COMMITTEE

The NAB Accounting Committee is meeting in New York on Tuesday, March 19. At this time the final draft

## INDEX

	Page
Campaign Radio .....	4095
Four More for BMI .....	4096
Code Manual Out .....	4096
ABT Certified .....	4096
Wage and Hour Records .....	4097
Cost of Living .....	4097
Free Offers .....	4097
Accounting Committee .....	4097
FM Hearing .....	4097
Census Request .....	4097
Clifford Taylor Dies .....	4098
Clubwomen Leave Committee .....	4098
New Recorder .....	4098
Record Companies .....	4098
FCC Approves FM Experiments .....	4098
Antenna Power Measurement .....	4098
KWBD Order Issued .....	4099
New Form Approved .....	4099
FCC Rules Amended .....	4099
New Jersey Copyright Bill .....	4099
State Legislation .....	4099
821 Stations .....	4099

of the proposed program log will be submitted to the Committee for adoption. The Committee also will adopt standardized accounting forms, copies of which will be sent to members by April 1.

The proposed new accounting manual will enable station accountants to adjust their accounting system so that the information requested by the FCC Accounting Department in the financial forms 705-6 will readily be available and help in answering the questionnaire.

## FM HEARING

The High Frequency hearing, originally scheduled for February 28, will open Monday, March 18, before the whole FCC. The notice of hearing was in NAB REPORTS, December 29 (page 3922).

Lynne C. Smeby, Director of Engineering, will attend the hearing as NAB observer and will report the proceedings in "REPORTS."

## CENSUS REQUESTS

The following communication was received by Mr. Neville Miller from Roscoe Wright, Chief of Public Relations, Bureau of the Census, Department of Commerce under date of March 8:

DEAR MR. MILLER:

I thought you might be interested in the fact that the Bureau of the Census is asking the cooperation of radio stations conducting programs in foreign languages, in relaying information about the 1940 Census to their listeners.

For your information I am enclosing a copy of a letter we have written to the radio stations which conduct foreign language programs.

It is our thought that you might wish to give notice to this in the Bulletin of the National Association of Broadcasters. If you see your way clear to doing so, we will be grateful if you will urge the hearty cooperation of all station managers and foreign language program directors.

Very sincerely yours,

(Signed) ROSCOE WRIGHT,  
Chief of Public Relations.

The Census this year includes a question on radio ownership which will be of great value to the broadcasting industry.

### Clifford Taylor

Clifford M. Taylor, commercial manager of station WBEN, Buffalo, N. Y., and a member of the NAB Sales Managers Division, died of a heart attack March 11 in Jacksonville, Fla. Mr. Taylor was on his way home with Edgar Twamley, WBEN manager, from a fishing trip when stricken.

### CLUBWOMEN LEAVE COMMITTEE

The NAB has been informed by Mrs. Saidie Orr Dunbar, President of the General Federation of Women's Clubs, that the General Federation and Mrs. Harold V. Milligan, radio chairman of the Federation, have withdrawn from the Women's National Radio Committee.

### NEW RECORDER

A new film recorder developed by RCA was demonstrated to the NAB staff last week. The recording is made on "Leader Stock" film, costing 1¢ a foot and using 13 feet of film per hour. The machine will record for 24 hours without reloading. The machine demonstrated had a frequency range up to 3,000 cycles and therefore is not suitable for rebroadcast purposes. However, Mr. Payne said that the machine probably would be developed for such purposes later. The machine in its present form was developed for information recording purposes only. The film is fed around a mandrill and the mandrill with the film reels rotate. An engraving then occurs diagonally across the film. The machine features instantaneous play back and has one button for spacing back a short time and two other buttons which will advance or rewind the film at the rate of one hour per 15 seconds. There are numbers on the film so that records can be kept and the film can be wound back to any section desired. Mr. Payne said that the machine will be available in about six months, probably on rental basis of about \$50 per month. The fee will include all maintenance and normal replacement but not the cost of the film.

### RECORD COMPANIES

The NAB has been asked about the United States Record Corporation, 1780 Broadway, New York City, and the Aurora Record Company, 145 West 45th Street, New York City. Both companies manufacture and release for sale, phonograph records. Anyone interested in receiving further information concerning these two companies may obtain it from headquarters.

### FCC APPROVES FM EXPERIMENTS

The Crosley Corporation has been granted a construction permit by the FCC for a new experimental high

frequency broadcast station to employ frequency modulation, to be located in Cincinnati. The applicant proposes a broad investigation of the relative merits of frequency modulation and the present standard broadcast system, and of wide and narrow band frequency modulation in transmitting high fidelity programs, with attention to receivers suitable for dual operation.

The station proposes to operate on 43200 kilocycles, 1 kilowatt special emission for FM, unlimited operation. The antenna is planned atop the Carew Tower, Cincinnati. The permit is granted upon an experimental basis only, subject to change or cancellation by the Commission at any time, without notice or hearing, if need for such action arises.

This application was filed by the Crosley Corporation pursuant to announcement by the Commission on December 19, 1939, that, pending outcome of the informal engineering hearing on aural broadcasting to begin March 18, it would grant the following classes of applications:

(a) Applications for permission to carry out programs of fundamental research not authorized in the past and which show satisfactory promise of being able to contribute substantially toward the development of aural broadcasting service, and

(b) Applications filed by existing licensees to experiment with aural broadcasting on frequencies above 25000 kilocycles, provided the request to operate additional stations involved a program of experimentation directly related to the existing station.

At the same time the Crosley application was granted, the Commission authorized Westinghouse Electric & Manufacturing Co. high frequency broadcast station WIXK to move its transmitter from Boston to Hull, Mass., for operating on 42,600 kilocycles, 1,000 watts, special emission for FM, and approved request by General Electric Co. to move the transmitter of its high frequency broadcast station W2XOY from Albany, N. Y., to New Scotland, N. Y., to increase its power from 150 to 1,000 watts and install new equipment for operating on 43,200 kilocycles, special emission for FM.

### ANTENNA POWER MEASUREMENT

The FCC has sent the following notice to licensees of all standard broadcast stations:

Under date of January 25, 1940, Mexico ratified the North American Regional Broadcasting Agreement. In order to place the allocation plan set forth in this Agreement in effect, the frequency assignments of a majority of standard broadcast stations must be changed. Resistance measurements made in accordance with the Standards of Good Engineering Practice for the presently assigned frequencies will not be sufficiently accurate for the frequencies assigned under the Agreement.

The time within which *existing* standard broadcast stations shall have made the necessary measurements and obtained authority to determine the operating power by direct measurement of the antenna power as required by Section 3.51(a) (2) is hereby extended from July 1, 1940, to December 1, 1940.

This in no way affects the requirements as now set forth in Section 3.51 with respect to new standard broadcast stations, nor does it affect the requirements of the Standards of Good Engineering Practice in that the power shall be determined by the direct method when making field intensity measurements.



## KWBD ORDER ISSUED

On the ground that he apparently made false and misleading statements relative to his financial condition, the Federal Communications Commission has ordered W. B. Dennis to show cause on or before March 29, why the construction permit issued to him July 12 last for a radio broadcast station at Plainview, Texas, should not be cancelled.

The call letters KWBD were assigned to the station, which proposed to operate on 1200 kilocycles, 100 watts power, daytime only.

## NEW FORM APPROVED

The FCC has approved a revised form of application for admission to practice before it, prescribed pursuant to Section 1.34 of the Rules of Practice and Procedure, which includes a provision for statement by the applicant as to whether or not he has been suspended or disbarred from practice before any governmental agency.

## RULES AMENDED

Section 3.51(a) (2) of the Rules Governing Standard Broadcast Stations of FCC was amended extending the time within which existing stations are required to determine the operating power by the direct method, from July 1 to December 1, 1940.

## NEW JERSEY COPYRIGHT BILL

A bill introduced in the New Jersey Assembly March 4 (Assembly Bill No. 264), is intended to control licensing of performing rights in copyrighted works when two or more owners of separate copyrights pool their interests for the purpose of fixing prices, collecting fees or issuing blanket licenses. Such pools are prohibited unless their license fees are based on per piece usage and in proportion to the use made of their works. A complete list of their copyrighted works and prices is required to be filed annually with the Secretary of State, with additions or revisions made monthly. A 5 per cent tax on gross receipts from sale of performing rights is imposed.

## STATE LEGISLATION

### NEW YORK:

A. 2251 (Fite) **SMALL LOANS—MISLEADING ADVERTISING**—Empowers banking supt. to revoke licenses of any small loan lender, on conviction for violations relating to false, misleading or deceptive advertising, displaying, publishing or broadcasting of statements; no license so revoked may be reinstated or new license issued for three years following revocation. Referred to Rules Committee.

### RHODE ISLAND:

H. 862 (Shein) (same as S. 139) **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 Committee on Judiciary.

## 821 STATIONS

The FCC issued operating licenses to two stations and granted four permits for the construction of new stations during the month of February, 1940. A comparative table by months follows:

	Mar. 1	April 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1
Operating .....	729	732	734	735	735	738	739	743	751	755	765	769	771
Construction .....	37	37	38	38	43	56	59	57	58	57	49	48	50
	766	769	772	773	778	794	798	800	809	812	812	817	821

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS

Federal Communications Commission has affirmed a finding of fact authorizing the Salt River Broadcasting Company, licensee of Station KOY, of **Phoenix, Ariz.**, to change that station's frequency from **1390** to **550 kilocycles**; the present 1000 watts power to remain. Opposition to the grant was presented to the Commission by KOAC, **Corvallis, Oregon**, operating with 1000 watts on 550 kilocycles.

Presque Isle Broadcasting Company has been granted a construction permit for a new station at **Erie, Penn.**, to operate unlimited time, **1500 kilocycles**, daytime power 250 watts, nighttime 100 watts. Commission granted the permit this week following adoption of its proposed findings of fact.

### PROPOSED FINDING

The Commission has tentatively denied the application of C. T. Sherer Company, Inc., for a construction permit to erect a new station at **Worcester, Mass.**, to use 100 watts night, 250 day, unlimited time, on **1200 kilocycles**.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, March 18. They are subject to change.

### Monday, March 18

Informal Hearing Before the Commission En Banc

In the Matter of Aural Broadcasting on Frequencies Above **25,000 kc.** (An inquiry into the possibilities of Frequency and Amplitude Modulation).

Tuesday, 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.

### FUTURE HEARINGS

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

#### March 28

Oral Argument Before the Commission

WSAL—Frank M. Stearns, Salisbury, Md.—In re: Revocation of Station License of WSAL.

#### April 1

NEW—E. E. Krebsbach, Miles City, Mont.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.  
NEW—Star Printing Co., Miles City, Mont.—C. P., **1310 kc.**, 250 watts, unlimited time.  
NEW—Lookout Mountain Co. of Georgia, Lookout Mountain, Ga.—C. P., **1370 kc.**, 250 watts, unlimited time.

#### April 16

NEW—Miami Broadcasting Co., Miami, Fla.—C. P., **1420 kc.**, 250 watts, unlimited time.

#### April 19

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Modification of license to move main studio to Louisville, Ky.—**1370 kc.**, 250 watts, unlimited time.

#### April 22

NEW—West Virginia Newspaper Publishing Co., Morgantown, W. Va.—C. P., **1200 kc.**, 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted construction permit to install new equipment, increase power from 1 KW to 5 KW day and night, employing DA at night, on **890 kc.**  
WRUW—World Wide Broadcasting Corp., Scituate (Boston), Mass.—Granted modification of license of international station WRUW to add frequencies **11790** and **15250 kc.** to the presently licensed frequencies.  
WMOB—S. B. Quigley, Mobile, Ala.—Granted modification of license to add power of 100 watts for nighttime operation, and increase hours from daytime only to unlimited time.  
KYCA—Southwest Broadcasting Co., Prescott, Ariz.—Granted modification of construction permit for change in studio and transmitter sites, new equipment and antenna changes, increase in night power from 100 to 250 watts, extending commencement date to 30 days after date and grant and completion date to 180 days thereafter.  
W2XD—General Electric Co., Schenectady, N. Y.—Granted construction permit to reinstate television broadcast station W2XD, which expired September 16, 1939, on the assignment **156000-162000 kc.**, 40 watts, A5 emission, hours of operation in accordance with Sec. 4.4(a).  
WEAF—National Broadcasting Co., Inc., New York City.—Granted modification of construction permit to install directional antenna system for day and nighttime operation on **660 kc.**

Puerto Rico Advertising Co., Inc., San Juan, P. R.—Granted construction permit for new station to operate on **1500 kc.**, 250 watts, unlimited time; exact transmitter and studio site and type of antenna to be determined with Commission's approval.

KMA—May Seed & Nursery Co., Shenandoah, Ia.—Granted voluntary assignment of license from May Seed & Nursery Company to May Broadcasting Company.

WHO—Central Broadcasting Co., Des Moines, Ia.—Granted extension of special experimental authority to operate standard broadcast station WHO as a facsimile broadcast station from 12 midnight to 6 a. m., CST, using 50 KW, for the period ending August 1, 1940.

W1XK—Westinghouse Electric & Mfg., Co., Hull, Mass.—Granted modification of construction permit of high frequency broadcast station authorizing move of transmitter from Boston to Hull, Mass.

The Crosley Corp., Cincinnati, Ohio.—Granted construction permit for new high frequency broadcast station to operate on **43200 kc.**, 1 KW, special emission for frequency modulation; hours of operation in accordance with Sec. 4.4 of the Comm. rules.

W2XOY—General Electric Co., New Scotland, N. Y.—Granted construction permit to increase power, and install new equipment for high frequency broadcast station and move station from Albany to New Scotland, N. Y.

### DESIGNATED FOR HEARING

Abraham Binneweg, Jr. (World Peace Foundation), Oakland, Calif.—Application for construction permit for new developmental broadcast station to operate on **1614, 2398, 6425, 8655, 9135, 17310** and **12862.5 kc.**, 250 watts, unlimited time. Applicant proposes to conduct research on various types of directional antenna systems.

WJHL—WJHL, Inc., Johnson City, Tenn.—Application for construction permit to make changes in equipment; install directional antenna for night use; increase power from 250 watts to 1 KW; change frequency from **1200 kc.** to **880 kc.**; and move transmitter 500 feet east of present site.

WFDF—Flint Broadcasting Co., Flint, Mich.—Application for construction permit to install new transmitter and directional antenna for night use; increase power from 100 watts to 1 KW; change frequency from **1310 kc.** to **880 kc.**; and move transmitter locally; application to be heard jointly with that of Thumb Broadcasting Co. for a new station to operate on **880 kc.**, 1 KW, daytime only, and WJHL listed above, all applying for **880 kc.**

### RENEWAL OF LICENSES

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

KARK, Little Rock, Ark.; KFKA, Greeley, Colo.; KFDY, Brookings, S. Dak.; KFEL, Denver, KFPY, Spokane, Wash.; KFRD and auxiliary, San Francisco; KFRU, Columbia, Mo.; KFSD, San Diego; KFYR, Bismarck, N. Dak.; KGFY, Pierre, S. Dak.; KGHL, Billings, Mont.; KGKO, Fort Worth, Tex.; KLLX, Oakland, Cal.; KLLZ, Denver; KMJ, Fresno, Cal.; KOAC, Corvallis, Ore.; KPOF, Denver; KPRC, Houston, Tex.; KSD, St. Louis; KSEL, Pocatello, Ida.; KTKC, Visalia, Cal.; KTSA, San Antonio; KVI, Tacoma, Wash.; KWTO, Springfield, Mo.; WAAF, Chicago; WBEN and auxiliary, Buffalo; WCHS, Charleston, W. Va.; WCLE, Cleveland, Ohio; WDAF, Kansas City, Mo.; WDBO and auxiliary, Orlando, Fla.; WDEV, Waterbury, Vt.; WEAN, Providence, R. I.; WEEL, Boston; WFIL and auxiliary, Philadelphia; WGBI and auxiliary, Scranton, Pa.; WIBW, Topeka, Kans.; WILL, Urbana, Ill.; WIND, Gary, Ind.; WIP and auxiliary, Philadelphia; WIS, Columbia, S. C.; WKBN, Youngstown, Ohio; WKRC, Cincinnati, Ohio; WKY and auxiliary, Oklahoma City; WLBZ, Bangor, Me.; KMTR, Los Angeles; KTAR, Phoenix, Ariz.

Renewal of licenses were also granted for the following high frequency stations:

W5XAD, Dallas, Tex.; W6SDA, Los Angeles; W9XHW, Minneapolis; W9XA, Kansas City, Mo.; W2XWF, New York; W2XQR, Long Island City; W3XO, Georgetown, D. C.; W4XA, Nashville; W9XPD, St. Louis, Mo.; W9XH, South Bend, Ind.; W8XVB, Rochester, N. Y.; W1XPW, Meriden, Conn.; W1XEQ, Fairhaven, Mass.; W9XER, Kansas City, Mo.; W3XIR, Philadelphia.  
W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of facsimile broadcast station license for the period ending March 1, 1941.



- W9XAL—First National Television, Inc., Kansas City, Mo.—Granted renewal of television broadcast station license for the period ending February 1, 1941.
- W9XUI—State University of Iowa, Iowa City, Ia.—Granted renewal of television broadcast station license for the period ending February 1, 1941.

## MISCELLANEOUS

- WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 8:15 p. m., March 12, 1940, to 1:00 a. m., EST, March 13, 1940, in order to broadcast a performance of the Metropolitan Opera to be given for the benefit of the New York City Milk Fund.
- WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of nine hours daily for the period beginning March 21, 1940 and ending not later than March 25, 1940, in order to observe the Easter vacation period at the University.
- W2XWF—William G. H. Finch, New York, N. Y.—Granted extension of special temporary authority to change from A-3 emission to special emission frequency modulation 75 kc. swing to make comparative tests on amplitude modulation for the period ending in no event later than April 3, 1940, in order to complete installation of FM unit.
- WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts from 8:30 p. m. to 10:00 p. m., CST, on March 7, 1940, from 7:30 p. m. to 10:00 p. m., CST, on March 8, 1940, and from 8:00 p. m. to 10:00 p. m., CST, on March 9, 1940, during broadcast of basketball games only.
- WSOY—Commodore Broadcasting Inc., Decatur, Ill.—Granted special temporary authority to operate with power of 250 watts from 7:00 p. m., CST, to the conclusion of basketball games on March 14, 15, and 16, 1940, in order to broadcast basketball games only.
- WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Granted petition to intervene in the hearing on the application of Harold Thomas for a new station in Bridgeport, Conn., to operate on 1420 ke., 250 watts, unlimited time.
- WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted petition to intervene in the hearing on the application of WNYC for modification of license to change hours of operation from daytime to specified hours (6 a. m. to 11 p. m., EST), on 810 ke.
- KFJB—Marshall Electric Co., Marshalltown, Iowa.—Granted petition to intervene in the hearing on the application of J. D. Flavey, for a new station in Ottumwa, Iowa, to operate on 1210 ke., 100 watts, unlimited time.
- KFJB—Marshall Electric Co., Marshalltown, Iowa.—Granted petition to intervene in the hearing on the application of L & M Broadcasting Co., for a new station in Ottumwa, Iowa, to operate on 1210 ke., 100 watts, 250 watts LS, unlimited time.
- Lookout Mountain Co. of Ga., Chattanooga, Tenn.—Granted petition for continuance of hearing on application for new station to operate on 1370 ke., 250 watts, unlimited time, from March 11 to April 1.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted authority to determine operating power of auxiliary transmitter by direct measurement of antenna input in compliance with Section 3.54.
- WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9:00 a. m. to 11:00 a. m. and from 2:00 p. m. to 6:00 p. m., AST, on March 16, 1940, in order to broadcast athletic meet of the College of Agriculture and Mechanical Arts and the University of Puerto Rico only.
- WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special temporary authority to operate from local sunset (March 6:45 p. m., EST) to 10:30 p. m., EST, on March 29, 1940, in order to broadcast the annual concert of the Pontiac High School Band and Orchestra.
- WRUW—World Wide Broadcasting Corp., New York, N. Y.—Granted special temporary authority to operate on frequency 11790 ke. for a period not to exceed 10 days, in order to eliminate the interference supposedly caused by character beat frequency resulting from simultaneous operation of WRUW on 11730 ke., and WRUL on 6040 ke.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 9:00 p. m. to 9:15 p. m., CST, on March 20, 1940, (provided WNAD remains silent) in order to broadcast a concert from Bethany College, Lindsborg, Kans.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent from 9:00 p. m. to 9:15 p. m., CST, on March 20, 1940, in order to permit KGGF to broadcast a concert from Bethany College, Lindsborg, Kans.
- WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts, from 7:30 p. m. to 10:15 p. m., CST, on March 15, 16, and 17, 1940, during broadcasts of basketball games only.
- KFGQ—Boone Biblical College, Boone, Iowa.—Denied special temporary authority to operate from 4:00 p. m. to 5:00 p. m., 6:00 p. m. to 6:30 p. m. and 7:30 p. m. to 8:30 p. m., CST, for the period beginning March 31, 1940, and ending not later than April 7, 1940, in order to broadcast programs in connection with Fiftieth Anniversary (provided KVFD remains silent).
- WLOW—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Granted modification of construction permit for new station, for approval of transmitter site at Myrtle Ave. and Emerald St., St. Paul, Minn.
- KWAT—Midland National Life Insurance Co., Watertown, S. D.—Granted modification of construction permit for new station, for authority to install new transmitting equipment and make changes in antenna.
- KWAT—Midland National Life Insurance Co., Watertown, S. D.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.
- KWAT—Midland National Life Insurance Co., Watertown, S. D.—Granted license to cover construction permit and modification thereof, for new station; frequency 1210 ke., power 250 watts, unlimited time.
- WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted modification of construction permit for new broadcast station, for approval of antenna, transmitter site, and change type of transmitter.
- W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test high frequency broadcast equipment of Station W1XOJ authorized by modification of construction permit, on 43000 ke., power in the range 2000 watts to 50000 watts, from March 15, 1940, to not later than April 13, 1940, in order to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400 foot mast.
- WLAW—Hildreth & Rogers, Lawrence, Mass.—Denied petition for rehearing in re application of WPTF, Raleigh, N. C., for modification of license to operate on 680 ke. with 5 KW power, unlimited time, granted by the Commission January 9, 1940.
- KFI—Earl C. Anthony, Los Angeles, Calif.—Denied petition for rehearing in the matter of the applications of McClatchy Broadcasting Co. (KERN), Bakersfield, Calif., for construction permit to install new equipment, change operating assignment from 1370 ke. to 1380 ke., and power from 100 watts to 1 KW, unlimited time, and The Bee, Inc. (KOH), Reno, Nevada, for construction permit to move locally and change operating assignment from 1380 ke. with 500 watts power, unlimited time, to 630 ke., 1 KW, unlimited time, using a directional antenna at night, which applications were granted by the Commission on December 20, 1939.
- William Amesbury, Minneapolis, Minn.—Dismissed petition for hearing, protest and request to vacate the Commission's action of January 17 in granting the application of Independent Merchants Broadcasting Co., for a new station in Minneapolis, Minn., to operate on 1300 ke., with 1 KW power, unlimited time.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied petition insofar as it requests immediate grant of application for construction permit to increase power from 250 watts to 1 KW, on 780 ke., and extended for ten days from date of order, the time for filing proposed findings herein.
- KWBD—W. B. Dennis, Plainview, Tex.—Ordered applicant to show cause, by written answer duly verified, filed at the offices of the Commission on or before March 29, 1940, why the order of the Commission of July 12, 1939, granting the application for a new station to operate on 1200 ke.,

100 watts power, daytime only, should not be rescinded and construction permit cancelled, because of alleged misleading statements made by applicant in re his financial status.

WEVD—Dobs Memorial Fund, Inc., New York, N. Y., and WBBR—the Watchtower Bible & Tract Society, Inc., Brooklyn, N. Y.—Denied petitions for reconsideration and rehearing filed by WEVD and WBBR in re application of Greenville News-Piedmont Co. (WFBC), for construction permit to install directional antenna for night use and increase night power from 1 KW to 5 KW; and, the Commission on its own motion modified its order of December 5, 1939, granting the application of WFBC for increase in power, so as to make the grant conditioned upon applicant obtaining from the Commission specific approval of antenna and site thereof before any construction or installation is commenced.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Denied petition for rehearing in re application for construction permit to install new transmitter, make changes in antenna system, change transmitter site, and change frequency from 1310 kc. to 1240 kc., power from 100 watts night, 250 watts day, to 1 KW, unlimited, which was denied by the Commission November 9, 1939.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.; and KOY, Salt River Valley Broadcasting Co., Phoenix, Ariz.—Denied petitions for rehearing filed by KTAR and KOY in the matter of the application of M. C. Reese for a new station in Phoenix, Ariz., to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time, granted by the Commission January 26, 1940.

WOV—Greater New York Broadcasting Corp., New York, N. Y.—Granted license to cover construction permit for new station, frequency 1100 kc., power 5 KW, unlimited time.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted license to cover construction permit to make changes in equipment and increase power from 100 watts to 250 watts; frequency 1210 kc., unlimited time.

KGVO—Mosby's, Inc., Missoula, Mont.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast on a sustaining basis the programs to be received from international broadcast stations WMBI and WRCA over station WNEL, for the period beginning March 12, 1940, to not later than April 10, 1940.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8:30 p. m. to 10:30 p. m., CST, March 11, 1940, in order to broadcast a special meeting of interest concerning the 100th anniversary of dentistry to be held, using 1 KW power.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10 p. m., AST, March 17, 1940, to 1 a. m., AST, March 18, 1940, in order to broadcast a mass meeting.

KLPM—John B. Cooley, Minot, N. Dak.—Granted special temporary authority to operate with power of 1000 watts at night (local sunset March 6:45 p. m., CST) on March 14, 15, and 16, 1940, in order to serve the large area interested in Annual Class B Basketball Tournament to be held in Minot, in order to broadcast basketball games only.

WEHN-WENM—The Evening News Ass'n, Detroit, Mich.—Granted special temporary authority to use relay broadcast stations WEHN and WENM for coordination between measuring car and high frequency station W8XWJ for the period March 11, 1940, to not later than March 15, 1940, in connection with additional W8XWJ field work.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency experimental broadcast station W2XWG to utilize amplitude modulation on frequency 42600 kc., for the period March 17, 1940, to not later than April 15, 1940, in order to accumulate data for direct comparison of the effectiveness of frequency modulation versus amplitude modulation for presentation at the High Frequency Hearing.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted oral argument on the proposed findings in re revocation of station license, to be held March 28, 1940.

WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Denied special temporary authority to operate with power of 250 watts nighttime for a period not to exceed 30 days.

WQDM—A. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 7 p. m. to 10 p. m., EST, on March 14, 15, 16, 1940, in order to broadcast New England Basketball Tournament games only.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9:45 p. m., CST, on March 14, 1940, in order to broadcast a speech by Richard Lyons, candidate for Governor of State of Illinois.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

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

### 590 Kilocycles

WKZO—WKZO, Inc., Kalamazoo, Mich.—License to cover construction permit (2-P-B-3134) as modified to change hours of operation, install directional antenna for night use.

### 610 Kilocycles

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Transfer of control of corporation from Metropolis Publishing Co. to Miami Daily News, Inc.

### 780 Kilocycles

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 890 Kilocycles

WGST—Georgia School of Technology, Atlanta, Ga.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use.

### 920 Kilocycles

KPRC—Houston Printing Corp., Houston, Tex.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use.

### 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; extend commencement date to 30 days after grant and completion date 120 days thereafter. Amended re corporate structure.

### 1010 Kilocycles

WNAD—University of Oklahoma, Norman, Okla.—Authority to determine operating power by direct measurement of antenna power.

### 1100 Kilocycles

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Construction permit to change hours of operation from daytime to unlimited, using 1 KW power day and night, and install directional antenna for night use.

### 1180 Kilocycles

WMAZ—Southeastern Broadcasting Company, Inc., Macon, Ga.—Construction permit to change frequency from 1180 kc. to 1250 kc.; change hours of operation from limited to unlimited time; install directional antenna for night use.

NEW—Albuquerque Broadcasting Co., Albuquerque, N. Mex. (KOB).—Construction permit to make changes in equipment and increase power from 10 to 50 KW.

### 1200 Kilocycles

NEW—The Huntsville Times Co., Inc., Huntsville, Ala.—Construction permit for a new station on 1200 kc., 100 watts, unlimited time, facilities of WBHP.



WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction permit for changes in equipment.

### 1210 Kilocycles

KPFA—The Peoples Forum of the Air, Helena, Mont.—Authority to determine operating power by direct measurement of antenna power.

WFAS—Westchester Broadcasting Corporation, White Plains, N. Y.—Construction permit to install new transmitter and increase power from 100 to 250 watts.

NEW—The Maryland Broadcasting Co., Baltimore, Md.—Construction permit for new broadcast station on 1210 kc., 250 watts, unlimited time, Class IV.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Authority to determine operating power by direct measurement of antenna power.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—License to cover construction permit (B5-P-2412) as modified for a new station.

KWAT—Midland National Life Insurance Company, Watertown, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

### 1230 Kilocycles

NEW—The Herald Publishing Co., Albany, Ga.—Construction permit for a new station on 1230 kc., 1 KW, unlimited time, using directional antenna. Amended to specify transmitter site as Albany, Ga.

### 1290 Kilocycles

KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW day and night. Class III-A.

### 1340 Kilocycles

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—License to cover construction permit (B3-P-2709) for new transmitter.

### 1370 Kilocycles

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Construction permit to change frequency from 1370 to 1040 kc. (1080 if North American Regional Agreement becomes effective prior to action), increase power from 250 watts to 1 KW, 5 KW day, install new transmitter and antenna, and move studio from Indiana Theatre Bldg., 407 Vincennes St., New Albany, Ind., to 5th and Jefferson Sts., Louisville, Ky., and transmitter from McCullough Pike, near Silver Creek, New Albany, Ind., to site to be determined, New Albany, Ind. (Requests Class II Station).

WARM—Union Broadcasting Co., Scranton, Penna.—Modification of construction permit (B2-P-2366) for a new station requesting changes in antenna, increase in power from 100 watts, 250 watts day to 250 watts day and night. Move transmitter from Washington Ave. and Center St., Scranton, Penna. to 701 North Blakely St., Dunmore, Penna. Extend commencement date 60 days after grant, and completion date 180 days thereafter.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Modification of construction permit (B-P-1941) as modified, for change in frequency, increase in power, change in hours of operation, move transmitter, changes in equipment, and antenna, further requesting extension of completion date from 3-26-40 to 4-26-40.

NEW—Stephen R. Rintoul, Stamford, Conn.—Construction permit for a new broadcast station to be operated on 1370 kc., 250 watts, unlimited time.

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—License to cover special experimental authority B1-SA-192, as extended for a synchronous station.

### 1410 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Modification of license to increase power from 500 watts, 1 KW-day to 1 KW day and night.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Modification of license to increase power from 500 watts; 1 KW-day to 1 KW day and night.

WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Modification of license to increase power from 500 watts; 1 KW-day to 1 KW day and night.

### 1420 Kilocycles

WHMA—Harry M. Ayers, Anniston, Ala.—License to cover construction permit (B3-P-2548) for changes in equipment and increase in power.

NEW—Scott Howe Bowen, Rome, N. Y.—Construction permit for new broadcast station on 1420 kc., 250 watts, unlimited time, Class IV.

### 1460 Kilocycles

KSTP—National Battery Broadcasting Company, St. Paul, Minn.—Modification of construction permit (B4-P-1828) as modified, for move of transmitter, installation of new equipment, directional antenna and increase in power, requesting extension of completion date from 3-8-40 to 5-8-40.

KSTP—National Battery Broadcasting Company, St. Paul, Minn.—License to cover construction permit (B4-P-2744) for move of auxiliary transmitter, and to use directional antenna as authorized under B4-MP-759 for auxiliary transmitter.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—License to cover construction permit (B1-P-1827) as modified for installation of new transmitter, move transmitter, increase power and install directional antenna.

### 1490 Kilocycles

NEW—Luther E. Gibson, Vallejo, Calif.—Construction permit for a new station to be operated on 1490 kc., 250 watts unlimited time. Contingent on North American Regional Agreement. Request Class IV station.

### 1500 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Construction permit to change frequency from 1500 to 1330 kc. (1360 kc., under North American Regional Agreement), increase power from 250 watts to 1 KW, install new transmitter and antenna, move transmitter from 1759 N. Bay Road, Miami Beach, Fla., to site to be determined, Miami Beach, Florida. (Request III-B Station)

NEW—The Peninsula Broadcasting Co., Salisbury, Md.—Construction permit for new broadcast station on 1200 kc., 250 watts, unlimited time, facilities of WSAL. Amended: To change requested frequency from 1200 to 1500 kc., omit request for facilities of WSAL, make changes in antenna system and changes in corporate structure.

WGTC—J. J. White, tr/as Greenville Broadcasting Co., near Greenville, N. C.—Modification of construction permit (B3-P-2053) as modified, for a new station, requesting change in hours of operation from daytime to unlimited time, using 250 watts power, day and night.

NEW—Atlantic Broadcasting Corp., Miami Beach, Fla.—Construction permit for a new station, on 1500 kc., 250 watts, unlimited time. Contingent on WKAT's application being granted for change in frequency.

### MISCELLANEOUS

W10XF—National Broadcasting Co., Inc., Portable.—Modification of license to add emission A-4 and A-5 and special types to emission already in use.

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to add emission A-4, A-5 and special types to emission already in use.

W9XWT—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

WALM—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

WALN—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

WAUJ—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

WAIC—The Louisville Times Co., Louisville, Ky.—Modification of license to change corporate name from the Louisville Times Company to Courier-Journal and Louisville Times Company.

NEW—Columbia Broadcasting System, New York, N. Y.—Construction permit for new television station of portable Mobile operation in area of New York, N. Y., on 336000-318000 kc., 25 watts for visual and 10 watts for aural operation, special and A-5 emission. Amended: To omit request for aural operation.

W3XE—Philco Radio and Television Corp., Philadelphia, Penna.—Modification of license to change frequencies to 50000-56000 kc. Amended: To request frequencies of 66000-72000 kc.

NEW—WOAX, Incorporated, Morrisville, Fall Township, Pa.—Construction permit for new high frequency broadcast station, 1 KW power, special emission. To be located: Lincoln Highway No. 1, Morrisville, Fall Township, Pa. Amended: To specify frequency of 42600 kc.

WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit to move transmitter from 1450 Broadway to 500 Fifth Ave., New York, N. Y.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to use both amplifiers simultaneously on two directional antennas on 9670 kc. Amended to operate an additional 35 KW on additional antenna oriented on Central America on 9670 kc.

NEW—World Broadcasting System, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station on 41800 kc., 1 KW, special emission, site to be determined, New York, N. Y.

NEW—WHP, Inc., Harrisburg, Pa.—Construction permit for a new relay broadcast station on 33380, 35020, 37620, 39820 kc., 25 watts, A-3 emission, to be located in area of Harrisburg, Pa.

NEW—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit for a new high frequency broadcast station on 43200 kc., 1 KW, unlimited time, special emission, to be located in Scranton, Pa., exact site to be determined.

NEW—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Construction permit for a new relay broadcast station on 1622, 2058, 2150 and 2790 kc., 25 watts, A-3 emission, portable-mobile, area of Birmingham, Ala.

WAUV—The Louisville Times Co., Louisville, Ky.—Modification of construction permit B2-PRY-194, for new relay broadcast station, requesting change in corporate name from The Louisville Times Company to Courier-Journal and Louisville Times Company.

NEW—World Broadcasting System, Inc., Hollywood, Calif.—Construction permit for a new high frequency broadcast station on 43400 kc., 1000 watts, special emission, site to be determined at or near Hollywood, Calif.

NEW—World Broadcasting System, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station on 42200 kc., 1 KW power, special emission, site to be determined at or near Chicago, Ill.

W9XEN—Zenith Radio Corp., Chicago, Ill.—License to cover construction permit (B4-PHB-139) for move of transmitter.

NEW—WSIX, Inc., Nashville, Tenn.—Construction permit for a new high frequency station on 43200 kc., 1 KW power, special emission, to be located at corner 3rd and Union Streets, Nashville, Tenn.

## 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.

**D. M. Alachuzos Company**—Charging misrepresentation in the sale and distribution of sponge products, a complaint has been issued against D. M. Alachuzos Company, 336 South 4th St., Philadelphia.

It is alleged that the respondent, a dealer in sponge and chamois skin products, represented its business as that of a producer and packer of sponges, maintaining and operating its own packing houses for the processing and packing of its sponge products at Tarpon Springs, Fla., Nassau, Bahama Islands, and at Calymnos in the Aegean Sea and represented that it maintained its own force of trained workmen expert in selecting and grading sponges, and that it held membership in "sponge exchange markets."

The complaint charges that the respondent's representations are false and misleading in that it has not maintained the facilities, equipment and membership described.

**M. N. Arnold Shoe Company**—See Stetson Shoe Company, Inc.

**Bray Chemical Company**—A complaint has been issued against Bray Chemical Company, 2010 South Marshall Blvd., Chicago, a packer and distributor of chemical cleansing compounds, alleging misrepresentation in the sale of a lye-product.

The respondent is alleged to have represented that a 6-ounce can of its preparation, or 6 ounces thereof, will make hard soap when mixed with 6 pounds of grease, when such is not a fact.

The respondent's representations are alleged to provide jobbers and retail sellers a means whereby they may mislead retail purchasers. (4052)

**Lenoir Solvent Company**—See Lenoir Woodfinishing Co., Inc.

**Lenoir Woodfinishing Company, Inc.**, of Lenoir, N. C., and Arthur G. Spencer, its president and sales manager, individually and trading under the name Lenoir Solvent Company, are charged, in a complaint, with unlawful payment of fees to certain officials and employees of their customers so as to induce the purchase by such customers, through such officials or employees, of the respondents' products.

The respondent corporation manufactures paints, varnishes, stains, thinners, sealers and other wood finishing products and sells them to wood finishing concerns and furniture manufacturers.

It is alleged that the respondents have given substantial sums of money and other things of value to certain officials and employees of their customers or prospective customers, without the knowledge or consent of such customers, for the purpose of inducing such officials and employees to purchase the respondents' wood finishing materials for use by their employers or to recommend the purchase of such products by their employers, or as payments to such officials and employees for having induced the purchase or recommended the use of the respondents' products by their employers.

In some instances, it is alleged, the respondents have offered to pay and have paid to finishing room foremen employed by their customers or prospective customers a fixed fee of \$5 a drum for every drum of wood finishing materials purchased by their employers from the respondents. In other instances, it is alleged, the respondents have given some employees of the respondents' customers 7 per cent or 10 per cent of the purchase price of all materials bought from the respondents by such customers. All of the payments and offers of payments are alleged to have been made without the knowledge and consent of the respondents' customers whose employees have been so paid.

The complaint alleges that in violation of the Federal Trade Commission Act the respondents' practices have tended to divert trade unfairly to the respondents from competitors who have not indulged in such methods. (4048)

**Hydrosal Company**—Alleging misrepresentation in the sale of medicinal preparations, a complaint has been issued against The Hydrosal Company, 333 East Eighth St., Cincinnati, distributor of "Hydrosal Liquid" and "Hydrosal Ointment."

In newspaper and other periodical advertisements the respondent company is alleged to have represented its preparations as possessing remedial, curative or healing properties with respect to eczema, piles, athlete's foot, poison ivy and disorders associated with pimples, skin rashes, outbreaks and itches which such preparations



do not possess. The complaint points out that these products have no therapeutic value in connection with treatment of the ailments mentioned in excess of affording temporary and palliative relief from the symptoms of itching.

Contrary to a further representation of the respondent, in its advertisements, its preparations have not been adopted by and used generally in hospitals or by physicians, according to the complaint. (4049)

**M & M Bag and Suit Case Co.**—Misrepresentation in the sale of luggage is alleged in a complaint issued against Meyer Brodie and Morris White, trading as M & M Bag and Suit Case Company, 26 Exchange Place, Jersey City, N. J.

Among and typical of misleading representations allegedly made by the respondents in the sale of their products is the statement that "This Article is Made of Genuine Buffalo Walrus Leather." Through use of the foregoing and other representations of similar import the respondents are alleged to represent that certain of their suit cases and traveling bags are made of walrus leather, when in fact they are not made of walrus leather but are made of buffalo leather. (4046)

**Perfect Voice Institute**—Alleging misrepresentation in the sale of a course in voice culture, a complaint has been issued against Perfect Voice Institute and Eugene Feuchtinger, its president, 64 E. Lake St., Chicago, and Walter A. Jordan, chairman of the board of directors, and Mary E. Murphy, secretary and treasurer, both of 307 N. Michigan Ave., Chicago.

The complaint relates that the respondents sell their course designated "Physical Voice Culture," consisting of thirty lessons contained in fifteen printed volumes entitled "A Manual for the Perfection of the Human Voice," and that as a part of the course they furnish a so-called outfit consisting of mirror, electric torch, tongue depressors, thyhedron tongue support, breath measure and special chromatic pitch pipe.

In advertisements the respondents allegedly offer a "wonderful voice book free," as a means of making contacts with prospective purchasers. In advertising their course of instruction they are alleged to have represented that "We build, strengthen the vocal organs—not with singing lessons, but by fundamentally sound and scientifically correct silent exercises—and absolutely guarantee to improve any singing or speaking voice at least 100%."

Other representations alleged to have been made are that by use of the respondents' method strong tongue muscles can be developed and controlled and that this results in perfect voice production; that the strengthening of tongue and throat muscles by silent physical exercises is a method of physical voice culture; that the respondents' course brings out a new quality, new power and force to the voice, cures stammering and overcomes positive physical defects. (4047)

**Stetson Shoe Company, Inc.**, South Weymouth, Mass., trading as M. N. Arnold Shoe Company, has been served with a complaint alleging misleading representations with respect to the materials of which certain of its shoes are made.

By means of catalogs and price lists distributed among prospective purchasers, the respondent corporation is charged with misleading use of the legend "Alligator Calf" to describe certain of its shoes. Through use of this legend the respondent allegedly represents that such shoes are made from the hide of an alligator when in fact they are made from a leather material other than that hide and which has been embossed in a manner simulating alligator leather.

Pointing out that there is a marked preference on the part of a substantial portion of the public for shoes made from the hide of an alligator instead of shoes made from other leather materials, the complaint alleges that the respondent's representations tend to mislead purchasers in violation of the Federal Trade Commission Act. (4050)

**United Art Studio**—L. L. Gwin, trading as United Art Studio, Chattanooga, Tenn., and engaged in the business of selling portraits or products of photography, is respondent in a complaint charging misrepresentation.

The complaint charges that for the purpose of inducing the purchase of portraits or photographic products the respondent has supplied coupons to retail merchants in various States for use by them in inducing or encouraging the purchase of their merchandise in accordance with the plan or method formulated by

the respondent. The name and address of the merchant appears at the top of the coupon with explanatory matter reading: "This card, when signed by merchant issuing same, entitles holder to one Enlarged Portrait designed, proportioned and colored as requested below \* \* \*" and "A \$3.00 Enlarged Technitone Hand Colored Portrait in Leatherette Frame for only \$5.00 in trade and 39¢. Reproduced from your favorite photo, kodak or penny picture \* \* \*"

Through these statements, the complaint alleges, the respondent has represented that his portraits and photographs are of the value of \$3.00; that the coupon is worth \$2.61 to the purchaser of a portrait, and that the price of 39¢ represents a special offer which is available for a limited time only. The complaint alleges that the portraits do not have a value of \$3.00 or any value approximating such amount; the coupons are not worth \$2.61 or any other amount in the purchase of the portraits, and the price of 39¢ does not represent a special offer which is available for a limited time only. In truth, the complaint continues, the respondent sells his portraits or photographs in the usual and customary course of business for 39¢ without any limitation as to time and regardless of whether the prospective purchaser possesses one of the coupons.

These acts and practices, the complaint declares, are to the prejudice and injury of the public and constitute unfair and deceptive acts and practices within the meaning of the Federal Trade Commission Act. (4043)

**U. S. Drug Laboratories**—See U. S. Drug & Sales Company.

**U. S. Drug & Sales Company**—Charging misrepresentation of the properties and therapeutic values of certain medicinal products and failure to reveal that certain preparations offered for sale contain dangerous drugs, a complaint has been issued against Edwin L. Leisenring, trading as U. S. Drug & Sales Company, also as U. S. Drug Laboratories, and as U. S. Drug Company, and against Gordon Leisenring, both of 1534 Lawrence St., Denver, Colo.

Preparations sold by the respondents are "Man's Pep Tonic", also advertised as "Man's Tonic" and sold as "U. S. Special Tablets", and "Man's Pep Tonic (Double Str. Capsule)", also advertised as "Man's Tonic (Double Str. Capsule)" and sold as "Sextogen Capsules for Men or Women."

Through advertisements in newspapers and by mail, the respondents are alleged to represent that their preparations are safe, competent and reliable tonics; are effective, safe and scientific as aphrodisiacs and as treatments for strengthening and rejuvenating the glands and sexual organs of man or woman, and that the preparations possess therapeutic value in the treatment of debility.

Alleging that the respondents' representations are exaggerated, misleading and untrue, the complaint charges that the preparations are practically without value as tonics, because drugs possessing tonic properties are not present sufficiently to give tonic value. These preparations are alleged to possess neither any value for strengthening or rejuvenating the glands or sexual organs nor for treating debility.

The complaint alleges that the respondents' representations constitute false advertisements in that they fail to reveal that "Man's Pep Tonic" contains the dangerous drugs, extract nux vomica and yohimbine hydrochloride; that "Man's Pep Tonic (Double Str. Capsule)", sold as "Sextogen Capsules for Men and Women", contains extract nux vomica, yohimbine, and extract of thyroid, and in that they do not disclose facts with respect to the consequences which may result from use of such commodities under conditions prescribed in the advertisements or under customary conditions.

Charging violation of the Federal Trade Commission Act, the complaint grants the respondents 20 days in which to answer the allegations.

A preliminary injunction restraining the respondents from the same practices, pending disposition of the Commission's case, was obtained by the Commission February 13, in the United States District Court, Denver. (4053)

**Western Auto Supply Company**, 2107 Grand Ave., Kansas City, Mo., is charged in a complaint with misrepresentation in the sale of automobile tires and tubes.

In advertisements concerning sales conducted through its retail stores, the respondent corporation is alleged to have misleadingly represented that its tires and tubes were being sold at purported discounts and savings from the regular prices.



It is alleged that the respondent represented that by paying the advertised sales price the customer could obtain a discount or saving of 20 per cent on "Davis DeLuxe Tires", based on the regular sales price, when in fact such discount was exaggerated and untrue because the listed "regular price" made no allowance for the trade-in value of the purchaser's old tires, which, by the terms of the advertisement, were required to be turned in at the time of sale. Giving effect to the minimum trade-in allowance of 10 per cent for used tires, the saving or discount was about 11 per cent instead of the 20 per cent as advertised, according to the complaint.

It is also alleged that the respondent represented that in the purchase of a "Davis DeLuxe Tire" during a sale the purchaser would receive a Davis tube free and save the difference between the advertised sale price for tire and tube and the listed price for nationally advertised tire and tube. However, the complaint alleges, such saving was exaggerated and untrue because the advertised price made an allowance of 10 per cent for the purchaser's old tires, while the listed price for nationally advertised tire and tube made no such allowance, although it was customary for dealers selling nationally advertised tires to make an allowance of at least 10 per cent as the trade-in value for old tires. (4054)

**Western Novelty Company**—A complaint has been issued charging Max Levin, trading as Western Novelty Company, 1729 Lawrence St., Denver, Colo., with selling to dealers assortments of merchandise so packed and assembled as to involve the use of a lottery scheme when sold to ultimate consumers. It is alleged that the respondent also furnished such dealers with punchboard devices for use in selling the merchandise. Among articles sold and distributed by the respondent were knives, cameras, razors, pens, pencils and cigarette lighters. (4055)

## CEASE AND DESIST ORDERS

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

**Carlyle Service**—See Supreme Manufacturing Company.

**Mary T. Goldman Company**—See Monroe Chemical Company.

**Harmony Centre**—Jessie F. Springer, trading under the name of Harmony Centre, 604 West 112th St., New York City, has been ordered to discontinue misrepresentations in connection with the sale and distribution of a book written by one Johanna Brandt, entitled "The Grape Cure," and formerly entitled "The Grape Cure (How I Cured Myself of Cancer)."

The Commission's findings are that the respondent's book purportedly tells how Johanna Brandt cured herself of cancer through the use of the method or system of treatment narrated in the book which is based on the use of grapes as a foundation and which method of treatment, the respondent represents, will cure cancer and practically all other diseases, ailments and conditions which may afflict the human body.

Among representations in the advertising disseminated by the respondent, the findings continue, are that most diseases originate in the intestines and are caused by poisons due to uneliminated waste; that grapes dissolve, or are a solvent of mucus; that those who develop malignant growths in most cases have been suffering from constipation; that salt, inorganic drugs, and patent medicines cause cancer, and that the system or method of treatment outlined in the book will restore one's health.

The Commission finds that these representations are false and misleading; that grapes do not dissolve, and are not a solvent of mucus; that salts, inorganic drugs and patent medicines do not cause cancer, and that the system or method of treatment outlined in the book is not a competent treatment or an effective remedy for various ailments.

The respondent is ordered to cease and desist from representing, in connection with the sale and distribution of the book entitled "The Grape Cure," that the system or method of treatment outlined in the book constitutes a cure or remedy for or a competent and effective treatment for constipation, cancer, heart trouble, kid-

ney trouble, bladder trouble, angina pectoris, sinus trouble, goiter, stomach ulcers, rheumatism, asthma, gall stones or tuberculosis, and from representing that grapes dissolve, or are a solvent of mucus. (3933)

**W. H. Maze Company**—An order has been issued requiring W. H. Maze Company, Peru, Ill., to cease and desist from certain misrepresentations in the sale of roofing nails. The Commission found that, although the respondent company advertised its "Maze Lead Head Anchor Shank Nails" as having twice the holding power under normal conditions of all other nails ordinarily used for roofing, and four times the holding power of certain other roofing nails, such representations were untrue. The respondent company was directed to discontinue these claims and to cease representing that its roofing nails have any designated holding power in excess of that possessed by other roofing nails, when such is not a fact. (3953)

**Monroe Chemical Company**—An order has been issued against Monroe Chemical Company, Quincy, Ill., and Mary T. Goldman Company, St. Paul, Minn., prohibiting misrepresentation in the sale of a hair preparation.

Through newspaper and other periodical advertising and through use of the word "restorer" in designating the preparation, the respondents are found to have represented that their product is capable of restoring the original or youthful color to gray, streaked, or faded hair, and will remove all trace of gray hair.

Findings are that the preparation does not restore the original color to gray, faded, or streaked hair; that the preparation acts as a dye or stain producing an artificial color; that it will not color or restore color to gray, faded, or streaked hair except in the sense that it may dye the hair, and that all trace of gray, faded, or streaked hair is not removed because repeated applications are required to prevent the new growth of hair from showing gray, faded, or streaked above the scalp line. The Commission also finds that Mary T. Goldman was the originator of the formula for producing the "Mary T. Goldman's Gray Hair Color Restorer" sold by the respondents; was their predecessor in business, and was not living at the time that her name was used in the respondent's advertising.

The order directs the respondents to cease and desist from representing that their preparation is not a dye or that it will cause gray or faded or streaked hair to change color without dyeing the hair; or that it will restore the natural, original or youthful color to gray hair, or remove all trace of gray hair in any other manner than as a dye.

The order also prohibits the representation that anything less than repeated applications of the respondents' preparation will change the color of the user's hair or cause it to maintain the color imparted by the product, and forbids use of the word "restorer" as part of the brand name for the product.

Representation that Mary T. Goldman is a living person personally recommending the respondents' preparation, or personally corresponding with the users or prospective users thereof, is also prohibited under the order. (3274)

**Morton Salt Company**—Cease and desist order issued against Morton Salt Company, 208 West Washington St., Chicago, in October 1939, has been modified.

Under that order, the respondent company was directed to cease using the words "smoked" or "smoke" or any other words signifying smoke or implying use of smoke to describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described had been directly subjected to the action and effect of the smoke from burning wood during the course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

The order has now been modified to add the following proviso: "Nothing in this order shall prohibit the respondent from using the terms 'wood smoke' and 'refined condensed smoke' in enumerating or stating the ingredients of such salt when such salt has been directly subjected to the action and effect of the smoke of burning wood during its process of combustion and there has been added thereto a refined concentrate resulting from the destructive distillation of wood, and where the application of each of such products is in sufficient quantity to impart to such salt the flavor of smoke." (2150)



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

**M. Seidel & Son**—An order has been issued against Maurice Seidel and Charles Seidel, trading as M. Seidel & Son, 243 West 30th St., New York, prohibiting misrepresentation and the use of lottery methods in the sale of furs and fur garments.

The findings are that the respondents sold women's fur garments made from rabbit peltries so dressed and dyed as to resemble fur products made from the peltries of seal, beaver, leopard, ermine, mink, squirrel, sable, or karakul sheep; that they failed to disclose the true zoological names of such furs and fur products so sold but instead misrepresented them by means of misleading and deceptive designations such as "Black Seal," "Mendoza Beaver," "Leopardine," "Erminette," "Ermine Coney," "Squirrellette," "Dark Sable Coney," "Broadtail" and other names.

It was also found that the respondents, in the sale of their merchandise furnished plans of merchandising which involved operation of games of chance by use of devices such as push cards.

For the purpose of inducing salesmen or representatives to sell their products by means of such push cards, the findings continue, the respondents represented the possible and average earnings of such salesmen as \$1,300 a week or more, and that an investment of \$12 would bring \$1,300.

The order directs the respondents to cease and desist from placing in the hands of others, push or pull cards, punch boards or other lottery devices which are to be used or may be used in selling merchandise, and from selling merchandise by use of such devices; representing any specified sum of money as possible earnings or profits of agents for any given period of time which is not a true representation of the average net earnings or profits consistently made by full-time representatives under normal business conditions; representing any specified sum as earnings or profits of a specified salesman which has not in fact been consistently earned net by such salesman; describing furs or fur garments in any other way than by the use of the true name of the fur as a last word of the description thereof, and describing fur or fur garments wherein the fur has been dyed or processed to simulate another fur, without using the true name of the fur as a last word of the description immediately preceded by the word "dyed" or "processed," as the case may be, compounded with the name of the simulated fur. (3961)

**Standard Containers Mfg. Association, Inc.**—An order has been issued against the Standard Container Manufacturers' Association, Inc., Jacksonville, Fla., a trade association, three of its officers and 26 Florida and Georgia manufacturers or distributors of wooden containers for fruits and vegetables, prohibiting the maintenance by combination and agreement of uniform and minimum prices for their products, the curtailment of production, and the intimidation of industry members to induce them to become parties to the agreements.

Association officer respondents are James B. Adkins, Gainesville, Fla., former president; Charles P. Chazal, Ocala, Fla., president; and Russell W. Bennett, Jacksonville, Fla., secretary, treasurer, and general manager. (3289)

**Supreme Manufacturing Company**—C. C. Johnson, trading as Supreme Manufacturing Company, Carlyle Service, Marvo Manufacturing Company, and Peerless Manufacturing Company, Omaha, Nebr., has been ordered to cease and desist from misrepresentations in connection with the sale and distribution of a product represented as a preservative of silk hosiery and lingerie.

The findings of the Commission are that the respondent has for several years been engaged in the sale and distribution of a product under the trade names "Supreme," "Marvel," "Marvo" and "Peerless." In making representations with respect to his business status and to the quality and effectiveness of his product, by means of sales talks to prospective customers by agents of the respondent, and in other ways, the respondent has claimed that use of the product "Prevents the runs and snags in your silk hosiery and lingerie \* \* \* strengthens the heel and toe of your hosiery, thereby making them last 4 or 5 times longer \* \* \* this treatment is permanent \* \* \* now this product will cut your hosiery and lingerie expense in half \* \* \* also prevents the silk from rotting, and one treatment is sufficient for the life of the hose," and has used the names "Supreme Manufacturing Company," "Marvo Manufacturing Company" and "Peerless Manufacturing Company."

The findings are that the foregoing representations of the respondent are false and misleading and that his product will not prevent or stop runs or snags in silk hosiery or lingerie; will not prevent silk from rotting or fading; will not save approximately 50 per cent of hosiery and lingerie expense; is not permanent, and does not strengthen the heels and toes of silk hosiery, and that the respondent is not the manufacturer of said product.

The respondent is ordered to cease misrepresentations of the efficacy of his product, and to desist from use of the term "manufacturing" or any other term of similar import or meaning as part of any trade or corporate name or representing that he is the manufacturer of said product, unless he actually owns and operates, or absolutely controls, the manufacturing plant wherein said product is actually manufactured by the respondent. (3712)

**Wardell Piano Company**—Prohibiting certain misrepresentations in the sale of pianos, a cease and desist order has been issued against Clayton L. Wardell, trading as Wardell Piano Company, 909 Pierce St., Sioux City, Iowa.

Through newspaper and other advertisements the respondent is found to have represented that certain of his pianos, having been previously sold on a deferred payment plan, had been repossessed by the respondent from the original purchasers because of their failure to meet the payments due, and were being offered for resale at prices which represented only the unpaid payments due and which were substantially less than the prices at which such pianos ordinarily would be sold.

Commission findings are that many of the pianos sold by the respondent in this manner were not instruments which had previously been sold by the respondent and repossessed from such original purchasers but had been taken from the respondent's regular stock. The prices were not in any sense sacrifice prices, and did not represent any balance due thereon by former purchasers, the findings continue, but were in fact the usual prices.

The Commission order directs that the respondent cease and desist from representing that the prices at which he sells his products constitute a discount to the purchaser, or that they are special or reduced prices, or represent only an unpaid balance due from the original purchaser, when in fact they are the usual prices; from representing as the customary prices or values amounts which are in excess of the regular prices, and from representing that pianos have been repossessed from the purchasers thereof, when such is not a fact. (3967)

## STIPULATIONS

The following stipulations have been entered into by the Commission:

**Abilene Flour Mills Company**, Abilene, Kans., stipulates that it will cease participating in the cost of, or in any way supplying to or placing in the hands of others, premium flour or other merchandise for use in conducting lotteries in the sale and distribution of flour or other products and that it will discontinue participating in the cost of, or in any way placing in the hands of others, prize-drawing cards or other lottery devices to enable such persons to sell merchandise by the use thereof. (2700)

**Ace Equipment Company**—L. B. Patterson and Jack Wolfe, trading as Ace Equipment Company, Des Moines, Iowa, agree to cease representing that the "Ace Spark Plug Cleaner" will clean one or any number of spark plugs in less time than it actually takes for the average auto mechanic to clean such plugs under usual conditions prevailing in the average small oil and gas station, and including the time required to remove such plugs from the cylinder block of an automobile engine and to replace them after they have been cleaned. Among other representations to be discontinued are that the respondents' cleaner is the finest and quickest ever made and will clean spark plugs as well as the higher priced cleaners will do. The respondents also agree to discontinue misleading representations concerning the earnings to be expected by prospective sales agents. (02519)

**Book Match Company**—See Chicago Match Company.

**Chicago Match Company**—Fayette H. Lawson and William A. Lawson, trading as Chicago Match Company and as Book Match Company, Chicago, Ill., agree to cease representing that they are "the quality leader" in the book match industry, when such is not a fact; that they sell their book matches at any price other than the price actually charged; that no extra charge is made for "deLuxe designs," "three color covers," or any other styles, such as "union labels" and "special red, white and blue covers," when in fact extra charges are made. The respondents also stipulate that they will cease stating that their catalogs contain "over 865 special book match cuts" or any other number greater than is actually a fact, and that they will cease using in their advertisements the term "three color covers" with the effect of creating the impression that the number of colors printed or otherwise inscribed upon the stock is greater than is actually a fact. The respondents agree to cease representing that any article is given "free" when receipt of such article is contingent upon any consideration, such as payment of money or rendering of services, not clearly disclosed in direct connection with the representation, and to discontinue the use in advertising of the words "bronzing" or "bronze" as descriptive of match book covers so as to imply that such printed products are the result of imparting a gold, silver or other metallic color by means of powders, painting, or chemical process, when such is not a fact. (2701)

**Claxton Candy Company, Inc.**, Atlanta, Ga., agrees to cease selling and distributing to jobbers and wholesale dealers for resale to retail dealers, or to retail dealers directly, candy so packed and assembled that its sale to the public is to be made or may be made by means of a lottery or gift enterprise. The respondent company also agrees to cease placing in the hands of dealers candy assortments which are used or which may be used without alteration to conduct a lottery in sales of such candy to the public, and to discontinue placing in the hands of others, punch boards, push or pull cards or other lottery devices to enable such persons to sell merchandise by the use thereof. (2699)

**Dental Research Company**—Melvin E. Page, trading as Dental Research Company, Muskegon, Mich., has made a stipulation in which he agrees to discontinue misleading representations in the sale of a kelp preparation advertised as "Ce-Kelp, the Gift of Nature to Man" and "A Vegetable Sea Food Rich in Minerals."

Among representations which the respondent agrees to discontinue are that his product is "rich in minerals"; that it prevents or corrects what physicians call the deficiency diseases; and that heart trouble, tuberculosis, anemia, high and low blood pressure, hardening of the arteries, rheumatism, neuritis, arthritis, kidney and bladder trouble, frequent colds, nervousness, constipation, acidosis, pyorrhea, over and underweight, cataract or cancer are recognized or properly classified as being deficiency diseases.

The respondent also stipulated that he will cease representing that the main cause of deficiency diseases is lack of mineral elements in ductless glands, or that his commodity or any other kelp product is "literally packed" with such essential elements.

The respondent stipulates that he will desist from designating himself as "Dr." or "Doctor" unless it be clearly disclosed that he is a doctor of dentistry and not of medicine.

The stipulation points out that, according to reliable medical authority the respondent's various claims and inferences are contrary to the weight of scientific evidence and are based upon premises that cannot be substantiated. (2704)

**Jones Pulmotor Arch Support Company**, Kansas City, Mo., stipulates that it will desist from advertising that the "Jones Pulmotor Arch Support" strengthens the feet or the foot muscles, rebuilds the feet, corrects or cures any foot disorder or any condition which causes foot or leg ailments, stimulates circulation of the blood or aids in the elimination of poisons, and increases energy or vitality. The respondent also agrees to cease representing that its arch supports are complete "air cushions" or that they cause any massaging effect or vacuum-suction action which is of therapeutic, remedial or palliative value or effect, or which aids in the elimination of fatigue or is beneficial to any part of the system. (02521)

**Kamazin Manufacturing Company**—Agreeing to discontinue misrepresentation in the sale of a medicinal preparation, Israel Freed, trading as Kamazin Manufacturing Company, 145 West Kingsbridge Road, New York, has entered into a stipulation. The respondent agrees to cease representing that use of his preparation "Kamazin Powder" affords relief from the condition known as athlete's foot for a long period of time or affords permanent relief, and that doctors prescribe or endorse Kamazin Powder. (02522)

**Manfield Handkerchief Company**—See M. Zwaifler & Company, Inc.

**Verard Company**—Stipulation has been accepted from Ruth Cecil Arden trading as The Verard Company, 119 West 227th St., New York, distributor of a medicinal preparation to discontinue certain misleading representations.

In the sale of "Verard Solution," the respondent agrees to cease representing that the preparation is of itself a competent treatment or effective remedy for athlete's foot; that any person using such medication will no longer suffer from red or swollen feet or certain other discomforts; that beneficial results may be expected by the user without regard to the stage of infection, the presence of accompanying factors or the necessary hygienic measures which must attend any type of medication for such conditions. The respondent also agrees to discontinue misleading uses of the word "guaranteed." (2696)

**M. Zwaifler & Co., Inc.**, and M. Joseph Rosen, trading as Manfield Handkerchief Company, New York, N. Y., stipulate that they will desist from referring to their businesses as those of manufacturers of handkerchiefs when neither respondent owns, operates, or controls the plants in which the products sold are made. M. Joseph Rosen also agrees to discontinue representing that he has factories in Passaic, N. J.; Chicago, Minneapolis, Los Angeles, Boston, or elsewhere; or maintains foreign offices in Paris, France; Manchester, England; Swatow, China; Mayaguez, Puerto Rico; Belfast, Ireland, or elsewhere, when such are not the facts, or from representing that he has offices of his own at Passaic, Chicago, Minneapolis, Los Angeles, Boston, or elsewhere, when in fact the offices referred to are those of salesmen and are not financed and controlled by the respondent. (2702 and 2703)