

ASCAP Demands 100 Per Cent Increase; Miller Replies

ASCAP on Thursday demanded a 100 per cent increase for a new agreement with the broadcasting industry, and Neville Miller immediately made the following statement:

"The American Society of Composers, Authors and Publishers made public today its demands for a 100 per cent increase in the payments made to it by the broadcasting industry. This increase is demanded by ASCAP despite the fact that the radio broadcasting industry is already making payments to ASCAP at the rate of five million dollars a year. This sum is five times as great as that paid by any other industry. It represents over two-thirds of ASCAP's total revenue and is an increase of 900 per cent over the sums paid by broadcasters in 1931.

"Although most of ASCAP's statement talks about the alleviation of certain abuses which ASCAP itself admits exist in its present licensing system, when the camouflage is stripped away the proposal boils down to a demand that the broadcasting industry should double its payments for the radio performing rights in the compositions controlled by ASCAP's publisher and composer members.

"ASCAP's demand was put forward without previous negotiation with broadcasters and after a refusal to meet with the negotiating committee appointed by the National Association of Broadcasters. Although ASCAP attempts to divide the broadcasting industry by making concessions to certain groups, the total amount of the reductions which it suggests is inconsiderable compared to the total amount involved.

"Moreover, ASCAP's new plan perpetuates the major abuse about which broadcasters have always complained, and requires broadcasters to pay to ASCAP a percentage of all broadcasting revenue even that obtained for programs which do not utilize ASCAP music, such as news broadcasts, sports events and programs of classical music. The broadcasting industry will be unified in resisting demands, the effect of which would be to impose charges wholly destructive of the American system of broadcasting.

"ASCAP is again attempting to take advantage of its monopoly of popular music to impose an unfair method and rate of payment upon broadcasters, but ASCAP has this time overreached itself and has made demands which the broadcasting industry must resist as a matter of life and death.

"These demands will strengthen Broadcast Music, Inc., the organization recently

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*

ASCAP DEMANDS 100 PER CENT INCREASE; MILLER REPLIES

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created by the broadcasting industry to foster new creative talent by increasing the already widespread support of its aims."

This was ASCAP's letter to the industry:

March 21, 1940.

GENTLEMEN:

As you all know, pursuant to the authority given by our Board of Directors, our President appointed a Committee known as a Special Radio Committee to make a careful survey and study of the radio industry and the relationship of our Society thereto, to the end that it recommend the form of license agreement and the terms thereof to become effective with its radio licensees commencing January 1st, 1941.

The Committee has completed its studies and made its report, including its recommendations, to our Board last evening and our Committee has been authorized to submit its recommendations and proposals to the Radio Industry.

The Committee, in collaboration with the executives and the management of the Society, prepared and made an exhaustive study of a great deal of statistical information. As the study progressed it became evident that the present formula under which radio is licensed has developed in some respects an unequal allocation of charges which could not have been foreseen by us at the time the present formula was adopted. Moreover, the recent investigation by the Federal Communications Commission shows that a number of smaller stations have been operating at a disadvantage in comparison with many of the larger stations and with stations affiliated with national networks, and that any formula to be recommended by the Committee must attempt to adjust these inequalities and help alleviate the situation of these small stations.

In addition, numerous abuses and evasions of the provisions of the present contract have been uncovered and the Committee has made provision in the plan for their elimination.

The Committee gave consideration to the "per program"

basis, among others, but after an exhaustive analysis thereof found that it was uneconomical and unscientific to adopt the same.

The Committee then carefully studied all the facts relating to the licensing of radio broadcasting stations and the various plans suggested from time to time, and came to the conclusion that the principle of clearance at the source should be recognized in the new formula of licensing.

The Committee then studied the problem of alleviating the hardships suffered by the small stations. In order to eliminate such hardships it decided upon a classification and grouping of stations. This new formula will grant substantial relief in the form of materially reduced sustaining charges and percentage payments to the great many small stations, and some reduction to all stations.

It devoted itself to working out in detail the principle of clearance at the source. Accordingly it has provided for a separate chain broadcast license.

The Committee believes that the present policy of the Society with respect to broadcasting stations operated by municipal, educational, charitable, or religious institutions or organizations should not be changed.

Summarizing all of the foregoing and applying the foregoing principles to the specific conditions, the Committee has recommended and the Board has approved of the following method of licensing and the details relating thereto hereinafter set forth:

PLAN

The Society recognizes in its licensing program four distinct and separate groups within the radio broadcasting industry:

1st. The small independent station whose gross annual business is in the neighborhood of \$50,000 or less;

2nd. An intermediate group of stations, independent and otherwise, each of which by virtue of location, type of program, service to the community, general radio policy, and amount of business done, is in a different category from the small station;

3rd. The large station, which by affiliation, by prestige, by virtue of location and the territory it serves, has an opportunity to make substantial profits out of its business; and

4th. The chain which does not operate any radio stations as such (it may own stations, it may have a controlling interest in stations) but its primary business is not the operation of a station but the sale of advertising, "time on the air" and supply of programs—commonly known as "Networks."

The License will contain the following provisions:

1. The License is limited to non-visual broadcasting (television is excluded).

2. Network programs must be cleared at the source.

3. Radio stations are divided into three groups paying license fees of 3%, 4% and 5%, respectively.

4. The percentages paid by licensees are computed upon the gross amount paid by the advertiser for use of the station's broadcasting facilities, with only the following deductions permitted:

- (a) 15% advertising agency discount, if actually paid;
- (b) Amounts received from political broadcasts; amounts received from religious broadcasts where the amount paid is solely in reimbursement for the cost of lines, wire charges, and other similar charges;
- (c) Certain costs of artists especially employed for a particular program and certain costs for news programs, athletic events and similar events, provided that the minimum sum allocated to percentage must not be less than the highest rate charged for a similar period of time over licensee's station;

(d) Amounts received from network for rebroadcasting programs which have been cleared at the source.

5. The sustaining fee of stations in the 3% group is made nominal (\$12. per year).

The amounts to be charged as sustaining fees to the stations in the 4% class will be approximately 25% less than presently charged. The sustaining fees to be charged to the 5% stations are to be approximately the same as presently charged.

Stations in the 4% and 5% groups are given an opportunity to recoup the payment of the sustaining fee after the license fee paid reaches a certain amount.

6. There is a separate contract for networks in which the network broadcaster agrees to clear all programs at the source and to pay 7½% of the amount received by it from advertisers. The license will permit the deductions from the gross which are enjoyed by the individual stations and will contain the protective clauses for the Society that are required by the Society from the individual station. This rate may be reduced to 5% in the case of such network operations as are made necessary because of local conditions.

7. The license to individual stations does not give them the right to rebroadcast programs containing ASCAP compositions which have not been cleared at the source. If such programs are broadcast, however, a sum equal to 10% of the station's highest cord rate for such a program is to be paid to ASCAP in lieu of treating the broadcast as an infringement of copyright.

8. If a licensee having a "single station contract" engages in network broadcasting, such licensee and the Society will agree to enter into the Chain Broadcast License Agreement.

9. The Society has the right to restrict not more than one thousand compositions at any one time. Licensee has the right to cancel if on sixty days' notice the number of compositions on the restricted list exceeds one thousand

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and is not reduced to one thousand or less during the sixty-day period.

10. If anti-ASCAP laws are passed in any State, which in the opinion of the Society, impede or prevent the full performance of the license agreement, the Society may terminate the agreement as to the stations in such State.

11. The Society gives the licensee the same indemnity as in previous contracts.

12. The duration of the contract has not yet been fixed. This will depend on the definitive terms of the final agreement and the wishes of the broadcasters in the matter.

In the opinion of the Society, this plan will bring substantially increased benefits to the radio broadcasting stations. As heretofore each station will have available a large and varied reservoir of music assisting it to meet its primary purpose of serving the intimate needs of the locality in which it is situated. At the same time it will help to make the income of the Society from radio more nearly commensurate with the value of the Society's contribution to the radio industry of this country.

FM Hearing

MONDAY

The FCC hearing on "High Frequency" opened Monday morning, February 28th. Chairman Fly as an introduction outlined briefly the purposes of the hearing and stated that we have not yet reached exhaustion in broadcasting possibilities and that due to the limited facilities available in the present band Frequency Modulation is a matter of great public concern.

Horace Lohnes, attorney, presented Major Edwin H. Armstrong as the first witness. Major Armstrong testified that he started in radio in 1906 as an amateur and that in 1912 he discovered the regenerative circuit and its properties and in 1917 he went over seas as a Captain and worked on technical problems of the Army. While he was over seas he discovered the principle of the super-heterodyne. Major Armstrong continued his testimony by stating that in 1920 he discovered the super-regenerative circuit. In 1924 he started working on different

ways of solving the static problem and that in 1933 he applied for patents on a method of eliminating static by means of the F. M. system of transmission. Major Armstrong briefly went into the history of Modulation and outlined the development of Amplitude Modulation and Frequency Modulation up to date. Major Armstrong testified that in 1924 he started a different attack upon the problem of eliminating static. He found that static impulses had more of an Amplitude characteristic and that the static in effect corresponded to Amplitude Modulation. He said that he also discovered that the Frequency Modulation characteristics of static were of a narrow band characteristic and that from these observations he conceived the idea of using a wide band F. M. for overcoming the effects of static.

Major Armstrong went into the history of his attempts to introduce Frequency Modulation and told of the various demonstrations he had presented. A film recording made at Haddonfield, New Jersey, August, 1935 was played. Transmissions by F. M. from a 2 KW transmitter at the Empire State Building, a distance of approximately 85 miles were compared with an A. M. 50 KW on 660 KC, WEAf at Bellmore, Long Island, a distance of about 105 miles. The demonstration showed marked static interferences on the standard band station and very little interference on the F. M. station. Part of the record was of Station WMCA 500 Watts on 570 KC in New York City, a distance of about 85 miles, showing very little signal in comparison to the static. Major Armstrong pointed out that part of the difference in the static level was due to the difference in frequency, (there is a difference in static level of about 35 DB between 660 KC and 40 MC—ed. note). It was Major Armstrong's opinion that the successful operation of existing F. M. stations adequately answered the question as to whether F. M. was ready for regular broadcast service or not. He stated that the normal good service range of his Alpine station (near New York City) was about 100 miles, and that there is very little secondary coverage on a F. M. station. This was in response to Commissioner Craven's question as to where Frequency Modulation's superiority over a 50 KW standard band station ends. Major Armstrong testified that the gain over noise on F. M. varied roughly in voltage as the band width, and that on F. M. a signal to noise ratio of 2 to 1, gives about the same order of service as would be given by a signal to noise ratio of 100 to 1 with A. M.

Commander Craven asked Major Armstrong if, disregarding noise, would an Amplitude Modulation station on the same frequency have the same range as an F. M. station, and the answer was, yes. Major Armstrong stated that the F. M. system lends itself more readily to the handling of "High Fidelity" and a wide Audio-Frequency band. He stated that in F. M. the characteristics of the circuits determine the quality and that in A. M.

the main determining factor was the characteristics of the tubes, and that this gave F. M. an advantage in fidelity control over A. M. Major Armstrong stated that in the transmitter the functions of F. M. could be performed with receiving type tubes, and that this energy could then be amplified with ordinary Class C amplifiers to the desired power. In response to Chairman Fly's query, Major Armstrong responded that he would not undertake to render a secondary service with F. M. and that the system produces a good primary area and the service beyond there is too spasmodic to be of material use as a secondary service. He suggested the use of automatic unattended relays to extend the service area of a station.

Major Armstrong stated that he had tried various F. M. band widths and that in general the wider band used the better, and that the present band of 200 KC has been arrived at as a practical value. He said that if this band were cut in half that the power would need to be raised four times in order to produce the same results. He pointed out that as the band is narrowed, the interference area between stations becomes greater. He also said that multiplexing is difficult with a band narrower than 200 KC. Major Armstrong also said that as the band width is narrowed down the construction of the receiver becomes more difficult in order to keep the distortion low.

Major Armstrong advocated dividing the band from 42 to 44 MC into 10 F. M. channels and he also advocated taking 1 of the 6 MC Television channels and dividing it into 30 F. M. channels to provide a frequency spectrum for F. M.

TUESDAY

Major Armstrong's testimony was continued on Tuesday morning. He pointed out that there would be a reduction in congestion on the present band as soon as F. M. is authorized. He said that the present band would continue to operate just as the Model T continued to operate until it was worn out and the public found it could get a better automobile. He said that it will take years for the manufacturers to produce the equipment for a complete F. M. replacement. Major Armstrong said that in the end the public will decide the acceptance of F. M. It is Major Armstrong's opinion that receivers will be worn out long before it will be necessary to change them due to all broadcasting being done by Frequency Modulation. Queried about the cost of transmitters, Major Armstrong stated that they were as cheap or cheaper now than are A. M. transmitters for the present band, and that undoubtedly within a year, the price will be lower. He said that F. M. receivers will cost very little more than do present A. M. receivers, in order to obtain one of the advantages of F. M., namely, noise re-

duction, but that in order to take advantage of the better quality, it will be necessary to use a better loud speaker and amplifier than is used now, and therefore, the cost will be more. So far the F. M. receiver manufacturers have put out receivers as good as they possibly could in order to start F. M. off right, and consequently the receivers have cost more.

When asked about license consideration, Major Armstrong said that the General Electric, Western Electric, and Radio Engineering Laboratories were licensed to manufacture transmitters. Commission Attorney Bauer read a list of the Armstrong receiver manufacturers licensed and they were as follows: General Electric, Stromberg Carlson, Zenith, Pilot, Scott, Stewart Warner, R.E.L., National, Hammerlund, and Halicrafter.

Also in connection with patents Major Armstrong said that he had sold the regenerative and the superheterodyne circuits at the same time for approximately \$330,000 and that his super regenerative circuit had been sold for \$425,000. He stated that he had spent between 700,000 and 800,000 dollars in Frequency Modulation development. It was his opinion that Frequency Modulation could be used to advantage in transmitting television, and that some work had already been done on this. Commander Craven asked what Major Armstrong had done to try to economize frequencies and his answer was, nothing; that he had been concerned with developing a system of "High Fidelity" with low noise. It was Major Armstrong's opinion that F. M. could be applied effectively to the other services such as, Police, Education and Aviation, however, his opinion was that aviation work might better be done by Amplitude Modulation.

In response to a question by Mr. Jett, Chief Engineer of the FCC, as to Mr. Armstrong's thought on allocation, he responded by saying that he advocated two types of allocation. One for large stations spaced approximately 300 miles to serve rural areas for a radius of about 100 miles and second, many stations closely spaced on the same channel for local service. In response to Mr. Jett's question as to why he chose 15,000 cycles for High Fidelity he responded that there isn't any particular limit and that 15,000 cycles is ordinarily considered to be the upper limits of music and sound effects and that in the F.M. system it is practically as easy to get this band width as it is 10,000. Mr. Armstrong said that he had made no particular tests to determine just how wide the band should be. However, his conception was that this full band width should be allowed for future development. Commander Craven in response to his question concerning the signal to noise aspect at different ratio's of audio to total swing frequencies, received the answer; the signal to noise aspect varies in power as one-half the total frequency swing divided by the maximum audio-frequency, the whole quantity squared. (Editors Note: In other

words, if the maximum modulation swings the carrier over a band of 150 KC and the highest audio-frequency to be passed is 15 KC then the signal to noise ratio in power would be determined by 75 divided by 15 squared, or 25. This would be the same as reducing the total swing to 100 KC and limiting the highest audio-frequency to 10 KC). Mr. Jett asked if through F.M. relays it would be possible to eliminate wire connections and the answer was yes, and that the relay would be carried on other than the regular stations by a special relay system on frequencies probably about 130 MC and Major Armstrong went on to say that no doubt we would some day come to a F.M. relay system for chain broadcasting rather than wire line hook-ups. He said that in areas of common interest, regular stations could rebroadcast each other.

Horace Lohnes on behalf of Major Armstrong, entered as Exhibit No. 7, 8, and 9, the License Agreements between Major Armstrong and the manufacturers of F.M. receivers, transmitters, and the licensee of F.M. broadcast stations. Exhibit 7 outlined the royalties for broadcast transmitters under Armstrong F.M. patents as follows:

Operating power

250 watts or less.....	\$ 300
1 kw.	500
2 kw.	750
5 kw.	1,250
10 kw.	2,000
20 kw.	3,000
30 kw.	3,750
40 kw.	4,500
50 kw. or more.....	5,000 for 50 kw.
	\$50 for each additional kw.

Columbia was the next party to the hearing called.

Mr. Paul Porter counsel for Columbia Broadcasting System made a brief statement that pending field tests, Columbia was reserving its opinion as to the advantages of the 2 systems of broadcasting transmission. Mr. Porter said that in the opinion of Columbia that where there is a similar claim to facilities by a duplication service, such as a proposed F.M. broadcasting allocation and for television, that the preference be given to a new and unduplicated service such as television.

The next party to make an appearance was Mr. Everett L. Dillard, the Commercial Radio Equipment Company of Kansas City, Missouri, licensee of W9XA, Amplitude Modulated on 26 MC. Mr. Dillard outlined noise measurements which had been made in Kansas City in which he arrived at the conclusion that the signal of 35 to 50 mv was needed on A.M. to cover Kansas City and that by far the greatest interference on High Frequency was automobile ignition. He said that diathermy interference had not been experienced on the 26 MC band by him. He said that the development of High Frequency broadcasting has gone as far as possible without the introduction of public interest. He felt that High Frequency broadcasting has a definite place in our scheme of broadcasting and the biggest need is for receivers. He pointed

out that there are very few receivers available for this band. He said that the public was not interested, due to curtailed time of operation because of severe experimental requirements by the FCC and the duplication of programs already on the air. He felt that two things were necessary in order to promote interest on the part of the public. One was to place Ultra-High-Frequency broadcasting in the regular category and the other the production of unduplicating programs.

WEDNESDAY

Philip G. Loucks, attorney for the F. M. Broadcasters, Inc., placed John Shepard III on the stand for their first witness. He testified to his long years of experience in radio broadcasting and to his present connections. He said that the total investment of the Yankee Network in F. M. to date was approximately \$250,000. He said that of the 89 firms eligible for membership in F. M. Broadcasters, Inc., 55 were members. He continued, that we believe there is no question but that F. M. is capable of rendering a regular broadcast service. We know from the past months of regular operation at Paxton from 8:00 a. m. to midnight every day that F. M. is ready to render a regular broadcast service. In order to develop separate programs for F. M. it is necessary that a station licensee be able to at least look forward to the time when he can make a charge and therefore F. M. should be put on a regular basis at this time. He continued that the F. M. Broadcasters could see no need for extending the present experimental period and that F. M. should be allowed to go ahead on a regular basis. Mr. Shepard said that if F. M. is allowed to go ahead, it can hurt no one with the possible exception of those in the present band and very few of these will be affected because most of the F. M. license holders will be those now holding regular broadcasters licenses. Mr. Shepard asked that the FCC raise the F. M. power limitation from 1 to 50 KW. He advocated that the band from 41 to 44 MC be made an F. M. band and that the present 41 to 42 educational band be retained as such, but that it employ the F. M. principle. Mr. Shepard recommended that the present 26 MC broadcast band be allocated to other services. Mr. Shepard said that 15 channels would not be adequate to take care of F. M. and that the additional channels should be as near as possible to the 41 to 44 MC band. Mr. Shepard also asked that the FCC establish a policy permitting relay stations using the F. M. system, and he pointed out that, except for short lines, the cost of a telephone line to carry the wide audio band, the F. M. broadcasters have in mind would be prohibitive. Mr. Shepard said that he did not think that it would be possible to cover the large flat rural sections of the country with F. M. and that F. M. would have to be supplemented

by clear channel stations in the present band. He said that where the rural areas are adjacent to centers of high population, such as New England, that F. M. could then serve the rural areas. He said that the change to Frequency Modulation will not be revolutionary but will be gradual and will take some time. He set as a rough figure, 10 years for the change over. Commander Craven asked if programs would be by and large, the same as on the standard band during the long change over period, and Mr. Shepard said, yes and no; that that will be true in some cases and that in other cases there will be a duplication.

Commissioner Thompson asked what compensation the public would get in buying an F. M. receiver and Mr. Shepard's answer was that he would receive a lower noise level with practically no static and much better quality, and that there was a normal obsolescence of about 10 per cent each year in receivers and that as people replaced their receivers they would replace them with an F. M. receiver.

Mr. Jett asked if cognizance should be taken of the present standard band in giving facilities in the F. M. band and Mr. Shepard answered that F. M. should be allowed to go ahead by itself and that anyone who could show proper qualifications, should be granted an F. M. license.

Dr. Greenleaf Whittier Pickard, consulting engineer to the Yankee network was the next witness for the F. M. Broadcasters. He outlined his observations and measurements on F. M. and A. M. He described his reception experience at his Seabrook, New Hampshire home which is about 67½ miles from Paxton and about 70 miles from Boston. Dr. Pickard explained that he compared the Paxton F. M. 2 KW station with a field of approximately 50 to 60 microvolts with the standard broadcast band stations in Boston having field intensities on the order of 1 millivolt. He said that there is little or no comparison between Paxton and the group of standard broadcast stations at Boston. He said that in the summer static breaks into the standard stations and in the winter he has considerable interference from co-channel stations. He explained that WBZ was spoiled by selective fading. Dr. Pickard said that the Paxton signal faded at times between 25 and 80 microvolts. Dr. Pickard presented Exhibit showing tests which he made on noise within a 100-mile radius of Alpine. Dr. Pickard also presented an exhibit showing measurements he had made comparing a 40 KC band with a 200 KC band. It was his conclusion that there was a voltage ratio of 5 to 1 between the narrow and the wide band for the same advantage over noise, and on this basis it would require 25 times the power with the 40 KC band to give the same advantage over noise as we would have on the 200 KC Band. He

also described an experiment from Alpine in which W2XMN on 42.8 MC was used as an interfering signal and a second 1 KW transmitter on 43 megacycle operating from the same location. The power on the 1 KW transmitter was reduced in successive steps and Dr. Pickard arrived at the conclusion that F. M. stations could operate on adjacent channels with a considerable difference in power, provided the transmitters were at approximately the same location. In response to Commissioner Craven's question as to whether we needed more measurements before we can be safe in placing stations on adjacent channels, Pickard answered that he would want to have more information before being sure that if the stations are not placed near to each other that there wouldn't be interferences, except where the distance between the stations was relatively great.

Commissioner Craven asked what Dr. Pickard considered as a proper ratio between signal and noise for good reception and he answered that he would like to have a difference of not less than 50 to 60 DB, and he continued that for average hearing for average people the idea might be dropped down to around 40 DB.

Dr. Pickard said there is some sky wave transmission at 40 MC, however, that this was not enough to bother an F. M. system but would bother an A. M. system. When asked about the use of the 26 MC band for Ultra-High-Frequency broadcasting he gave the opinion that this band would not be as well suited for broadcasting as would the frequencies in the neighborhood of 40 to 50 MC.

The next witness for F. M. Broadcasters was Mr. I. Martino, chief engineer of WDRC, of Woodbridge, Connecticut. He described measurements and tests he had conducted on W1XPW F. M. station at Meriden, Connecticut. He gave the opinion that signal values down to 7 or 8 microvolts could be used with F. M.

Mr. Daniel Gallerup, chief engineer for WTMJ, Milwaukee, described tests he had made comparing A. M. and F. M. and he said that he found that much better service could be delivered by F. M. than by the standard band.

ACCOUNTING COMMITTEE ADOPTS LOG, ACCOUNTING MANUAL

The NAB Accounting Committee held a meeting in New York, Tuesday, March 19. The entire Committee attended. Those present were C. T. Lucy, Chairman, WRVA, Richmond, Virginia; N. L. Kidd, WSYR, Syracuse, New York; E. J. Gluck, WSOC, Charlotte, North Carolina; H. W. Batchelder, WFBR, Baltimore, Maryland; Harry F. McKeon, NBC, New York City; and S. R. Dean, CBS, New York City. Those in attendance from Headquarters were Paul F. Peter and Robert Myers, Research Department, and Edwin M. Spence, Secretary-Treasurer.

The Committee adopted a proposed program log that will meet the requirements of the FCC rules. They also adopted an accounting manual for station bookkeeping that will facilitate securing of the necessary information in completing the FCC annual financial report.

It is hoped both of these reports will be in the mail and in the hands of station managers within the next ten days.

FREE OFFERS

The Bureau of Radio Advertising has learned that Loew's, Incorporated, is planning a new radio service which seeks the cooperation of broadcasters in plugging current MGM picture releases. It's the same old story—offering elaborate programs of Hollywood gossip, condensed versions of the latest movies, and other material "absolutely free of charge". Every program is a direct plug for motion pictures, and the Bureau has written both MGM and their distributing organization, suggesting that they would do better to spend some of that money to buy time at regular rates.

Rose City Nurseries, Springfield, Ohio, has submitted a cost-per-inquiry proposal to a large list of stations, offering to pay 50¢ for every \$1.00 order. The Bureau has pointed out to this concern that the value of advertising goes beyond the mere creation of direct mail orders, and, for that reason, it might be wise to buy time at stations' quoted card rates.

Another contingent proposition reported by members is the F. A. Holmes Company, Waterloo, La. (Rat-Ruin), who offer to split 50-50 with cooperating stations on all mail orders produced. They have been advised that NAB members consider such propositions not only unethical but unbusinesslike.

Phone Headquarters!

The NAB suggests that broadcasters, upon arrival in Washington, notify the NAB switchboard of their whereabouts.

This would work to their advantage, in that the NAB would know where to relay messages received for them. Also, on numerous occasions, the NAB has tried to reach members by long distance phone, only to be told they were right here in Washington.

The NAB, of course, would give no information to anyone as to the whereabouts of visitors.

The suggestion is advanced for the convenience of members and the headquarters staff. The NAB phone is NAtional 2080.

IRNA MEETING

The IRNA executive committee met in Washington on Tuesday, March 19. Chairman Sam Rosenbaum, WFIL; Walter Damm, WTMJ; John Shepard III, Yankee Network, and Paul Morency, WTIC were present. After the meeting, Mr. Rosenbaum said:

"The situation with regard to musicians and ASCAP was discussed. Particular study was given to the increased tendency of the networks to appropriate the 20 second station breaks between 15 minute programs. This will be the subject of a communication to IRNA members at an early date. In connection with the matter of network commercial announcements, proposals will be submitted to the IRNA board for some revision of the IRNA platform to be recommended to the next convention."

WAGE AND HOUR ACT

The Wage and Hour Act Committee will meet Monday, March 25, at headquarters to discuss recent opinions by the Wage and Hour Administration regarding "talent charges." Joseph L. Miller, NAB Labor Relations Director, is acting chairman of the committee. Members are H. W. Batchelder, WFBR; William B. Dolph, WOL; John V. L. Hogan, WQXR, and C. T. Lucy, WRVA.

CHILDREN'S CRUSADE CAMPAIGN

Cooperation of members of the National Association of Broadcasters in the Children's Crusade for Children will be sought during the next week, according to advice received at headquarters.

The purpose of this campaign is to produce funds, from school children of the nation, for the relief of other children throughout the world who are literally without a country. Through school officials in each community, children will be asked to contribute pennies in an amount which corresponds to their age. All such donations are to be deposited in sealed cans in school rooms so that no child will be embarrassed if he finds it impossible to contribute.

Broadcast stations will not be asked to solicit funds nor to make appeals for funds, only to make known the purposes of the campaign.

To this end, Children's Crusade for Children has prepared 5-minute recordings featuring such speakers as Dorothy Canfield Fisher, Raymond Gram Swing and Clifton Fadiman and a series of spot announcements.

Broadcast cooperation is sought a week or two in advance of the fund collection set for April 22-30. Others cooperating in the national campaign will be newspapers, magazines and pictures.

All costs of the campaign have been defrayed by individual donors, so that all pennies collected will be made available for relief.

Expenditures will be directed by a committee consisting of Eleanor Roosevelt, Msgr. John A. Ryan, William Allen White, Hon. Irving Lehman, Dorothy Canfield Fisher, Dr. Charles B. Glenn and Caroline S. Woodruff.

NEW YORK SENATE APPROVES PERRY RECORDING BILL

On Tuesday the New York Senate passed the Perry Bill (S. 445, NAB REPORTS, January 26, 1940, p. 3991) relating to unauthorized recording of Radio Broadcasts. The Senate had previously amended the bill by adding to Section 1 the following subparagraph: "(d) This act is not to apply to any acts of recording for private, personal, civic or political use, or to any recording of any address or talk on subjects of a political, educational, religious or civic nature."

STATE LEGISLATION

NEW JERSEY:

A. 336 (Artaserse) LOANS—RADIO ADVERTISEMENTS—To empower the Attorney General to investigate practices in connection with the promotion, advertisement, or negotiations by radio of the sale, purchase, or loan of money or credit; appropriates \$25,000. Referred to Appropriations Committee.

NEW YORK:

A. 2298 (L. Bennett) EMPLOYMENT AGENCIES—APPLICANTS—Provides that any waiver of investigation of references by an applicant for help shall be void, failure on part of the employment agency to make such investigation to be deemed a violation of provision requiring the keeping of register. Referred to Rules Committee.

NEW YORK:

A. 2336 (Mailler) LOANS—ADVERTISING OF INTEREST RATES—Prohibits advertising or broadcasting of interest rates on loans by licensed lenders unless rate of charge, interest charge or interest rate is expressed as a rate per centum per annum; such rate must also be expressed in all applications for loans. Referred to Rules Committee.

NEW YORK:

CCH S 21 (Bewley) APPLE INDUSTRY—ADVERTISING—Relating to a joint legislative committee to make a comprehensive study of the New York state apple industry, with particular regard to the conduct of an intensive advertising campaign by radio and press to stimulate the purchase of New York state apples. Referred to Finance Committee.

RHODE ISLAND:

H. 1014 (Banahan) CRIMINAL LIBEL—Defining criminal libel and providing penalties therefor. Referred to Judiciary Committee.

RHODE ISLAND:

S. 252 (Brady) CRIMINAL LIBEL—Defining criminal libel and providing penalties therefor. Referred to Judiciary Committee.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled before the Commission in broadcast cases during the week beginning Monday, March 25. They are subject to change.

Thursday, March 28

Oral Argument Before the Commission

WSAL—Frank M. Stearns, Salisbury, Md.—In re: Revocation of station license of WSAL.

Friday, March 29

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. They are subject to change.

April 23

NEW—Guy S. Cornish, Cincinnati, Ohio.—C. P. for public address relay station, **310000 kc.**, 1 watt night, 1 watt LS, emission A-3, unlimited time.

April 29

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

May 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.

May 20

NEW—Worcester Broadcasting Corp., San Diego, Calif.—C. P., **1420 kc.**, 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

MISCELLANEOUS

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from 6:30 to 10 p. m., EST, on March 30, in order to broadcast a program incident to "Pioneer Week."

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 7 to 11 p. m., CST, on April 3, from 4 to 5 p. m., CST, on April 6, and from 5 to 6 p. m., CST, on April 10, 11 and 12, in order to broadcast State A. A. U. boxing finals and Purdue baseball games only.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted extension of special temporary authority to operate test transmitter with power not to exceed 100 watts, on **1350 kc.**, day and night, in order to select transmitter site in accordance with construction permit, for the period March 25 to April 23.

WGN—WGN, Inc., Chicago, Ill.—Granted special temporary authority to make pick for radio station CKCL and feed broadcast of Chicago Blackhawks v. Toronto Maple Leafs hockey game being played in Chicago Stadium from 8 p. m., CST, to conclusion of game on March 21. A. T. & T. lines to be used from Chicago to CKCL.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts, from 7:45 to 9:15 p. m., CST, on April 7, 14, 21 and 28, in order to broadcast church services only.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted construction permit to make changes in equipment.

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

WPR—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted modification of construction permit which authorized change in frequency from **1370 to 780 kc.**, increase in power from 100 watts, 250 watts day, to 1 KW, 250 watts day, change hours of operation from specified to unlimited time, move transmitter, changes in equipment, and antenna, for extension of completion date from March 26, 1940, to April 26, 1940.

WJHP—The Metropolis Co., Jacksonville, Fla.—Granted modification of construction permit for new broadcast station, for approval of antenna, new transmitter, and approval of studio site and transmitter site.

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted modification of construction permit for new broadcast station, for authority to change type of transmitter and extend commencement date to 30 days after grant and completion date 120 days thereafter.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted license to cover construction permit as modified for installation of new transmitter, directional antenna for day and night use, increase power to 50 KW, and move transmitter; frequency **1460 kc.**, unlimited time.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

WHAI—John W. Haigis, Greenfield, Mass.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2:00 p. m. to 3:00 p. m. EST on March 23, 30, April 6, 13, 20, 1940, in order to broadcast the following sustaining programs: 2 to 2:10, Newscast; 2:10 to 2:30, Matinee Moods; 2:30 to 3, Suggestions in Symphony; to operate from 2 p. m. to 3 p. m., EST on March 24, 31, April 7, 14, 21, 1940, in order to broadcast the following: 2 to 2:15, Newscast; 2:15 to 2:30, Tune Travels; 2:30 to 2:45, Sabbath Meditations; 2:45 to 3, $\frac{1}{4}$ Hour in $\frac{3}{4}$ Time; to operate from 8:30 a. m. to 10 a. m. and from 2 p. m. to 3 p. m. EST on March 20, 21, 22, 25, 26, 27, 28, and 29, 1940, in order to broadcast the following: 8:30 to 9 a. m., Breakfast Club; 9 a. m. to 9:30 a. m., Opening the Mail; 9:30 to 10 a. m., Dances of the World; 2 p. m. to 2:10 p. m., Newscast; 2:10 p. m. to 2:30 p. m., Matinee Moods; 2:30 to 3 p. m., Suggestions in Symphony (provided WSVS remains silent).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from 5:45 p. m. to 12:00 midnight CST on March 20, 1940, in order to broadcast election returns.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9:00 a. m. to 10:00 a. m. EST Monday, Tuesday, Wednesday, Thursday, Friday, and Sunday mornings, for the period March 19, 1940, to not later than April 17, 1940, or until the Saginaw Broadcasting Company is in a position to use said time, in order to broadcast special non-commercial educational programs.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate from 7 p. m. to 7:30 p. m. EST on March 14, 1940, in order to broadcast speech by Howard Bruce, candidate for U. S. Senator.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 7 p. m. to 7:30 p. m. EST on March 14, 1940, in order to broadcast speech by Howard Bruce, candidate for U. S. Senator.

WNYC—The City of New York Municipal Broadcasting System, New York, N. Y.—Continued hearing scheduled for March 19, 1940, to March 29, 1940, in re modification of license.

WFDF—Flint Broadcasting Co., Flint, Mich.—Dismissed petition to intervene in re application of Thumb Broadcasting Co., for new station in Brown City, Mich. to operate on **880 kc.**, 250 watts, daytime.

State of Minnesota—Granted petition to intervene in the hearing on the application of WNYC for modification of license to change hours of operation from daytime-WCCO to specified hours, on **810 kc.**

Star Printing Co., Miles City, Mont.—Granted motion for continuance of hearing from April 1 to May 1 in re application of Star Printing Co. for new station to operate on **1310 kc.**, 250 watts, unlimited time, and E. E. Krebsbach for a new station at Miles City, also requesting frequency of **1310 kc.**

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted motion (effective as to all parties), for extension of time until April 2 to file proposed findings of fact and conclusions, in re applications of WCNW, WMBQ, WWRL, Lillian E. Kiefer and Paul J. Gollhofer, all of Brooklyn, N. Y.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m. CST on March 30, 1940, in order to broadcast a speech by Mr. Dwight R. Green, candidate for United States Senator.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. CST on April 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, and 30, from 3 to 3:30 p. m. CST on April 1, 8, 15, 22, and 29, and from 8 to 10 p. m. CST on April 5, 1940, in order to permit WNAD to broadcast special educational programs.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate during above periods (provided KGGF remains silent) in order to broadcast educational programs.

W9XA—Everett L. Dillard, d/b as Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to rebroadcast over High Frequency Broadcast Station W9XA programs originating from Standard Broadcast Stations KCMO, KCKN, and WLW, for the period beginning 3:00 a. m. EST on April 1, 1940, and ending not later than 3:00 a. m. EST on April 1, 1941.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period March 19, 1940, to not later than April 17, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

WHMA—Harry M. Ayers, Anniston, Ala.—Granted license to cover construction permit authorizing changes in equipment and increase in power from 100 to 250 watts.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Granted license to cover construction permit authorizing new station to operate on **1210 kc.**, 100 watts night, 250 watts LS, unlimited time; also granted authority to determine operating power by direct measurement of antenna input.

WNAD—Univ. of Oklahoma, Norman, Okla.—Granted authority to determine operating power by direct measurement of antenna input.

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted authority to determine operating power by direct measurement of antenna input.

WAIR—C. G. Hill, George D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to operate from 5:30 a. m. to 6:00 a. m. EST on March 24, 1940, in order to broadcast Moravian Sunrise Easter Service.

WATW—WJMS, Inc., Ashland, Wisc.—Granted modification of construction permit for new broadcast station, for installation of new transmitter and approval of studio site and transmitter site, and approval of antenna.

KSTP—KSTP, Inc., St. Paul, Minn.—Granted modification of construction permit as modified for move of transmitter, installation of new equipment and directional antenna and increase in power, for extension of completion date from March 8, 1940, to May 8, 1940.

APPLICATIONS FILED AT FCC

570 Kilocycles

WSYR-WSYU—Central New York Broadcasting Corporation, Syracuse, N. Y.—Construction permit to install new transmitter.

930 Kilocycles

KROW—Educational Broadcasting Corp., Oakland, Calif.—Construction permit to increase power from 1 KW to 5 KW, install new equipment and directional antenna for night use, and move transmitter from Oakland to San Francisco, Calif. Requests Class III-A station.

1120 Kilocycles

KRSC—Radio Sales Corp., Seattle, Wash.—Modification of construction permit (B5-P-2141) for move of transmitter, changes in equipment and increase in power, requesting approval of antenna, approval of transmitter and studio sites at 4th So. and Hanford Sts., Seattle, Wash., and change type of transmitter.

NEW—Allegheny-Kiski Broadcasting Co., Inc., New Kensington, Pa.—Construction permit for a new radio broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended: Change frequency to **1120 kc.**, power to 500 watts, hours to daytime, III-B station and amended name by omitting "Inc.", and changes in equipment.

1180 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

NEW—The Huntsville Times Co., Inc., Huntsville, Ala.—Construction permit for a new radio broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time (facilities of WBHP). Amended re changes in equipment and change power to 250 watts.

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Modification of construction permit (File B2-P-2340) for a new station, requesting approval of antenna and approval of transmitter and studio site at Kanada St., Logan, W. Va.

WAIM—Wilton E. Hall, Anderson, S. Car.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Construction permit to install new transmitter and make changes in antenna.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Construction permit to make changes in transmitter and increase power from 100 watts to 250 watts day and night.

1240 Kilocycles

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW; directional antenna for night and day. Amended re directional antenna.

1250 Kilocycles

WKST—WKST, Inc., New Castle, Pa.—Construction permit to install directional antenna for night use, and change hours of operation from daytime to unlimited time, using 1 KW power day and night.

1260 Kilocycles

WNBX—Twin State Broadcasting Corporation, Keane, N. H.—Modification of construction permit (B1-P-2415) for changes in directional antenna to be used both day and night; move transmitter and studio; further requesting authority to make changes in directional antenna, install new transmitter, and increase power to 5 KW. Extend commencement date 30 days after grant and completion date 180 days thereafter. Amended: Equipment changes.

1310 Kilocycles

NEW—S. M. Meeks, Jr., Kerrville, Tex.—Construction permit for a new radio broadcast station to be operated on **1310 kc.**, 250 watts, unlimited time.

WFIG—J. Samuel Brody, Sumter, S. C.—License to cover construction permit (B3-P-2171) as modified for a new radio broadcast station.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Transfer of control of corporation from J. P. Marchant, D. J. Carey and Melvin Meyer to Florida West Coast Broadcasting Co., Inc., 98 shares.

KVIC—Radio Enterprises, Inc., Victoria, Tex.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

1320 Kilocycles

WADC—Allen T. Simmons, north of Akron, Ohio.—Modification of construction permit (B2-P-2495) for authority to install directional antenna for day and night use; increase power and move transmitter and studio, requesting extension of commencement and completion dates from 3-24-40 and 9-24-40 to 4-24-40 and 10-24-40.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Modification of construction permit (B5-P-2450) for move of transmitter, and new antenna, requesting extension of date of completion from 4-14-40 to 6-14-40.

1360 Kilocycles

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit to move transmitter and studio to a site to be determined. Enid, Okla., make antenna changes, install new transmitter, and increase power from 250 watts to 1 KW.

1370 Kilocycles

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license to change hours from all hours except those assigned WSVS which are 8:30 a. m. to 10 a. m. and 2 p. m. to 3 p. m., to all hours except 9:30 a. m. to 10 a. m. Monday through Friday during school term when WSVS would operate, also all hours when WSVS is silent for holidays or vacations (facilities WSVS). Amended to request all hours except 8:30 a. m. to 10 a. m. Monday through Friday.

WJHO—Yetta G. Samford, C. S. Shealy Thos. D. Samford, Jr., and J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—Modification of construction permit (B3-P-2373) for a new station, requesting approval of studio and transmitter sites, install new equipment, and approval of antenna. Amended re equipment.

NEW—Ralph L. Lewis, Greensboro, N. C.—Construction permit for a new radio broadcast station to be operated on 1370 kc., 100 watts, unlimited time, Class IV.

KRMC—Roberts MacNab Co. (Arthur L. Roberts, R. B. MacNab and A. J. Breitbach, Gen. Mgr.), Jamestown, N. Dak.—Voluntary assignment of license from Roberts MacNab Company (Arthur L. Roberts, R. B. MacNab and A. J. Breitbach, Gen. Mgr.) to Jamestown Broadcasting Co., Inc.

1380 Kilocycles

NEW—Central Broadcasting Corp., Sanford, Fla.—Construction permit for a new radio broadcast station to be operated on 1380 kc., 250 watts, unlimited time. Requests Class IV station.

1420 Kilocycles

WGOV—E. D. Rivers, Valdosta, Ga.—Modification of construction permit (B3-P-2586) for new station, requesting approval of studio and transmitter sites at East Park Ave., Valdosta, Ga., and approval of antenna.

WELL—Enquirer-News Co., Battle Creek, Mich.—Construction permit to install new transmitter, make changes in antenna, and increase power from 100 watts to 250 watts. Amended to make changes in equipment and antenna.

WMSD—Muscle Shoals Broadcasting Corporation, Muscle Shoals City, Ala.—License to cover construction permit (B3-P-2511) for changes in equipment and increase power. Amended re equipment.

NEW—Scott Howe Bowen, Rome, N. Y.—Construction permit for a new radio broadcast station to be operated on 1420 kc., 250 watts, unlimited time, Class IV. Amended to give studio site as in or near Rome, N. Y.

NEW—R. G. LeTourneau, Toccoa, Ga.—Construction permit for a new radio broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended to give studio location as Louise Hotel, near Toccoa, Ga., and transmitter site to be determined, Toccoa, Ga.

1500 Kilocycles

NEW—Leonard L. Abess, Miami Beach, Fla.—Construction permit for a new station to be operated on 1500 kc., 250 watts, unlimited time. Request facilities of station WKAT. Contingent on WKAT being granted change in frequency.

MISCELLANEOUS

W3XMC—McNary and Chambers, Bethesda, Md.—Modification of construction permit (B1-PHB-86) for a new high frequency broadcast station, requesting move of transmitter from 4713 Hampden Lane, Bethesda, Md., to Pennsylvania Ave. and 18th St., N. W., Washington, D. C.; and extend commencement and completion dates from 12-24-39 and

6-24-40 to 10 days after grant and 30 days thereafter, respectively.

NEW—John Lord Booth, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on 42600 kc., 1000 watts, special emission for frequency modulation.

NEW—The WGAR Broadcasting Co., Cuyahoga Heights, Ohio.—Construction permit for a new high frequency broadcast station to be operated on 43200 kc., 1000 watts, special emission for frequency modulation.

NEW—Matheson Radio Co., Inc., Boston, Mass.—Construction permit for a new high frequency broadcast station to be operated on 42690 kc., 1000 watts, special emission for frequency modulation.

NEW—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit for a new high frequency broadcast station to be operated on 42800 kc., 1000 watts, special emission for frequency modulation.

NEW—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Construction permit for a new high frequency broadcast station to be operated on 43000 kc., 1000 watts, special emission for frequency modulation.

NEW—The Crosley Corp., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1606, 2022, 2102, 2758 kc., 50 watts, emission A3, portable-mobile, area of Cincinnati, Ohio.

NEW—City Broadcasting Corp., New Haven, Conn.—Construction permit for a new high frequency broadcast station to be operated on 42600 kc., 1000 watts, special emission for frequency modulation.

NEW—E. Anthony & Sons, Inc., New Bedford, Mass.—Construction permit for a new high frequency broadcast station to be operated on 43400 kc., 1000 watts, special emission for frequency modulation.

W2XOR—Bamberger Broadcasting Service, Inc., Carteret, N. J.—License to cover construction permit (B1-PHB-82) as modified, for a new high frequency broadcast station.

NEW—Pinellas Broadcasting Co., St. Petersburg, Fla. (Portable-Mobile).—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 15 watts, Emission A-3, Portable-Mobile area St. Petersburg, Fla.

NEW—Piedmont Publishing Co., Winston-Salem, N. C.—Construction permit for a new high frequency broadcast station to be operated on 42800 kc., 1000 watts, special emission for frequency modulation.

NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.—Construction permit for a new high frequency broadcast station to be operated on 43200 kc., 1000 watts, special emission for frequency modulation.

NEW—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit for a new relay broadcast station to be operated on 31620, 35260, 37340, 39620 kc., 100 watts, Emission A-3, Portable-Mobile area Baltimore, Md.

NEW—G. L. Burns, Brady, Texas.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., power 40 watts, Emission A-3, Portable-Mobile, area of Brady, Texas.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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.

B & T Sales Company, Indianapolis, Ind.—Howard L. Brewer and Albert L. Tribbett, trading as B & T Sales Company, Indianapolis, Ind., are alleged to represent that "Menstru-Eze" possesses

curative and remedial properties which make it beneficial in treating delayed and painful menstruation when in fact it is without therapeutic value in such treatment. (4057)

Continent Petroleum Corporation—A complaint has been issued charging Mid-Continent Petroleum Corporation, Tulsa, Okla., with misrepresentation in the sale of its "D-X" motor fuel. The respondent operates terminals in St. Paul, Chicago, Kansas City, Mo., and Omaha.

It is alleged that the respondent corporation caused dealers in its products to represent that "D-X" motor fuel, because of the presence of an added patent lubricant, as compared with gasoline not so treated and as compared with other motor gasoline fuels, is more efficient, effects substantial economy in operation, reduces friction and wear and tear on the upper cylinder parts, makes the motor run smoother, cooler and more quietly, increases power and mileage per gallon of fuel, and reduces carbon troubles and knocking in the motor. (4065)

Ethel's Candy & Sales Company, Inc., 164 Whitehall St., S. W., Atlanta, Ga., is charged with supplying push cards with bars of candy, the prices of the candy bars being determined wholly by lot or chance. (4056)

General Electric Company, 570 Lexington Ave., New York, is charged in a complaint with misrepresentation in the sale of electric light bulbs.

It is alleged that in newspaper and other periodical advertising the respondent company made representations implying that all or substantially all competitive products are inferior in quality to the respondent's "G-E" bulbs; that by purchasing any bulbs other than "G-E" the purchasing public will or is likely to get inferior products the use of which will result in a 30 per cent loss of light and a 30 per cent wastage of the electricity consumed, and that a purchaser is likely to obtain bulbs that will not burn as brightly or as long as the respondent's "G-E" lamps and cost more to operate.

Among representations allegedly made in the respondent's advertising were: "Why risk 30% loss of light * * * when G-E bulbs cost so little?" . . . "Thousands of New York factories, offices, stores, homes lose 30% of light. Beware of inferior bulbs! Buy G-E bulbs from your reliable neighborhood store. * * *"

It is alleged that the respondent corporation's representations are misleading and unfairly disparaging of the products of its competitors; that not all or substantially all competitive products are inferior in quality to the respondent's "G-E" bulbs, and that a person buying bulbs other than "G-E" will not in most instances obtain lamps of lower quality than "G-E" or bulbs that will result in a 30 per cent loss of light or 30 per cent waste of the electricity used. The complaint alleges that many competing manufacturers sell products equal in quality to the respondent's "G-E" bulb, and that only a small percentage of the bulbs being sold to the public are of such low quality that their use will result in a 30 per cent loss of light or waste of current.

The complaint points out that approximately 80 per cent of the incandescent electric light bulbs sold in the United States for general lighting service are manufactured by the respondent and its licensees who manufacture bulbs under patents controlled by the respondent, and that of the total amount of general lighting service bulbs sold by the respondent and its licensees, about 25 per cent are products of the licensees not branded "G-E." (4059)

Midwest Merchandise Company—C. I. Levin and Edward Johnson, trading as Midwest Merchandise Company, 1006 Broadway, Kansas City, Mo., are charged with selling to dealers assortments of candy and punch boards. Customers who purchased certain specified numbers received as prizes, packages of cigarettes or a replica of "Ferdinand the Bull." (4058)

Northwestern Health Clinic—See Northwestern Products Company.

Northwestern Products Company—William W. Kelso, trading as Northwestern Products Company and as Northwestern Health Clinic, 611½ Union St., Seattle, Wash., in a complaint charged with misrepresentation in the sale of a medicinal preparation.

The complaint alleges that the respondent represented "Periodic Relief Pills" as a cure, remedy or competent and effective treatment for delayed menstruation, and as being safe and harmless, when in fact it possesses no therapeutic value with respect to this ailment and is not safe and harmless in that it contains extract cotton root bark, extract black hellebore, aloes, oil savin and ergotin in quantities sufficient to cause serious injury if taken under prescribed conditions as advertised or under customary conditions.

The complaint also alleges dissemination of false advertisements in the respondent's failure to reveal in its advertisements that use of the preparation under conditions prescribed in the advertisements or under usual conditions may result in serious injury to the users' health. (4066)

S. M. Laboratories Company, Seattle, Wash., is alleged to have advertised that its preparations "Neofem Capsules," "Neofem Liquid" and "Cerene" were cures or remedies or competent and effective treatments for painful and delayed menstruation and constituted safe and sane ways of self-medication when such were not the facts. The complaint charges that the drugs ergot, oil of savin and aloin were present in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the advertisements or under usual conditions. The respondent company is charged with having disseminated false advertisements which failed to reveal the consequences which might result from use of the preparations under the prescribed conditions as advertised or under customary conditions. (4062)

Sekov Corporation—A complaint has been issued against Sekov Corporation, 6404 Hollywood Blvd., Hollywood, Calif., and Edwin H. and Hazel Ruth Vokes, as officers of the corporation and as individuals trading under the name Sekov Reducing Studios. The complaint charges misleading representations concerning "Sekov Reducer," a preparation sold as an obesity treatment and alleged to contain extract of thyroid, a dangerous drug.

The Commission recently obtained a preliminary injunction in the United States District Court for the Southern District of California restraining these respondents from further dissemination of false advertising of their product pending issuance of a complaint by the Commission and final disposition of its case.

The Commission complaint now alleges that the respondents disseminated advertisements representing that their preparation, "Sekov Reducer" or "Sekov" is a scientific treatment for obesity and that it guards the health of the user, acts entirely on a corrective principle, is made for reaching the glands whose faulty function is the cause of most overweight, and regulates the action of the glands gently and gradually.

Other representations alleged to have been made were that, unlike harsh methods of reducing, the respondents' product does not contain cathartics or dangerous drugs, does not reduce by merely tearing down fatty cells, takes off the fat without weakening the body, is especially prepared to be effective in reducing practically all cases of overweight, and reduces by normalizing the body.

The complaint charges that the respondents' claims are in excess of actual accomplishments; that their preparation is not a scientific treatment for obesity when administered without a thorough medical examination and without scientific care and observation, and that it constitutes a treatment for obesity only when used by persons suffering from hypothyroidism. The preparation, contrary to the respondents' representations, is alleged to be a harsh or strenuous method of reducing and to contain cathartics and dangerous drugs in that "Capsule No. 1" of the preparation contains rhubarb, cascara sagrada, aloin and bile salts, all cathartics.

It is further alleged that the respondents' failure to reveal the presence of extract of thyroid and the consequences which may result from use of their commodity under the prescribed conditions advertised or under customary conditions, constitutes false advertising. (4061)

Sekov Reducing Studios—See Sekov Corporation.

Stromberg Ignition Company—Henry O. Striker, trading as Stromberg Ignition Company, Detroit, Mich., engaged in the manufacture and sale of an automotive device designated "Stromberg" Condenser" and sometimes as "Stromberg" Master Condenser." is charged in a complaint with misrepresentation.

In the course of his business, the complaint charges, the respondent has caused to be inserted in circulars, handbills, on cartons containing his products, and on the product itself, distributed through the various states, printed matter containing representations such as: "Saves Oil—Most car owners change oil every 500 miles, because gasoline (unburned) leakage thins the lubricant. The STROMBERG MASTER CONDENSER burns all the gasoline, stops the leakage completely, so that oil can often be used for 2,500 miles or more"; "SPECIAL 30-DAY OFFER, Stromberg Ignition Co., Detroit, Mich. Please mail me one Stromberg Condenser at the special price, \$1.50"; "This is a genuine 'Stromberg' product * * * when the name Stromberg is on it, whether it be a radio, carburetor, or this merchandise, you do not have to be afraid to buy it because it is good merchandise," and "The Stromberg condenser is endorsed and approved by the Automotive Engineers Association of America."

The Stromberg Carburetor Company, the complaint continues, beginning in May, 1907, was a corporation doing business under the laws of Illinois, with its factory and principal place of business in Detroit. In April, 1930, the business operated under the name Stromberg Carburetor Company was taken over by the Bendix Stromberg Carburetor Company, which continued the business and the sale of the products under the name "Stromberg." The Bendix Stromberg Carburetor Company is now engaged in the manufacture of carburetors, coils and various other automobile accessories. These companies have built up a valuable good will in the name "Stromberg" as applied to these products.

The respondent, without authority, has caused his products to be marked and branded with the name "Stromberg" and now uses and features the word "Stromberg" as a trade name, according to the complaint.

The statements and representations set forth by him, the complaint continues, are false and misleading, as in fact the automotive devices which the respondent sells will not increase the power of the motor, eliminate spark plug trouble or save either oil or gasoline and the devices have no beneficial effect at all on the operation of a gasoline motor, nor do they improve the ignition system. The price of \$1.50 at which the device is offered in a so-called special offer is not in any sense a special price which is good for only 30 days, as in truth the price is in excess of the price at which the device is customarily sold. The respondent's product, the complaint continues, has not been approved or endorsed by a recognized automotive association or a recognized automotive engineering association which has the necessary laboratory equipment for testing automotive devices, and use by the respondent of the word "Stromberg" as a trade name and in advertising has a tendency to confuse, mislead and deceive purchasers into the erroneous belief that the product so designated is the product of the well and favorably known Bendix Stromberg Carburetor Company. (4064)

United Candy Company—E. T. James, Jr., trading as United Candy Company, 1507 West Trade St., Charlotte, N. C., is charged with selling to dealers assortments of candy with push cards, the prices of the candy bars being determined wholly by lot or chance. (4060)

Warner's Renowned Remedies Company, Minneapolis, Minn., in the sale of "Warner's Renowned Prescription No. 6" and "Warner's Renowned Alkaline Douche Tablet," is alleged to represent that its preparations are cures or remedies and competent and effective treatments for functional sterility; that they possess beneficial properties in relation to the functioning of the female reproductive organs, and that they will relieve discomforts associated with the menstrual period. The complaint alleges that the respondent's representations are exaggerated and untrue and that the respondent's preparations have no therapeutic value in treatment of the female organs or in relieving any form of functional sterility. (4063)

CEASE AND DESIST ORDERS

Following cease and desist orders have been issued during the past week:

American Distributors, Inc., and John H. Morgan, trading as Champion Products Company, both of Linton, Ind., and United

Advertising Companies, Inc., Chicago, have been ordered to cease and desist from misrepresentation in the sale of "Vita-Perles," a medicine claimed to contain Vitamins A, B-1, D, G, and E.

Findings are that John H. Morgan was in business under the name Champion Products Company in the sale of Vita-Perles until August, 1938, when he organized American Distributors, Inc., for the sale of the preparation. United Advertising Companies, Inc., has been the respondents' advertising agent and has participated in the preparation and dissemination of their advertising matter.

In newspaper and periodical advertisements the respondents are found to have represented directly and by implication, among other things, that one may test Vita-Perles without risking any money; that vitamin deficiency is the cause of backache, headache, loss of appetite, premature old age and other ailments and conditions; that by use of Vita-Perles a thin, pale and sickly person will gain firm and healthy flesh and gain in weight as much as seven pounds in seven days. The Commission finds that the respondents' representations are misleading and exaggerated.

The respondents are ordered to cease and desist from representing that the preparation may be obtained and tested without risking the loss of any money; that backache, headache, leg pains, and various other ailments are caused by a vitamin deficiency or that such conditions will be relieved or corrected by the use of the respondents' preparation; that those who are thin, pale and sickly will by the use of the preparation acquire additional weight, an improved complexion, an increased resistance to colds and infections, an improved appetite or will become less nervous; that the impairment or premature loss or sexual desire, vigor, or potency in the male, is due to a vitamin deficiency, or will be restored or improved by the use of the preparation, or that its use will increase the general strength and energy, and that the preparation will affect women's ability to successfully conceive or bear children except in rare cases involving habitual involuntary abortion where inability to successfully bear children after conception may be due to a deficiency of Vitamin E of a degree susceptible of replacement by the Vitamin E content of the preparation. (3918)

American Veneer Package Association, Inc., Washington, D. C., its officers, and four regional associations of the fruit and vegetable container industry, their officers and members, and a New York business management and engineering group, have been served with an order directing them to cease and desist from a combination or conspiracy for fixing and maintaining uniform prices and discounts and for curtailing production and other practices deemed to be in restraint of competition.

Members of the respondent regional associations are found to manufacture and sell approximately 75 per cent of all the veneer containers used in their territories for packaging fruits and vegetables, with the possible exception of wire-bound and sawed crates. (3556)

Anesthetic Laboratories, Inc., a corporation, formerly Guild Anesthetic Laboratories, 2457-2459 South Michigan Ave., Chicago, engaged in the manufacture, sale and distribution of a medicinal preparation known as "Guild Procaine Epinephrine Anesthetic," has been ordered to cease and desist from representing that it is a guild or association of persons engaged in kindred pursuits, and other than a commercial business existing or operating for profit.

The respondent corporation was originally incorporated in 1937 under the name of Anesthetic Advancement and Research Guild, Inc., and within the last year changed its name to Guild Anesthetic Laboratories, Inc., and subsequently to Anesthetic Laboratories, Inc.

In advertisements concerning its medicinal preparation, which is used as a local anesthetic by purchasers such as practicing dentists, physicians and dental colleges throughout the States, the Commission finds, the respondent has represented, among other things that "In its serious efforts to help the Dental Profession the GUILD feels that its policy of education and enlightenment should include, wherever an item is not equitably priced, the production in its own fully equipped laboratory of the EQUIVALENT OR BETTER of the item involved that it may thus offer to the dentist at the lowest possible price." In certain of the respondent's printed matter, the Commission finds, the word "guild," when used in the corporate or trade name, was set out in a different type of lettering with the effect of stressing and directing the attention of the reader to the word "guild."

The respondent corporation is ordered to cease and desist from representing in any manner that it is a guild or association of

persons engaged in kindred pursuits for mutual protection, aid and cooperation, or that it is anything other than a commercial business existing or operating for profit; that the respondent is impartially engaged in research for the purpose of advancement of the science of anesthesia, or that the respondent operates for the benefit, education or enlightenment of the medical and dental professions.

The respondent is also directed to cease using the word "guild" or any term of similar import or meaning to describe or in any way refer to its business or products, including use of the word "guild" as part of its trade or corporate name or as part of the brand name of its products. (3816)

Champion Products Company—See American Distributors, Inc.

Jean Ferrell, Inc.—An order has been issued against Jean Ferrell, Inc., 112-114 East Walton St., Chicago, prohibiting misrepresentation in the sale of "Concentra," advertised as a concentrated food for treating obesity and as a tonic.

Advertising matter issued by the respondent company referred to its product as being a highly concentrated food, safe for use, and, with the addition of liquids, as constituting a balanced diet capable of replacing the ordinary diet, according to findings. The preparation was also advertised as supplying deficiencies to the body, the findings continue, and as correcting overweight and underweight and eliminating poisons from the body by action of its rhubarb content and poisons from the kidneys because of its gravel root content.

Findings are that the respondent's representations were exaggerated and untrue; that the preparation is not a food, and that, because of its high content of rhubarb, it is a drug and not safe to use. The respondent was found to have disseminated false advertisements in that it failed to reveal that use of its product under conditions prescribed in advertisements or under customary conditions may in some cases result in serious injury to health.

The order directs the respondent to cease and desist from disseminating advertisements which represent that "Concentra" is a food or a concentrated food; that with or without the addition of liquids it will constitute a balanced diet or replace the ordinary diet; that it will supply deficiencies to the body, correct organic elements, cause "natural" elimination, correct overweight and underweight, restore or develop a healthy or normal figure, or eliminate poisons from the body or kidneys.

The respondent corporation is also directed to desist from representing that its preparation is safe for use and from disseminating advertisements which fail to reveal that continued use of the preparation over a long period would cause excessive purgation and result in serious injury to the health of the user. (3950)

Gould Anesthetic Laboratories—See Anesthetic Laboratories, Inc.

United Advertising Companies—See American Distributors, Inc.

STIPULATIONS

During the past week the Commission has entered into the following stipulations:

Biovegetin Products, Inc., trading as V. M. Products, Chicago, Ill., in the sale of "Neural-Aid", agrees to cease advertising that the preparation is a nerve food or a competent treatment or effective remedy for nervousness, neuralgia, nerve fatigue, constipation, nervous insomnia, constant worry, muscular aches or pains or disturbances of the nervous system, or for neuritis unless the last named representation is limited to the preparation's aid in the treatment of peripheral neuritis, alcoholic neuritis, neuritis due to anemia, neuritis of pregnancy or neuritis of pellagra. The respondent also agrees to cease using the word "Neural" as part of the trade name of the product. (02526)

Biovegetin Products, Inc., in a second stipulation, agrees to desist from representing that its product "Myacin" kills or ends

pain or from otherwise implying that it will afford more than temporary relief from pain associated with rheumatism, arthritis, neuritis, sciatica, gout or lumbago; that it contains no harmful or habit forming drugs or affords safe relief, and that its formula originated in Europe or is used by thousands of American doctors and hospitals. The stipulation relates that the respondent's preparation contains an ingredient which has a tendency to be harmful and habit forming. (02528)

Alonzo O. Bliss Medical Company, 1811 Columbia Road, Washington, D. C., engaged in selling a medicinal preparation designated "Bliss Native Herb Tablets," agrees to cease representing by use of the word "quickly", or any other word of similar import, that the said product will give immediate relief for, or, by the use of the words "positive relief" or similar words that the product relieves upset stomach, gas bloating pains, acid risings, lost appetite, sour stomach, and headache, due to constipation or other causes; and that the product will flush the bowels or kidneys, stimulate the liver, cause a faster elimination of kidney waste, or is a treatment for the stomach, unless the last mentioned representation is limited to such influences as it might have as a stomachic. (02525)

Curtis, Owen, Fuller Corporation—See Owen-Fields, Inc.

East Coast Fisheries, Inc.—Stipulation has been accepted from East Coast Fisheries, Inc., 360 West Flagler St., Miami, Fla., to discontinue misleading representations in the sale of certain seafood.

In the sale of its products the respondent agrees to cease using the word "lobster" as descriptive of a species of food fish other than that properly known as "lobster," unless such word is accompanied in equally conspicuous type by appropriate language identifying the species or locality of the product sold.

The stipulation points out that the American lobster, also known as the Northern lobster, is found only along the North American Coast from North Carolina to Labrador; that it is more abundant and attains its greatest size in the northern part of its range in Eastern Maine and the Maritime Provinces, and that this lobster is scientifically known as a particular species. Another food fish found in Southern waters is variously referred to as sea crayfish, spiny lobster, rock lobster, and southern lobster. The term "lobster," however, has long been associated in the minds of the consuming public with the Northern lobster.

The stipulation recites that the respondent company advertised certain seafood as "Fresh Packed Lobster Meat" without proper qualification to describe spiny lobster or sea crayfish or other product not the Northern lobster. (2707)

Gemal Handkerchief Company—Jack M. Gemal, trading as Gemal Handkerchief Company, 389 Fifth Avenue, New York, N. Y., engaged in the sale and distribution of handkerchiefs, has agreed to cease describing or referring to himself as a "manufacturer" of handkerchiefs or other merchandise when he neither owns, operates nor directly and absolutely controls the plant or factory in which the goods sold by him are made. (2705)

General Handkerchief Company, Inc., 389 Fifth Avenue, New York, N. Y., in connection with its sale and distribution of handkerchiefs or other merchandise, agrees to cease and desist from designating, describing or referring to itself as a "manufacturer" of handkerchiefs or other merchandise when it neither owns, operates nor directly and absolutely controls the plant or factory in which the goods sold by it are made, or in any manner representing that it has a manufacturing plant of its own for the production of these or other goods or merchandise when such is not the fact. (2706)

Hudgins Fish Company—Modified stipulation has been accepted from Hudgins Fish Company, 612 North Olive Ave., West Palm Beach, Fla., concerning use of the word "lobster". In July, 1939 the respondent agreed to discontinue representing sea crayfish by means of certain names containing the word "lobster". In its modified stipulation it agrees to discontinue use of the word "Lobster" or the words "Lobster Meat" or "Lob. Meat" as de-

scriptive of a species of food fish other than that properly known as lobster, unless the designations used are accompanied by appropriate language identifying the species or locality of the product. (2494)

London House, Ltd., New York, N. Y., agrees that in the sale of its products it will cease using the words "London House, Ltd.," as and for its corporate and trade name, the address "London" on its trade stationery, the words "London House" in its advertising matter, or picturizations of English characters or scenes, implying that this New York corporation is a London house or company, or manufactures products or conducts business or maintains a branch in London, or that merchandise made in the United States is of English or other foreign origin and imported into the United States, when such are not the facts. (2708)

Maritime Milling Company, Inc., 1009 Chamber of Commerce, Buffalo, N. Y., engaged in selling stock and poultry feeds designated "Bull Brand Dairy Rations" and "Bull Brand Vitamized Complete Starter Ration," has agreed to cease and desist from representing that Bull Brand Dairy Rations alone keeps herds in better physical condition or milk production at consistently higher levels, or is the feed of champions, and that Bull Brand Vitamized Complete Starter Ration alone builds into chicks increased livability, better feathering and pigmentation, or larger or sturdier bodies, or that the use of the complete Bull Brand poultry feeding program assures more eggs, more profit or more money. (02523)

Owen-Fields, Inc.—Misleading representations in the sale of advertising material consisting of cuts, mats and printed matter will be discontinued under a stipulation entered into by Harry J. Baruch and two corporations, Owen-Fields, Inc., and the Curtis, Owen, Fuller Corporation, 916 Walnut St., Kansas City, Mo., engaged in the sale of such material. The respondent Baruch is manager and active directing head of the two corporations.

In promoting sales, the individual and corporate respondents, through their canvassing salesmen, made statements to the effect that the advertising material sold by certain competitors was copied from the respondents' copyrighted features and that the purchasers of such "copied" advertising material would become involved in actions at law by reason of using it, according to the stipulation. As a result of such intimidation, the stipulation relates, many advertisers cancelled or attempted to cancel their existing contracts with such competitors.

In their stipulation, the respondents agree to desist from the representation that users of competitive advertising copy resembling the respondents' series may be involved in litigation for copyright infringement, unless suits or actions are immediately prosecuted; from circulation of threats of suits not made in good faith and to injure competitors, and from the representation that purchasers of their advertising features will be assured of exclusive rights within a specified territory to use material incorporating the same or a similar characteristic idea for such advertising material, when such is not a fact. (2710)

Quality Chemical Company—Harold C. Breckenridge, 20030 Russell St., Detroit, Mich., trading as Quality Chemical Company and engaged in selling a furniture polish designated "Scientific,"

certain cosmetics designated "Delora Alice Skin Lotion," "Delora Alice Fine Perfumes," "Flower of the Orient," and "LaFrance," and food products under the general heading "Magic Concentrates" designated "French Chef Flavors," "French Chef Spices," "French Chef Table Syrup" and "French Chef Food Colors," agrees to cease representing that "Scientific" contains a secret ingredient or that Delora Alice Skin Lotion is healing or that it has a healing action. Harold C. Breckenridge further agrees to cease using the word "French" as descriptive of any of his products neither made in France nor composed chiefly of French ingredients; from using the words "La France" and "Orient" as descriptive of any of his perfumes not made in or not composed chiefly of ingredients from France or the Orient, and to desist from using the words "Pure Ingredients" as descriptive of any product that is synthetically flavored to imitate the real and true flavor. The respondent further agrees to cease using the title "President" or otherwise representing that the business conducted by him as an individual is a corporation or an association. (02524)

Reid Electric Mfg. Co., 543 North Cicero Ave., Chicago, selling "Reid Electric Fencer," an electric controller for use with wire fencing, has entered into a stipulation to cease and desist from misleading representations.

Among representations which the respondent agrees to discontinue are that the use of its device with a single strand of wire, will hold all livestock; that use of the product, in comparison with other types of fencing, will reduce the cost of fencing unless, in this representation, the type of fencing with which comparison is made is clearly indicated, and that the Reid Electric Fencer embodies a new construction principle. (02529)

Schweizer Tee—Robert J. Schwyn, trading as Schweizer Tee, Chicago, Ill., stipulates that he will cease representing that the preparation "Schweizer Tee," is competent or effective for treating diabetes; is prescribed or recommended by doctors; helps the organs to function normally, and effects a reduction of sugar or makes a broader diet possible. (02527)

W. F. Tomlinson Company, Danbury, Conn., agrees to desist from the representation that its concrete burial vaults are "as enduring as the ages," "as durable as solid granite," or constructed "to last forever"; that either the material used or the type of construction will insure complete protection against moisture, vermin or all other severe underground dangers to which a vault may be exposed, and that an immersion test in water for a limited time, or any similar demonstration is "dramatic proof" or furnishes conclusive evidence that such vaults will permanently remain waterproof or will afford enduring or permanent protection to the caskets or bodies encased therein under the conditions of use. (2709)

FTC CASE CLOSED

The Federal Trade Commission has closed its case against Colonial Enterprise Company, Inc., 10 West 37th St., New York, which has been charged with the use of lottery methods in the sale of its merchandise.

The respondent corporation was dissolved February 14, 1940.

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