

THE WEEK IN WASHINGTON

ASCAP's jokes about BMI's six songs will be heard no longer. BMI this week acquired performing rights for the entire M. M. Cole catalogue, effective January 1, 1941. The Cole catalogue, including between 2500 and 4000 songs, is best known for its hillbilly music, cowboy tunes and folk ballads, although it also includes a number of recent hits. Its acquisition will prove to be especially valuable to the smaller stations.

Meantime BMI has announced the release of seven more popular numbers, including a waltz, a "hot" rhythm tune, foxtrots and ballads. The networks and other stations are continuing to make use of the first six numbers released several weeks ago.

The printing trade unions are trying to drum up support among newspaper and magazine publishers for a united front against radio, but they are apparently making little headway. A program of harassing legislation is being contemplated by the unions.

Again the Supreme Court has sounded a note of warning to those who would set up a Government censorship of the media of free discussion. In its decision declaring unconstitutional an Alabama State anti-picketing law this week, the Court said "it is not the sporadic abuse of power by the censor but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

William J. Dempsey and William C. Koplovitz, FCC general counsel and assistant general counsel, have resigned to go into private practice together in Washington. It is expected that they will leave the Commission within a few weeks.

Stations throughout the country are preparing to take part in the National Radio Festival promoted by the NAB.

BMI Buys Cole Catalogue; Seven New Songs Ready

A long-term contract for the exclusive performing rights to all the music in the catalogue of the M. M. Cole Pub-

lishing Company of Chicago and affiliated companies was closed Wednesday by Broadcast Music, Inc. It becomes effective on January 1, 1941.

At present the Cole music is controlled by SESAC and until January 1, 1941, only SESAC licensees may play it. The catalogue includes from 2,500 to 4,000 songs.

The catalogue includes the publications of M. M. Cole Publishing Company, Belmont Music Company, Calumet Music Company, Happy Chappies, Ltd., Moderne Publications, Moderne Edition, Hearst Music Publishing Co., Ltd. (Canada), Vincent, Howard & Preeman, Ltd. (Los Angeles), Vincent & Howard, Ltd., and Morse M. Preeman.

The Cole catalogue is perhaps best known for its hillbilly music, cowboy tunes, and folk ballads, although it also includes such recent hits as *Mexicali Rose*, *Strawberry Roan*, and *Silver-Haired Daddy*. Other important and popular songs will fall into this catalogue shortly. It is a catalogue that is extensively performed on broadcasts originated locally as well as on the networks.

Merritt Tompkins, general manager of BMI, expressed satisfaction that this agreement works out to the great benefit of independent stations as well as of all others. In common with the rest of the BMI organization, Mr. Tompkins feels that this event is concrete evidence of the fact that BMI is working for the whole broadcasting industry.

"The acquisition of the Cole catalogue for the BMI licensees is of importance to the broadcasting industry and all other commercial users of music," said Mr. Tompkins, "to all who love American music, and to the whole musical public. BMI has scored."

Seven new songs will soon be ready for release to the 290 BMI member stations. In selecting the songs, Mr. Tompkins said, the BMI editorial board endeavored to pick a group appealing to many different tastes and included a waltz, and a "hot" rhythm number, as well as foxtrots and ballads. The additions to the list were:

"Give Me Music," waltz, music by Malcolm Reid, lyrics by Robert Sour and Don McCray, arranged by Helmy Kresa.

"I'll Be Goin'," foxtrot, music by Lee Wainer and lyrics by Robert Sour, authors of "What Good's the Moon?"

"Keep An Eye On Your Heart," music by Henry Manners, lyrics by Milton Leeds.

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*

BMI BUYS COLE CATALOGUE; SEVEN NEW SONGS READY

(Continued from page 4195)

"What's The Matter My Darling?" ballad, words and music by Charlie Beal, swing pianist and a protege of John Hammond, international swing authority. This number has been arranged by Sam Grossman.

"You Mean So Much To Me," music by Edgar "Puddinhead" Battle and lyrics by Ken Byron. "Puddinhead" Battle was formerly featured trumpet with Willie Bryant's swing orchestra, and is now actively engaged in arranging and composing for leading orchestras.

"Boogie Woogie To You," rhythm "Jump" number, with music by Ernest Gold and lyrics by Don McCray, authors of "Here In The Velvet Night," is being arranged by Jimmy Mundy, formerly arranger with Bennie Goodman. It is believed to be the first successful effort of a composer schooled in the Viennese tradition to write a "jump" song in the American idiom.

"Please Don't Tell Her I Told You," music by Irving Wallman and lyrics by Max Wartell.

The BMI Board of Directors will meet at 580 Fifth Avenue at 10:30 a. m. next Tuesday, April 30.

The BMI band wagon can never be overcrowded but it is certainly getting well filled. The boys are climbing aboard even from outside the broadcasting industry.

That, of course, is as it should be. The ASCAP monopoly has its clutching fingers on the throat of every commercial user of music. With BMI acting as a cross between a munition plant and a recruiting station, the broadcasters are leading the fight but other interests are coming in as allies and sending their troops.

Last week in Chicago, the National Council of State Liquor Dealers Associations, meeting in convention, joined the allies. The convention heard speeches from various members who have been making an active fight against ASCAP on behalf of the places of entertainment represented by the member associations. These include hotels, restaurants, night clubs and other places where the tactics of the ASCAP agents and the demands of the organization have often resulted in making it impossible for the proprietor to afford an orchestra for the entertainment of his guests.

To those who attended the convention, it was plain that the members of these groups are really up in arms against ASCAP.

A resolution was presented at the convention giving

expression to this attitude. In support of this resolution, John Fetterman, legal adviser to the Buckeye Liquor Dealers Association of Ohio, urged members of the Council to give their full cooperation to BMI.

"The fight has begun and it is to every tavern owner's interest to back it to the limit," Mr. Fetterman declared. "Our field of activity has suffered great hardships at the hands of ASCAP. Under the strong, sincere leadership of Broadcast Music, Inc., we have affiliated interests on our side who will help us battle this unfair monopoly."

The resolution as finally adopted, read as follows:

Whereas, under the United States copyright laws, the American Society of Composers, Authors and Publishers, commonly called "ASCAP," is permitted to and in fact does levy arbitrary and unreasonable "fees" upon users of copyrighted musical works, proprietors of entertainment places, restaurants, inns, cafes, hotels, theatres, radio stations and other establishments wherein are operated amusements and entertainments involving the use of copyrighted musical works, and

Whereas, there is at present no statutory limit to the "fees" which may be charged by the American Society of Composers, Authors and Publishers for the use of copyrighted musical works, and

Whereas, the affiliated associations of this council are in accord with the premise that the author of a copyrighted musical work should receive proper and adequate compensation, and

Whereas, it is the belief of this Council that the fairest method of insuring such proper and adequate compensation to the author would be the establishment of an equitable system of fees to be paid in compensation for the use of copyrighted musical works, and

Therefore Be It Resolved that the House of Delegates of the National Council of State Liquor Dealers' Association instruct the Chairman of this Council to appoint a committee of three with instructions to make a complete study of the inequities above mentioned and to formulate plans to remedy such inequities, and

Be It Further Resolved that this Committee be given full authority to act in its own judgment and in its own discretion and full power to become affiliated, in the name of this Council, with any group or organization formed for the purpose of relieving users of copyrighted musical works from the imposition of such arbitrary "fees".

The committee named, included James Donovan of Cleveland, Vice Chairman of the National Council, as Chairman, and Mr. Fetterman as Counsel. Inasmuch as Mr. Fetterman made such a strong speech in behalf of BMI, it is understood that the new committee will lend its full cooperation and support to BMI.

Another large and important group who have declared war on the side of the Allies are the operators of coin operated machines. At the time of the New York convention of the Automatic Phonograph Manufacturers Association, clear evidence was given of their support in the fight against ASCAP. Arrangements between them and BMI are pending and their full cooperation is expected.

The coin operators have been lucky. Because of the wording of the 1909 Copyright Law, they have been the only large group of commercial users of music from whom the ASCAP gang has not been able to exact tribute. Under the proposed revision of the Copyright Law which is now pending in Congress, they will no longer be protected. ASCAP in pushing for the passage of the new act, is motivated in large measure by the desire to hook

the coin operators. It has been stated by an official of ASCAP that ASCAP expects to collect a minimum of \$5 a month for each machine. At that rate they expect to take about \$12,000,000 per year from the coin machine industry. It is not strange that the operators are ready to join forces with the broadcasters and to give their support to BMI music. This is of great importance to BMI. Next to the radio itself the coin-operated phonograph is probably the best medium for the popularization of music.

Meanwhile the ranks of the broadcasting industry itself grow daily more solid. Merritt Tompkins received the following letter from a small independent station:

"You will undoubtedly be interested to know that as one station to receive ASCAP's 'belated blessing' we are totally unimpressed. We are of the opinion that the only plan that will ever be acceptable is a per use basis. Until we can exercise the right of determining the amount of patronage we wish to extend to ASCAP, and pay on the basis of that use of their commodity, we shall steadfastly refuse to sign any agreement or commit ourselves in any manner."

The music publishing industry was thrown into consternation by the announcement that BMI intended to observe the law.

Copyright law provides a fee of two cents for the use of a composition for the making of a transcription. The practice for a number of years has been to collect twenty-five to fifty cents for each commercial broadcast of a transcription. When Mr. Tompkins made the announcement that the policy of BMI would be to adhere to the statutory rate, *Variety* ran three column head-lines. Mr. Tompkins said:

"This will help not only the transcription industry, but also the broadcasters themselves, since transcription costs in the last analysis are paid by the broadcasters. In thus aiding the transcription industry, we are also aiding BMI authors as the use of BMI compositions will be enormously stimulated by our adherence to the legal charges."

It has come to BMI's attention that ASCAP's Paine, in a moment of unwonted inspiration gave a description of BMI which, except for one detail, is surprisingly accurate considering its source. He described BMI as "a puppet organization that is to be the Moses to lead the broadcasters out of the bondage of Egypt; ASCAP being Egypt." Mr. Paine has apparently not read his Bible for some time. Moses was hardly a puppet; neither, of course, is BMI. Otherwise the description is perfect. We'll take the "Moses" and let the "puppet" go.

The article called "What is ASCAP" written by E. C. Mills, Chairman of the ASCAP Administrative Committee, is printed on the back of sheet music published by ASCAP houses and reprinted at every opportunity. It seems to have become an official platform. The arguments, based on a distortion of facts and aided by cork-

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screw reasoning are so misleading that they call for a detailed reply. Such a reply has been drafted for the purpose of submission to all trade papers which from time to time print the Mills article.

Because the ASCAP arguments are made to sound so plausible until they are refuted by the facts, we give you here the main portions of the reply to Mr. Mills. If any of the readers encounter people who have been taken in by the ASCAP claims, this detailed rebuttal may be useful.

Mr. Mills says: "at the inception of radio broadcasting, the broadcasters . . . maintained that it was quite sufficient compensation to the composers if they were 'honored' and 'glorified' and their songs 'advertised' by being performed on the air. . . . 'The butcher, the baker, the candlestick maker' cannot be paid with honors and glory. They demand money. Composers and authors are human beings . . ."

The truth is: It was in 1923 that the radio became a regular income-producing medium for commercial advertising, and since 1923 the broadcasters have paid for the music they used. At present they are paying at the rate of about \$5,000,000 a year. Radio fees make approximately two-thirds of ASCAP's total income.

Mr. Mills cannot name a commercial broadcaster in the country who does not wish the composers and authors to receive full and just compensation. The broadcasters are working in a practical way through their new organization, Broadcast Music, Inc., to give a fair chance to the many composers whose way has hitherto been blocked by ASCAP itself.

Mr. Mills says: "With the advent of radio broadcasting . . . Composers and authors were almost economically destroyed . . . Sales of sheet music and of photograph records rapidly declined . . . With the drying up of normal sources of revenue it became economically necessary for the Society to increase the rates charged for licenses issued to commercial users of music in public performance for profit."

The Truth is: ASCAP's total income for 1923 was less than half a million; for 1939 it was nearly seven million. The increase was steady. Only in one year was its income less than in the preceding year. ASCAP took \$2,004,496 in 1931 as against \$2,043,791 for 1930. Otherwise, through good times and bad, it has multiplied its income year by year. *In 1939 it received from sources other than radio more than six times as much as it received before the advent of radio broadcasting. This, according to Mr. Mills, is economic destruction!*

Mr. Mills says: "Our Society seeks the most practical means of making it possible for them (composers and authors) to live comfortably—by protecting them in their lawful rights and collecting for them their infinitesimal portion of the enormous profits made by commercial users of their products in enterprises, which but for the availability of music, could not be successfully operated."

The Truth is: Music makes up less than 22% of the commercial radio time from which the broadcasters receive their income. Ac-

cordova to an independent estimate made by the magazine *Variety*, the new demands made by ASCAP are "tantamount to half of the networks' profits." That is what Mr. Mills calls an "infinitesimal portion"!

Mr. Mills says: "The revenue which it (ASCAP) collects for licenses issued to commercial users of music in public performances, after the expenses of operation have been deducted is entirely divided each three months amongst the members of the Society and the foreign societies with which ASCAP is affiliated."

The truth is: In the period from 1921 to 1939 less than one third of ASCAP's income went to American composers and authors.

After operating expenses and payments to the foreign societies are deducted, the balance is distributed half to the publishers and half to the composers and authors. The distribution of the writers' share, however, is governed partly by seniority and other matters which have nothing to do with the use made of each man's work.

When ASCAP payments to its members were published one year, they showed that a writer credited with more than 16,000 performances received \$60.00 and one with 45,000 performances received \$200.00 while two with 4,778 and 8,644 performances respectively received \$7,000.00 each. And a publisher got \$80,000.00!

Thus does ASCAP divide its revenue among the composers for whom the great heart of Mr. Mills beats so tenderly.

Mr. Mills says: "The membership of the entire group (ASCAP and the foreign societies with which it is affiliated) exceeds forty-five thousand of the men and women who write most of the music which the world enjoys."

The truth is: On the list of its members published by ASCAP in 1939 there are 131 names of publishers and 1511 names of composers and authors, including 126 estates of deceased writers and a number of men listed under two or three names. ASCAP represents less than 1385 living American writers and less than one third of these are in any way active. In 1938 only 411 of them published anything at all; only 228 published as many as three works.

About 10% of ASCAP's income goes to its foreign affiliates, who presumably make up the rest of Mr. Mill's "forty-five thousand."

In spite of Mr. Mills's effort to boost the count by bringing in all of Europe, it is a very small group who write most of the current popular music which America enjoys and for which ASCAP collects most of its fees—not 45,000 but about 200!

Mr. Mills says: "The Society is the sole hope and refuge of the indigent, aged, or ailing composer and author in our country."

"It is dedicated to the principle that no man or woman in the United States who writes successful music, or anyone dependent upon them, shall ever want."

The truth is: No man or woman would ever be kept from want by the payments ASCAP makes to most of its members.

One of its most prominent members and staunchest defenders can say only this: "A large percentage of the members draw quarterly royalties of at least \$100, and the average is probably higher than this." A few old-timers in the inner circle who have produced nothing in years get their thousands and their tens of thousands; the powerful publishers get their hundreds of thousands; and the average composer is saved from want by a figure that is "probably" somewhat over \$400 a year!

But the cruelest sophistry in the ASCAP claim lies in the fact that, whatever it does or does not do for its own members, ASCAP has made it practically impossible for anyone else to achieve any success at all in music. ASCAP is a barrier and a menace to every composer who is not among its members.

Under the circumstances created by the ASCAP licensing policy, only the music covered by the ASCAP license has been played enough to have any chance of becoming popular. To secure membership in ASCAP a writer has to have five songs published—"successful works," says Mr. Mills, "of a type such as are performed in establishments licensed by the Society."

The new writer could get his works into the ASCAP catalogue only by having them issued by one of the publisher members of the Society. But these publishers want only "established" writers. That may be sound business so far as the publishers are concerned. But when the ASCAP organization and the most influential publisher-members have created this situation, it is sheer gall for Mr. Mills to imply that ASCAP is concerned with "the most practical way in which to encourage the composition of worthwhile music."

The implication that ASCAP is the guardian angel of American composers in general is at once the most heartless and the most shameless piece of hypocrisy that has come from a responsible man in American public life in years.

ASCAP—NETWORK FREE HOURS

It is generally the opinion of radio lawyers that ASCAP's claim for percentage payments on free-hours to the networks has no basis in law. NAB is in full agreement.

ASCAP TRIAL COMPLETED

Retrial of the ASCAP suit testing the constitutionality of the Florida law has been completed. The court granted 30 days for filing of briefs and the decision is not expected until summer.

The witnesses were:

1. For ASCAP, Mills and Paine
2. The principal witnesses for the State were Walter Tison (WFLA), Spencer Mitchell (WDAE), both of Tampa; Tom Belviso, Director, Music Department, NBC; Jerry Maulsby, Production Manager, CBS; James W. Baldwin, former Managing Director, NAB; William Richardson, Lawyer-Accountant. Six other clerical witnesses on tabulations were used.

After everything was over the Court authorized the introduction into testimony of any testimony taken in connection with the Nebraska suit. Whereupon ASCAP put in the testimony of Gene Buck, Sigmund Spaeth, and a couple of minor witnesses, and we introduced the testimony of John Gillin, Edwin H. Morris and the President of the Nebraska Dance Hall Association.

The attorneys for the State were Thomas J. Ellis, Assistant Attorney General, Lucien H. Boggs and Andrew W. Bennett. The attorneys for ASCAP were Manley Caldwell, Frank Wideman, Louis D. Frohlich and Herman Finkelstein.

"NEW MUSIC IN THE AIR"

"There's New Music In the Air" was the subject of an address given by Neville Miller, April 22, before the radio forum of the National League of American Pen Women in Washington.

LITTLE SUPPORT APPARENT FOR UNION'S ANTI-RADIO DRIVE

Although the printing trades unions are trying to drum up support among newspaper and magazine publishers for a united front against radio, they are apparently making little headway.

At both the Associated Press and A. N. P. A. meetings in New York this week, there was evidence that a substantial majority of the newspaper publishers wanted to work with rather than against radio.

The A. P. membership meeting voted to broaden the organization's policy covering the use of its news services for sponsored radio programs. Details were left to the board of directors.

At the A. N. P. A. meeting, the radio committee's report stated that one-third of all radio stations now were newspaper owned or controlled.

The committee's report, presented by its chairman, J. S. Gray, of The Monroe (Mich.) Evening News, declared that while radio as a medium had become "a powerful commercial entity, an inevitable gravitation associates it increasingly, and in many of its best uses, with newspaper operation." The moderate cost of the new frequency modulation system, the report added, offered inducement for the establishment of stations in smaller communities.

Paul Bellamy, editor of The Cleveland Plain Dealer, said: "But I am ready to accept them, the gentlemen of the radio, as partners," when he presented the report of his committee on cooperation of press, bar and radio. He added:

"We can agree on pretty much everything except the use of cameras and microphones in court. It remains to be seen what can be done about that."

Furthermore, *Editor & Publisher* said editorially that the printing trades unions were making the wrong approach to the problem. It was up to the newspapers to show that they were the better advertising media, it said, and not to try to cripple radio.

The letter which the printing trades union sent to the publishers follows:

INTERNATIONAL ALLIED PRINTING TRADES
ASSOCIATION

WASHINGTON, D. C.

Office of the President

April 15, 1940.

GENTLEMEN:

The officers and members of the Printing Trades Unions have noted, during the past few years, the ever increasing diversion of Advertising from Magazines and Newspapers to other forms of media.

The Board of Governors, at their last meeting, appointed a committee to investigate this matter and, if possible, to prepare some constructive plan to protect the job opportunities of Printing tradesmen, which means also to protect and to promote the continuance of Magazines, Newspapers and other printed publications dependent upon Advertising.

For the year 1939, the gross sales of Radio Time amounted to \$171,113,813, while the gross volume of National Magazine Advertising was \$151,484,530. The Radio Advertisers not only paid this sum of \$171,113,813 to the Radio Stations but, in addition thereto, they paid many additional millions of dollars for Music. Entertainers, Royalties, etc. While Newspaper Advertising in 1939 increased 1.5% over 1938, Magazine Advertising increased 9.1% over 1938, National Farm publications advertising increased 2.6% over 1938. Radio Station and Radio Chain Advertising increased 15.9% over 1938.

Magazines and Newspaper plants represent large and substantial investments and provide employment for many thousands of organized workers while Radio stations, in most cases, represent but a small investment for physical equipment and provide employment for a relatively small number of persons.

While Radio Broadcasting licenses are issued by our Government, without cost to the holders thereof, through the reports of the Federal Communications Commission, we note that the present value of these licenses represent vast amounts of money.

The following citations, only a few of the many available, are illustrative: Station A—the new owners paid \$1,826,125 for 70.6% of the stock of a station the replacement cost of the fixed assets of which were \$286,507.90. Station B—the new owners paid \$300,000 for a station the replacement value of the fixed assets of which were \$77,106.38, and Station C—the new owners paid \$450,000 for a station the replacement value of the fixed assets of which were \$163,327.03. Yet, the Securities and Exchange Commission has recently stated that the value of a Radio Station is dependent on the license issued by the Governmental Agency.

We believe this is a highly important subject to every person sincerely interested in the welfare of the Printing and Publication industry and appreciating your interest in promoting and enlarging the Printed Publication field we would greatly appreciate knowing what plans, if any, have been considered or what plans may be considered to correct this situation which has already proven most harmful to the best interests of printing trades workers and their employers.

Trusting that you will favor us with a prompt response and with such suggestions as you deem advisable.

Very truly yours,

JOHN B. HAGGERTY,

Chairman, Board of Governors.

JBH/MH

It is understood that these unions contemplate support of anti-radio legislation in the future.

The NAB is keeping an eye on developments and will take appropriate action.

Supreme Court Scores Existence of Censorship

The Supreme Court says, "It is not the sporadic abuse of power by the censor but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

This statment was included in the Court's decision this week, declaring unconstitutional an Alabama state anti-picketing law (*Thornhill v. State of Alabama*).

The state had contended that *Thornhill* could not complain of the deprivation of any rights but his own under the anti-picketing law, but Mr. Justice Black, who wrote the opinion, waved that contention aside, and added:

"There is a further reason for testing the section on its face. Proof of an abuse of power in the particular case has never been deemed a requisite for attack on the constitutionality of a statute purporting to license the dissemination of ideas. *Schneider v. State*, 308 U. S. 147, 162-165 [5 LRR 332]; *Hague v. C.I.O.*, 307 U. S. 496, 516 [4 LRR Man. 501]; *Lovell v. Griffin*, 303 U. S. 444, 451. The cases when interpreted in the light of their facts indicate that the rule is not based upon any assumption that application for the license would be refused or would result in the imposition of other unlawful regulations (Note No. 10). Rather it derives from an appreciation of the character of the evil inherent in a licensing system. The power of the licensor against which John Milton directed his assault by his "Appeal for the Liberty of Unlicensed Printing" is pernicious not merely by reason of the censure of particular comments but by reason of the threat to censure comments on matters of public concern. It is not the sporadic abuse of power by the censor but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion. See *Near v. Minnesota*, 283 U. S. 697, 713. One who might have had a license merely for the asking may therefore call into question the whole scheme of licensing when he is prosecuted for failure to procure it. *Lovell v. Griffin*, 303 U. S. 444; *Hague v. C.I.O.*, 307 U. S. 496 [4 LRR Man. 501]. . . ."

NEW YORK LIBEL LAW

On April 17, Governor Lehman of New York approved an amendment (Chapter 561, Laws 1940) of the New York law concerning libel.

Section 1345 of the Penal Law now reads as follows:

"Section 1345. Publishing a true report of public official proceedings. A prosecution for libel can not be maintained against any person, firm or corporation, for the publication of a fair and true report of any judicial, legislative or other public and official proceedings, or for any heading of the report which is a fair and true headnote of the statement published."

Section 337 of the Civil Practice Act now reads as follows:

"Section 337. Privileges in action for libel. A civil action cannot be maintained against any person, firm or corporation, for the publication of a fair and true report of any judicial, legislative or other public and official proceedings, or for any heading of the report which is a fair and true headnote of the statement published."

"This section does not apply to a libel contained in any other matter added by any person concerned in the publication; or in the report of anything said or done at the time and place of the public and official proceedings which was not a part thereof."

GOLDSTEIN BILL (NY) APPROVED

The Goldstein Bill in New York banning untrue, deceptive or misleading advertisements over radio stations was approved April 21 and takes effect on September 1. The Act (c. 639, Laws of 1940) follows:

"AN ACT to amend the penal law, in relation to advertising. The People of the State of New York, represented in Senate and Assembly, do enact as follows:

"Section 1. Section four hundred and twenty-one of the penal law, is hereby amended to read as follows:

"Section 421. Untrue and misleading advertisements. Any person, firm, corporation or association, or agent or employee thereof who, with intent to sell or in any wise dispose of merchandise, real estate, securities, service, or anything offered by such person, firm, corporation, or association, or agent or employee thereof, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper, magazine or other publication, or in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, or tag, or over any radio station or in any other way, an advertisement, announcement or statement of any sort regarding merchandise, securities, service or anything so offered to the public which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor.

"Section 2. Section four hundred and twenty-one-a of the penal law, is hereby amended to read as follows:

"Section 421-a. Advertisements. Any person, firm, corporation or association, or agent or employee thereof, hereinafter called person, who, being engaged in the business of dealing in any property, makes, publishes, disseminates, circulates or places before the public or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, any advertisement respecting any such property, in any newspaper, magazine, or other publication, or over any radio station, unless it is stated in any such advertisement that the advertiser is a dealer in such property or from the context of any such advertisement it plainly appears that such person is a dealer in such property so offered for sale in any such advertisement; or when placing or causing any such advertisement to appear in any newspaper, magazine or other publication or radio station as described in this section, if requested by the publisher of any such newspaper, magazine or other publication or owner or operator of such radio station or any agent or representative thereof to file with such owner or

operator, publisher, agent or representative thereof his true name, or where he is transacting business under a name other than the true name pursuant to law, then the name under which such business is transacted, and each business address wherein any business is transacted by him, in the class of property advertised or to be advertised for sale in such advertisement, shall make any false statement in relation to any of such items; or if requested by the publisher of any such newspaper, magazine or other publication or owner or operator of such radio station or any agent or representative thereof to file with such owner, operator, publisher, agent or representative thereof a statement showing whether he is causing such advertisement to appear or is offering to make such sale or disposition or transaction, as herein set forth, as principal or agent, and if as agent, to set forth such information as is specified in this section, in relation to his principal as well as in relation to himself, shall make any false statement in relation to any of such items; is guilty of a misdemeanor."

RADIO "COURTS"

A new statute (Chapter 251, Laws 1940) has been enacted in New York to endeavor to prevent the public being deceived as to the nature of the so-called "radio courts".

In a recent decision (Matter of Blake, New York Law Journal, December 1939) one of the New York Supreme Court judges took occasion to say the following:

"I have listened to a number of such programs on the air, and the ignorance of those in charge of the commonest principles of law was appalling. Atrocious advice has been given to poor, ignorant people which could serve only to multiply the trouble they have brought to these mountebank 'courts'. In the beginning a few men learned in the law permitted themselves to be used in connection with this 'swing time justice' until they realized the iniquity of the scheme. Today, no judge or self-respecting lawyer will lend himself to the capitalization of human misery. Outstanding members of the laity, flattered by the temporary prominence given them, and fancying themselves no little in the role of a 'Solomon come to justice', served in capacities for which they have no qualifications or training. Certainly, no good is accomplished for the poor litigants who are beguiled into making their troubles entertainment for the world, and, assuredly, much harm is done. These 'courts' have no ability, no responsibility and no authority and should, as a matter of public interest, be discouraged."

NAB is in receipt of a communication from Mr. Edwin M. Otterbourg, Chairman of the American Bar Association's Standing Committee on Unauthorized Practice of the Law, with reference to this statute, saying in part:

"I think that all of the radio stations, particularly in New York State of course, should be apprised of this law and should take steps to have removed from their programs any broadcasts which either in the letter or in the spirit violate what the Legislature is trying to prevent.

"In view of the very fine effort at cooperation that is being made between radio broadcasters and the bar, it seemed to be far more appropriate to send this to you so that you may take such action thereon as you see fit, rather than for me to communicate directly to the radio stations."

The pertinent provisions of the Act are:

"Section 3. Use of term "court" prohibited. No person, firm, association or corporation shall hereafter use or employ the term "court" as part of or in connection with the name of any body, board, bureau, association, or organization or corporation, or in referring to any body, board, bureau, association, organization or corporation, in such manner as to be calculated reasonably to lead to the belief that the body, board, bureau, association, organization or corporation is vested with judicial power or is a part of the judicial system of the state; the use of such term being expressly limited by this section for reference to a court of record or a court not of record, duly organized and existing under the laws of the state as a part of the judicial system of the state."

Promotion

To all Station Managers:

Radio Festival is a grass roots promotion.

You can take it whole or piece meal, as desired. It is good medicine in any amount. We invite you to write your own ticket, some kind of a ticket, large or small.

There is plenty of time to get started.

* * *

Don't overlook the NAB \$100 cash award for the best essay on the American System of Broadcasting. The best essay can be in your area.

* * *

I'll be glad to pass on any challenge you gentlemen may care to make other members as to your chances for getting this money away from me. Edney Ridge and Ralph Brunton have come up with pretty good plans, but the money is still in the bank.

Let's give them some real competition!

Sincerely yours,

ARTHUR STRINGER.

MORE STATIONS MAKE PLANS FOR NATIONAL RADIO FESTIVAL

With the addition of KSL, Salt Lake City, and KQW, San Jose, Calif., to the list of stations which have announced their decision to participate in National Radio Festival, all of the country is within the scope of operations.

Three Nebraska stations will also participate. Cliff Johnson, their program director made the announcement by wire: "KOIL (Omaha) KFAB and KFOR (Lincoln) behind you with Radio Festival. Nebraska will know about it."

In Nashville, Tenn., according to information received at headquarters, the stations in "The Athens of the South" are to have a Radio Festival in which all stations will pool their ideas and efforts. This is the same practice which Pittsburgh and Richmond broadcasters have decided best meets their needs. Nashville stations are: WLAC, WSIX and WSM.

In San Jose, Ralph Brunton, president of KQW, has completed arrangements with Superintendent of Schools, Walter Bachrodt by which 10,000 boys and girls will be brought within the radio circle. For five consecutive Saturdays, beginning with May 4, the operation of KQW will be turned over to San Jose students, and the city's entire student body will have their finger in the radio pie in some fashion or other.

After certain preliminaries, students of a different school will take over the station's operation each Satur-

day. They will handle sustaining and commercial schedules and will produce shows of their own including remotes from the schools featuring student talent.

Up to last Monday, phases of station operation assigned to students included: continuity writing, production, music, transmitter operation and maintenance, sales traffic, sales promotion and publicity, announcing and sound effects. The KQW staff will act in an advisory capacity.

"The entire plan", says Mr. Brunton, "is being coordinated with the National Association of Broadcasters' National Radio Festival in order that the students may be better equipped to enter the essay contest on "The American System of Broadcasting—Why It Is Best for Americans."

Says Earl Glade

In a letter to headquarters, Earl J. Glade, executive vice president of KSL, wrote: "Thank you sincerely for your constructive suggestions regarding the Radio Festival. We shall work right along with you, and are happy to get this fine material."

In Greensboro, N. C., where Major Edney Ridge, manager, WBIG, is running up a record in the number of Mayoralty Radio Festival proclamations, the members of the Senior High School will present "Are you There" on May 3. "High Life," full newspaper size school publication carried a two column picture with complete story. Other plays are to be given at a later date.

In the Radio Festival bulletin, dated April 20, twenty stations and two transcription companies were reported as having made preliminary plans for engaging in the spring-summer industry promotion. Those stations were:

Atlantic City, N. J.	—WBAB
Charlottesville, Va.	—WCHV
Greensboro, N. C.	—WBIG
Kansas City, Mo.	—KMBC
New Orleans, La.	—WWL
Pittsburgh, Pa.	—KDKA, KQV, WWSW
	WJAS, WCAE
Quincy, Ill.	—WTAD
Richmond, Va.	—WMBG, WRNL, WRTD, WRVA
Roanoke, Va.	—WDBJ
Rock Island, Ill.	—WHBF
Wheeling, W. Va.	—WWVA
Wilmington, Dela.	—WILM, WDEL
NBC Transcriptions	
World Broadcasting System	

"LISTEN WHILE YOU RIDE"

It looks like a big summer for auto radio listening.

Active station executives in various parts of the country have already scheduled announcements designed to increase the hours of such listening and/or the number of auto radio installations.

Reports of auto radio promotion have reached head-

quarters from Boston to San Francisco. In the former city John Shepard, III, president of the Yankee Network, is lending aid, and in the latter city, Ralph Brunton, president of KJBS, is actively engaged in making the listeners of northern California auto radio and new set conscious.

Three fifteen minute programs per week over the Brunton stations, KJBS, San Francisco, and KQW, San Jose, also discuss new home sets with ample attention given to console models.

KDKA, Pittsburgh, has scheduled three announcements per week straight through the summer. They have been on for two weeks, according to James R. Luntzel, director of publicity.

The KRGV, Weslaco, Texas, campaign was of the intensive type, covering the period of April 21 through the 27. Station Manager Ken Lowell Sibson preceded it with the following letters to all radio dealers and motor car dealers:

"Dear Mr. —

"‘LISTEN WHILE YOU RIDE!

"‘Listen While You Ride’ will not only increase your spring and summer car set sales but, of course, will lift our set population. Estimates have it that there are 11,000,000 hours of auto radio listening now, based on the 7,000,000 sets in use.

"I am attaching a sample of three of the announcements, in order that you might get the gist of them.

"Let's boost the listening habit and set population by tying in with this ‘Listen While You Ride’ campaign."

And from WDZ, Tuscola, Ill., came this note from Program Director Hank Fisher:

"We will run the auto radio announcements that you forwarded to us. Thanks for your cooperation in the past, and please don't fail to call upon us in the future for anything that we can do for you."

WGAR, Cleveland, is running auto radio announcements at regular intervals over several weeks. In addition the station will build special features for broadcast which call attention to the use of auto radios.

In the interest of more and better listening KVI, Tacoma, Washington, scheduled a service meeting in the ballroom of the Olympic Hotel, Seattle, on April 25. It was held in cooperation with Northern Radio Company and the Hygrade Sylvania Corporation, tube manufacturers of Emporium, Pa. Their Engineer, George C. Connor, was guest speaker.

NATIONAL EMPLOYMENT WEEK

The President has signed a proclamation designating the first week in May as "National Employment Week." Full text of the proclamation follows:

Both the State and Federal Governments have been especially concerned with the problems of older workers, many thousands of whom, despite their persistent efforts, still lack a place in industry. Among these are a considerable number of World War Veterans, men who now average 47 years of age, and who, I feel, have a particular appeal to our national sense of responsibility.

Our public employment service—a Nation-wide network of 1,600 offices now operated jointly by the State and Federal Gov-

ernments—has made special efforts in behalf of workers past 40 years of age, including veterans. We know from the facts gathered by this Agency that men and women in middle life possess abilities and skills which would fit them for employment in nearly every line of work. We know further that these older workers, when given an opportunity, demonstrate a seasoned experience and a mature application to their tasks which in many callings outweigh the physical advantages of youth.

A year ago with these considerations in mind, I designated a National Employment Week during which I asked that all our citizens give particular and active attention to the problem of older workers who lack employment. During the month in which the special week occurred, over a third of a million jobs—a third more than during the same month of the previous year—were filled through the public employment offices, and a quarter of a million of these placements were in private industry. Moreover, placements proceeded at an accelerated rate in the month following the week set aside. Because of the concerted efforts of government, many public-spirited groups, and particularly of employers throughout the land, thousands of workers past 40, among them veterans, shared beneficially in this fine result.

I am grateful for the wholehearted response to my first appeal; and as President, I desire to encourage a continued Nation-wide interest in this persistent problem.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby declare the week beginning May 1, 1940, as National Employment Week, and Sunday, May 5, 1940, as National Employment Sunday. I urge all churches, civic organizations, chambers of commerce, boards of trade, veterans' organizations, industry, labor, public-spirited citizens, radio, and the press throughout the United States to observe that week as National Employment Week, to the end that interest in the welfare of all the unemployed, and especially the worker over 40, may be stimulated and employment be extended to them.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

FRANKLIN D. ROOSEVELT

ALL-EXPENSE CONVENTION TRIPS NOW BEING ARRANGED

If you are one of those who expressed interest in the All-Expense Tours to the Convention, we urge you to return to headquarters the form mailed you with the itineraries. Simply indicate the route you prefer so that we can make plans. Please do it NOW! You do not commit yourself, but it is important that we get some idea NOW as to the route you wish to travel.

It is probable that enough will choose some one route each way to warrant a special train and personally conducted train on that route, resulting in a saving of several hours time in all probability. Furthermore, if enough want to travel on other routes we can arrange for special cars for personally conducted tours on those routes.

We are endeavoring to please YOU and make your convention trip a memorable one. But you must let us know your wishes. Please do it NOW!

Russell Place, NAB counsel, who is handling arrangements for these trips, received the following letter this week from Harry R. Spence, KXRO, Aberdeen, Washington:

"Congratulations on the splendid way in which you have worked out the proposed all-expense tours to the convention in San Francisco. These tours are very complete and are certainly flexible and they should meet with the approval of everyone. The outline indicates a great deal of thought and work and I feel sure that the plans will prove so attractive that we will have a splendid representation in San Francisco. I hope that a great many of our people will decide on going North from San Francisco as we here in the Pacific Northwest are particularly anxious that our Eastern friends should see what a great country we really

have. Don't let any of them tell you that buffalos roam the streets of Seattle and that Indians are still stopping transcontinental trains."

WILDER THANKS INDUSTRY

Harry C. Wilder, Director of District 2, wishes to thank the entire industry for the expressions of sympathy he and Mrs. Wilder received after the death of his son, Harry, Jr., recently. Mr. Wilder is president of Station WSYR in Syracuse.

DEMPSEY, KOPLOVITZ RESIGN

William J. Dempsey and William C. Koplovitz, FCC General Counsel and Assistant General Counsel, respectively, have submitted their resignations, to engage in private law practice jointly at Washington, D. C. The resignations are effective "at the convenience of the Commission."

In making public the impending separation, Acting Chairman Thad H. Brown commented:

"It is with genuine regret that the Commission has received the resignations of General Counsel Dempsey and Assistant General Counsel Koplovitz. They are able, industrious, and conscientious young men with an exceptionally high regard for public service. Their going is a distinct loss to the Commission."

Chairman James Lawrence Fly, who is absent from the city, wired:

"The Commission is sorry to lose such valuable services to private practice."

He credited Messrs. Dempsey and Koplovitz with expediting and simplifying Commission procedure, and particularly complimented them for their unbroken record of favorable decisions for the Commission in 7 cases before the United States Supreme Court and in 29 cases before the Court of Appeals.

Mr. Dempsey and Mr. Koplovitz have "teamed" in Government service since 1933. Before joining the Federal Communications Commission legal staff, they were counsels to the Federal Power Commission and, before that, the Public Works Administration.

FCC AMENDS RULES

The FCC, upon consideration of the petition filed by Mayor Fiorello H. LaGuardia, New York, New York, requesting amendment of Rules 3.94(a) and 4.10, Docket No. 5450, and as a result of study of the general problems involved and after consideration of the record made during the hearing in this matter, and the report of the Committee of the Commission submitted on April 4, 1940, made the following changes in Parts 3 and 4 of its Rules and Regulations, effective immediately:

Section 3.94(c) is hereby made Section 3.94(d), and Section 3.94(d) is made Section 3.94(e), and the following is inserted as Section 3.94(c):

"Section 3.94(c). The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast on a noncommercial basis a noncommercial program of an international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the license certifies that express authority has been received from the licensee of the station originating the program."

Section 4.10(d) is deleted; Section 4.10(c) is made Section 4.10(d), and the following is inserted as Section 4.10(c):

"Section 4.10(c). The licensee of a noncommercial educational broadcast station may, without further authority of the Commission, rebroadcast the noncommercial programs of a standard broadcast station or an international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program."

The words "or noncommercial educational" are stricken from Section 4.10(b).

HOW TO GET A LICENSE

The FCC this week issued the following statement on procedure necessary to establish a radio broadcast station:

Because radio frequencies are limited, it is necessary to license broadcast stations to serve the "public interest, convenience, or necessity."

The rules of the Commission do not contemplate licensing any new radio station, the purpose of which is to engage in broadcasting for reception by the general public, to operate with a power of less than 100 watts. This is the minimum power capable of rendering appreciable public service, and it is allowable only on frequencies allocated for local service (1200, 1210, 1310, 1370, 1420 and 1500 kilocycles).

Likewise, in the public interest, the Commission has not licensed stations to broadcast recordings only.

The approximate cost of constructing a 100-watt broadcast station is, roughly, between \$5,000 and \$8,000.

Any person, firm or corporation legally qualified may apply to the Commission for radio broadcast facilities in any locality. Formal application for construction permit is submitted in duplicate direct to the Commission on Form 301 (Application for Standard Broadcast Station Construction Permit or Modification Thereof), which is obtainable on request.

Each construction permit will specify a maximum of 60 days from date of grant thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

The time required for an application for a new broadcast station to go through the necessary routine varies with individual cases. In the case of a purely local station, where no interference is involved, the time can be as short as four to six weeks, providing that the application is accurately and completely filled out and all the required exhibits are appended. However, where interference and formal objection by other stations enter, a longer time is necessary.

Where the Commission, upon examination of a particular application, is unable to reach determination that a grant will serve the public interest, the case is designated for formal hearing upon specific issue, and all persons having an interest in the matter are given opportunity to be heard. Under present procedure, after a hearing has been held the parties are permitted 20 days in which to file supporting statements. The Commission then issues its "Proposed Findings of Fact and Conclusions," and the parties are allowed 20 days thereafter to file exceptions and to request oral arguments before final decision is rendered. In the event that no exceptions or requests for oral argument are received, the Commission issues an order adopting and making effective its proposed decision. This is the final determination unless there is court action.

Upon completion of construction of a radio station the permittee is authorized to test the equipment for a period not to exceed 10 days. The Inspector in Charge of the district in which station is located, as well as the Commission, are notified 2 days in advance of the beginning of equipment tests. When construction and equipment tests are completed, and after application for station license has been filed with the Commission on Form 302 (Application for

Regular Broadcast Station License) and Form 306 (Application to Determine Operating Power of Broadcasting Station by Direct Measurement of Antenna Power), showing transmitter to be in satisfactory operating condition, the permittee is authorized to conduct service or program tests for a period not to exceed 30 days, again advising the Commission and Inspector in Charge 2 days in advance of the beginning of such tests.

Broadcast station licenses are denied corporations "of which any officer or director is an alien or of which more than one-fifth of the capital stock of record is owned or voted by aliens or their representatives."

Broadcast stations are licensed for a period of one year. Request for renewal of license is made on Form 303 (Application for Renewal of Regular Broadcast Station License).

The Government exacts no fee or other charge in connection with radio licensing.

In order to provide broadcast service to the varying population densities found throughout the United States, it has been found necessary to establish four general classes of broadcast stations:

Class I—which operates on a clear channel, is intended to serve a large center of population besides serving, particularly at night, the remote rural areas.

Class II—which also operates on a clear channel, renders secondary service over a primary service area limited by interference from Class I stations.

Class III—which operates on a regional channel shared by several similar stations, serves a center of population and its adjacent rural area during the daytime, and at night similarly serves the center of population but gives a lesser service to the rural region because of interference from other stations on the same channel.

Class IV—which operates on a local frequency shared by many similar stations elsewhere, serves a small center of population both day and night.

If an applicant for a radio station asks a special call letter assignment, whenever possible the Commission grants this request. Otherwise call letters are selected by the Commission.

Unlike telephone and telegraph, a radio broadcast station is not deemed a "common carrier" under the Communications Act. No standard tariffs apply. While certain prohibitions are imposed by the Act, the Commission is given no general censorship powers over radio broadcast programs.

Useful in connection with broadcast applications are the following publications obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C., at the prices indicated: "Rules Governing Standard Broadcast Stations" (Part 3), 5 cents; "General Rules and Regulations" (Part 2), 10 cents; "Rules of Practice and Procedure" (Part 1), 10 cents, and the Communications Act of 1934 with amendments thereto, 15 cents.

FROM THE FCC MAIL BAG

The warden of a State prison wants local radio stations to cooperate in broadcasting emergency information regarding escaping prisoners. The Commission has advised that, though the law prevents standard broadcast stations from being used for routine police work, there is no bar to news flashes containing information about escaping prisoners which may be of interest or concern to the general public.

Amateurs in a certain New Jersey city complain that local authorities charge for the privilege of "ham" operations in that locality. The Commission, which itself exacts no fee for licensing amateurs or other radio operators or stations of any kind, is inquiring as a matter of information but, of course, cannot interfere in such local matters.

The Commission still receives inquiry as to a "license for the operation of radio receivers." The answer, of course, is that no such federal license is required.

A New Yorker asks about Commission "regulations relative to rates which may be charged by standard broadcast stations for the use of their facilities." The Communications Act stipulates that stations engaged in program broadcasting are not common carriers. They are not subject to rate regulation as are common carriers such as the telephone and telegraph. Hence, the matter of charges is one resting between the stations and the sponsors.

Frequently, the Commission is asked to help locate a radio operator or a radio station employee. The Commission does not require or maintain a complete, continuing record of the whereabouts of each radio operator. It has no jurisdiction over other personnel of the broadcasting industry, and keeps no tabs on individual employees.

A recent letter suggests "the danger from X-rays to which the public will be subjected in the use of television receiving sets."

According to the best available information, the efficiency of X-ray generation at the voltages employed in cathode-ray television systems is extremely low, and any X-rays so produced are of such low penetrating power as to be completely absorbed by the glass walls of the tube. Not only is this true of cathode-ray tubes in television receiving sets, but also of the tubes used in transmitters. In neither case do engineers consider there is any danger from X-radiation.

A CCC camp in Nevada wants to establish point-to-point radio communication between its main camp and a branch camp. The Interdepartment Radio Advisory Committee advises the President with regard to the assignment of frequencies to Government stations and the Federal Communications Commission has no jurisdiction over such assignments. Consequently, if the proposed operation is for Government business with Government equipment and conducted by Government employees, the application is one for the Interdepartment Radio Advisory Committee to handle, but if, on the other hand service is to be privately owned, both station and operator license applications should be made to the Commission.

The Commission makes frequent reply that it is not authorized to assist individual inventors promote their radio inventions, or expedite patents thereon. Nor can it help individuals copyright or market radio programs or musical selections, or obtain positions for radio operators or performers.

By the same token, and one which the Commission has often reiterated, it cannot censor individual radio programs, or "rule" individuals either on or off the air. Therefore, it is unable to deal with a Maryland man's complaint about a program discussing the birth of babies, a magician's protest about airing the secrets of his profession, a Cleveland man's resentment at manner in which classic music is rendered by so-called "swing bands," the desire of a Massachusetts man to put all international broadcasts in Esperanto, or a Philadelphia Parent Teacher Association's criticism of the character of programs presented for children between 4 and 8 p. m.

Every so often the Commission has to point out that small radio frequency devices used as transmitters to distribute programs within buildings are capable of radiating considerable power and consequently can cause interference to radio communication in the immediate vicinity. The Commission has established regulations which permit the operation, without license, of low-powered radio frequency devices for remote control receivers, for connecting record players with receivers, and for similar applications so long as the field radiated does not exceed a predetermined value and no interference results.

Among aircraft radios recently licensed was that of Borrah Minevitch, of Beverly Hills, California. However, it may be difficult for him to sound his new call signal, KHDQH, on his famous harmonica!

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, April 29. They are subject to change.

Monday, April 29

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

Monday, April 29

To Be Held Before Commissioner George Henry Payne, in the Criminal Court Room, County Courts and Jail Building, Houston, Texas.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Texas.—In re: Revocation of station license of KGFI.

FUTURE HEARINGS

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

May 9

Oral Argument Before the Commission

REPORT NO. P-5:

NEW—Eddie Erlbacher, Cape Girardeau, Mo.—C. P., 2738 kc., 50 watts, emission A-3, unlimited time. Pts. of Comm.: With vessels on Mississippi and Ohio Rivers.

REPORT NO. B-88:

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

June 3

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P., 1370 kc., 250 watts, unlimited time.

NEW—World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif.—C. P., 1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc., 250 watts, emission A, A-1, A-2, A-3, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Commission this week.

MISCELLANEOUS

North Side Broadcasting Corp., New Albany, Ind.—Granted motion for leave to amend petitioner's application for modification of license (Docket No. 5811), so as to request additional authority to move transmitter location from McCullough Pike, near Silver Creek, New Albany, Ind., to a site to be determined, Louisville, Ky.; directed hearing now scheduled for April 19, 1940, on said application be continued without date.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted construction permit to install new transmitter, frequency 920 kc., 500 watts, daytime (B1-P-2835).

WGRM—P. K. Ewing, Greenwood, Miss.—Granted license to cover construction permit for move of studio and transmitter from Grenada, Miss., to Greenwood, Miss.; 1210 kc., 100 watts, 250 watts LS, unlimited (B3-L-1019).

Central States Broadcasting Co. (area of Omaha, Nebr.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies 1606, 2022, 2102, 2758 kc., power 2 watts (B4-PRY-208).

Central States Broadcasting Co. (area of Omaha, Nebr.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies 1606, 2022, 2102, 2758 kc., power 2 watts (B4-PRY-210).

Central States Broadcasting Co. (area of Omaha, Nebr.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies 1606, 2022, 2102, 2758 kc., power 2 watts (B4-PRY-209).

WKAR—Michigan State College, E. Lansing, Mich.—Denied petition to intervene in the hearing on the application of WFDF, Flint, Mich., to change frequency from 1310 to 880 kc., increase power from 100 watts to 1 KW, and the application of WJHL, Johnson City, Tenn., to change frequency from 1209 kc. to 880 kc., and increase power from 250 watts to 1 KW. (Exception to ruling noted by counsel for petitioner.)

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Denied petition to intervene and enlarge issues in re application of WJHL, referred to above. (Exception to ruling noted by counsel for petitioner.)

Miami Broadcasting Co., Miami, Fla.—Dismissed without prejudice the application for a new station to operate on 1420 kc., 250 watts, unlimited time, and hearing cancelled.

Black River Valley Broadcasts, Inc., Watertown, N. Y.—Granted petition for leave to amend application for construction permit to request frequency 1210 kc. instead of 1420 kc., night power of 250 watts instead of 100 watts, and make changes in equipment.

KEIV—Nichols & Warinner, Inc. (area of Long Beach, Calif.), Portable-Mobile.—Granted license to cover construction permit for changes in equipment of relay broadcast station and increase in power to 10 watts (B5-LRE-308).

KRBM—KRBM Broadcasters, Bozeman, Mont.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-361).

WCNC—Aubrey G. McCabe & Trim W. Aydtlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-381).

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-374).

WJBW—Charles C. Carlson, New Orleans, La.—Granted license to cover construction permit for changes in equipment and increase in power to 250 watts; frequency 1200 kc., unlimited (B3-L-1130).

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted modification of construction permit for installation of new transmitter, increase in power from 100 watts, 250 watts day, to 250 watts day and night, move of transmitter, site to be determined, install vertical antenna, for approval of antenna and of transmitter site at Crow Island, Fairhaven, Mass.; 1310 kc., 250 watts, unlimited (B1-MP-924).

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 p. m. to 3 p. m., EST, on April 27, May 4, 11, 18 and 25, 1940, in order to broadcast programs as follows: 2 to 2:10, Newscast; 2:10 to 2:30, Matinee Moods; 2:30 to 3, Suggestions in Symphony; to operate from 2 to 3 p. m., EST, April 28, May 5, 12, 19 and 26 in order to broadcast programs as follows: 2 to 2:15 p. m., Newscast; 2:15 to 2:30 p. m., Tune Travels; 2:30 to 2:45 p. m., Sabbath Mediations; 2:45 to 3 p. m., ¼ Hour in ¾ Time (provided WSVS remains silent) (B1-S-879).

KAQY—Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to use the relay broadcast equipment formerly licensed to the KANS Broadcasting Co., under call letters KDEA, on Sunday, April 21, 1940, between the hours of 1:00 and 5:00 p. m. for the purpose of broadcasting a golf match at the Wichita Country Club.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 10:00 p. m. to 11:00 p. m., CST, April 26, 1940, in order to broadcast Barnyard Frolic of Agricultural Engineering Society (B3-S-394).

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Granted license to cover construction permit for increase in power from 1 KW to 1 KW, 5 KW day, install new transmitter, and make changes in antenna and move transmitter: 1350 kc., shares with WAWZ (B1-L-1135). Granted authority to determine operating power by direct measurement of antenna input (B1-Z-383).

Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to operate high frequency broadcast station W9XA on a frequency of 26,300 kc., using maximum power of 1000 watts, special emission (frequency modulation) in cooperation with the licensee of high frequency broadcast station W2XJI, for a period not to exceed 30 days, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on 26,300 kc., employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.

Edwin H. Armstrong, New York, N. Y.—Granted special temporary authority to operate frequency modulated transmitter with power of 10000 watts on 43 mc. at the site of the transmitter of Station W2XMN, Alpine, N. J.; to be operated simultaneously with Station W2XMN (40 KW on 42.8 mc.), in order to secure data on adjacent channel operations and to complete certain tests outlined in letter dated March 22, 1940; authority is for period beginning May 1, 1940, and ending not later than May 30, 1940.

WJHO—Yetta G. Samford, G. S. Shealy, Thomas D. Samford, Jr., and J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—Granted modification of construction permit for new broadcast station, for approval of studio and transmitter, installation of new equipment, and approval of antenna (B3-MP-940).

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted license to cover construction permit for installation of new transmitter;

frequency 1200 kc., 100 watts, 250 watts LS, unlimited (B4-L-1134).

KFPW—Southwestern Hotel Co., Forth Smith, Ark.—Granted license to cover construction permit as modified for change in frequency, increase in power, installation of new transmitter and new antenna, and move of transmitter; frequency 1370 kc., 250 watts, unlimited (B3-L-1137); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-386).

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted license to cover construction permit as modified for erection of new broadcast station; 950 kc., 1 KW, daytime operation (B1-L-1136); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-384).

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, New York.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-385).

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10:00 a. m. and 2:00 p. m. to 3:00 p. m., Eastern Daylight Saving Time, instead of Eastern Standard Time, for the period beginning April 28, 1940, to not later than 3:00 a. m., EST, August 1, 1940 (provided WBNY remains silent) (B1-S-225).

The Farmers & Bankers Broadcasting Corp., Portable-Mobile. (area of Wichita, Kans.)—Granted construction permit for new relay broadcast station; frequencies 1606, 2022, 2758 kc.; power 40 watts (B4-PRY-215).

KAOW—Albert S. & Robert A. Drohlich, d/b as Drohlich Bros. (area of Sedalia, Mo.), Portable-Mobile.—Granted modification of construction permit for new relay broadcast station, to extend commencement date from March 25, 1940, to July 1, 1940 and completion date from September 25, 1940 to December 1, 1940 (B4-MPRE-43).

W1XTG—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Granted modification of construction permit for new high frequency broadcast station, to extend completion date from May 6, 1940 to June 6, 1940 (B1-MPHB-56).

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted license to cover construction permit for new high frequency broadcast station; frequency 42600 kc., power 1000 watts, special emission, granted upon an experimental basis only, conditionally (B1-LRE-52).

KRSC—Radio Sales Corp., Seattle, Wash.—Granted modification of construction permit for changes in equipment, move of transmitter to site to be determined, Seattle, Wash., and increase in power from 250 watts to 1 KW, for approval of antenna, approval of transmitter and studio sites at 4th South and Hanford St., Seattle, Wash., and change type of transmitter; frequency 1120 kc., 1 KW, unlimited time (B5-MP-948).

APPLICATIONS FILED AT FCC

550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Modification of construction permit (B2-P-2578) for new transmitter, install new antenna, increase power, and move transmitter, further requesting approval of antenna and giving transmitter site as present location, East of Valley Pike, 5 miles south of Harrisonburg, Va.

570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Transfer of control of corporation from South Dakota Broadcasting Corporation to Iowa Broadcasting Company, 1500 shares of Class A and 500 shares Class B stock.

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

600 Kilocycles

NEW—Thumb Broadcasting Co., Brown City, Mich.—Construction permit for new broadcast station to be operated on 880 kc., 1 KW, daytime. Amended to change frequency requested to 600 kc., and power to 250 watts.

620 Kilocycles

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla.—Construction permit to increase power from 1 KW, 5 KW day,

to 5 KW day and night; changes in directional antenna for night use. Amended to change name of applicant from St. Petersburg Chamber of Commerce to City of St. Petersburg, Florida.

800 Kilocycles

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Authority to install automatic frequency control.

WFAA—A. H. Belo Corporation, Dallas, Tex.—Authority to install automatic frequency control.

860 Kilocycles

WABC-WBOQ—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to install new antenna and transmitter. Move transmitter from Vincent St., ½ mile from Wayne, N. J. to Little Pea Island, New Rochelle, N. Y.

880 Kilocycles

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Authority to make changes in automatic frequency control.

940 Kilocycles

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for new broadcast station on 940 kc., 500 watts night, 1 KW day, unlimited time. Amended: change type of transmitter.

NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended to change frequency to 940 kc., increase power to 500 watts night, 1 KW day, change antenna and request Class III-B station.

950 Kilocycles

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—License to cover construction permit (B1-P-1332) as modified, for a new station.

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

1050 Kilocycles

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—License to cover construction permit (B4-P-1865) as modified for new equipment, antenna and move transmitter and studio.

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Authority to determine operating power by direct measurement of antenna power.

1150 Kilocycles

WHAM—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Transfer of control of corporation from Wayne M. Nelson, E. Z. Jones and R. Hoy Whitlow to J. E. Lambeth, Helen McAuley Lambeth and J. E. Lambeth, Jr., 100 shares common stock.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Modification of construction permit (B1-P-2240) for increase in power, move of transmitter to site to be determined, Hartford, Conn., install new transmitter, changes in antenna, further requesting approval of antenna change in type of transmitter, increase power from 100 watts night, 250 watts day to 250 watts day and night, approval of transmitter site at NE corner of Talcott Road and S. Quaker Lane, West Hartford, Conn. Amended to give transmitter location as 983 Main St. (present location), Hartford, Conn., using present antenna and make changes in equipment.

1210 Kilocycles

WLOK—The Fort Industry Co., Lima, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WJW-WENI-WENJ—WJW, Incorporated, Akron Ohio.—Authority to transfer control of corporation from Wm. F. Jones,

Ruth Rubin and Edw. S. Sheck to William M. O'Neil, 237½ shares common stock.

1310 Kilocycles

NEW—Keys Broadcasting Co., Key West, Fla.—Construction permit for new broadcast station on **1310 kc.**, 250 watts, unlimited time. Amended to change studio location from Duval St. at Fleming to foot of Duval St., Key West, Fla.

1370 Kilocycles

NEW—Central Broadcasting Corp., Sanford, Fla.—Construction permit for new broadcast station to be operated on **1550 kc.**, 1 KW, unlimited time, Class III. Amended to change frequency to **1370 kc.** and power to 250 watts, changes in antenna and request Class IV station.

WRPT—C. P. Edwards and Howard Long, d/b as Kingsport Broadcasting Company, Kingsport, Tenn.—Modification of construction permit (B3-P-2616) for a new station, requesting approval of antenna and approval of studio site at Commerce St., Kingsport, Tenn., and transmitter site at Kingsport, Tenn.

NEW—Central Broadcasting Corp., Sanford, Fla.—Construction permit for new broadcast station on **1370 kc.**, 250 watts, unlimited time. Amended to change location of transmitter to Seminole Blvd. at San Juan Ave., Sanford, Fla.; change type of transmitter and antenna changes.

WECA—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to make changes in transmitting equipment.

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—License to cover construction permit (B1-P-2246) as modified for a new station.

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Authority to determine operating power by direct measurement of antenna power.

1420 Kilocycles

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—Construction permit for new broadcast station to be operated on **780 kc.**, 250 watts, unlimited. Amended to change frequency to **1420 kc.**, and changes in antenna.

NEW—Carl Sholtz, Fort Pierce, Fla.—Construction permit for new broadcast station to be operated on **940 kc.**, 250 watts, unlimited time. Amended to change frequency to **1420 kc.**, and changes in antenna.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Authority to determine operating power by direct measurement of antenna power.

KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Modification of construction permit (B5-P-2551) for a new station, requesting approval of antenna and transmitter site at 2 miles southeast of Marysville at intersection of Riverside Ave. and Island Road, Marysville, and change location of studio to same as transmitter.

KLBM—Harold M. Finlay and Mrs. Eloise Finlay, La Grande, Ore.—Voluntary assignment of license and construction permit from Harold M. Finlay and Mrs. Eloise Finlay to Harold M. Finlay.

1460 Kilocycles

KSTP—KSTP, Inc., St. Paul, Minn.—Modification of construction permit (B4-P-1828) as modified for move of transmitter, installation of new equipment and directional antenna, and increase in power, requesting extension of completion date from 5-8-40 to 7-8-40.

1500 Kilocycles

NEW—Robert V. Lee, Bradenton, Fla.—Construction permit for new broadcast station on **1120 kc.**, 250 watts, unlimited time. Class IV. Amended: To change frequency from **1120** to **1500 kc.** and changes in antenna.

MISCELLANEOUS

NEW—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Construction permit for a new relay broadcast station on **30820, 33740, 35820, and 37980 kc.**, 2 watts, A-3 emission, Portable-Mobile, in area of Fairbanks, Alaska.

NEW—William G. H. Finch, New York, N. Y.—Construction permit for a new high frequency broadcast station to be located at 1819 Broadway, New York, New York, to be operated on **117910 kc.**, 1 KW power, unlimited time. Special emission. Amended: To request **43000 kc.**

W8XAD—WHEC, Inc., Rochester, N. Y.—License to cover construction permit (B1-PHB-81) as modified, for new high frequency broadcast station. Amended: Re: tubes in last stage of equipment.

W8XVC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—Modification of construction permit (B2-PFB-15) as modified for new facsimile broadcast station, requesting extension of commencement and completion dates from 5-6-40 and 11-6-40 to 11-6-40 and 5-6-41 respectively.

NEW—World Publishing Co., Omaha, Nebraska.—Construction permit for new developmental broadcast station (formerly B4-PEX-31) on **41000 kc.**, 1000 watts, special emission for frequency modulation. Amended: To change type of station to high frequency broadcast, **42600 kc.**

WENS—Radio Station WSOC, Inc., area Charlotte, N. C.—Construction permit to make changes in equipment.

KEMA—May Seed & Nursery Co., area Shenandoah, Iowa.—Voluntary assignment of license from May Seed and Nursery Co. to May Broadcasting Company.

NEW—WICA, Inc., Ashtabula, Ohio.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1 KW, special emission for frequency modulation.

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for new high frequency broadcast station on **42600 kc.**, 250 watts, special emission for frequency modulation.

NEW—L. B. Wilson, Inc., Portable-Mobile (area Cincinnati, O.).—Construction permit for new relay broadcast station to be operated on **1646, 2090, 2190, 2830 kc.**, 25 watts, A-3 emission.

NEW—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit for new high frequency broadcast station to be operated on **43400 kc.**, 1000 watts power, emission A-3-special. Amended: Emission: Special for frequency modulation.

NEW—L. B. Wilson, Inc., Portable-Mobile (area Cincinnati, O.).—Construction permit for new relay broadcast station to be operated on **1646, 2090, 2190, 2830 kc.**, 250 watts power, A-3 emission.

W9XAO—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for increase in power from 1000 watts to 50000 watts, install new transmitter and operate on a regular commercial basis.

NEW—Evansville On The Air, Inc., Evansville, Ind.—Construction permit for new high frequency broadcast station to be operated on **43000 kc.**, 250 watts, special emission for frequency modulation.

NEW—General Electric Co., area Schenectady, N. Y.—License for new special relay broadcast station to be used in connection with International Broadcast Stations WGEA and WGEQ, when same program is not being broadcast by station WGY. Frequencies: **31220, 35620, 37020 and 39260 kc.** Power 2 watts. A-3 emission. Equipment of relay station WEIA.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Formerly B4-ML-905, modification of license to move main studio from New Albany, Ind., to Louisville, Ky. Amended to change application to construction permit and move of transmitter from New Albany, Ind., to site to be determined, Louisville, Ky., and make changes in antenna.

NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for new high frequency broadcast station on **42600 kc.**, 250 watts, A-3 emission. Amended to change frequency to **43200 kc.**, 250 watts power, and **117190 kc.** with 50 watts power. Special emission for frequency modulation.

NEW—General Electric Co., area Schenectady, N. Y.—License for new special relay broadcast station same as B1-LRE-309 above except equipment of relay station WEIB.

NEW—Rensselaer Polytechnic Institute, Troy, N. Y.—Construction permit for new high frequency broadcast station on **42800 kc.**, 250 watts, special emission for frequency modulation.

NEW—WJIM, Inc., Lansing, Mich.—Construction permit for new high frequency broadcast station on **43200 kc.**, 1000 watts special emission for frequency modulation.

W8XVH—WBNS, Inc., Columbus, Ohio.—Construction permit to increase power from 250 watts to 10000 watts; move transmitter locally to 1035 Barnett Road, Columbus, Ohio; new equipment and operate on regular commercial basis.

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.

American Candy & Sales Company—See Blue Ribbon Candy Co., Inc.

Blue Ribbon Candy Company, Inc., also trading as American Candy and Sales Company, 124 Tenth St., N. E., Atlanta, is charged with distributing to wholesale dealers, jobbers and retail dealers, assortments of candy so packed and assembled as to involve the use of games of chance or lottery schemes in their sale to ultimate consumers. Certain assortments, the complaint alleges, are composed of bars of candy of uniform size together with a device commonly called a push card. Concealed within disks on the card are numbers ranging from 0 to 3 inclusive, and the purchaser pays 1 to 3 cents, or nothing, according to the disks punched, the price of the candy being determined wholly by lot or chance. 4091

Capital City Candy Company—R. L. Jackson, trading as Capital City Candy Company, 506-508 Decatur St., S. E., Atlanta, is charged with distributing to wholesale dealers, jobbers and retail dealers assortments of candy and also push cards, which, when punched, determine the prices of the bars of candy, wholly by lot or chance. 4092

Chicago Technical College, 118 East 26th St., Chicago, distributor of home-study courses in drafting, air-conditioning, refrigeration and building, is charged, in a complaint with misrepresentation.

In advertisements in newspapers and magazines, and in radio broadcasts, the respondent is alleged to have represented, among other things, that "This certificate is issued to and will be accepted by the Chicago Technical College as payment in full for the complete course, 'Inside Facts on Drafting', provided that this certificate is accompanied by his enrollment for the college home study courses in drafting"; that employment and consultation services are offered free to students and graduates; that Chicago Technical College is an accredited school and the leading school for builders, and that the home-study training in air-conditioning and refrigeration will qualify one for the top-ranking positions in the air-conditioning and refrigeration field. 4089

Federal Compress & Warehouse Company—Alleging a combination or conspiracy tending to restrain competition and create a monopoly in the compressing and storing of cotton and in the interstate sale of jute or burlap bagging and steel bands used in compressing cotton, a complaint has been issued against Federal Compress & Warehouse Company, Memphis, Tenn. R. L. Taylor, chairman of its board of directors, other of its officers and agents, and four cotton ginning companies which it directly or indirectly owns or controls through the respondent Taylor.

Other respondents are Valley Gin Company, Blytheville, Ark.; Mississippi Valley Gin Company, Jackson, Miss.; Tensas Parish Gin Company, Newellton, La.; Madison Parish Gin Company, Inc., Tallulah, La.; Binford Hester, Memphis, president of Federal Compress & Warehouse Company; E. F. Wade, Little Rock, Ark., and Winston E. Cheairs, Memphis, its vice presidents, and W.

Dennis Brown and Fred Schneider, of Lake Providence, La., agents.

Federal Compress & Warehouse Company, either directly or indirectly through the respondent Taylor, owns and operates 80 compress plants in Arkansas, Louisiana, Tennessee, Mississippi, Missouri and Texas and cotton ginning subsidiaries in Mississippi, Louisiana and Arkansas, according to the complaint.

Through a combination or conspiracy among the respondents, the complaint alleges, Federal Compress & Warehouse Company and R. L. Taylor have erected and operated cotton gins, charging fees for ginning which are below the prevailing fees of competitors in the same territory and below actual operation cost, for the purpose and with the effect of driving competitors out of business and of obtaining the cotton so ginned for the respondents' various compress plants, and to enable Federal Compress & Warehouse Company, at its compress plants, to sell the jute or burlap bagging and steel bands or ties sold and used in connection with the compressing of such cotton.

The complaint alleges that through its officers and agents, the individual respondents Hester, Wade, Cheairs, Brown and Schneider, Federal Compress company attempted to acquire the stock held in competing compress enterprises by cotton growers and independent gin operators through threats that their stock would decline in value and become worthless as a result of the Federal Compress company's competitive ginning activity; that the respondents threatened to erect gins and to gin cotton below cost or free of charge in competition with such independent ginners unless they shipped their ginned cotton to Federal Compress company in preference to competitive compress plants, and that by such threats the respondents caused cotton gin owners to ship the cotton ginned by them to Federal Compress plants in preference to the competitive plants in which they were financially interested. 4090

Wholesale Liquor Distributor's Ass'n of N. C.—A complaint has been issued charging the Wholesale Liquor Distributors' Association of Northern California, Inc. and the Liquor Trades' Stabilization Bureau, Inc., both of San Francisco, their officers, directors and members, and 16 corporations selling liquor at wholesale in northern California and western Nevada, with restraint of trade through maintenance of a price fixing policy and discrimination against certain classes of dealers.

Respondent liquor companies are: Rathjen Bros., Inc., Parrott & Co., Haas Bros., Tonkin Distributing Company, Schenley Distillers, Inc., and Coffin-Redington Company, all of San Francisco; Somerset Importers, Ltd., McKesson & Robbins, Inc., Browne Vinters Company, Inc., Seagram Distillers Corporation, Fleischmann Distilling Corporation, and National Distillers' Products Corporation, all of New York; Gooderham & Worts, Ltd., and Hiram Walker & Sons, Inc., both of Detroit; Brown-Forman Distillers Company, Inc. and Frankfort Distillers, Inc., both of Louisville, Ky. Those companies having headquarters in cities other than San Francisco maintain branches there.

Respondent officers and directors of the Wholesale Liquor Distributors' Association of Northern California, Inc. are: J. M. Tonkin, San Francisco, president; J. F. Ferrari, Bakersfield, Calif., vice president; Max Sobel, San Francisco, secretary-treasurer; Sante Quattrin, San Francisco, executive secretary, and A. M. Berberian, Fresno, Calif., Chas. Bigley, San Jose, Calif., H. L. Hanson, and J. J. Bottaro, both of Sacramento, Thomas Lenehan, R. F. Jose, C. L. Sauer and Sherwood Coffin, all of San Francisco, Floyd Trombetta, Santa Rosa, Calif., Andrew Rosaia, Eureka, Calif., and John Pingree, Oakland, Calif., directors.

The complaint points out that McKesson & Robbins Inc., Haas Brothers, Rathjen Bros., Inc., Tonkin Distributing Company, and Coffin-Redington Company are members of the Wholesale Liquor Distributors' Association and representative of its numerous members. The respondent Liquor Trades' Stabilization Bureau, Inc. is composed of distillers, importers, distributors and retailers, among whom are the respondents, who are representative of its membership.

The complaint alleges that the respondents, collectively and through the association and the bureau, conspired to suppress competition in the wholesale liquor trade in the "Northern California Territory" (northern California and western Nevada) by preventing cooperative buying associations, small jobbers, wholesalers and others classified by them as "irregular" distributors, from obtaining alcoholic beverages. This allegedly was accomplished by refusal to sell to such dealers, boycotting and threatening boycott of the products of those who did sell to them, and disseminating or threatening to disseminate information to the trade concerning the dealers so boycotted or threatened with boycott for selling to "irregulars." 4093

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

John B. Canepa Company—In the case of John B. Canepa Company, 30 West Grand Ave., Chicago, manufacturer of macaroni and spaghetti products, it has been found that prior to July 12, 1938, the respondent had caused booklets and other advertising matter to be distributed in the various States, containing such advertisements as: "I hate to brag, but only the finest macaroni is made long", and "I hate to brag, but only the finest spaghetti is made long". Since that time the advertisements have been modified to "I hate to brag, but genuine macaroni is made long", and "I hate to brag, but genuine spaghetti is made long."

It was found that such statements and representations are misleading and unfair, and that in fact genuine macaroni and spaghetti products of the finest quality are made in both long and short lengths, and that macaroni and spaghetti of the finest quality are in some instances first made in long lengths and thereafter cut into short lengths, the length being no criterion of the quality of the product.

The respondent corporation is ordered to cease and desist from further representing that the length in which macaroni or spaghetti products are manufactured or sold by the respondent or any of its competitors is in any way indicative of the genuineness or quality of such products. (3744)

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

General Distilleries Corporation, 77-79 Homestead Ave., Hartford, Conn., has been ordered to cease and desist from misuse of the word "distilleries."

General Distilleries Corporation was organized in 1934, and its officers are Abraham Abrahamson, president, Julian Shoor, treasurer and manager, and David L. Abramson, secretary. While its charter is sufficiently broad to permit it to engage in almost any phase of the liquor business, the Commission finds, until September 26, 1938, it was engaged solely in the blending of whiskeys, wines, gins and other spirituous beverages and their sale at wholesale. In September, 1938, it was granted a distiller's basic permit authorizing it to produce brandy by distillation, since when it has produced, bottled and sold brandy produced in a distillery which it leases in Burlington, Conn.

Of the whiskeys purchased by it in bulk from distillers, the findings continue, it bottles some straight without alteration, and other whiskeys after blending or rectifying. The gin manufactured by it through the process of redistillation of purchased alcohol over juniper berries and other aromatics, is bottled and sold to the trade and constitutes approximately 15 per cent of the volume of its business. The whiskeys, both straight and blended, constitute 50 to 60 per cent of its trade and the brandy which it produces constitutes the balance. The Commission finds that the respondent never has produced or manufactured distilled spirits except the brandy produced since 1938. The rectification of alcoholic spirits by the respondent in the production of gin does not make or constitute it a distiller or a distilling company as defined by Section 3247 of the Revised Statutes of the United States regulating Internal Revenues, according to findings.

The Commission orders that the respondent, General Distilleries Corporation, in connection with the offering for sale, sale and distribution of whiskeys, gins or other spirituous beverages (except brandies actually distilled by it, and except gins produced by it through a process of rectification whereby alcohol purchased but not produced by the respondent is redistilled over juniper berries and other aromatics) forthwith cease and desist from representing, through the use of the word "Distilleries" or any other word of like import, in its corporate name, on its stationery, advertising, or labels attached to the bottles in which its products are sold and shipped, or in any other way (a) that the respondent is a distiller of such whiskeys, gins or other spirituous beverages; or (b) that the whiskeys, gins or other spirituous beverages were by it manufactured through a process of distillation; or (c) that the respondent owns, operates or controls a place or places where any such products are by it manufactured by a process of original and continuous distillation from mash, wort or wash, through continuous closed pipes and vessels until the manufacture thereof is

completed, unless and until the respondent shall actually own, operate or controls such a place or places. (2445)

Heifler & Jackson—Rose Heifler and Fred Jackson, doing business as Heifler and Jackson, 740 Bergen St., Brooklyn, engaged in selling and distributing a preparation for treatment of the scalp and hair under the trade name of "Morgan's Pomade," have been ordered to discontinue certain representations concerning their product.

In advertising material, circulars and pamphlets, the Commission finds, the respondents represented: "Undoubtedly the finest remedy for gray or faded hair is *Morgan's Pomade*. This is not a dye, but a special compound which when massaged into the roots of the hair, nourishes it back to its original color and luster * * *."

The Commission finds that the preparation is a lead and sulphur dye which, when applied to gray hair, dyes the exterior of the hair shaft. Use of the preparation does not supply to the hair shaft the color pigments, a deficiency of which material causes gray hair. The advertisements, the findings continue, contain no statements to the effect that application of the preparation to a tender skin, or to skin on which there are lesions which have broken the continuity of the integument, may be injurious.

The respondents are ordered to cease and desist from disseminating any advertisements representing that the preparation is not a tint or dye; that its application causes the hair to change its color without dyeing; that its use will restore the original color to gray hair or prevent hair from falling out; that it penetrates into the roots of the hair and enriches the hair, or any advertisements which fail to reveal that the application of "Morgan's Pomade" to tender, injured or broken skin may result in serious injury to the health of the user. (3893)

Indian River Medicine Company, La Follette, Tenn., engaged in compounding, selling and distributing a medicinal preparation designated "Scalf's Indian River Tonic," has been ordered to cease and desist from certain representations concerning its product.

In advertisements in newspapers, periodicals, and through broadcast continuities, the Commission finds, the respondent has represented, among other things, that the preparation will prevent and cure colds and build up resistance to other minor ailments; that it is a competent and effective treatment for rheumatism, asthma, sleeplessness, ailments of the liver, kidneys and stomach, and that it affords positive or certain relief from chronic ailments.

Findings are that the tonic will not perform the things claimed for it and will not afford positive or certain relief for any ailment.

The respondent corporation is ordered to cease and desist from representations that the preparation will prevent or cure colds; build up resistance to other ailments; has any therapeutic value in the treatment of sleeplessness, nervousness, indigestion, liver, kidney or stomach disorders, asthma, or aches or pains in the head or joints; is composed of natural vegetable ingredients; will increase weight, restore strength or build up the health of users, or that it affords positive or certain relief for any ailment. (3940)

Ladies Aid Company—See Progressive Medical Company.

Lenoir Solvent Company—See Lenoir Woodfinishing Company, Inc.

Lenoir Woodfinishing Company, Inc., Lenoir, N. C., and Arthur G. Spencer, individually and trading as Lenoir Solvent Company, have been ordered to cease and desist from unfair business practices in the payment of money and things of value to officials and employees of their customers, without the consent of the customers.

Lenoir Woodfinishing Company, Inc., has, since 1938, been engaged in the manufacture of paints, varnishes, stains and various wood finishing products, and in their sale to woodfinishing concerns and furniture manufacturers. Prior to the time of incorporation of Lenoir Woodfinishing Company, Inc., Arthur G. Spencer, now its president and sales manager, was engaged in the manufacture and sale of similar wood finishing materials under the trade name Lenoir Solvent Company.

The Commission finds that in the conduct of their businesses the respondents have given substantial sums of money and other things of value to certain officials and employees of their customers

or prospective customers, without the knowledge or consent of the customers, for the purpose of inducing the officials or employees to purchase or recommend the purchase of the respondents' products. In some instances, the findings continue, certain employees of customers were given 7 or 10 per cent of the purchase price of all materials purchased from the respondents by such customers.

The respondents are ordered, in connection with the sale of their products, to cease and desist from giving sums of money and other things of value to officials and employees of the respondents' customers or prospective customers, without the knowledge or consent of the customers, for the purpose of inducing such purchases. (4048)

Progressive Medical Company—Blanche Kaplan, trading as Progressive Medical Company and as Ladies Aid Company, 3944 Pine Grove Ave., Chicago, engaged in the sale and distribution of medicinal preparations for delayed menstruation, has been ordered to cease and desist from false and misleading advertisements concerning her products.

In advertisements and by means of booklets, circulars and other printed matter distributed in the various States, the Commission finds, the respondent has represented that her medicinal preparations known and designated as "Ladies' Aid No. 2, Ordinary Strength", and "Ladies' Aid No. 3, Extra Strength", are cures or remedies for delayed menstruation and are non-irritating, mild, efficient and specific treatments therefor.

Last January the Federal Trade Commission was granted a preliminary injunction by the United States District Court for the Northern District of Illinois, Eastern Division, enjoining the respondent from disseminating any advertisement, for the purpose of inducing, or which is likely to induce, the purchase of the preparations, which the petition stated might cause serious and irreparable injury to health if used under conditions prescribed in the advertisements, or under conditions that are customary or usual. The preliminary injunction was effective pending issuance by the Commission of a complaint and final determination of the action under its regular procedure.

The respondent is now ordered by the Commission to cease and desist from disseminating any advertisement for the purpose of inducing or which is likely to induce, the purchase of the preparations, which advertisements represent the preparations as constituting safe, competent, efficient or specific treatments for delayed menstruation, or that their use will have no ill effect upon the human body, and which advertisements fail to reveal that the preparations, when taken under conditions prescribed in the advertisements or under conditions that are customary or usual, may result in serious or irreparable injury to health. (4002)

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

The order directs the respondents to cease and desist from using the unqualified terms "Satin", "Taffeta", "Crepe de Chine", "Crepe" or any other descriptive terms of similar import indicative of silk, to designate any fabric or product not composed wholly of silk, provided that when such terms are truthfully employed to describe the type of weave, construction or finish, they must be qualified by using in letters of equal conspicuousness words accurately describing the fibers or materials from which the products are made.

Further prohibited, under the order, is use of the unqualified term "Silk", or other similar terms indicative of silk, to designate a fabric or product not composed wholly of silk, provided that in case of a fabric or product made partly of silk and partly of other materials, such terms may be used as descriptive of the silk content when immediately accompanied by words of equal conspicuousness accurately describing such other materials in the order of their predominance by weight, beginning with the largest single constituent.

Use of the phrase "Pure Dye" or other words of similar meaning to describe fabrics not composed wholly of unweighted silk, also is forbidden under the order, provided that in case of a fabric or material composed in part of unweighted silk and in part of other materials, such words may be used as descriptive of the unweighted silk content if there is included in immediate conjunction therewith and in letters of equal size and conspicuousness, words ac-

curately designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent.

The advertisement and sale of fabrics, garments or other products composed in whole or in part of rayon, without clear disclosure of the rayon composition, also is prohibited, and when such fabrics or products are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including the rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent. (4038)

STIPULATIONS

Following stipulations have been entered into by the Commission:

American Standard Corporation, 122 East 42nd St., New York, engaged in selling incandescent lamps, agrees to cease and desist from the use on its stationery and other printed matter or in any other way of the word "Manufacturers" as descriptive of the business conducted by it, and from use of the word "Manufacturers" or any similar words which tend to convey the belief to purchasers that it actually owns and operates or directly and absolutely controls the plant or factory in which its products are made. (2745)

Atlas Wood Preservative Company, Inc., 332 Madison Ave., Memphis, Tenn., distributor of a chemical preparation intended for protection of wood from termites, decay and fungi, has entered into a stipulation to discontinue certain representations.

The respondent agrees to cease representing that its preparation, "Xter-Mite," when applied as directed to woods, will embalm or adequately preserve and thoroughly penetrate them, prevent decay and also attacks by termites or insects, prevent their return, and increase the strength of the wood, and to discontinue use of the coined word "Permanize" or words of similar meaning implying that "Xter-Mite" remains permanently in or on the wood and will not dry out or lose its effectiveness.

Other representations which the respondent agrees to discontinue are that "Xter-Mite" has received the approval of leading architects, engineers, the Federal Housing Administration or others, when such is not a fact; that termites or other wood boring insects cause serious damage in four to six months, will practically ruin a structure before their presence is discovered, and are in all wood; that termites became established throughout the United States in 1936 or any other year, unless there is scientific or other accepted authority for this claim; that there are 44 species of destructive termites in the United States or that one female termite lays 80,000 eggs a day; that termites or the termite "civilization" are superior to the human race, and that many or all States have enacted laws under which termite eradicating operators are licensed, when such is not a fact.

The respondent also stipulates that it will desist from use of the word "guarantee" in connection with the advertisement or sale of its products, unless whenever used, clear disclosure be made of exactly what is offered by way of security, as for example, refund of purchase price. (2747)

Felder Brothers, Inc., 583 Broadway, New York, distributor of leather and imitation leather goods and novelties, has entered into a stipulation in which it agrees to cease employing the phrase "Genuine Leather Composition" as descriptive of any article not composed of genuine leather, and from use of the words "Genuine" or "Leather" or words of similar import in a manner tending to deceive purchasers into believing that products containing other materials are actually made of leather.

The stipulation points out that the respondent designated certain billfolds as "Genuine Leather Composition, Barkhyde," when in fact they were composed of a paper material with which leather fibers had been combined, sometimes known to the trade as "Compo-lether," and that this material was neither genuine leather nor made from the hide of any animal.

The respondent also stipulates that it will desist from using the word "Barkhyde" as a trade name for its products; from use of the expression "Bark" or of any other trade name, coined name or other word descriptive of a product as being the hide of an

animal which is in fact non-existent and from use of the word "Hyde" or any other word implying that a composition fabric is composed wholly of the hide of any animal. (2753)

H & L Conversions—W. M. Houston and M. Logan, trading as H. & L. Conversions, 2112 Addison St., Berkeley, Calif., have agreed to a stipulation to discontinue certain representations in the sale of a mechanical device permitting the use of either fuel oil or gasoline in the ordinary gasoline engine and designated by various names, including "Dies-L-Gas," "Semi Diesel Fuel Oil Conversion Unit," "Des-A-Gas Unit," and "H. & L. Fuel Oil Conversion Unit."

Among other representations, the respondents agree to cease advertising by use of the words "Semi-Diesel" or otherwise, that the "H. & L. Fuel Oil Conversion Unit," when attached to an ordinary gasoline engine, converts it into an engine functioning in the manner of a "Semi-Diesel" engine, or, by use of the words "Des-A-Gas," "Dies-L-Gas" or otherwise, that the conversion unit converts an ordinary gasoline engine into an engine functioning in the manner of a Diesel engine.

The respondents also agree to cease advertising that reliable evidence at present indicates that "Diesel engines will be in our automobiles within a year"; that by use of the respondents' device an ordinary gasoline engine will be capable of delivering as much power or more power per gallon of fuel oil than it ordinarily could do on gasoline without the use of the device, and that with the use of the respondents' product the performance of a motor on fuel oil or on low grade gasoline will be equal to or superior to that of the same motor on a good grade of gasoline. (02542)

Hook-Fast Specialties, Inc., Providence, R. I., dealer in buckles, belts, bracelets and other specialties designated "Hook-Fast Products," has entered into a stipulation in which it agrees to discontinue certain representations in the sale of its products.

The respondent agrees to cease advertising that it sets agents up in business for themselves; that the profits, earnings or income will be big or substantial or will come in daily or increase weekly; that prospective agents can make profits or earnings within a specified time which are in excess of the average net profits or earnings theretofore consistently made in like periods of time by the respondent's active, full-time agents under normal business conditions.

The respondent also stipulates that it will cease employing the words "free" or "without cost" to describe merchandise offered as compensation for distributing the respondent's products, unless all terms and conditions are clearly stated and there is no deception as to price, quality or other features of the merchandise, or as to services to be performed in connection with obtaining such merchandise. (02545)

International Dress Company, Inc.—Two New York corporations, one distributing dresses, the other selling silk and rayon dress goods, have entered into stipulations in which they agree to discontinue certain representations in the sale of their products. The respondents are International Dress Company, Inc., and Knickerbocker Textile Corporation, both of 1400 Broadway.

Each respondent corporation agrees to cease selling articles made of rayon without disclosure in advertising matter, forms and literature that the material of which they are composed is rayon. The stipulations provide that if the word "Celanese" is used to designate a product composed of rayon, it shall be immediately accompanied by the word "Rayon" in equally conspicuous type to clearly indicate that the article is rayon; for example, "Celanese Rayon."

International Dress Company, Inc., also stipulates that it will desist from use of the word "Manufacturers" as descriptive of its business. The stipulation points out that this corporation is not a manufacturer of dresses or other products and neither owns, operates nor controls machinery or equipment for making dresses but purchases materials which it turns over to independent contractors operating such plants, for transformation into dresses at stated prices. (2751-2752)

Knickerbocker Textile Corp.—See International Dress Co., Inc.

Lignotite Company, 2727 Archer Ave., Chicago, manufacturer and distributor of casein glue, has entered into a stipulation in which it agrees to discontinue, in connection with the sale and distribution of its product, from use on its invoices or other printed or advertising matter, or otherwise, of the word "waterproof" or of any other word or words of similar meaning or implication as descriptive of its glue product, which is not, in fact, waterproof, and from use of the word "waterproof" in any way so as to import or imply that the product is impervious to water or its effects. (2754)

Juliette Marglen Products Company, 6638 Sunset Blvd., Hollywood, Calif., engaged in selling a line of toilet preparations for use on the fingernails, known as "Juliette Marglen Seal-O-Wax," "Juliette Marglen Nail-O-Wax," "Juliette Marglen Wax-O-Namel," "Juliette Marglen Creme-O-Wax," and "Juliette Marglen Nail-O-Wax Remover," has agreed to cease and desist from use of the word "Wax" as part of the trade name or designation for any of the products, and from use of the word "Wax" in any way to imply or convey the belief to purchasers that the products are composed of wax, or of any statements or representations tending to convey the belief that they contain wax in such amount as to form a continuous wax coating such as would afford protection to the nails to which applied, or of any representations that the products will afford any appreciable aid in keeping the cuticle soft and pliable, or that their use will encourage the growth of stronger or thicker nails, or have a stimulating effect on the nails, or prevent cracking, breaking or splitting of the nails of the user. (2748)

J. W. Oneal Chemical Company—John W. Oneal, trading as J. W. Oneal Chemical Company, Martins Ferry, Ohio, in connection with the sale and distribution of "To-He-To Ointment," has agreed to cease use in advertising matter or otherwise of representations implying that the product is a competent or effective remedy for colds, headaches, sore throat, croup, pneumonia, chafed hands, itching piles, sore muscles, chilblains, bruises, rheumatism or hay fever, or that it will do more than serve as a palliative in connection with certain of these conditions. The respondent also agrees to discontinue use of the word "Chemical" as part of his trade name or otherwise to imply that he is a chemist or employs chemists in the compounding or manufacture of the product, when these are not the facts. (2742)

Emil J. Paidar Company, 1120 North Wells St., Chicago, in connection with the sale of chromium plated steel furniture, agrees to desist from the use of the trade designations or brands "Chrometube" or "Chromedtube" as descriptive of products not composed throughout of chromium metal, and from use of the words "Chrome" or "Chromed" or any similar coined word as descriptive of the metal content of a product not chromium throughout. The stipulation provides that if, in referring to products made of steel which is merely coated or covered with chromium, the words "Chrome" or "Chromed" or words of similar import are used as descriptive of the coating or covering, such words are to be immediately accompanied by another word such as "plated" so as to indicate clearly that the products are not composed throughout of chromium. (2757)

Presto Company—Maurice A. Goodman, trading as The Presto Company, 197 Lexington Ave., New York, engaged in the sale of furniture and of a cleaning fluid designated "Presto", has agreed to cease representing or implying by use of the word "makers" or any similar words, that he actually owns, operates or controls the plant in which the product is prepared, and to discontinue employing the statements "Presto Cleans Clean", "Removes all stains quickly and permanently", or any other similar statements, when in fact the use of the product will not return to their original appearance all kinds of fabric materials regardless of the nature of the stain or marking to which the materials have been subjected. The respondent also agrees to cease use of the term "non-inflammable" or any similar words as descriptive of the cleaning fluid. (2743)

Sempray Jovenay Company, 650 Turner Ave., N. W., Grand Rapids, Mich., has entered into a stipulation in which it agrees to cease certain representations in the sale of "Sem-Pray Jo-Ve-Nay", a cosmetic preparation.

The respondent agrees to desist from the representation that its product is a complete beauty treatment; that it will smooth away or remove lines from the skin or change the normal texture of the skin to make it seem finer; that the preparation will keep the skin young and that it is a competent treatment for blackheads and will remove all traces of foreign matter from the pores. (02544)

Stafford Publishing Company, 87 Walton St., Atlanta, Ga., engaged in the sale and distribution of books, including two sets of encyclopedias has agreed to discontinue use of the word "Publishing" as part of its corporate or trade name or in any way tending to convey the belief that the business conducted by it is that of a printer or publisher, or that it actually owns, operates or controls the plant in which the publications distributed by it are printed and published. The respondent also agrees to cease use of the trade name "Publishers Credit Syndicate" on its stationery or otherwise for the purpose of making collections of delinquent accounts of customers who have subscribed for the encyclopedias when in fact no such collection agency exists or is employed by the corporation, and to discontinue use of the word "free" or any other term of similar implication as descriptive of products offered by the corporation in connection with the sale of its "deals," when in fact the products are not given free or as a gratuity, but the cost thereof is included, either in whole or in part, in the price of the "deals." (2746)

Wellington Manufacturing, Inc., 28 West 25th St., New York, distributor of men's haberdashery, has entered into a stipulation in which it agrees to cease certain representations in the sale of its products.

The respondent agrees to discontinue using the word "Manufacturing" as part of its corporate or trade name, the word "Manufacturers" as descriptive of its business, and any other words implying that it manufactures the products it sells or owns and operates a factory in which they are made, when such are not the facts.

The respondent also agrees to cease representing by means of tags, advertising matter or oral presentation, that fabrics of domestic manufacture are "Imported Fabrics"; to cease employing the words "Pure Silk of Heavy Quality" or "Silk" independently or as part of or in conjunction with other words in trade designations,

advertisements or otherwise, to describe fabrics or merchandise not made of silk; to desist from offering for sale any product made of rayon without clear disclosure of such rayon composition; from branding or otherwise designating a product as all wool when its fiber content is not wool throughout; from describing neckties or other products not made or fashioned according to the craft of a tailor as "Hand Tailored"; and from representing that the goods it sells are available to the purchaser at manufacturer's prices or at manufacturer-to-consumer prices, or otherwise implying that its customers save a middleman's profit at the prices quoted. (2755)

Western Mills, Inc., 912 First St., Sioux City, Iowa, has entered into a stipulation to discontinue certain representations in the sale of stock feeds.

The respondent corporation, a manufacturer, agrees to cease using the word "Meat", either alone or in connection with the words "Scraps" or "Meal", in the trade name for a product which is not composed wholly of meat, meat scraps or meat meal, unless, if the product is composed in substantial but less than a predominant part of meat or meat products, and the word "Meat" is used to refer to such meat content, it shall be made to appear clearly that the product does not consist entirely or in predominant part of meat or meat products or meat meal. (2761)

Wigder Manufacturing Company, 26 Wickliffe St., Newark, N. J., agrees to cease advertising that its manicuring instruments are "rust proof", or, by use of the term "rust proof" or any other expression of similar import, that articles which have not been scientifically processed in a manner that will absolutely prevent the rusting thereof, are rust proof. (2756)

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice its case against Floral Art Card Company, Inc., 110 Wooster St., New York, which had been charged with violation of the Federal Trade Commission Act in the sale of greeting cards.

The closing order recites that the respondent is out of business and the corporation dissolved.

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