

## BMI Developments

Don Searle notified Neville Miller this week that Stations KOIL, Omaha, and KFAB and KFOR, Lincoln, were subscribing to BMI.

Station WWJ, Detroit, and WPID, Petersburg, Va., are other recent subscribers.

Appointment of George Marlo as professional manager of Broadcast Music, Inc., was announced May 7 by M. E. Tompkins, general manager of BMI. Mr. Marlo is at present manager of the Crawford Music Corporation and was recently elected president of the newly organized Music Publishers Contact Employees Union, an affiliate of the American Federation of Labor. Mr. Marlo will take up his new duties on Monday, May 13th.

In making the announcement Mr. Tompkins said: "This is the appointment the amusement industry has been waiting to hear. Mr. Marlo knows the popular music business as few other men in the country. He is respected by the music industry, composers, and performing artists alike."

Mr. Marlo began his career with De Sylva, Brown & Henderson in 1928. Two years later he organized his own publishing house, Marlo Music. In 1932 he was with the Paramount group for a short time before going to Warner Brothers in charge of the Remick catalogue, where he remained until 1936 when he revived Marlo Music. In 1937 he sold Marlo Music to the Dreyfuss interests and went with them in charge of Chappell Music Co. He has been with these companies ever since in different capacities, most recently as manager of Crawford Music.

In discussing his affiliation with Broadcast Music, Mr. Marlo said: "What I think of BMI is indicated by the fact that I am joining its staff. I know it is going to be a success or I wouldn't wish to be associated with it."

"BMI represents a new idea in the song publishing world," he continued, "— that of giving a break to the unknown or little known composer. Most of the older publishing houses want the work of 'established' writers. They work on the theory that because a man has written

a lot of songs and has produced a number of hits, because he has been well known for ten years, he's likely to produce a more successful song. Actually the exact opposite is frequently true. The man who has been writing for years is the more likely to go stale.

"The newcomer has a freshness in his music, a new appeal—if he can get a hearing. Of course there are old-timers who can turn out hits, but the publishing house that gives a chance to the newcomer is seizing a golden opportunity that the older houses have been passing up.

"Only a good song can make a hit. BMI is going to succeed because it is tapping new sources of good songs. Once you have a good song, of course there is no medium that does so much to popularize it as the radio.

"My talks with men in the other publishing houses have convinced me," he said, "that the music publishing industry looks upon BMI as a new house that is offering them fair competition and thus giving a stimulus to business. I am very glad to be a part of it."

Charles E. Lawrence has been appointed Comptroller of BMI and took up the work of that office on Monday, May 6th.

Mr. Lawrence was born in Philadelphia and studied at Temple University. He has been engaged in the work of accounting and auditing for the past twenty years. Since 1932 he has been with the American Home Products Corporation. For two years he was Comptroller of various subsidiaries of that company in Chicago. In 1934 he was transferred to the New York offices and since 1937 has been General Auditor.

Previously he was with Merritt-Chapman & Scott Corporation and with Franklin Baker Company and associated companies.

The Great Atlantic and Pacific Tea Company was one of the most important radio advertisers until June, 1937, when it went off the air entirely. Now it is planning to return to the air with a program which will incidentally feature BMI.

The Musico program, sponsored by National Tea Company from WGN in Chicago, was a sort of musical bingo. The music played was not announced. The listeners

Neville Miller, President C. E. Arney, Jr., Assistant to President

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 DEVELOPMENTS

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guessed at the titles by marking cards containing twenty-five squares, five to a row, a song title in each. When a listener had filled in a row correctly, he became eligible for a prize.

The program was so successful for National Tea that A & P is now trying it out—but with a variation. The new cards contain in each row of five squares only four titles. The fifth square is blank. In that blank the listener may suggest a title for a new song—one new song to be played on each program. The winner gets \$100 plus 50% of any royalties on the new song. All the new songs are to be compositions that have not been published at the time of the broadcast. Immediately after the broadcast each new number is to be submitted to Broadcast Music, Inc.

All proceeds from the sale of the new song written by Frank Luther in memory of Will Rogers will go to the Will Rogers Memorial Fund. This has been agreed by Mr. Luther and the BMI officers.

The song, *Our Old Friend Will*, has already been performed on the air by the composer himself. It will soon be released by BMI.

In a preface to the song, Mr. Luther says:

Will Rogers was a second father to me.

I once made a concert tour with him—one-night stands all over the United States. . . . He was the only man I've ever known who practiced the American principle that all men are created equal. He never looked down on a newsboy, and he never looked up to a king. . . .

I've written this song to try to say in my humble way what I feel about the greatest man I've ever known.

Did you ever see a man step on his own toes—and blame the shoemaker? Look at one of the ASCAP officers.

He is Irving Caesar, ASCAP's Assistant Treasurer who once thought he wanted to debate with BMI's President or General Counsel. Last Tuesday he got his feet so tangled that it was hard to tell which way he was heading. There were moments when he was right in step with BMI. And of course BMI welcomes all recruits—even if they come from the ASCAP camp.

On Tuesday Mr. Caesar, speaking as President of the Songwriters' Protective Association, complained that too few songs are plugged on the air—songs by too few writers. One of the worst aspects of the very situation created by ASCAP itself which BMI, to the great distress of the ASCAP organization, is trying to remedy! If Mr. Caesar would only take his right foot off his left foot, perhaps the bunions wouldn't bother him so much.

The point at issue is an indirect result of the ASCAP policies which have kept all the opportunities for song-success in the grip of ASCAP's cherished few. Mr. Caesar was objecting to the attention given to the weekly "most-played" lists and the tendency to build up huge figures for the first ten or fifteen numbers on those lists with consequent discouragement for other writers. That is really the whole ASCAP situation reflected in miniature.

Is it possible that Mr. Caesar, an ASCAP officer and director, is beginning to understand how the difficulty of getting a song before the public can discourage a writer? Has he really caught the picture of what happens when the music that gets a chance for popularity comes from an ever-narrowing circle of writers rather than from a widening one?

Those questions are still matters of some doubt, but at least Mr. Caesar has discovered one thing that all people except the High Priests of ASCAP have known for years—namely, the plugging power of radio and the fact that the writers need radio more than radio needs any particular group of writers. As reported in *Variety*, he said, "It's got so that people remark, 'That tune must be a hit because I hear it so much.'"

The item might be included in a biography called "The Education of Irving Caesar."

*Variety* adds:

"Another twist to the discouraging element mentioned by Caesar is reflected in the report that the SPA, whose members are virtually 100% ASCAP-affiliated, fears that if many of the older writers don't start getting breaks on the air they may be inclined to place some of their manuscripts with Broadcast Music, Inc."

Such gems of argument suggest that a debate with Mr. Caesar at one end of the platform might afford a rather amusing evening.

Or perhaps there won't be any need for debate. On the particular point he raised, Mr. Caesar was making the same plea that BMI is making and the effect of his speech was to support the aim and effort of BMI.

## Television and FM

### FLY DISCUSSES TELEVISION, FM

Within the next week or two, the FCC expects to clear up the television situation in "satisfactory shape", James Lawrence Fly, Chairman, told a press conference the latter part of last week.



Chairman Fly told the newsmen that there must be healthy competition in the industry, but whether or not standards should be set up at this time is one of the questions to be decided by the Commission, he said. The Chairman stated that as he recalled it the engineers appearing before the Commission were practically unanimous in the opinion that standards should not be fixed at the present time but he did not indicate the possible action of the Commission.

Chairman Fly was not very clear in discussing limited commercialization of television, but there was an intimation in his statement that when the Commission acts it is possible that there might be full commercialization rather than limited.

The Chairman stated that when the Commission considers television it will necessarily have to consider frequency modulation at the same time, but he was very clear in his statement that the Commission will announce its television policy before it announces its policy on FM and he stated that any announcement on frequency modulation would probably come along about a week after its decision on television. In connection with the television situation Mr. Fly told the correspondents that after all is said and done "the engineers are going to write the ticket."

Chairman Fly stated that he expects the monopoly report to be in the hands of the Committee within the next few days, but he made no mention about when the Committee would be able to report to the Commission proper.

### LUNDEEN PROTESTS DELAY

On May 6, Senator Lundeen (FL-Minn) made a lengthy speech in the Senate, protesting "against the delay in the matter of the FCC decision on television." (Congressional Record, May 6, p. 8573).

### RCA AND DUMONT BRIEFS

RCA and Allen B. DuMont Laboratories, Inc., debated today in briefs filed with the FCC the question of engineering standards for television broadcasting.

DuMont accused RCA of seeking to "freeze" standards. It argued for flexibility.

RCA asserted that "the motion picture interests, which are financing DuMont laboratories, have a much greater financial stake in the 'movie' industry than they have in television."

"Their recent interest in television is primarily for the purpose of 'protecting' their larger interest in the 'movie' and theater industry and not to develop the new art of television," the RCA brief added. "Therefore, they desire the adoption of systems and methods which would make television inferior rather than superior to motion pictures." . . .

RCA favors the transmission standards formulated by

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the Radio Manufacturers Association, but has said it was prepared to build television receivers so that they would also receive programs from other transmitters.

DuMont said that the commission "has had adequate opportunity to learn that standards must be set by governmental authority and not by commercial agreement."

"It is suggested that it is now clear that the key to the situation is the compulsory requirement of the high-frequency DuMont type pulse which can be installed in a few hours for minimum expenses by any transmitting station," DuMont said.

It added that the "record shows that the cost to somebody of the reconstruction of fixed type small-sized non-retentive screen receivers so as to adopt them to the progress possible in the immediate future with flexible standards would be between \$30 and \$70, including change of screen."

### SARNOFF'S VIEWS

At the annual RCA stockholders meeting in New York Tuesday, David Sarnoff, RCA president, said:

If I were asked to name the most significant factor in the progress of RCA during the past decade, I would unhesitatingly say research and technical development. Ten years ago we were largely dependent on the electrical companies then associated with us. Today RCA itself has over 600 technical specialists in its laboratories and engineering departments engaged in this important work.

Research has directly contributed to our income and earnings; it has enabled us to expand the scope and variety of our products and services; and today promises even greater expansion in new fields.

As the result of RCA research, three new services now beckon those who seek to expand radio's usefulness. They are: Facsimile, Frequency Modulation, and Television.

*Radio Facsimile* is the transmission of pictures and printed matter through the air. It is now bringing photographs from many parts of the world for prompt use in daily newspapers. Its development will include services for the home, as well as for the press. The latest type of RCA Facsimile Receiver is on exhibition in this room today and we cordially invite your inspection.

*Frequency Modulation (F.M.)* holds much promise for the future. The growth of Frequency Modulation in broadcasting

services will probably be gradual. Only time can determine the extent of its full development.

RCA's research engineers have done pioneering work in this field and in the development of uses for the ultra high frequency spectrum, where F.M. has its most advantageous applications. Our laboratory tests and field experiments have been extensive. Many fundamental inventions have been made by our engineers during the course of this work. RCA has valuable patent rights in these developments and has granted licenses under them to practically the entire radio industry.

F.M. represents an important forward step in the broadcasting of sound. The Federal Communications Commission now has under consideration the subject of authorizing frequency-modulation on a commercial basis.

Television, on the other hand, adds sight to sound, and stands today on the threshold of public service. In time, television is bound to revolutionize the broadcasting industry just as the addition of sound to sight revolutionized the motion picture industry.

RCA's laboratory achievements, its field tests and its experimental program service have been fully reported at every stage of development.

The position of the Corporation with respect to placing television on a commercial basis has been stated fully during recent hearings before the Federal Communications Commission and the Interstate Commerce Committee of the United States Senate.

The Federal Communications Commission is now considering the testimony presented by RCA as well as by others in the industry.

While television will provide a new service for the home, it will be useful also in theaters and other public places. Developments in large screen television, which we will demonstrate to you today, will enable you to form your own judgment as to its future possibilities. No one can foresee all the future uses to which television may ultimately be put. But this much is clear: the addition of sight to sound in radio will be of vital importance to industry, education and entertainment.

RCA is proceeding on three fronts in television. Our research laboratories are continuing to develop new processes and new equipment; our manufacturing and sales people are exploring new markets; and our broadcasting company is proceeding with its development of television programs.

Television offers new opportunities for the employment of men and money, for the expansion of entertainment and other services, and for the creation of a new medium of advertising for American industry and business.

The Corporation's policy in respect to its inventions and patent rights, including its developments in television, is well known. RCA has licensed the radio industry under its patents. While this Corporation has pioneered in television, we are not alone in this field. There is no monopoly in radio, nor is one possible in this highly competitive industry.

## REPUBLICANS WELCOME TELEVISION

Television will take its place in the front row at a national political convention for the first time in history next June.

John Hamilton, chairman of the Republican National Committee, announced this week that two National Broadcasting Company television units, and that of the Philco Radio and Television Corporation, will televize the proceedings of the 1940 Republican National Convention at Philadelphia beginning next June 24.

Hamilton said he took "a peculiar pleasure" in making the announcement.

"The Republican Party," he said, "is the party of private enterprise and welcomes this chance to provide an opportunity for a new industry to stride forward in honest American fashion.

"It was but a few days ago that the New Deal, through its dominated Federal Communications Commission, struck viciously at this very industry by bluntly commanding it to cease its efforts at merchandising.

"We of the Republican Party sincerely hope that the public interest accruing to television by reason of its use at the 1940 Republican convention will more than offset the setback given this new industry by the New Deal."

## Radio Festival

TO ALL STATION MANAGERS:  
WANTED  
FOR HANGING  
RADIO FESTIVAL PHOTOS

*We have the space. All that's needed to complete a section of NAB's picture gallery are good black and white gloss prints of Radio Festival events.*

*Most Radio Festival participants will make at least a partial pictorial record of Radio Festival for their own use. One good print, action shot preferred, will get a permanent hanging if it's sent.*

*Please autograph the photo in india ink.*

*Sincerely yours,*

*Arthur Stringer.*

Radio Festival is going over big!

It works—with intense satisfaction to participants. That, after all, is the acid test.

There is something that every station can do to impress listeners with the importance of radio, with the contributions which radio makes to the pleasure and betterment of everyday living. What you do helps keep radio out in front!

Reports from several cities follow:

### BELLINGHAM . . . KVOS.

Though the first of the month found KVOS engaged in a civic promotion enterprise, President Rogan Jones wrote that the folks of Bellingham and vicinity are going to have their Radio Festival. While plans are not yet complete, he has booked advance speaking dates for the demonstration-talk, born at WLVA, Lynchburg, Va., and distributed by NAB through the courtesy of Edward A. Allen, the station's president.

Mr. Jones is taking in "civic and service clubs, church groups, grange groups, Chambers of Commerce, veteran organizations, etc." And in conclusion, he wrote: "You are doing a splendid work, and I trust you will keep it up."

### CHARLOTTE, N. C. . . WBT and WSOC.

Charlotte's two stations, WBT and WSOC, are busily engaged in planning their Radio Festival festivities. Paul W. Norris, sales promotion manager of the latter station, and Program Director Charles Crutchfield, WBT, have direction of plans for their respective stations. Date is June 3-8.

### RALEIGH . . . WPTF

Richard H. Mason, manager, WPTF, has likewise selected the June 3-8 period to bring Radio Festival to Raleigh and surrounding territory.

### OTHER NORTH CAROLINA CITIES

"Dick" Mason is also president of the North Carolina Association of Broadcasters and he reports enthusiastic support for the spring promotion by the industry. An exchange of correspondence between state broadcasters and President Mason indicates that most of the stations will observe the early June dating.

Plans of Manager Robert J. Stratton, WDNC, Durham, were reported in the weekly bulletin of May 3. With a large number of other state stations staging Radio Festivals, it is apparent that North Carolina's broadcasting industry will surpass previous records.

WBIG, Greensboro, completed its Radio Festival celebration Saturday. Thousands of visitors were entertained at studios and transmitter. Greensboro public schools presented twelve separate



programs during the week. There were programs from schools in eight counties, besides programs from the University of North Carolina; Woman's College of the University of North Carolina; Greensboro College; A. and T. College; Lutheran Emanuel College; Bennett College and Guilford College.

#### DANVILLE, ILL. . . . WDAN

"Duke" Richardson, manager, WDAN, "The Community Station," has Radio Festival celebration under way. We don't know what he is planning this year, but it's a reasonable assumption that an open house will play a part. Last spring WDAN had over 7,000 visitors in three nights, between seven and ten. Two thousand five hundred roses were given to as many women guests before the supply ran out.

He staged audience participations, interviews and quiz programs with dollar bill give-aways. Radio stores, all over town, erected displays in their windows for the entire week, and five of the station's sponsors featured radio week windows. A local men's wear shop used figures and microphones to represent their broadcast over the station.

#### JAMESTOWN, N. Y. . . . WJTN

Program Director Marshall B. Shantz, Jr., wrote on May 6 that "This station is planning on entering wholeheartedly into National Radio Festival, June 3 to 8.

"This event has a double significance for a small station such as WJTN. Not only will it be of great assistance to us in that ever present question of public promotion, but we hopefully expect that the greater cooperation in this city between the public and radio—which should result from this Radio Festival—will be of great help in absorbing the many 'growing pains' attendant upon our ever present expansion."

(Read statement by President Alfred J. McCosker of WOR which also discusses this same subject of industry solidarity.)

Mr. Shantz has worked out plans for an outstanding celebration with everybody entered in the Essay Contest. He believes that Jamestown youngsters are smart enough to collect the NAB \$100 grand award. Luck to you, Mr. Shantz.

Simon Goldman, acting manager, a day or so later, reported that the Mayoralty proclamation has been arranged with "Hiz Honor." "We are all enthused about our participation in the Radio Festival and know it will be very successful," Mr. Goldman concluded.

#### HOBBS, N. M. . . . KWEW

#### ROSWELL, N. M. . . . KGFL

Governor John E. Miles in official proclamation has proclaimed "the week of May 12 as Radio Festival Week throughout the State of New Mexico, and I urge our citizens everywhere to participate in the observance of the event by listening to the special programs and visiting the studios."

W. E. Whitmore, head man of KWEW and KGFL, prevailed upon the Governor to bring New Mexico officially within the nation-wide industry celebration.

Mayors of both Roswell and Hobbs have both issued city proclamations. During the week there will be broadcasts by prominent citizens, including the Superintendent of Schools and faculty members of the New Mexico Military Institute. Copies of "Radio's Riches" will be distributed. Youngsters in the public schools will compete in the Essay Contest.

#### NEW YORK CITY . . . WOR

Alfred J. McCosker, president, WOR, lost no time in getting into the subject of his station's participation when he announced initial plans in a letter last Monday.

"I should like to assure you," he wrote, "of WOR's participation in the National Association of Broadcasters' National Radio Festival. We have set aside the week of June 3-8 and plans have already been drawn up for promotion, publicity and programming."

Mr. McCosker's next paragraph is also quoted because it expresses so clearly the advantages which accrue to the broadcasting industry when individual units deliberately and publicly join hands. He said:

"It is a pleasure to be able to cooperate with the work you are doing, as I feel that the *more radio makes the public conscious of its efforts as a solidified industry*, the more we, within the industry, will be able to do in mutually evaluating our problems and our subsequent gains."

Some of the ideas which WOR contemplates are:

1. "Transmitter Open House—This would be open to children accompanied by parents who would write in for visiting tickets. At the time the tickets were sent, a mimeographed instruction sheet would also be sent. A different host would be on hand on different days, viz. Bob Emery, Irving Caesar, Bill Slater and Uncle Don.

We are also considering an occasional day-time interview from the transmitter with our host talking to one or two of the visiting children.

2. "AN ESSAY CONTEST—The probable subject would be: 'What WOR Means to Me.' The best letter each day for a week would be read over the air during our five minute program preview period, and a daily prize of \$10.00 offered.

3. "I REMEMBER—Spotting of WOR's ten-year veterans for interviews on various programs during the week, pointing up the tradition and continuity of radio. Personalities would be Uncle Don, John Gambling, Roger Bower, Jack Poppele and others.

4. "SHUT-INS—An all-request program dedicated to shut-ins. We are evaluating an idea in this respect by asking superintendents of hospitals to write in for radio sets if their hospital has none. We believe we can secure a reasonable number of reconditioned sets from the Radio Servicemen of America.

5. "BLOW-UP TELEGRAMS—signed by various WOR personalities to be displayed in telegraph offices, calling attention to the week and the Festival.

6. "Presentation of WOR's Credo of policy which has recently been written. It is a brief but eloquent statement of all we are doing and trying to do in serving the public. This would be released to trade papers, and we are considering offering it to Gabriel Heatter for discussion on one of his programs.

7. "A radio serviceman will be spotted as a guest on a variety program for an interview.

8. "We will ask Miss Pegeen Fitzgerald, our very clever fashion designer and commentator, to design a festival "radio hat". This would be tied in with a special department store window with equipment as a background showing its historical improvement."

#### QUINCY, ILL. . . . WTAD.

C. Arthur Fifer, general manager, has augmented his original plans. We've shipped him the last thousand copies of the first printing of "Radio's Riches" which he plans to distribute during Radio Festival.

#### WILKES-BARRE, PA. . . . WBAX.

H. A. Seville, general manager, WBAX, is the first to announce an Amateur Photographic Contest as a part of National Radio Festival. Wilkes-Barre department stores and those in other cities within the station's service area have agreed to display the entries along with appropriate captions and posters.

The Mayor of Wilkes-Barre, Chamber of Commerce officials and the Wyoming Valley High School Conference of some twenty schools are all tied in with the week's program. Special programs of the activities will fill the airplanes for the entire week.

#### THE YANKEE NETWORK

R. L. Harlow, vice president, Boston, among other things said: "... You have already received notifications of cooperation in the Radio Festival.

"We are definitely planning to do something along similar lines in Providence with Station WEAN. . . ."

### FAIR'S RADIO DAY JULY 4

The NAB has accepted the invitation of the New York World's Fair to develop a suitable celebration of a day set aside in honor of the broadcasting industry. Following consultation with NAB, the day designated was July 4.

The President will be invited to participate in the exercises, along with Neville Miller, president of the NAB, and a committee representative of all elements in the broadcasting industry, including the heads of the major networks. Distinguished men and women from all walks of life will be invited to witness and bear testimony to the importance of the event. The central section of the ceremonies is tentatively scheduled to be broadcast, while re-broadcasting privileges are being requested for non-network stations. Arrangements are to be worked out by Ed Kirby, NAB Director of Public Relations, in collaboration with industry people and representatives of the New York World's Fair.

On this occasion the NAB plans to dramatize the expression and the ideal "freedom of radio" which has long since taken its place alongside the concepts of the terms "freedom of the press" and "freedom of religion."

## DENTISTS PROTEST ADS

Headquarters has received the following resolution from the Radio Broadcasting Committee of the American Dental Association:

"To the Board of Trustees of the American Dental Association:

"At a special meeting of the Board of Trustees of the Pennsylvania State Dental Society, held March 31, 1940, it was unanimously voted that the American Dental Association, through proper channels, contact the Federal Radio Communications Board in regard to control and limitation of radio programs of advertising dentists and other commercial dental programs on the air."

## CONSUMER STUDY

Continuing the NAB inquiry into the effect of the consumer movement might have on radio advertising, Neville Miller met Wednesday with the committee of Consumer Relations in Advertising in New York. Kenneth Dame-ron, the director, made a complete report on the activities of the committee's staff and the meetings he had attended. He also outlined plans for the future. The following members of the committee were present:

John Benson, A.A.A.A., Chairman of the Committee (representing advertising);

Julius Adler, *New York Times* (representing newspapers);

William Raydel, Newell Emmett, member of the A.A.A.A. (representing advertising);

Fred Healy, Curtis Publishing Company (representing magazines);

Chester LaRoches, Young & Rubicam (representing advertising);

Neville Miller, NAB (representing radio).

## PACIFIC ADVERTISING CLUBS

The Pacific Advertising Clubs convention is slated for July 7-10, in Vancouver, B. C. It has been suggested that some members might like to attend the convention, then take a three weeks' vacation in the West before the NAB convention in San Francisco, August 4.

## TEACHING BY RADIO

Radio has a more than two-to-one edge over textbooks as a method of learning school lessons, as far as some junior high school students are concerned.

In a questionnaire answered by seventh and eighth grade pupils of Bronxville, New York, 45 per cent said they found it easier to learn by radio than from books. Thirty-five per cent decided it made no difference and only 20 per cent voted for books as the easier medium.

The study was made by the Evaluation of School Broadcasts at Ohio State University, Columbus, Ohio.

The pupils who found it easier to learn by radio said the broadcasts gave better explanations and held their interest better. They declared that the radio programs left out

the dull, boring parts—in short, that the radio method was more amusing and "more fun."

Pupils who said it was harder to learn by radio felt that not enough facts were given on the broadcasts. They preferred books because they could go back and re-read their lessons several times, while on the radio information was given only once. And some said they found it hard to understand the radio speakers and actors, because they didn't speak distinctly.

## WINDOWS ARE OPEN

Spring is here; summer is just around the corner; and people are beginning to keep their windows open day and night.

All of which means that this is the season of the year in which the NAB receives all sorts of letters and resolutions from people who somehow believe that the broadcaster is responsible should the sounds of music waft across the court from a neighbor's apartment in the wee small hours.

Last year one or two letters indicated that the writers felt the radio station was responsible for the volume of sound emanating from neighbors' loudspeakers, one letter suggesting that the stations ought to "reduce the power after ten o'clock at night."

In each case, the NAB points out that the broadcaster cannot be responsible for the failure of a person to consider the comfort of his neighbor. However, it does believe that an occasional friendly reminder on the air might build goodwill all the way around, placing the station in the position of being concerned with those who wish to exercise their right to listen late at night, and also with those who wish to quit listening at an earlier hour.

## LEGISLATIVE COMMITTEE

The NAB Legislative Committee met yesterday at headquarters. The Logan-Walter Bill to improve administrative procedure and judicial review of administrative proceedings was considered by the Committee, but no action was taken. Those present were John A. Kennedy, Chairman, Harry Butcher, John Elmer, Frank M. Russell, Theodore C. Streibert and Neville Miller.

## FEDERAL LEGISLATION

H. R. 9665 (Clason, R., Mass.) COPYRIGHT—To reduce the amount of damages for infringement of copyright of musical compositions in certain hotels and other places. Referred to the Committee on Patents.

H. R. 9703 (McGranery, D., Penna.) COPYRIGHT—To amend the Copyright Act of 1909, and for other purposes. Referred to the Committee on Patents.

## CONVENTION RESERVATIONS POUR IN FROM WHOLE COUNTRY

With requests for NAB convention room-reservations pouring in from all parts of the country, Howard



Land, KFBK, has appointed Lincoln Dellar, KSFO, chairman of the convention housing committee. The number of requests for reservations indicates that broadcasters from the east, south, and midwest will attend the convention in full force. Many are taking their families with them and are combining the convention with a West Coast vacation trip.

Ralph Brunton, KJBS, is chairman of the Treasure Island entertainment committee and is making extensive plans for entertaining the delegates at the Fair.

Ward Ingram, KFRC, is chairman of the golf committee which is making arrangements for the annual NAB Tournament for the *Broadcasting* trophy, to be played Sunday, August 4.

Again the NAB urges those broadcasters interested in an all-expense trip to communicate with Russell Place, NAB counsel. Raymond Whitcomb, Inc., has been engaged to act as agent for the NAB in arranging the details of these all-expense trips.

### FCC APPROVES NAB LOG

The NAB is sending to member stations, this week, a "Program Log Recommendation" designed to aid members comply with Rule 3.90A of the FCC Rules and Regulations Governing Broadcast Stations, and approved by the FCC. The report was prepared by the NAB Research Department for the Accounting Committee and submitted to the FCC for its review, March 30, 1940. The following letter was addressed to the Commission:

March 30, 1940.

Mr. T. J. Slowie, Secretary,  
Federal Communications Commission,  
Washington, D. C.

Dear Mr. Slowie:

There is attached a copy of a Program Log Recommendation prepared by the Accounting Committee of the National Association of Broadcasters. The recommendation is designed to aid stations to comply with Rule 3.90A of the revised Rules and Regulations Governing Broadcast Stations, issued by the Federal Communications Commission last August. Many stations appealed to the NAB for assistance in preparing a suitable form for the keeping of a Program Log and in interpreting the detail of information to be recorded on the form.

In the work of preparing the Program Log Recommendation for the NAB Accounting Committee, the Secretary-Treasurer and the Research Director of the Association consulted with a sub-committee of the Commission's Rules Committee. NAB is grateful for the splendid cooperation of Mr. Porter of the Law Department, Mr. Sutton and Mr. Utter of the Accounting Department, Mr. Massing of the License Bureau and Mr. Ring of the Engineering Department, Chairman, who comprised the sub-committee. Their aid was invaluable in preparing the recommendation.

We ask you to submit the Program Log Recommendation to the Commission to ascertain whether it complies with the requirements of Section 3.90A of the Rules. Paragraph three of the first page of the recommendation points out that minimum requirements to comply with the Rule are set forth in the recommendation. We do not seek to establish a standard form since the Program Log can serve station management beyond Commission requirements by the inclusion of additional data. As an example, the form can be used, with some revision, as a "proof of performance" record for commercial programs and employed as a Journal for billing.

In mailing this recommendation to stations we would like to be able to say that the Commission is in accord, that it fulfills the requirements of the Program Log Rule and thus render the recom-

mendation of maximum value to the Commission and the industry. We trust that this can be accomplished without the necessity of formal Commission action.

Should there be any questions concerning the recommendation, we will be glad to answer them.

Very sincerely yours,

s/EDWIN M. SPENCE,  
*Secretary-Treasurer.*

The reply to the NAB letter was as follows:

May 8, 1940.

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

Gentlemen:

This will reply to your letter of March 30, 1940, submitting for review a proposed "Program Log Recommendation" dated March 22, 1940, with attached log form and "Instructions—Program Log."

The Commission has determined that the log form submitted by you makes provision for the keeping of log entries as required by the Rules now in effect applicable to standard broadcast stations, and that the instructions submitted by you for keeping the log are appropriate under the Rules.

Very truly yours,

s/T. J. SLOWIE,  
*Secretary.*

The FCC's official report No. 928 (B)—"Decisions of the Commission," dated May 8, 1940, which reports the action of the Commission en banc on May 7, includes the following note on the NAB Program Log Recommendation:

### NAB PROGRAM LOG FORM

The Program Log Form submitted by the National Association of Broadcasters, was held to be in keeping with program log requirements under Sec. 3.90(a) of the Commission's rules and regulations.

### APPEALS FROM FCC

In *Evans*, doing business as the Voice of South Carolina, v. *Federal Communications Commission*, decided April 29, the Court of Appeals for the District of Columbia by extension of the reasoning of the Pottsville case (— U. S. —, decided January 29, 1940), held that it was without power to interfere with the functioning of the FCC with respect to an application for modification of a contested construction permit, which application had been filed by one of the parties to the appeal during pendency of the appeal. In denying appellant's (the existing station's) motion for a stay order against Spartanburg Advertising Agency, holder of the contested C. P., the court said: "The limited function which this court plays in its appellate review, therefore, is crystallized by it in no 'vested right' as against the power of the Commission to consider other applications, whether for the same or competing facilities and the rights of others to have their applications considered. The court's decision has in it, of course, an element of finality; but within the principle of the Pottsville decision, it has no finality as against the power of the Commission to make a proper allocation of facilities as required by 'public interest, con-

venience and necessity,' whether upon applications involved in the appeal or others, so long as its doing so does not involve disregarding the court's decision upon the questions of law determined in the appeal. This is clearly so as to applications of third persons not involved in the appeal. The Principle is equally applicable to new applications filed by one of the parties to the appeal, but not involved in it."

Having concluded that if the appeal had been determined, the Commission would have jurisdiction to consider the application for modification within the rule laid down by the Pottsville decision, the court took another step and decided the Commission had jurisdiction while the appeal was pending. "To hold otherwise," the opinion states, "would be in direct contradiction of the administrative purposes and procedure created by the statute with a view, among other things, to prompt and efficient disposition of the Commission's business and the conflicting claims presented to it."

In respect of appellant's contention that failure to secure the stay would render the appeal moot, the court stated: "If the Commission's action renders the appeal moot, we will be powerless to prevent it; insofar as it does not do so, the appeal retains full vitality; insofar as it may raise new appealable issues, they must be presented upon another appeal and another record in any event. These alternative possibilities may not involve the technical finality characteristic ordinarily of the judgments and decrees of courts. But they will bring more quickly and as fairly to a conclusion the entire controversy among the parties, a result more obviously in accord with the purposes of administrative action than the observance of merely technical conceptions evolved in and characteristic of another process."

### TOBEY ASSAILS FCC

Senator Tobey (R-NH) assailed the FCC this week for failure to make its "monopoly" report. The Senator sent the following letter to the Commissioners:

May 3, 1940.

\_\_\_\_\_, Commissioner,  
Federal Communications Commission,  
Washington, D. C.

DEAR MR. \_\_\_\_\_:

In November 1938, Chairman McNinch stated to the House Appropriations Committee that the Radio Monopoly Report of the Commission would be submitted to the Congress within sixty days.

In June 1939, as Chairman of the Federal Communications Commission, you appeared for the Commission, before the same Congressional Committee, and said that the report would be ready for Congress within sixty days.

In November 1939, Commissioner Fly of the Federal Communications Commission appeared and stated before the Congressional Committee that the Commission would make its report and recommendations within sixty days.

It is now eighteen months since Congress was officially told by the Commission that its Radio Monopoly Report and recommendations would be "ready in about sixty days."

I submit to you that, in the light of these facts, these assurances would seem to be nothing but a mockery. As a member of the

Senate, interested in this matter, I ask you now as to the reasons for this delay and what you, as a member of the Commission, can do to have the report submitted to the Congress at once. An early reply will be appreciated.

Sincerely yours,  
/s/ CHARLES W. TOBEY.

### TELFORD TAYLOR APPOINTED GENERAL COUNSEL OF FCC

The FCC has appointed Telford Taylor as general counsel, to succeed William J. Dempsey upon the latter's entering private practice. Mr. Taylor, who is a special assistant to the Attorney General, will join the Commission's legal staff immediately as special counsel. Mr. Dempsey will remain with the Commission for several weeks.

Born at Schenectady, N. Y., on February 24, 1908, Mr. Taylor attended local schools and was graduated from Williams College in 1928 with an A.B. degree. He taught history and political science at Williams for two years, receiving his M.A. degree in 1932. In that year he was graduated from Harvard Law School with the degree of LL.B. cum laude, having served on the editorial board of the Harvard Law Review. He was appointed law secretary to Judge Augustus N. Hand of the Circuit Court of Appeals, New York, from 1932 to 1933, when he became assistant solicitor of the Department of the Interior.

From 1934 to 1935 he was senior attorney of the Agricultural Adjustment Administration and handled much of its legislative work. For four years he served as associate counsel of the sub-committee of the Senate Committee on Interstate Commerce, investigating railroads and railroad finances. Since October, 1939, Mr. Taylor has been head of the Court of Claims section of the claims division of the Department of Justice.

Mr. Taylor has appeared in cases in the District of Columbia Court of Appeals and also in the United States Supreme Court. He is married.

Joseph L. Rauh, Jr., was appointed general counsel, to succeed William C. Koplovitz. Mr. Rauh has resigned as assistant general counsel of the Wage and Hour Division of the Department of Labor to assist Telford Taylor who, on May 6, was announced to become general counsel of the Commission, vice William J. Dempsey, who will enter private practice with Mr. Koplovitz.

Mr. Rauh was born at Cincinnati, Ohio, on January 3, 1911. Entering Harvard College in 1928, he was graduated therefrom magna cum laude in 1932. He enrolled at Harvard Law School, from which he was graduated at the head of the class of 1935. He was on the Harvard Law Review.

From 1935 to 1936, Mr. Rauh was a member of the legal staff of the Securities and Exchange Commission, participating in litigation involving the constitutionality of the Public Utilities Holding Company Act. In 1936 he



became law secretary to Associate Justice Benjamin N. Cardozo of the United States Supreme Court, serving in that capacity until the death of the Justice in 1938.

Joining the legal staff of the National Power Policy Committee, Mr. Rauh was thus engaged from July, 1938, to January, 1939, when he became law secretary to Associate Supreme Court Justice Felix Frankfurter. In March, 1939, Mr. Rauh became associated with the Wage and Hour Division of the Labor Department. As that division's assistant general counsel, he had charge of all interpretive work and the drafting of all findings in wage order cases and from time to time represented the Administrator in the courts. Mr. Rauh is married.

## ST. LOUIS CHANGES

Serious and long standing problems involving radio stations in the St. Louis area are near solution as a result of a series of orders issued today by the Federal Communications Commission.

The stations concerned are KSD, KFUD, KXOK, WGBF, KFRU and KWK. The Commission took the following action:

1. Granted application of KSD, St. Louis, to operate unlimited hours on 550 kilocycles, with power of 5 kilowatts day, 1 kilowatt night, effective not later than July 1, 1940, KSD's application for 630 kilocycles was dismissed.

2. Granted application of KFUD, St. Louis, to change from 550 kilocycles to 830 kilocycles, 1 kilowatt day and night, local sunrise to sunset at Denver, Colo., effective not later than July 1, 1940.

3. Granted application of KXOK, St. Louis, for construction permit to change from 1250 kilocycles to 630 kilocycles, 5 kilowatts, unlimited hours, with directional antenna.

4. Granted application of WGBF, Evansville, Ind., for construction permit to change from part time on 630 kilocycles to 1250 kilocycles, unlimited hours, 5 kilowatts day, 1 kilowatt night, with directional antenna.

5. Granted application of KFRU, Columbia, Mo., for construction permit to change from 630 kilocycles part time to 1370 kilocycles unlimited hours, 250 watts.

6. Granted petition of KWK, St. Louis, to reinstate application for permission to operate unlimited hours with 5 kilowatts on present frequency, 1350 kilocycles, and granted construction permit to cover directional antenna system subject to approval by the Commission. KWK's application for change to 630 kilocycles has been designated for hearing.

The action was taken as a result of negotiations by the Commission with interested parties, in order to bring to a close long and continued administrative proceedings and court litigation.

## RAILROAD YARD EXPERIMENT

Experiment in radiotelephone communication between the central control tower of a railroad freight yard and locomotives therein is proposed by the Central Railway Signal Company, of Proviso, Ill., which today received authorization from the Federal Communications Commission for that purpose. The company was issued construction permits for two Class II experimental stations at Proviso, each to operate with 15 watts power, A3 transmission. One will use 300,000 to 400,000 kilocycles, and the other 35,460, 37,140, 39,140 and 39,540 kilocycles.

## BYRD PICTURES BY RADIO

Pioneer use of radiophotograph transmission from the antarctic, to relay pictures from Little America to the United States, is involved in the special temporary authorization granted Press Wireless, Inc., to communicate with the Byrd antarctic expedition. A1 (continuous wave telegraphy) and A2 (modulated continuous wave telegraphy) type emission will be used to control the pictures by air from the expedition base radio station, KTRK, to the Press Wireless point-to-point station at Hicksville, N. Y. The experiment is authorized for one month.

## INTERNATIONAL BROADCAST STATIONS

FCC this week approved a notice to be sent all licensees of international broadcast stations relative to the power and antenna requirements of such stations.

## FTC INDEX

Because of lack of interest on the part of most members, the annual index of Federal Trade Commission orders will not be published this year. An index is on file at the NAB, however, and inquiries about particular cases will receive prompt attention.

## LABOR NOTES

Field forces of the Wage and Hour Division, U. S. Department of Labor, were instructed today by Colonel Philip B. Fleming, Administrator, to take immediate action against employers who have failed to keep true and adequate records as required by law.

"Incomplete wage and hour records are the most serious hurdle confronting our inspectors," Colonel Fleming declared.

"This is true in all of the 15 regions into which the country has been divided for enforcement purposes. I have directed that employers violating the law in this respect be prosecuted. The law has been in effect 18 months and no one can plead ignorance of the record-keeping regulations. Any employer, therefore, who does not keep these records is properly suspect."

Regulations issued under the Act merely require listing of the name of each employee, home address, hours worked each work day and each work week, hourly rates of pay, total wages paid and date of payment. In some instances violators have falsified or destroyed records.

Thurman Arnold has lost his second case under the anti-trust laws against labor unions, and the A. F. of L. is jubilant.

Indictments against labor unions and labor leaders for "illegal" union activity have been thrown out in St. Louis and Washington, D. C.

In commenting on the Washington decision, A. F. of L. counsel emphasized that "the broad question of whether labor unions are exempted from prosecution under the Sherman Act by the Clayton Act was not involved in this case and was not passed upon by the Court."

## 826 STATIONS

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

	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	April 1	May 1
Operating .....	734	735	735	738	739	743	751	755	765	769	771	775	779
Construction .....	38	38	43	56	59	57	58	57	49	48	51	48	47
	772	773	778	794	798	800	809	812	814	817	822	823	826

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral argument is scheduled before the Commission in a broadcast case during the week beginning Monday, May 13. It is subject to change.

**Thursday, May 16**

Oral Argument Before the Commission

REPORT NO. B-95:

NEW—Neptune Broadcasting Corp. (A. Harry Zoog, Pres.), Atlantic City, N. J.—C. P., 1430 kc., 100 watts, 250 watts LS, unlimited time.

## FUTURE HEARINGS

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

**May 23**

Oral Argument Before the Commission

REPORT NO. B-96:

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license; 25950 kc., 1000 watts, emission A-3, unlimited time, according to Rule 983 (a).

W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license; 88000, 120000, 240000 and 500000 kc., 500 watts, emission A-3, unlimited time according to Rule 983 (a).

**May 28**

WRTD—Times Dispatch Radio Corp., Richmond, Va.—C. P., 590 kc., 1 KW, unlimited time (DA-night). Present assignment: 1500 kc., 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted construction permit to install new equipment and directional antenna system for day and nighttime operation; increase power from 1 KW to 5 KW; and move transmitter site locally; frequency 610 kc. (B3-P-2476).

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Granted construction permit to install new transmitter, directional antenna for day and night use; increase power from 1 KW to 5 KW, unlimited time; frequency 620 kc. (B5-P-2632).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted construction permit to make changes in equipment and increase power from 10 KW, unlimited time, to 50 KW, unlimited time; frequency 1180 kc. (B5-P-2783).

WTAQ—WHBY, Inc., Green Bay, Wisc.—Granted modification of construction permit to make changes in directional antenna system (B4-MP-952).

Lakeland Broadcasting Co., Willmar, Minn.—Application for construction permit to erect a new station, already in hearing docket, amended so as to request 1310 kc., 100 watts, unlimited time. Exact transmitter site to be determined (B4-P-2370).

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Granted modification of license to increase night power from 100 watts to 250 watts, operating on frequency 1200 kc. (B1-ML-968).

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted construction permit to increase night power from 1 KW to 5 KW, install directional antenna for nighttime, operating on frequency 1360 kc. (B1-P-2654).

WMAN—Richland, Inc., Mansfield, Ohio.—Granted modification of license to change hours of operation from daytime to unlimited, using 250 watts power on 1370 kc. (B2-ML-947).

KBKR—Louis P. Thornton, Baker, Ore.—Granted modification of license to increase night power from 100 watts to 250 watts; frequency 1500 kc., 250 watts day, unlimited (B5-ML-951).

KEEN—KVL, Inc., Seattle, Wash.—Granted consent to the assignment of license from KVL, Inc., to Evergreen Broadcasting Corp.; frequency 1370 kc., 100 watts, shares time with KRKO (N5-AL-271).

WPIT—Westinghouse Electric & Mfg. Co., Saxonburg, Pa.—Granted construction permit to move International Broadcast Station WPIT to Hull, Mass.; increase power from 40 KW to 50 KW and make changes in equipment; station operates on frequencies 6140, 15210, 21540 kc., unlimited time, shares time with WBOS on 9570 kc., shares time with WLWO on 11870 kc., and shares time with WNBI on 17780 kc. (B1-PIB-23).

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted special experimental authority for International Broadcast Station WRCA to operate an additional 35 KW power amplifier in parallel with the regular 35 KW power amplifier, the additional amplifier to feed a separate directive antenna, making an effective operating power of 70 KW; station operates on 9670 kc. and 21630 kc., unlimited time (B1-MLIB-33).

WENL—Station WIS, Inc., Portable-Mobile (area of Columbia, S. C.)—Granted consent to assignment of license of portable relay broadcast station WENL from Station WIS, Inc., to The Liberty Life Insurance Co.; frequencies 30820, 33740, 35820, 37980 kc., power 2 watts (B3-ALRE-23).

KDAC—Gilbert H. Jertberg, Executor of the Estate of George Harm, Portable-Mobile (area of Fresno, Calif.)—Granted



consent to involuntary assignment of license of relay broadcast station KDAC from George Harm, deceased, to Gilbert H. Jertberg, Executor of the Estate of George Harm; frequencies 1622, 2058, 2150 and 2790 kc., power 25 watts (B5-ALRY-10).

National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.).—Granted construction permit for new portable-mobile television broadcast station to operate on 312000-324000 and 282000-294000 kc., 15 watts aural and visual power, A3 and A5 emission (B1-PVB-54).

Columbia Broadcasting System, Inc., Portable-Mobile (area of New York, N. Y.).—Granted construction permit for new television relay broadcast station; frequency 336000-348000 kc., power 25 watts (B1-PVB-46).

W1XCS—Connecticut State College, Storrs, Conn.—Granted construction permit to change name to The University of Connecticut; change frequencies from 39540, 139960, 300000-400000 kc. to 26300, 139960, 300000-400000 kc.; increase power from 250 to 1000 watts; change emission to A3 and special for FM; change equipment.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Granted modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night; frequency 1370 kc.; unlimited time. (B4-ML-960)

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted modification of license to increase hours of operation from all hours except 8:30 a. m. to 10 a. m. and 2 p. m. to 3 p. m. EST, daily, to all hours except 8:30 a. m. to 10 a. m. Mondays through Fridays, contingent on granting of modification of license for WSVS (B1-ML-962).

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted modification of license to change hours of operation from 8:30 a. m. to 10 a. m. and 2 p. m. to 3 p. m. EST, daily, to 8:30 a. m. to 10 a. m. EST, Mondays through Fridays (B1-ML-963).

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Granted modification of construction permit as modified for increase in night power from 100 watts to 250 watts, and extension of commencement date to 60 days after grant and completion date to 180 days thereafter; frequency 1500 kc., 250 watts day, unlimited time (B-MP-917).

## RENEWAL OF LICENSES

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

KDYL and auxiliary, Salt Lake City; KFIO, Spokane; KGGF, Coffeyville, Kans.; KLS, Oakland, Calif.; KOL, Seattle; KPAC, Port Arthur, Texas; KRGV, Weslaco, Texas; KTFL, Twin Falls, Idaho; KTMS, Santa Barbara, Calif.; KUOA, Siloam Springs, Ark.; KWSC, Pullman, Wash.; KYA and auxiliary, San Francisco; KXOK, St. Louis, Mo.; KATR, Waterbury, Conn.; WAVE, Louisville, Ky.; WBRG, Birmingham, Ala.; WCSH, Portland, Me.; KFBB, Great Falls, Mont.; KFOX, Long Beach, Calif.; KGBX, Springfield, Mass.; KOIL, Omaha, Neb.; KIT, Yakima, Wash.; KOIN, Portland, Ore.; KRSC, Seattle; KVOA, Tucson, Ariz.; WCAD, Canton, N. Y.

## DESIGNATED FOR HEARING

Arlington Broadcast Corp., Arlington, Va.—Application for construction permit for a new station to operate on 1120 kc., 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval (B2-P-2466).

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Application for construction permit to make changes in directional antenna system and increase time of operation from specified hours, employing directional antenna, using 5 KW on 1480 kc., to unlimited time, employing directional antenna system for both day and nighttime operation (B4-P-2399).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. CST on May 21 and 22, 1940, in order to permit WNAD to broadcast special educational programs; to remain silent from 7:15 p. m. to 9:15 p. m. CST, May 21, as licensed.

WNAD—University of Oklahoma, Norman, Okla.—Granted temporary authority to operate during the above period from 2 to 3 p. m. (provided KGGF remains silent) in order to broadcast educational programs; to operate as licensed from 7:15 to 9:15 p. m., May 21.

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Granted special temporary authority to operate from 8 p. m. to 10 p. m. CST, May 13, 1940, in order to broadcast the parade and festivities in connection with the celebration "Days of '69," sponsored by the North Platte Community and Union Pacific Railroad Co., the highlight of this program to be the arrival of the radio comedy team "Burns and Allen."

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted special temporary authority to rebroadcast over station KNX, a program picked up from short wave transmitter WNJC, licensed to the National Park Service on Government assigned frequency 2496 kc., from 10:30 to 11 p. m. EDST, May 17, 1940, in order to broadcast a program from a small boat on the Colorado River, near Phantom Ranch, Grand Canyon; the rebroadcast to be a part of Robert Ripley "Believe It or Not" program carried by the Columbia Network.

WANZ—Pillar of Fire, Zarepheth, N. J.—Granted license to cover construction permit for changes in equipment; frequency 1350 kc., 1 KW power; shares time with WBNX; directional antenna day and night (B1-L-1140).

W3XMC—McNary and Chambers, Washington, D. C.—Granted construction permit to move transmitter from Pennsylvania Avenue and 18th Street, N. W., Washington, D. C., to 2701 Fourteenth St., N. W., Washington, D. C. (B1-PHB-225).

W2XWE—WOKO, Inc., Albany, N. Y.—Granted construction permit to move transmitter from east side Central Avenue, opposite Tremont St., Albany, N. Y., to State Office Bldg., Swan St., Albany, N. Y.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts from 8:30 p. m. to 9 p. m. CST, May 11, 1940, in order to broadcast the University of Kentucky State Musical Festival.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of eight and one-half hours daily for the period beginning May 20, 1940, and ending not later than June 8, 1940, in order to observe the examination and vacation period between regular University sessions.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 11 p. m. to 12 p. m. CST, May 10, 1940, in order to broadcast the Senior Ring Dance.

WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from sunset (May 7:30 p. m. EST) to 11 p. m. EST, May 9, 1940, in order to broadcast a banquet and dance of the American Legion Posts in the 26th district of Pennsylvania only.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate with A-4 emission on 42600 kc. on May 6 and 7, 1940, in order to make a test of performance capabilities of a new pre-production model facsimile receiver manufactured by the R.C.A. Manufacturing Co. containing in one chassis the recorder, standard broadcast band receiver and facsimile receiver covering the bands 25-27 and 42.51-44 mc.

WAGF—John T. Hubbard, Julian C. Smith, & Fred C. Hoseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted construction permit to move transmitter and install new antenna; frequency 1370 kc.; power 250 watts, daytime (B3-P-2829).

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted license to cover construction permit for installation of new equipment; frequency 770 kc.; power 50 watts; simultaneous day, shares with KFAE night (B4-L-1142).

Gilbert H. Jertberg, Executor of the estate of George Harm (deceased), Portable-Mobile (area of Fresno, Calif.).—Granted construction permit for new relay broadcast station; frequencies 30820, 33740, 35820, 37980 kc.; power 10 watts (B5-LRE-350). Also granted license to cover construction permit (B5-LRE-311).

WRTD—Times Dispatch Radio Corp., Richmond, Va.—Granted motion for continuance of hearing now scheduled for May 6 to a date to be fixed by Secretary's Office, in re application for construction permit to change frequency from 1500 kc. to 590 kc., and increase power from 100 watts to 1 KW; unlimited time, DA night.



- KFSD—Airfan Radio Corp., San Diego, Calif.—Granted petition to intervene in the hearing on the application of Worcester Broadcasting Corp. for a new station in San Diego to operate on 1420 kc., 200 watts, unlimited time.
- Burlington Broadcasting Co., Burlington, N. C.—Granted petition for leave to amend application for new station to request 1310 kc. instead of 1420 kc., and unlimited time instead of daytime.
- W6XKG-W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Scheduled for oral argument on May 23, 1940, the proposed findings of the Commission on the application for renewal of license for high frequency broadcast (experimental) station.
- WEHJ—WJW, Inc., Portable mobile (Area of Akron, Ohio).—Granted construction permit to install new transmitter in relay broadcast station (B2-PRE-351).
- WDAY, Inc., Portable-Mobile (area of Fargo, N. D.).—Granted construction permit for new relay broadcast station, frequencies 133030, 134850, 136810, 138630 kc., power 1 watt, special emission (B4-PRE-345).
- General Electric Co., Portable-Mobile (area of South Schenectady, N. Y.).—Granted license for new special relay broadcast station to be used in connection with International Broadcast Stations WGEA and WGEO, when the same program is not being broadcast by Station WGY; frequencies 31220, 35620, 37020 and 39260 kc., power 2 watts, A3 emission (B1-LRE-310).
- WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartansburg, S. C.—Denied special temporary authority to operate from sunset (May 7:30 p. m., June 7:45 p. m.), EST, to conclusion of baseball games on the following days: May 7, 8, 9, 13, 14, 17, 18, 22, 23, 25, 29, 30, 31; June 5 and 6, 1940, in order to broadcast the home games of the Sally League Baseball Team only.
- WHAM—Stromberg-Carlson Telephone Manufacturing Co., Rochester, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 (B1-Z-382).
- KGVO—Mosby's Inc., Missoula, Mont.—Granted petition of KGVO to dismiss petition for rehearing in the matter of the application of KHSL, Chico, Cal. for a construction permit to install new equipment, increase power from 250 watts, unlimited time to 500 watts night, 1 KW day, on the frequency 1260 kc.
- William F. Huffman, Wisconsin Rapids, Wis.—Granted motion of applicant requesting that Commission reconsider its action of October 24, 1939, in designating for hearing his application for a new station to use 1310 kc., 100 watts night, 250 watts LS, unlimited hours, and granted the application, subject to selection of approved transmitter site and antenna system.
- Hazlewood, Inc., Orlando, Fla.—Denied motion of Hazlewood, Inc., requesting dismissal of the application of Radio Corp. of Orlando, for a new station in Orlando, Fla., to operate on 1200 kc.
- WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Denied motion of WBHP to dismiss the application of The Huntsville Times Co., Inc., for a new station in Huntsville, Ala.
- Kentucky Broadcasting Corp., Louisville, Ky.—Ordered that the order be discharged directing the Kentucky Broadcasting Corp. to show cause why construction permit issued them should not be recalled, and order granting application for new station be set aside on grounds that applicant is not financially qualified to construct and operate station. Satisfactory showing as to financial qualifications has now been shown.
- KMPC—Radio Station KMPC, Los Angeles, Calif.—Issuance of construction permit covering move of transmitter site, increase in power to 5 KW, and installation of directional antenna system for day and night time operation, will be withheld, pending the selection by applicant of a site satisfactory both to the CAA and the Commission.
- WGPC—Albany Broadcasting Co., Albany, Ga.—Denied protest and request for hearing in the matter of the application of E. D. Rivers, Valdosta, Ga., for a construction permit to erect a new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time, which was granted by the Commission without hearing on February 7, 1940.
- KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted license to cover construction permit which authorized installation of new equipment and new antenna, and move of transmitter and studio; frequency 1050 kc., power 5 KW, limited time (B4-L-1138). Also granted authority to determine operating power by direct measurement of antenna power (B4-Z-388).
- WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted modification of construction permit as modified which authorized construction of a new broadcast station to make changes in equipment; frequency 1500 kc., power 100 watts, unlimited time (B1-MP-975). Granted license to cover construction permit (B1-L-1143). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-391).
- WCLO—Gazette Printing Co., Janesville, Wisc.—Granted authority to determine operating power by direct measurement of antenna power (B4-Z-390).
- W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted license to cover construction permit as modified for new high frequency broadcast station, frequency 43000 kc., power 1000 watts, special emission, granted upon an experimental basis only, conditionally (B4-LHB-58).
- WLWO—The Crosley Corp., Mason, Ohio.—Granted license to cover construction permit as modified which authorized increase in power to 50000 watts and installation of new equipment (B2-LIB-11).
- KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted modification of construction permit which authorized increase in power for approval of antenna and of site subject to the condition that the station will be required to reduce power or select another site and install a directional antenna system when Executive Agreement Series No. 136 is made effective (B5-MP-913).
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit which authorized increase in power from 1 to 5 KW, installation of new transmitter, and directional antenna for day and night use, and move of transmitter, for changes in type of transmitter and move transmitter from east of Brooklawn, N. J., to Creek Road, Bellmawr, N. J., extend commencement date 10 days after grant and completion date 120 days thereafter (B2-MP-974).
- W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted license to cover construction permit as modified for new high frequency broadcast station; frequency 43000 kc.; power 50000 watts; special emission; granted upon an experimental basis only, conditionally (B1-LHB-59).
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Adopted final order denying the application for a construction permit to install a new transmitter and a directional antenna for nighttime use, to change frequency to 1270 kc., and to operate with power of 1 KW, unlimited time.
- Caribbean Broadcasting Association, Inc., San Juan, Puerto Rico.—Denied petition to set aside the order of the Commission of March 12, 1940, granting the application of Puerto Rico Advertising Co., Inc., for a new station in San Juan, to operate on 1500 kc., with 250 watts, unlimited time, reconsider said application and designate the same for consolidated hearing with the application of Caribbean Broadcasting Association, Inc., for the same facilities.
- KSAN—Golden Gate Broadcasting Corp., San Francisco, Cal.—Denied petition for rehearing in the matter of the application of Marysville-Yuba City Broadcasters, Inc., to erect a new station at Marysville, Cal. to use frequency 1420 kc., with 100 watts power, unlimited time, which was granted by the Commission without a hearing on January 17, 1940.
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Denied petition requesting reconsideration by Commission of its action in designating for hearing the application of WTAL for renewal of license.
- WOL—American Broadcasting Co., Washington, D. C.—Dismissed, upon request of applicant, the petition for rehearing in the matter of the application of Lawrence Heller, for a new station in Washington, D. C.
- WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Granted modification of construction permit for new broadcast station for approval of antenna, change type of transmitter, approval of transmitter site at 6th St., U. S. Highway No. 41, and studio at 320 Busseron St., Vincennes, Ind. (B4-MP-731).
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted license to cover construction permit which authorized changes in auxiliary transmitter; frequency 580 kc.; power 1 KW; auxiliary purposes only (B3-L-1141).
- KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted modification of construction permit which



authorized increase in power, changes in equipment and antenna system, and move of transmitter, for extension of completion date from June 17, 1940 to August 20, 1940; frequency 1420 kc., 250 watts, unlimited time (B4-MP-977).

KAXM—Radiomarine Corp. of America, New York, N. Y.—Granted extension of special temporary authority to operate ship radiotelephone station KWBL with special emission on frequencies 4422.5, 8820, 8840, 13200, 13220, 17610 and 17680 kc., and as a special relay broadcast station on frequencies 6425, 9135, 12862.5, 17310 kc. for the period May 15, 1940, to not later than June 13, 1940, to transmit programs to the National Broadcasting Co. in connection with series of educational programs on sociological conditions in the Pacific South Sea Islands.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 5 p. m. to 6 p. m. CST, May 10, 14 and 24, 1940, and from 4 p. m. to 5 p. m. CST, May 11 and 25, 1940, in order to broadcast the Purdue Baseball Games.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate on Daylight Saving Time from May 9, 1940, to not later than August 1, 1940.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of construction permit for approval of antenna system, approval of transmitter site, change in type of transmitter; frequency 1350 kc., 500 watts (B3-MP-972).

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Reopened for further hearing, to be held in Washington, D. C., on May 22, 1940, the order of revocation of license of Eagle Broadcasting Co., Inc. (KGFI).

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Modification of license to change frequency from 550 to 830 kc., increase power from 500 watts night, 1 KW day to 1 KW day and night, change hours from share with KSD to from local sunrise to sunset at Denver, Colorado.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to change hours from share with KFUE to unlimited time. Requests facilities of KFUE.

### 770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—License to cover construction permit (B4-P-2496) for new equipment.

### 780 Kilocycles

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Transfer of control of corporation from R. E. McDonald to Wm. J. Wagner, 332 shares common stock.

### 940 Kilocycles

NEW—Park Cities Broadcasting Corp., Dallas, Texas.—Construction permit for new broadcast station on 940 kc., 500 watts, unlimited time, Class III-B Station. Studio: Petroleum Tower Bldg., Dallas, Texas. Transmitter to be determined, Dallas, Texas.

WHA—State of Wisconsin, University of Wisconsin, Madison, Wis.—Modification of license to change frequency from 940 to 830 kc.

### 1120 Kilocycles

WTAU—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to change specified hours to daily except Sunday: 6 to 8 a. m., 11:30 a. m. to 12:30 p. m.; daily except Saturday, 3 to 6 p. m.; Saturday only, 2:30 to 5:30 p. m. (contingent on KTBC license being revoked. Amended to request daily except Sunday, 6 to 8 a. m., 11:30 a. m. to 12:30 p. m.; daily except Saturday, 3 to 6 p. m., February through September; 2:30 to 5:30 p. m., daily except Saturday, October through January, and 2:30 to 5:30 p. m. Saturday only.

NEW—J. M. West, J. Marion West and P. M. Stevenson, near Austin, Tex.—Construction permit for new broadcast station on 1120 kc., 1 KW, specified hours, Class III-B, studio and

transmitter sites to be determined near Austin, Tex. (applicant requests consideration only if KTBC's license is revoked). Amended to change name of applicant to J. M. West, J. Marion West, T. H. Monroe and P. M. Stevenson, and to request facilities of KTBC.

### 1200 Kilocycles

NEW—Albert Joseph Meyer, Powell, Wyoming.—Construction permit for new broadcast station on 1500 kc., 250 watts, unlimited. Amended re antenna changes and requesting change of requested frequency to 1200 kc.

WCLO—Gazette Printing Co., Janesville, Wis.—Authority to determine operating power by direct measurement of antenna power.

### 1370 Kilocycles

WMAN—Richland, Inc., Mansfield, Ohio.—Authority to transfer control of corporation from George Satterlee to Monroe F. Rubin, 93 shares of common stock.

### 1400 Kilocycles

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Modification of license to change name to WLTH—NEW YORK, INC.—CORPORATED.

### 1420 Kilocycles

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Modification of construction permit (B4-P-2521) for increase in power, changes in equipment and antenna, move transmitter, requesting extension of completion date from 6-17-40 to 8-20-40.

WMVA—Wm. C. Barnes and Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Modification of construction permit (B2-P-2226) for a new station, requesting approval of antenna system, change transmitter, approval of studio site at Hotel Henry, Church St., Martinsville, Va., and transmitter site near Martinsville, Va.

### 1450 Kilocycles

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Modification of license requesting designation as Class III-A station.

### 1500 Kilocycles

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-2100) as modified for a new station, requesting changes in equipment.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—License to cover construction permit (B1-P-2100) as modified for new station.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Authority to determine operating power by direct measurement of antenna power.

## MISCELLANEOUS

NEW—Hughes Productions Division of Hughes Tool Co., Junipero Serra Peak, Monterey County, Calif.—Construction permit for new relay television broadcast station on 319.25 and 323.75 mc., power 25 watts, emission A5 and special for frequency modulation.

NEW—Hughes Productions Division of Hughes Tool Co., Copernicus Peak, Santa Clara County, Calif.—Construction permit for new relay television broadcast station on 307.25 and 311.75 mc., power 25 watts, emission A5 and special for frequency modulation.

NEW—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Construction permit for new high frequency broadcast station on 43200 kc., 1000 watts, emission special for frequency modulation.

NEW—Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Construction permit for new high frequency broadcast station on 43200 kc., 1000 watts, emission special for frequency modulation.

NEW—Hughes Productions Division of Hughes Tool Co., Los Angeles, Calif.—Construction permit for new Class II television broadcast station on 66000-72000 kc., 10 KW visual and aural, emission A3 and A5. Form 318 received requesting Class II.

NEW—Hughes Productions Division of Hughes Tool Co., San Francisco, Calif.—Construction permit same as above except

location to be San Francisco, Calif. Form 318 received requesting Class II television broadcast station.

NEW—Hughes Productions Division of Hughes Tool Co., Portable-Mobile.—Construction permit for a new portable television broadcast station on **301.25** and **305.75 mc.**, power 25 watts, A5 and special for frequency modulation. Portable, area of California.

NEW—Hughes Productions Division of Hughes Tool Co., Frazier Peak, Ventura County, Calif.—Construction permit for new relay television broadcast station on **307.25** and **311.75 mc.**, power 25 watts, emission A5 and special for frequency modulation.

NEW—The Louisville Times Co., Louisville, Ky.—License for new high frequency broadcast station on **25300 kc.**, 500 watts, emission A-3 (using transmitter of Facsimile Station W9XWT). Amended to change name of applicant to Courier-Journal and Louisville Times Company.

NEW—Hampton Roads Broadcasting Corp., Newport News, Va.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, A3-special emission for frequency modulation. Amended: Emission special for frequency modulation.

NEW—A. J. Fletcher, Raleigh, N. C.—Construction permit for new high frequency broadcast station on **43400 kc.**, 1000 watts, emission special for frequency modulation.

WEIX—Memphis Commercial Appeal Co., Area of Memphis, Tenn.—Construction permit to increase power from 5 watts to 22 watts and install new equipment.

NEW—Larus & Brothers Co., Inc., Richmond, Va.—Construction permit for new high frequency station on **43200 kc.**, 1000 watts, special emission for frequency modulation.

NEW—Radio Station WSOC, Inc., Charlotte, N. C.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation.

W3XGN—Berk Broadcasting Co., area Reading, Pa.—Construction permit to increase power from 1 watt to 2 watts and install new transmitter.

W8XVH—WBNS, Inc., Columbus, Ohio.—Construction permit to install new equipment.

NEW—Pensacola Broadcasting Co., Pensacola, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation.

W9XH—South Bend Tribune, South Bend, Ind.—Modification of license to change frequency from **26050** to **42380 kc.**

## 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 Cord & Webbing Company**—Max Krauss, trading as American Cord & Webbing Company, 394 Broadway, New York, engaged in the sale and distribution of cloth tape or web used in connection with Venetian blinds, upholstery and other articles, is charged in a complaint with misrepresentation.

The complaint alleges that in advertisements in trade journals, and other advertising material, the respondent represents, among other things, that "Vat Dyes are the Fastest dyes known to science—made to resist the color destroying action of sunlight, washing, dry cleaning, etc."

Through use of the foregoing representation and others of similar import, the complaint continues, the respondent represents that all colors in his products are produced by means of vat dyes.

The complaint alleges that in truth two of the colors portrayed in the respondent's advertising material are not "vat dye" colors, one of them being produced by a process known as the naphthol process, and the other by the sulphur process.

As illustrative of the purported fastness and durability of the dyes used to color his products, the complaint alleges, the respondent has caused to be inserted in certain of his advertising material charts or tables showing purported "Tests made on colors most likely affected by sunlight", through use of a "Comparative Fade-Ometer."

Through the use of such charts and tables the respondent is alleged to represent that the colors of his products are superior in fastness and durability to other colors used for similar purposes, when such is not a fact in all cases, and that his products have been subjected over designated periods of tests which demonstrate that the colors will not fade or change, when in fact the colors of his products fade appreciably when subjected to authentic tests for periods much shorter than those designated by the respondent.

A further practice of the respondent, the complaint continues, is use of the trade names "Lintex" and "Siltex" to designate certain of his products. Through use of these words, it is charged, the respondent alleges that his products are composed of linen or silk, when such are not the facts. (4112)

**Cheshill Manufacturing Company**—Edward Shill and Sanford C. Chesick, trading as The Cheshill Manufacturing Company, 501 Seventh Ave., New York, engaged in the sale and distribution of chain door locks equipped with so-called safety bells, which are sold under the name "Safety Bell Chain Locks," are charged with misrepresentation in a complaint.

In advertising matter printed on letterheads, billheads and on cartons containing their products, and by other means, the complaint alleges, the respondents have falsely represented that they are the manufacturers of the Safety Bell Chain Locks and other patented protective devices.

The complaint alleges that respondents have sold and distributed locks with the legend "Pat. Pend." stamped or braised in raised letters on metal bases of the locks.

In truth, the complaint continues, the respondents are not holders of letters patent on the locks or any other protective devices, and have not applied for nor do they have pending a patent for their Safety Bell Chain Locks or any of their parts. The complaint also charges that the respondents do not own, operate or control any factory, and that they are in no sense the manufacturers of the locks sold by them. (4123)

**Food Display Machine Corporation**, and M. J. Kulikowski, Mrs. M. J. Kulikowski and George H. Hardt, 620 North Michigan Ave., Chicago, are charged in a complaint with misrepresentation.

The respondents M. J. Kulikowski, Mrs. M. J. Kulikowski and George H. Hardt are the officers and principal stockholders of the corporation, which is engaged in the sale and distribution of machines designed for cooking potato chips, corn chips and doughnuts. The respondents use the trade names "Vita-Seald" in connection with their potato chip machines, "King Korn Company" and "King K Company" with respect to the corn chip machines, and "Brown Bobby Company" in connection with the doughnut machines.

In advertisements in magazines and periodicals, and other material, the respondents allegedly have represented, among other things, that "Only \$2.50 investment in raw materials brings back \$10 in cash at wholesale"; "Your machine is capable of turning out 10 lbs. of chips every hour—80 lbs. in an 8 hour day. If sold in 5¢ size bags . . . that should give you a total profit of \$21.60 on your 80 lbs. of chips"; "Sensational New Business That May Sweep You to Riches," and "Experts estimate and tests show that the first year's requirements should be about 12,000,000 lbs. You make 32¢ net profit on every pound that passes through your hands."

These and other statements, the complaint alleges, represent that tremendous incomes and profits may reasonably be expected by purchasers and users of the respondents' machines; that with little effort and small investment or expense one can start a business that will rapidly accumulate riches for himself, and that the respondents' machines present in themselves the most amazing money-making opportunity offered by any business in America.

In truth, the complaint continues, the respondents' claims as to the actual or potential markets available are grossly exaggerated, misleading and deceptive, and the actual market is supplied by strong, well-financed, experienced operators from whom an inexperienced operator with one or more of the respondents' machines would be unable to acquire or divert substantial trade and custom. To accumulate the profits or earnings at the rate and in the amounts represented by the respondents, the complaint alleges, would require the steady operation of such machines at full capacity. (4122)



**Junior League Lingerie, Inc.**, 152 Madison Ave., New York, is charged in a complaint with misrepresentation.

The respondent corporation is engaged in the sale and distribution of women's apparel, including slips and other lingerie. In the course of its business, the complaint charges, the respondent has falsely represented that its products are sponsored or approved by the Junior League, such representation being made by means of tags and labels attached to its products, and by letters, circulars and other advertising material distributed among prospective purchasers.

The name "Junior League," the complaint continues, has long been associated in the minds of a substantial portion of the purchasing public with the organization, to such an extent that the use of it to describe articles of merchandise, particularly women's apparel, causes the public to believe that the articles so designated are sponsored or approved by the Junior League.

In truth and in fact, the complaint alleges, none of the respondent corporation's products is sponsored or approved by the Junior League, and the respondent is not connected in any way with the organization and has no authority from the organization to use its name to designate its products. Use by the respondent of the words "Junior League," the complaint charges, as a part of its corporate name, constitutes within itself a false and misleading representation that the respondent is connected with the Junior League and that the respondent's products are sponsored or approved by the organization. The respondent has also, the complaint continues, placed directly in the hands of uninformed or unscrupulous dealers a means and instrumentality whereby such dealers have been and are enabled to mislead and deceive members of the purchasing public. (4124)

**Liberty Candy Company**—See McAfee Candy Company.

**McAfee Candy Company**—Joe B. Hill and C. O. McAfee, trading as McAfee Candy Company and Liberty Candy Company, 651 Poplar St., Macon, Ga., manufacturers of candy distributed to jobbers and wholesale and retail dealers, are charged, in a complaint with use of lottery methods in the distribution of their products.

Certain of the assortments distributed by the respondents, the complaint charges, are so packed and assembled as to involve use of games of chance or lottery schemes when sold to ultimate consumers. The respondents also are alleged to furnish various push cards for use in the sale and distribution of their products by means of a gift enterprise or lottery scheme. Through use of these plans, the respondents allegedly supply to and place in the hands of others the means of conducting lotteries in the sale of their products. (4114)

## STIPULATIONS

Following stipulations have been entered by the Commission:

**American Royal Products Company**—Edna Foster, trading as American Royal Products Company, 931 Ashland Ave., St. Paul, in connection with the sale and distribution of "Riteway" Corn and Callous Remover, agrees to cease representing that the product is amazing, new, marvelous, sensational, or different; is superior to other products; that it is "\$1,000 Guaranteed"; that agents or vendors may make \$2 to \$3 an hour, or earn profits in excess of the average net profits consistently made by full time salesmen; that a charge of 10 cents or other amount is intended merely "for mailing and handling" of a sample package, when in fact such sum covers the full price for which the commodity is regularly sold and delivered, and that E. L. Fox is the president of American Royal Products Company, or otherwise representing that her business is incorporated or extensive in size and operation. (2775)

**Cassell Products, Inc.**, 131 West 33d St., New York, in the sale of a toilet vinegar, agrees to desist from use on its wrappers, tags, or other advertising matter of the word "British", alone or in connection with any other words or pictorial or other representations, the effect of which may convey the impression that the prod-

uct is of English origin or that it is made in the British Isles. According to the stipulation, the respondent's preparation is of domestic manufacture. (2777)

**Cleo-Pax**—Jay P. Walk, trading as Cleo-Pax, 416 South Dearborn St., Chicago, manufacturer of so-called wrinkle plasters sold under the name "Cleo-Pax", agrees to cease using any statement directly asserting or implying that the use of the products will check or prevent the formation of wrinkles, lift up sagging facial lines, or cause such lines or wrinkles which result from age to fade away or become shallower, and agrees to desist from advertising that use of these products will rejuvenate aged or aging skin or eradicate facial lines or wrinkles. (2780)

**Colonial Lumber Specialties, Inc.**, 30 Church St., New York, engaged in the sale and distribution of red cedar shingles, agrees:

To cease representing that the "Early American Brand" of hand split red cedar shingle is "Guaranteed 20 years against fire", or designating or referring to a limited vendor's warranty as "an unconditional guarantee," and from use of the word "Guarantee" or the word "Guaranteed" or words of similar meaning in connection with the advertising, offering for sale, sale or distribution of its products, unless whenever used, clear and unequivocal disclosure be made in direct connection therewith, of exactly what is offered by way of security, and also any qualifying restrictions, limitations or provisos.

(b) To discontinue representing, by use of expressions such as "This guarantee does away with all uneasiness in reference to the fire hazard," or in any other way, that there is no danger from fire where the hand split red cedar shingles sold by it are used, or that they will not ignite, and to cease representations of any kind tending to convey the belief that untreated wooden shingles have been rendered fireproof.

(c) To desist from use on its trade stationery of the words "Mills in British Columbia, West Virginia" or other designated locality, or from words of similar implication tending to convey the belief that it makes or manufactures the products sold by it, or that it actually owns, operates or directly and absolutely controls a plant or mill in which such products are made or manufactured. (2782)

**Dated Cream Company**—Theresa H. Boyer and Ann Bray, trading as Dated Cream Company, Evansville, Ind., agree to cease representing that their preparation "Dated Cream" has healing properties or penetrates the skin; that it will go down deep into the pores and cleanse them of all foreign matter or will stimulate the pores to normal action, or that the preparation activates the sebaceous glands or does more than to cleanse the surface. The respondent co-partners also stipulate that they will cease representing that their preparation will vitalize the skin or remove wrinkles, prevent or restore sagging muscles, or restore a substance natural to the skin. (2785)

**Dickey Eye Water Company**—James J. Durr, doing business as Dickey Eye Water Company, Montgomery, Ala., engaged in selling a medicinal preparation designated "Dr. J. A. Dickey's Eye Water," agrees to cease representing that the preparation is superior in beneficial qualities to any other preparation used for the same purposes; that it is recognized as a standard preparation for the eyes, and that the preparation is a remedy or is capable of curing or healing. (02551)

**Ulric C. Jones Advertising Agency**—Ulric C. Jones, trading as Ulric C. Jones Advertising Agency, Hurt Building, Atlanta, has entered into a stipulation in which he agrees to desist from certain representations in the dissemination of advertisements with respect to 15 poultry, dairy and hog feeds sold by J. Kendley Martin, trading as Standard Milling Company, Atlanta. Among the feeds so advertised were "Super Quality" pullet, starting, laying, breeding and supplement mash, "Standard 18% Hog Feeds" and others.

In the stipulation, Ulric C. Jones agrees to discontinue disseminating or causing to be disseminated, any advertisements which represent directly or by implication that any of the feeding plans or feeds of J. Kendley Martin, or any ingredients in such feed, will "insure" or "assure" for the user any result which may not be expected to follow under every condition of use or which

is not entirely dependent on such feeding plan, feed, or ingredients in the feed, for its accomplishment.

Among other representations which the respondent agrees to discontinue are that any of the Martin feeds are perfectly balanced or incorporate every new feeding discovery of value in a poultry or livestock ration; that "Super Quality Coccidiosis Control Mixture," when used in connection with proper sanitary measures, will prevent coccidiosis in baby chicks or do more than aid in its prevention; that this preparation is completely medicated or will help prevent infectious diseases, unless, where it does so only because of its nutritive qualities, such reason is clearly indicated; that any of the hog feeds sold by Martin will afford the highest profit or grow and develop swine at the lowest feeding cost, or that the various feeds distributed by J. Kendley Martin are sold entirely direct to the purchasing public. (02552)

**Kaiser Baking Company**, trading also as Frantz Home Bakers, East Liverpool, Ohio, agrees to cease selling or otherwise disposing of bread or other products by means of a game of chance, gift enterprise or lottery scheme. The stipulation recites that the respondent company conducted a lottery and advertised "20 Free Trips to the New York World's Fair" through weekly drawings in which the winners were determined wholly by lot or chance. (2784)

**Van de Mark Advertising, Inc.**, Cincinnati, and Claude Efnor, vice president, engaged in the sale and distribution of advertising material consisting of cuts, mats, and material for promoting the sale by others of goods and commodities, have agreed to discontinue representations concerning "Riteway" Corn and Callous Remover similar to a number of those stipulated to be discontinued by Edna Foster, trading as American Royal Products Company. (2776)

**Standard Milling Company**—See Ulric C. Jones Advertising Agency.

**Standard Refining Company, Inc.**, 500 Palisade Ave., Jersey City, N. J., and Eleanor G. Rudiger and Joseph H. Rudiger, president and vice president of the corporation, distribute molasses, syrups and honey. In their stipulation the respondents agree to cease using the phrase "Extra Fancy Barbados Molasses" as a mark, stamp or brand for a product not composed wholly of molasses originating in the Islands of Barbados. They also agree to cease employing the word "Barbados," alone or in connection with other words or in any way as descriptive of molasses other than Barbados molasses. The stipulation provides that if the product is composed of a blend having Barbados molasses in substantial quantity as an ingredient and also having ingredients other than Barbados molasses, and the word Barbados is used to refer to such Barbados molasses content, then the word Barbados shall be accompanied by other words in equally conspicuous type to indicate clearly that the product is not composed wholly of Barbados molasses but is a blended product in which Barbados molasses is but one of two or more ingredients. (2778)

**United Factories, Inc.**, 1302 McGee St., Kansas City, Mo., engaged in the sale and distribution of oil burners for installation in stoves and furnaces, agrees to cease representing:

(a) That the device sold by it is a new, cheap type oil burner or that it burns cheap oil in a new way, or, by the use of similar terms or phrases, representing that the heating process employed in its open pool or pot type oil burners is an innovation or involves any new principles, or, inferentially or otherwise, that such burners operate satisfactorily with grades of oil inferior to or cheaper than the grades which should be used therein.

(b) That the oil burners it sells furnish twice the heat rendered by coal or wood, either at half the cost or at smaller cost, or at all, or representing without due regard to circumstances and environment that the heat from such burners is greater or cheaper than that from coal or wood.

(c) That any article is given "free" or as a gratuity, when the receipt of such article is contingent upon any consideration, terms or condition, as payment of money or rendering of services.

(d) Representing, by statement or inference, that exclusive trade territory is or may be given, allotted or reserved either "free" or

for a consideration or otherwise, to any person, or that agents or salespersons are designated for any territory or district with exclusive agency or selling rights therein. (2774)

**C. E. Woodling Chemical Works**—C. E. Woodling, trading as C. E. Woodling Chemical Works, 127 South Jefferson St., Allentown, Pa., engaged in selling a chemical designated "Odorene," to be sprayed in rooms for deodorizing them, agrees to cease representing that the product is instant in action and will banish, end or kill odors, or implying that it is permanent in effect; that there is no competition in selling the product; that the product is new in any territory, unless there have been no previous sales in the locality referred to; that the financial opportunities afforded in selling the product are unparalleled, and that the product is effective for all odors. (02553)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Chapman Health Products Company**, 4618 Euclid Ave., Cleveland, and John W. and Nellie C. Chapman, individually and as officers of the corporation, have been ordered to cease and desist from further dissemination of advertisements for the purpose of inducing the purchase of medicinal preparations sold and distributed by them under the designations "N.A.R. Tablets", and "Faid" (otherwise known as "Daintee").

Upon application of the Federal Trade Commission, the United States District Court for the Northern District of Ohio last December issued an order restraining The Chapman Health Products Company from further dissemination of false advertisements concerning the preparation designated "Faid" or "Daintee", pending the issuance of a complaint under its regular procedure by the Commission.

Findings of the Commission are that the respondents represented "N.A.R. Tablets" as a cure or remedy for rheumatism, neuritis and arthritis, when in fact the preparation possesses no therapeutic value in the treatment of those ailments except so far as the analgesic properties might afford temporary relief.

The preparation designated "Faid" (otherwise known as "Daintee") was represented as a cure or remedy for obesity and as being a competent, safe and scientific treatment, its use having no ill effect upon the human body. In truth, the Commission finds, the preparation contains powdered extract phytolacca berries, sodium baborate, berberine hydrochloride, apocynoid and desiccated thyroid. These drugs, according to findings, are present in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the respondents' advertisements or under such conditions as are customary and usual.

The respondents are ordered to cease and desist from the dissemination of any advertisements for the purpose of inducing the purchase of the preparations or any medicinal preparations composed of substantially similar ingredients, whether sold under the same name or any other name, and which advertisements, when referring to the product "Faid", fail to reveal that its use may result in serious or irreparable injury to health, or which advertisements represent "N.A.R. Tablets" as a cure or remedy for rheumatism, neuritis or arthritis, or that the preparation "Faid" (otherwise known as "Daintee") is a cure or a competent, safe or scientific treatment for obesity. (4004)

**Ehrhart Conrad Company**, 106 Carlisle St., Hanover, Pa., engaged in the sale and distribution of food products to retail dealers, is found by the Commission to have sold and distributed to dealers a so-called "Plee-zing Treasure Chest" device for use in the sale of the products to the consuming public, in a manner involving the operation of a game of chance. The "Plee-zing Treasure Chest" consists of a card with a seal, and 100 small trade "receipts", with spaces provided on the card on which the receipts are to be pasted. After the blank spaces on the card are filled, the prizes designated under the seal become available to the holder of the card. The food products or cash awards so designated under the seals vary in value in accordance with each card, the prizes or awards thus being distributed to the purchasing public wholly by lot or chance, according to findings. (4068)



**Erwin Feather Quilt Company**—Herbert S. and Mabel T. Erwin, trading as Erwin Feather Quilt Company, 1598 East Livingston Ave., Columbus, Ohio, have been ordered to cease and desist from misrepresentations concerning their products.

Findings of the Commission are that the respondents have circulated to purchasers and prospective customers throughout the United States advertising folders, pamphlets and other literature, which contain false and misleading statements concerning the value and price of their products. Among such statements are: "Return this card at once for our SPECIAL OFFER FOR THIS WEEK ONLY", and "FALL AND PRE-HOLIDAY PURCHASE PLAN. One week only is the limit—we must place on our special offer to let you personally examine these exceptional quilts and see for yourself their beautiful colors—attractive designs, and know the comfort that comes from these warm light-weight feather quilts."

Findings are further that upon inquiry received from prospective purchasers as a result of the advertisements, the respondents, in person and through agents, would get in touch with the prospective purchasers and sell them quilts, pillows, bed spreads and other products at the prices quoted which were represented to be reduced and special prices, limited as to time.

In truth, the Commission finds, the respondents' quoted special or reduced prices were not special reduced prices for a limited time, and the products advertised have never had a usual, regular or customary retail sales price greater or other than the price quoted.

The respondents are ordered to cease and desist from representing that the prices at which they offer for sale and sell their products constitute a discount to the purchaser, or that such prices are special or reduced prices or introductory prices or are applicable for a limited time only, when in fact they are the usual and customary prices at which respondents sell such products in the normal and usual course of business. (4011)

**Fascination Candy Company**, Chicago, the Commission finds, manufactures packaged chocolate candy exclusively, its annual sales aggregating between \$260,000 and \$300,000. In 1936 and 1937, it was found, the company sold assortments of candy suitable for distribution by the use of punch board and push card devices. With some of the assortments push cards were packed by the respondent in containers along with the candy, and in other assortments the candy was sold by the respondent without the cards. When requested by the customer, the Commission finds, the respondent had the push cards or punch boards sent direct to the customer from the manufacturer of such cards and boards. The sales by respondent with which such cards or boards were furnished aggregated between \$2,000 and \$3,000 annually. The Commission finds that the respondent, by furnishing such cards and boards, or either type of device, with the candy and articles of merchandise sold by it, supplied to and placed in the hands of others a means by which games of chance, gift enterprises and lotteries have been conducted. (3321)

**Le Flor Company**—Leland F. Benham, trading as Le Flor Company, 620 North Orleans St., Chicago, engaged in the sale and distribution of a medicinal preparation for the treatment of obesity, has been ordered to cease and desist from misrepresentations concerning his product.

The medicinal preparation is described as "Le Flor Weight Reduction Tablets," and is sold under the name of "Le Flor Method." Prior to August, 1937, the respondent conducted his business under the trade name Dixie Products Company.

In advertisements in newspapers and periodicals, the Commission finds, the respondent represented that his treatment for obesity, described as the "Le Flor Method," consisting of "Le Flor Weight Reduction Tablets" and a so-called "deficient element" diet, is a cure or remedy for obesity which does not contain any dehydration drugs, and that the price of \$1 per box or 6 boxes for \$5 at which the product was being offered for sale, was a special price, and that the regular and customary price was \$2 per box.

The Commission finds that the tablets are not a cure or remedy for obesity and have no therapeutic value beyond that of a cathartic or laxative; that they contain dextrose, phenolphthalein, powdered extract of bladderwrack, and talc, the drug phenolphthalein being a dehydration drug, and that the price of \$1 per box or 6 boxes for \$5 at which the respondent offers them for sale, is not a special or reduced price but the regular customary and usual price.

The respondent is ordered to cease and desist from representing that his preparation is a cure, remedy or effective treatment for obesity or overweight; that the combination of the respondent's

preparation and diet constitute a cure, remedy or effective treatment for obesity; that the preparation contains no dehydration drugs, and that the price at which the respondent offers for sale and sells his preparation constitutes a discount to the purchaser, or that such price is a special, reduced or introductory price or is applicable for a limited time only, when in fact it is the usual and customary price at which the respondent sells his preparation in the normal and usual course of business. (4031)

**Oxol Laboratories**—William S. McClymonds, trading as Oxol Laboratories and Western Research Laboratories, 1046 Santa Fe Drive, Denver, Colo., engaged in compounding, selling and distributing a medicinal preparation, has been ordered to cease and desist from misrepresentations concerning his product.

Findings of the Commission are that the product, designated "Quinox Capsules," is intended for use by women suffering from delayed menstruation. In newspapers and periodicals and other printed and written matter, the Commission finds, the respondent has represented that the preparation is a cure or remedy for and constitutes a competent and effective treatment in cases of delayed menstruation. Findings are that these representations are misleading and untrue, and that the preparation is without any substantial therapeutic value aside from its effect as an ordinary laxative.

The respondent is ordered to cease and desist from representing that the preparation is a cure or remedy or a competent or effective treatment for delayed menstruation, or will relieve or have any beneficial effect thereon, or that the preparation possesses any substantial therapeutic value aside from its effect as an ordinary laxative. (4035)

**Prudential Sales Corporation**, 230 East Ohio St., Chicago, distributor of dry shavers, wrist watches and other merchandise, has been ordered to cease and desist from the use of lottery methods and misrepresentation in the sale of its merchandise.

Findings of the Commission are that, besides furnishing to dealers devices such as push cards which involve games of chance in the sale of its products to ultimate consumers, the respondent represented certain electric dry shavers to have a value of \$15, when in truth they were of a lower quality and had a retail value of substantially less than that amount. The respondent also is found to have placed on the face of push cards the picture of an electric dry shaver, and beneath or to the side of the picture, in bold type, the word "Packard," while beneath the word "Packard," in small letters, were the words "Combination pen and pencil," the words and picture being so arranged that buyers received the erroneous impression that the electric shaver referred to was a genuine \$15 Packard Lectro-Shaver."

The respondent is further found to have advertised blankets by use of the unqualified word "Wool" in bold type and so set out as to attract attention of purchasers, while the statement "Guardsmen has over 80% wool content guaranteed," was in small inconspicuous type, and is found to have used the word "Elkskein" to designate sports jackets, such word serving as a representation that the jackets were actually made from elkskin, when they were not made from elkskin and did not possess its desirable qualities.

The Commission order directs the respondent to cease and desist from supplying to or placing in the hands of others, merchandise together with lottery devices, or such devices together with merchandise or separately, for use in selling or distributing merchandise to the public; from representing fictitious and excessive prices as the customary or regular prices or values of electric shavers; from using the trade name "Packard" or other trade name in connection with the picture of an electric shaver, or separately, so as to indicate that the respondent is offering an electric shaver bearing such trade name, when in fact the respondent uses such name to refer to an article other than an electric shaver; from using the word "Wool" or any other word or term descriptive of wool to designate any fabric or product which is not wholly composed of wool, provided, however, that in the case of fabrics or products composed in part of wool and in part of other fabrics, such words may be used as descriptive of the wool content if there is used in immediate conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent; from using the word "Elkskein" or any other simulation of the word "Elkskein" to describe sports jackets not made from the skin of an elk, tanned by the chrome process, and from using the word "free" or any other term of similar meaning to describe or refer to articles regularly included in a combination offer with

other articles, or which are given as compensation for services. (3839)

**Roxanna Canning Company**, manufacturer and distributor of dog foods, with its office in Lebanon, Ohio, and manufacturing plant in Dodds, Ohio, has been ordered to cease and desist from misrepresentations concerning its products.

Findings of the Commission are that the respondent, in the course of its business, has made statements that are deceptive and misleading concerning the ingredients of the various brands of dog foods it manufactures and sells. Typical of these, according to findings, is a representation that "Blackspot," one of its products, is a scientifically balanced ration containing beef by-products, cereal composed of wheat, corn, oats and soy bean products, ground beef bone, beef, carrots, salt, and cod liver oil prepared in broth, and that it is guaranteed to contain not less than 8 per cent protein, 2 per cent fat, and not over 2 per cent fiber. The ingredients of "Harty," another product, are represented as being virtually the same.

The Commission finds that these representations are false and misleading, and that the foods do not contain beef by-products, ground beef bone or beef, and are not scientifically balanced rations or scientifically balanced beef rations.

The respondent is ordered to cease and desist from using the terms "beef by-products," "ground beef bone," or "beef" or any other term of similar import or meaning, to designate or describe any ingredients of such products which ingredients are not in fact, respectively, beef by-products, ground beef bone, or beef, and from representing that such products are scientifically balanced beef rations. (3904)

**Conrad Schickerling Research Laboratory**—Conrad Schickerling, trading as Conrad Schickerling Research Laboratory, 589 Central Avenue, Orange, N. J., seller and distributor of various types of incandescent lamps for use in connection with photography, has been ordered to discontinue certain representations concerning his products.

The respondent has sold and distributed various types of incandescent lamps, known as "Schickerling Mushroom Bulb Photo Flood Lamps," sometimes known as "Schickerling Full Sun Spectrum Photo Flood Krypton Lamps," "Schickerling Photo Enlarging Lamps," "Schickerling '1000 Flash' Photo-Flash-Flood-Lamps," and "Schickerling '200 Flash' Photo Lamps."

The Commission finds that the respondent has conducted his business under the name of the Conrad Schickerling Research Laboratory and has caused these words to be used in advertisements, although in fact he does not own, control or direct a laboratory where such research work is conducted, and has not at any time been engaged in the direction, control or conduct of such research work.

The respondent is directed to cease using the words "research laboratory" or the word "laboratory" or any other similar word, words or phrases in his trade name or in connection with his business, when the respondent does not own and operate or directly and absolutely control an appropriately equipped laboratory where research work in connection with his business is conducted by trained technicians. (4042)

**Standard Brands, Inc.**—Part of cease and desist order and findings issued in June, 1939, against Standard Brands, Incorporated,

New York, and its subsidiary, Standard Brands of California, San Francisco, has been modified.

The original order prohibited price discriminations in violation of the Robinson-Patman Act in the sale of bakers' yeast of like grade and quality but dismissed the Commission's complaint in so far as it applied to the sale and distribution of foil yeast, the kind sold in small cakes for individual use.

The modified order does not alter the provisions prohibiting discrimination in the sale of bakers' yeast but vacates the dismissal of the allegations concerning foil yeast, restates the findings in regard thereto and specifically forbids certain discriminations in the sale of foil yeast.

The modified findings are that the respondents sold in commerce immediately prior to April 1, 1940, foil yeast according to the following price scale: 300 pieces and up per month, 27 cents a dozen; under 300 pieces per month, 30 cents a dozen. The respondents are found to have sold foil yeast to units of corporate, voluntary and cooperative groups at 27 cents a dozen regardless of the quantity delivered during any one month to any one unit, and to independent retailers taking more than 300 pieces per month. Members of the groups are found to have been competitively engaged with the independent retailers who did not receive the lower prices but who purchased comparable quantities.

Findings are that the differentials in price did not make only due allowance for differences in cost of sale and delivery resulting from the differing quantities in which the foil yeast was sold, as required by the Robinson-Patman Act, and that the differential amounted to substantial sums annually so that some preferred purchasers obtained substantial savings annually over other purchasers not receiving the benefit of the differential.

Subsequent to March 31, 1940, the findings continue, the respondents have sold foil yeast to the afore-mentioned groups and to those competing independent retailers taking more than 300 pieces a month, at 28½ cents a dozen, and to competing retailers taking less than 300 pieces per month, at 30 cents a dozen. Such differential in price now makes only due allowance for the differences in cost of sale and delivery resulting from the differing quantities sold and delivered, as provided in the act.

The Commission order directs that the respondents, in the sale of foil yeast, cease discriminating in price between different purchasers of this product of like grade and quality, either directly or indirectly, by selling it at different prices such as the following: 300 pieces per month and up, 27 cents a dozen; under 300 pieces a month, 30 cents a dozen. (2986)

**Western Novelty Company**—Max Levin, trading as Western Novelty Company, 1729 Lawrence St., Denver, Colo., engaged in the sale and distribution of knives, cameras, razors and other merchandise, was found to have sold and distributed certain assortments of merchandise so packed and assembled as to involve use of a game of chance when sold to ultimate consumers. One of the assortments, findings are, consisted of a punch board with a number of articles of merchandise attached. The punch board contained a number of small sealed tubes containing slips of paper and numbers. Holders of certain specified numbers were entitled to receive amounts up to \$2.50 in cash on a 5-cent sale, and holders of certain other numbers were to receive the articles of merchandise attached to the board, according to findings. (4055)

**Western Research Laboratories**—See Oxol Laboratories.