

ASCAP Again Tries to Split Broadcasters United Front

Neville Miller today made the following reply to ASCAP's latest effort to "divide and conquer":

"I disagree emphatically with the statements contained in John Paine's May 13 letter to broadcasters. The letter is but another attempt on the part of ASCAP to drive a wedge into the industry for the benefit of ASCAP at the expense of broadcasters.

"The enthusiastic support BMI is at present receiving is the best possible answer to Mr. Paine's statement that stations are anxious to sign the new contracts. Today, 292 stations, representing 70% of the revenue ASCAP derives from radio, are members of BMI, with additional stations joining each week. All indications are that the broadcasters are united and are determined once and for all to end ASCAP monopolistic control of music.

"All who have followed this controversy know that any contract requiring broadcasters to pay ASCAP on news broadcasts, sports broadcasts, and other programs which either contain non-ASCAP music or no music at all will be objectionable to broadcasters.

"The broadcasters for years have demanded a per-use character of contract and I am sure have not changed their minds over night, nor will they voluntarily accept ASCAP proposal which curtly dismisses this demand as 'uneconomical and unscientific'.

"All broadcasters are aware that the proposed ASCAP contract perpetuates ASCAP's monopoly and are fully aware of the result of such a monopoly, which was accurately described by Justice Black when he said ASCAP was "a price fixing combination that actually wields the power of life and death over every business . . . dependent upon copyrighted musical compositions for existence. Such a monopolistic combination's power to fix prices is the power to destroy".

"Recent events in Europe have made us accustomed to fifth column activities, and the landing of parachute troops behind the lines. Therefore, I am sure that broadcasters will not be misled by the kind and benevolent interest in their behalf expressed by Mr. Paine, but in their minds will stand out the cold facts that without consultation with the industry, ASCAP has seen fit to demand an increase of approximately 100% in payments, that radio today is contributing two thirds of ASCAP's entire revenue, and that any continuation of the present form of contract will only end in strengthening ASCAP's monopoly.

"Broadcasters would naturally welcome an 'end of difficulties between broadcasters and the authors and composers,' but that end can only be reached by the establishment of free competition in the music field and not by a surrender to ASCAP."

JUSTICE DEPARTMENT SUBPOENAS ASCAP RECORDS; HEARING SET

The anti-trust division of the Department of Justice is investigating ASCAP to determine whether it exercises an illegal monopoly or restraint in the field of popular music.

Proceeding quietly, the Department of Justice has served a grand jury subpoena upon the society requiring it to produce its records for Federal scrutiny. The society,

through Gene Buck, its president, responded by moving to quash the subpoena. Argument on this motion will be held May 22, before Judge Henry W. Goddard in United States District Court in New York.

The anti-trust division is proceeding along criminal lines. Victor Waters, Special Assistant Attorney General in charge of the inquiry, told newspapermen in Washington that a grand jury investigation of ASCAP was under way. He refused to comment.

Herman Finkelstein of the law firm of Schwartz & Frohlich, 1450 Broadway, which represents ASCAP likewise refused comment to newspapermen. He indicated, however, that it was the society's view that the government might be trying to get new evidence with which to revive a civil action which it brought against the society and disputed allied associations in August, 1934. That action, in which the government sought an injunction to restrain the defendants from alleged monopolistic practices, was tried in 1935 only partly and never finally decided.

BMI DEVELOPMENTS

Louis Katzman has joined the BMI staff in charge of public-domain and tax-free music of the standard, salon, and classical type. He will be associated with Milton Rettenberg, BMI's Music Editor, in presenting copyrighted music of the standard and ballad type.

Mr. Katzman will make it his particular task to explore the needs of each member station, individually, in accordance with the station's report to him as to its musical facilities. He will then be in a position to recommend tax-free theme songs, tax-free music to be used as background or incidental material for dramatic sketches and similar purposes. He will also be charged with getting such music out in suitable form for station use.

For music for small string ensembles, simfoniettas, and so forth, he will hold the position that Mr. Marlo holds in the field of popular music.

Mr. Katzman's experience equips him for this work in a remarkable way. Born just fifty years ago in Russia, he has devoted his whole life to music in various capacities. He has been performer, arranger, conductor, composer, associated with the recording and radio industries

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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from their early years. He was first trumpet at the Edison Recording Company in 1919, later was under contract for three years with the Witmark Company as staff arranger, and for two years was chief recording director for the Brunswick Company. For the past five years he has been chief musical director for Hearst Radio, Inc., and he will continue in that capacity in addition to carrying on his work for BMI.

He was conductor as well as arranger and director of the Whittall Anglo-Persians, the second large commercial show on the air in the days of radio's infancy. He conducted his Anglo-Persians in the stage show for two weeks at the opening of the Roxy Theatre in New York. He was the first to introduce "symphono-jazz" and trademarked the name. He was music director of the first Fred Allen show and served in the same capacity for George Gershwin's air show.

He is credited with discovering and developing more young artists and composers than any other music director in the business.

This long and unusual experience enables Mr. Katzman to put himself in the position of the staff of a radio station and to understand their problems and identify himself with them whether the station works on 100 watts or 50,000.

George Marlo, BMI's professional manager, has picked three songs for special promotion. The work of a contact man requires him to exercise a neat judgment as to the tunes which are most likely to have strong popular appeal. The music in which he has the greatest confidence is the music he can most successfully promote. It is the confidence which singers, band leaders, and other performers have in his judgment that persuades them to take an interest in the music that he puts before them. Out of the songs already in the BMI catalogue, Mr. Marlo has chosen *Here in the Velvet Night*, *In the Silence of the Dawn*, and *Practice Makes Perfect*. (The last is in the shop but not yet released.)

BMI is making serious efforts to open the doors for the trained and competent composer who has not previously been able to get a hearing. M. E. Tompkins, General Manager, has written to music schools, conservatories, the music departments of universities, and also to the locals of the American Federation of Musicians, which number in their ranks many professionals of experience who have been blocked in their efforts as composers no less than the most ignorant amateur.

In writing to the officer of one of the locals, Mr. Tompkins said in part:

As a publisher of music BMI is unique because it is able to assure its writers that their work will have a wide public hearing. The stockholders of the company are exclusively the owners and operators of radio stations which are licensed to play BMI music—nearly 300 of them at present, including most of the major network stations. They will give that music a nationwide audition through the most effective medium in existence, the radio.

In your group there must be men who have music in them that the world would learn to love, granted a hearing of it. Perhaps some of them would already have won wider recognition if they had been given the chance to put their music before the public favorably. BMI can give them that chance.

Of course the needs of the dance bands create the greatest demand for a steady stream of new numbers. We are interested in all music, however, whether or not it is suitable for dancing. The most popular writers are being drawn increasingly from the ranks of trained and competent musicians. It is in groups such as yours that the composers will be found who will write America's outstanding musical works of the future—symphonic works and also the song-and-dance hits. BMI, as the instrument of the broadcasting industry, is grateful for the part it will play in the molding of those careers.

We ask that your members send to use the pick of their manuscripts. The professional musician is well aware of the type of music that appeals to the mass radio audience. That is our immediate need.

The response has shown that, in this respect as well as in so many others, BMI is meeting a great and widespread need.

"Man-Bites-Dog" is the old newspaper formula for news. This week *Variety* shows what it considers the unusual and the striking. HIT IS MADE WITHOUT BIG AIR BUILD-UP, it announces in headlines. The tune in question has been played on the air. All that stirred *Variety's* interest was the fact that it "got there with a minimum of radio plugging. . . . For the past several weeks it has averaged but eight network plugs a week."

That says as plainly as any editorial could say, "It is radio which makes a song into a hit. When a hit is made without being plugged on the air—boy, that's news!"

BMI tunes start off with a better chance to become hits than any other songs. Every BMI baby is born with a silver spoon in its mouth.

The following letter appeared in *The Beverage Times* for May 6, 1940:

To the Editor:

Would you be kind enough to tell me what to do? For the last four years I paid to the ASCAP \$30 a year, for two nights'

music, three pieces, a week. Now this year they ask \$60 a year for one night a week, three pieces playing. Do you think this is fair? I think this new rate will put many musicians out of work. What is your opinion? I think it is going to be a racket and should be stopped. I wish your paper would publish this fact.

HARRY C. SEIFFERT,
Brightwaters, L. I.

(We suggest that you get in touch with Franklin Nichols, president of the Suffolk Restaurant Liquor Dealers' Association, Nichols Hotel, Patchogue, L. I. Association heads are currently working on a plan to escape payment of heavy fees to ASCAP.—Ed.)

This little personal note is a strong demonstration of the circumstances which are sweeping all commercial users of music into eager cooperation with BMI.

Fly Compliments Broadcasters On War Coverage

"Broadcasters of the United States are doing a whale of a job on reporting war news," FCC Chairman James Lawrence Fly said at a press conference early this week.

The Chairman told newsmen that he has listened to a great number of broadcasts, both from commentators in America and foreign broadcasts, and is of the impression that the broadcast industry is doing an excellent job and "keeping us well informed." Chairman Fly said that the news broadcasts are preserving a balanced perspective and are using discretion in giving their news sources.

"Broadcasters," he said, "are doing an intelligent job and are evaluating their reports." Mr. Fly said that he is favorably impressed with the war news broadcasts and with the methods that are being used and broadcasters are doing "a real public service."

The Chairman called attention to the fact that some time ago there was a serious question regarding the sanctioning of war news but the broadcasters and Commission reached an agreement and the broadcasters are "consistently following the rule laid down." In his remarks Mr. Fly said that of course he was not making any reflection on the excellent work of the regular news service.

Chairman Fly told the newspapermen that he hopes that the Commission will be able to make public its television policy over the next weekend.

DISTRICT MEETINGS

In line with the NAB bylaws, members in eight of the seventeen districts will hold meetings within the next few weeks. The principal business to be transacted at these meetings is the election of directors for a two year term. A staff representative from NAB will attend all the meetings except the one at Los Angeles. Distance and the fact that Sixteenth District members will have

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the opportunity to meet the staff at the August convention led to this decision.

Carl Haverlin, recently appointed stations relations director of Broadcast Music, Inc., will attend all of the meetings including the one at Los Angeles. The following dates have been definitely set:

June 1-2—District 4—Greensboro, North Carolina.

June 8—District 10—St. Louis, Missouri.

June 10—District 12—Wichita, Kansas.

June 12—District 14—Salt Lake City, Utah.

The dates for the Second, Sixth, Eighth, and Sixteenth Districts have not as yet been agreed upon and will be announced later.

JUSTICE DEPARTMENT CLEARS FIVE PROGRAMS REFERRED BY FCC

The Justice Department has cleared five more programs referred to it by the FCC.

They are "Musico," broadcast by station WGN, Chicago; "Songo," broadcast by WIP, Philadelphia; "Especially for You," broadcast by WFIL, Philadelphia; "Sears' Grab Bag," broadcast by WISE, Asheville, N. C., and "Dixie Treasure Chest," broadcast by KRLD, Dallas, Texas.

Previously the Justice Department had cleared the "Pot o' Gold" and "Mead's Bakery" programs.

McGRANERY COPYRIGHT BILL BAD FOR BROADCASTING

Preliminary analysis of the McGranery Copyright Bill (H. R. 9703) shows it to be a compromise between many interests including the performing artists and labor, particularly the A. F. of M. It does not make any concessions to radio and is very definitely directed at the recording interests. Among the outstanding changes the Act would create, are the following:

1. It abolishes the compulsory license clause for recordings.
2. It makes it a violation of law to broadcast a copyrighted rendition or performance without the consent of the owner of the rendition or performance.

3. It prevents the use of the sound track of a picture apart from the visual part of the film.

4. It makes a recorded rendition of a work susceptible of copy-right.

5. It extends copyright to the authors of all countries parties to the International Copyright Convention, subject to certain protection for acts already done with respect to works which may go from public domain to copyright as a result of such provision.

6. It preserves the manufacturing clause and provides that all phonograph records must be recorded and manufactured in the United States.

7. It provides for a fifty-six year term of copyright with no valid assignment of rights or grant of interest to be operative longer than the first twenty-eight years.

8. It introduces the right of the author to object to modifications of the work prejudicial to his honor or reputation.

9. It requires any licenses or grants of any right in a copyright to be in writing.

10. It provides that any performer of a rendition which has been recorded shall be deemed to be the author of the rendition, and that in cases of joint renditions, a conductor or leader shall be deemed to be an author.

11. It authorizes the President to take all steps necessary to make the United States a member of the International Copyright Convention.

It is obvious that this bill would be disastrously disadvantageous to all broadcasters. On the face of it, it would appear to be introduced at the request of NAPA. Representative Kramer (D-Calif.), Chairman of the House Patents Committee, has advised the NAB that it is not contemplated at this time to have the Committee on Patents give consideration to this measure.

Promotion

RADIO FESTIVAL

Here are some additional broadcasters who are taking part in National Radio Festival. Observe that they are cutting the coat to fit their particular needs. There's some productive plan for everybody.

We hope to hear from other members as soon as their plans are perfected.

IOWA

Out where the tall corn grows listeners of KRNT and KSO, Des Moines, are to have at least a month-long Radio Festival including a KSO-KRNT Radio Festival Picnic; tentatively scheduled for Saturday, June 8.

Radio Festival is tied-in with the Radio Gift Man. He will give away one radio set every day to some listener who is tuned to either of the two stations when he calls.

"We're tying him up with the Radio Festival for at least a month, and possibly more, beginning May 13," said Craig Lawrence, commercial manager of KSO-KRNT.

"The Radio Gift Man will call in different section of Des Moines, the various towns around Des Moines and in the rural areas at a different time each day—it may be early in the morning, mid-morning, noontime, late afternoon but whatever time he calls, it will be completely unannounced. He will carry his gift radio right with him and tell the person upon whom he calls about the Radio Festival and present them with the radio. Naturally, we will have publicity on this tied up with the Radio Festival in the radio columns of the Des Moines Register and the Des Moines Tribune.

"To climax the Radio Festival, both stations will give a big picnic at Riverview Park in Des Moines. This is the amusement park here and it is quite large for a town of this size and very well operated. We will have a lot of free rides, free shows, fireworks, a baseball game and lots of special attractions for the people who come out. It will be entirely free to them and we will feature it as a KSO-KRNT Radio Festival Picnic. Naturally,

this will also get strong promotion on the stations and in the newspapers. We have this currently scheduled for Saturday, June eighth.

"All in all, it's going to be a big month for turning the spotlight on radio here in Iowa and the listening public will know plenty about it."

UTAH

Arch L. Madsen, manager, KOVO, "The Voice of Central Utah," has set Radio Festival in Provo for the week of June 3-8.

"KOVO will cooperate in every way in the promotion of National Radio Festival . . . we have studied your plan and intend to follow it very closely, with variations necessitated by local conditions . . . Congratulations on your fine work," he wrote.

WEST VIRGINIA

From Clarksburg, W. Va., G. C. Blackwell, director, WBLK, writes that "WBLK will join the other stations of the West Virginia Network to observe National Radio Festival, the week of June 10-15, inclusive." Other West Virginia Network stations are WCHS, Charleston; WSAZ, Huntington; and WPAR, Parkersburg.

West Virginia stations previously reporting on Radio Festival were WJLS, Beckley and WWVA, Wheeling.

"Tentatively," Mr. Blackwell said, "it is planned to engage the facilities of our local auditorium for the broadcast of several of our local programs in an 'open house' manner.

"It may be that local radio and allied product dealers will cooperate in the showing and demonstration of radio receivers, etc.

"City Manager Late B. Davisson will proclaim observance of the week in Clarksburg. It is understood that the Governor of West Virginia will issue a state Radio Festival proclamation."

CALIFORNIA

Harry W. Witt, president of the Southern California Broadcasters Association, and sales manager of KNX, Los Angeles, has plenty of ideas on the fire leading to a great sectional observance of Radio Festival.

SMOKE IN LOUISIANA

Where there's smoke, there's fire. And final Radio Festival plans in Louisiana, still in the smoke stage, are about to burst into flame. It looks as though the state will do "a Connecticut," "a North Carolina" or "a West Virginia" where practically all of the stations went Radio Festival. The will to cooperate is there.

CONNECTICUT

The "nutmeg" boys are doing an outstanding job of industry promotion in connection with Radio Festival. For one thing they're distributing hundreds of copies of "ABC of Radio" to students who are hearing various broadcasts and who wish to enter the essay contest.

So far books have been expressed to WDRC, Hartford; WELI, New Haven; WICC, Bridgeport; WNBC, New Britain; WNLC, New London; and WTIC, Hartford.

WTIC ran a full page ad in Hartford Newsdaily on Radio Festival May 13. During the remainder of the week a force of men called on the elementary and high schools with copies and posted them on the school bulletin boards.

Even while pre-Radio Festival promotion was under way Connecticut stations carried on a more circulation campaign via auto radio as reported in another column.

NEW YORK

WHEC, Rochester, is head over heels in plans for an outstanding Radio Festival celebration. The staff is at work under direction of Manager Gunnar Wiig, and the advance schedule of broadcasts sent by Charlotte Edwards, continuity director, indicates the wide scope of activities contemplated.

They have brought into the picture the youngsters, associations, men and women. On some days there are as many as five Radio Festival broadcasts scattered throughout the afternoon and evening build up.

One series of programs will be conducted with the cooperation of the Parent-Teachers Association. The subject for discussion will be "Using the Radio as A Means of Making the Home the Center of Family Culture, Entertainment and Education."

A job hunt for several deserving high school seniors will be conducted in cooperation with the Rochester Chamber of Commerce.

There will also be a student-selection of one of their number to appear on the big civic opening of the Festival as the representative of all the girls and boys in the city.

A newspaper editor will discuss "The Freedom of Radio and the Press."

Outstanding department stores will display products and photographs of radio of interest to the public.

A transcription will be made of one of the weekly assemblies in a large high school and then played back when the students can hear it.

Short biographical sketches of men who have helped to make radio will be incorporated into various programs.

Saluting radio as a contributor to safety via automobiles will feature the station's own safety programs.

The man on the street programs, with theater tickets as giveaways, will be based on propounding questions concerning radio celebrities, programs and sponsors.

The Mayor of Rochester will proclaim Radio Festival Week. Additional plans will be completed on May 20.

AUTO RADIO

Millions of hours of added daily listening are assured this year due to the efforts of individual stations to popularize auto radio and to induce present auto set owners to keep their receivers in good repair.

Several suggested announcements will be mailed stations within the next few days. Below are listed some of the stations which began the increased listening campaign early:

"LISTEN WHILE YOU RIDE" ON WLOK

"Listen While You Ride" announcements started on WLOK, Lima, Ohio, on April 1 and have been continued since that time. So reported Howard Donahoe, program director, on May 11. There are two announcements per day back of new auto radio sets.

WSPD COOPERATES WITH RSA

Russell Gohring, program director, WSPD, Toledo, reports highly satisfactory experience with the Toledo Chapter, Radio Servicemen of America. The station is the medium through which the public and the servicemen are brought together. He says:

"We sincerely feel that WSPD and RSA in Toledo and vicinity can mutually profit by cooperation, and we are very happy to render every assistance. Joe Marty (RSA secretary) has been most cooperative and we feel very kindly toward this organization."

AND IN CONNECTICUT

The month of April found Connecticut broadcasters engaged in suggesting to auto-set owners that their sets be put in thorough repair so that they would bask in their share of the nation's 11 million to 18 million extra hours of radio listening per day.

To James F. Clancy, sales promotion manager, WTIC, we're indebted for the following summary of happenings throughout the state in connection with the campaign:

WBRY, Waterbury, gave fine cooperation, and, in a letter received a few days ago, they state that the announcements will be continued until May 15.

WNLC, New London, and WELI, New Haven, both booked the campaign for the entire month of April. There were several plugs every day.

WICC, Bridgeport, cooperate on a long range basis with their local servicemen's group (RSA) with an established headquarters and a central telephone number from which point service calls were handled. The station is very aggressive.

WNBC, New Britain, used the auto-radio service announcements several times daily all through the month of April.

WDRG, Hartford, as always, did a good job, while we at WTIC used the announcements throughout the day and evening whenever the opportunity afforded.

WNEW, NEW YORK CITY

This station began a serious effort to improve servicing throughout a metropolitan New York on Saturday, May 11. WNEW's Promotion Manager, Halsey Barrett, is cooperating with the eight metropolitan chapters, Radio Servicemen of America, in the area. They have a central telephone number and calls are dispatched to the nearest member.

SALES ACTIVITIES

Plans have been completed by the NAB Sales Managers' Division to take part in the Conventions next month of the Advertising Federation of America and of the National Retail Dry Goods Association. The AFA meeting will be held at the Sherman House, Chicago, June 23-27, while the NRDGA will meet at the Palmer House, June 17-20.

Transcripts of the NRDGA meeting in January, devoted to the use of radio by department stores, are now available at \$1.50 per copy from Joseph Hanson, Sales Promotion Manager, National Retail Dry Goods Association, 101 West 31st Street, New York City.

Ed Kirby, NAB Public Relations Director, and Samuel J. Henry, Jr., of the NAB Bureau of Radio Advertising, attended this week's Convention of the American Association of Advertising Agencies in New York.

TOBEY ASSAILS FCC, RADIO

Senator Tobey (R-NH) made the following speech in the Senate on May 15:

In June 1938, the House of Representatives voted on a resolution which provided for a committee of the House to inquire into and investigate allegations and charges that a monopoly or monopolies existed in radio broadcasting; the resolution further provided that the committee should make a thorough investigation of these charges and the effect which such monopoly or monopolies may have on the character of radio programs, the rates charged advertisers and the general effect which such monopolies have on the public.

Up to a period shortly preceding the day of this vote, it was the general belief, on the part of the members of the House, that the resolution would go through without material opposition. Then the pressure was applied on members of the House to vote against the resolution. Chairman O'Connor of the Rules Committee spoke of this monopoly situation, as follows:

"I have never in my life seen such lobbying against the resolution, from high places and from low places, from part of the leadership of the House and from the page boys of the House and even the colored boys in the other places. I have been here so long that I can smell what is going to happen in this House. * * * You can walk out in that lobby tonight and you will find difficulty in getting through the lobby because of the crowd of radio lobbyists from New York and all over the country and from every department of the government.

"This is the situation we face. The Committee on Rules instructed me, after holding hearings for two years, to bring in this resolution to investigate the radio monopoly. I know all the pressure that has been put on my friends; I know all the pressure that has been put on the members of this House."

The resolution calling for this investigation by the House was defeated and one of the main arguments presented by the opponents of the resolution was that the Federal Communications Commission itself was investigating alleged monopolistic conditions in the radio industry and, therefore, there was no need for the Congress to take duplicate action.

Bearing on this situation, I wrote a letter, under date of May 3, 1940, to each of the seven members of the Federal Communications Commission, which reads as follows:

"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, Commissioner Brown of the Federal Communications Commission 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."

This letter was simple, direct, and to the point. I fully expected to get prompt and adequate responses from the members of the Commission. Three replies have been received and they read as follows:

(Date) May 7, 1940.

"My dear Senator Tobey:

"Your letter of May 3 has been received. I am not familiar with the progress of the 'Radio Monopoly Report' of the Commission. Under Chairman McNinch's regime a committee consisting of Commissioners Sykes, Brown and Walker with McNinch as Chairman was appointed by the Commission to investigate network chains, etc. They have held extensive hearings. Commissioner Sykes has resigned and Commissioner Thompson took his place on the Committee. Chairman McNinch has resigned and no one has taken his place on the Committee.

"Meantime, I have been Chairman of the Committee on Superpower and the WLW matter in that connection, which reported long ago to the Commission. I was also a member of the Committee on Television which reported on that matter last fall to the Commission. As I am not a member of the so-called Monopoly Committee I do not know how far they have progressed toward their report.

"Further, may I say that I have been ill since the 20th of February confined to my bed with pneumonia, pleurisy and phlebitis. The first two are well over; the last still keeps me on the bedroom floor of my house. Therefore, I am not as familiar as I otherwise would be with what has been done at the Commission.

"With warm personal regards,

"Sincerely yours,

(Signed) NORMAN S. CASE,
Commissioner"

Under date of May 7, 1940, I received the following letter:

"Dear Senator Tobey:

"Receipt is acknowledged of your letter of May 3, 1940, relative to the so-called 'Monopoly Report' of the Commission.

"As you know, the hearing, as well as the report on the evidence, was entrusted to a committee of the Commission. This Committee is now composed of Commissioner Thad Brown, Chairman, Commissioner F. I. Thompson, and Commissioner Paul A. Walker. Although the hearing to ascertain the facts has been completed for some time, the Committee has not yet submitted its report to the Commission. Recently, upon inquiry of the other Commissioners who were not members of the Committee, the report was promised in a short time.

"In view of your letter, at the next regular meeting of the Commission I shall press for the report and recommendations of the Committee. Any action taken thereon by the Commission with appropriate recommendations will be forwarded to Congress if the same are found to be necessary.

"Very truly yours,

(Signed) T. A. M. CRAVEN,
Commissioner"

A letter dated May 5, reads as follows:

"My dear Senator Tobey:

"Only yesterday, I returned from several weeks of revocation hearings that I was holding in Texas, so I had no time to look into the monopoly report as to its standing as of today.

"Over a month ago, I brought the matter up at meeting of the full Commission. I stated that, while I was not a member of the subcommittee on the Radio Monopoly Hearing, I felt that the report had been so long delayed that all the members of the Commission would very properly be charged with neglect if the subcommittee were to continue to withhold the report. Two of the members of that subcommittee, Commissioners Thompson and

Walker, assured me that they had been trying to have the report forwarded to the full Commission. The third member of the subcommittee is Commissioner Brown, who is also chairman of the subcommittee.

"Personally, I am glad that you have taken the action that you have, and at the next meeting of the Commission I shall formally move that the report be submitted to the Commission and submitted to Congress as you request.

"Very sincerely yours,

(Signed) GEORGE HENRY PAYNE"

Men who have closely followed the activities of the Federal Communications Commission have advised that orders have been given against public releasing of the report and that this is in marked contrast to the way other similar matters have been treated. The subcommittee which conducted the superpower and television studies were permitted to make known their findings at the time they were turned in to the full membership.

It has been said that the President of the United States has given assurance that he will not allow the report to be made public without his approval. It is pointed out that much of the data compiled in the report will be out of date by the time it is released.

I am advised by several sources that it is the intention of the subcommittee to render its report without any recommendations whatever.

Here we have a situation where the Congress, two years ago, was urged not to conduct an investigation on the ground it would be a duplication of the activities of the Federal Communications Commission. Eighteen months ago, and twice since that time, members of the Commission have assured Congress that the report would be ready within sixty days. The whole thing has been a mockery. A simple and reasonable question was put to each member of the Commission two weeks ago as to what each member would do to get the report presented to the Congress at once. A majority of the members of the Commission did not choose to answer or acknowledge this letter. This unusual delay, in light of the assurances of the Commissioners, indicates very strongly that the report is being deliberately held up.

I have presented the facts of this situation in order that the record may be clear and the Congress may know to what extent the members of the Commission are proving themselves free from influence in dealing with this vital matter of importance to the people.

Mr. President, I ask to have printed in the Record, at this point, an article appearing in the May 8 issue of "Variety" with regard to this matter.

UNLICENSED OPERATOR CONVICTED

Following an investigation by inspectors of the FCC of the operation of unlicensed radio stations on Long Island, N. Y., Edward Mathes was indicted for violation of Sections 301 and 318 of the Communications Act of 1934, as amended.

The defendant was arraigned in the United States Court for the Eastern District of New York on May 6, and pleaded guilty to charges of operating an unlicensed radio station and operating a radio station without an operator license. The court suspended sentence and placed the defendant on six months' probation.

ASKS MORE MONEY FOR FCC

President Roosevelt this week asked Congress for \$142,000 more for telephone work of the FCC.

He sent to Congress the request for this amount of money and in explanation the following letter from Harold D. Smith, Director of the Budget in connection with the additional request:

I have the honor to submit herewith for your consideration a supplemental estimate of appropriation for the Federal Com-

munications Commission, amounting to \$142,000, for the fiscal year 1941, as follows:

FEDERAL COMMUNICATIONS COMMISSION

Salaries and expenses: For an additional amount for salaries and expenses, Federal Communications Commission, fiscal year 1941, including the objects and subject to the limitations specified under this head in the Independent Offices Appropriation Act, 1941, except that the limitation of \$1,246,340 which may be expended under this head for personal services in the district of Columbia is hereby increased to \$1,365,460 (47 U. S. C. ch. 5; 50 Stat. 213, 329; act, approved Apr. 18, 1940, Public Act No. 459, 76th Cong., 8)... \$142,000

For the fiscal year 1941, an appropriation of \$2,051,340 is made available for salaries and expenses of the Federal Communications Commission. The Commission has completed and transmitted to Congress its final report on the telephone investigation. Based upon facts developed during the investigation, the Commission has determined the procedure to be followed in order to provide adequate regulation of the telephone industry in accordance with the Communications Act of June 19, 1934. In order to carry out the proposed plan for expanded regulations, additional funds are needed for developing effective methods of determining the reasonable costs of apparatus and equipment, the allocation of expenses, division of interstate toll revenue, determination of depreciation rates, and for the development of cooperative machinery between the Federal Communications Commission and State commissions. The \$142,000 submitted herewith will enable the Commission to initiate the proposed program.

The foregoing supplemental estimate of appropriation is required to meet a contingency which has arisen since the transmission of the 1941 Budget and its approval is recommended.

INTERNATIONAL BROADCASTING

FCC has sent following announcement to all licensees of international broadcast stations:

The attention of all licensees of international broadcast stations is called to the provisions of Section 4.45 which provides that no international broadcast station will be licensed for operation with a power less than 50 kilowatts after July 1, 1940. Any station not having a power of 50 kilowatts should immediately file the necessary application to install a 50 kilowatt transmitter.

Your attention is likewise called to Section 4.43(c) which provides that the antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10). The Commission will soon require the filing of proof of performance showing compliance with this section.

NEW FCC RULE

The FCC has adopted the following rule to become Section 4.12 of the Rules Governing Broadcast Services other than Standard Broadcast:

"Section 4.12 (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located, provided:

1. If the transmitter operator is located at a distance from the transmitter pursuant to Section 4.9, the station license shall be posted in the above-described manner at the operating position.

2. If the station is licensed for portable-mobile operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The license of each station operator(s) shall be conspicuously posted at the operating position, provided:

1. If the station at which the operator is on duty is licensed for portable-mobile operation, the operator's license may be kept in his personal possession.

FROM THE FCC MAIL BAG

The Commission has received several letters objecting to war news over the radio, or criticizing it as "biased." An Indiana man wants the "Government radio station" in Washington, D. C., to give daily war news broadcasts. A New Jersey man offers his services to the Commission as "a commentator on European news events." A New Yorker would "like to get in touch with the Commission's television casting director." A Cincinnati man requests "forms for approval of broadcast programs." Obviously, the Commission has to reply that it has no jurisdiction in such matters.

"RADIO BROADCASTING EXPLAINED"

(By the FCC)

At some time or other you have observed, from a distance, a man chopping wood. You noticed that the sound of his axe reached your ears AFTER your eyes had witnessed the actual impact. By the same token, a person at a radio receiving set thousands of miles away can hear a broadcast sound BEFORE a person seated far back of the microphone yet within earshot of the actual proceedings.

This is because radio emissions travel with the speed of light—186,000 MILES a second—as compared with only 1,120 FEET a second for sound. Thus, it requires just about 1/60th of a second for a voice from Europe to be electrically wafted to your home receiving set!

Here is how a standard broadcast station works:

A person talks into the microphone as if it were a telephone. His voice sets up varying vibrations in the microphone. The lower the pitch the slower the vibration. These vibrations have various "intensities" and "frequencies." "Intensity" means the degree of sound, and "frequency" refers to the number of sound waves which can be transmitted in a given length of time.

In the studio these vibrations are converted into electrical current having the same "frequency" and "intensity" characteristics as the sound delivered into the microphone. After being checked and double checked at the studio, these electric impulses are sent over leased telephone wires to the individual transmitting station (usually some miles distant), or to other radio stations carrying the same broadcast. This is the method used in so-called "network" broadcasting.

These electrical vibrations which represent the voice or music in the studio are sometimes called the "audio wave." They are greatly amplified in intensity—sometimes 10,000,000 times—before they are imposed upon the "carrier wave" at the transmitter. The carrier wave is the one assigned to the radio station by the Federal Communications Commission—that to which the dials on the radio receiver must be tuned in order to hear the station.

The intensity and the frequency of this wave are constant, and all by itself it cannot transmit any music or speech. In order to do this it must be varied in some way in accordance with the fluctuations of the audio waves. This is called "modulation." In the standard broadcast band the audio waves are imposed on the carrier wave in such a way as to cause its frequency to remain constant and its "amplitude" (or power) to vary in accord with the audio waves. This is called "amplitude modulations."

These modulated radio waves are then put on the air by the transmitting antenna. They radiate from the antenna tower like waves moving with the speed of light. They emerge in the same fashion that ripples do in a calm body of water disturbed by a thrown stone. However, these radiations move out in ALL directions. Some of them follow the contour of the ground and are called "ground waves." Others dart upwards and are called "skywaves." The former give the best daytime reception. At night, however, the "skywaves" are forced back to earth by a ceiling of electrical particles which science calls the "ionosphere." This nightly rebound gives the listener a choice of more distant stations.

Radio waves pass through buildings and other objects subject, of course, to absorption and interference. As in the case of artificial ripples on water, radio vibrations weaken with distance. Seasonal disturbances and sunspot periods can also disrupt and throw them off their course.

Standard broadcast stations in this country transmit 550,000 to 1,600,000 waves a second. They are known as "long wave" stations because the waves they transmit are actually long. At 550,000 waves a second, the distance between the crests is 1,800 feet. This is known as "wave length." A station transmitting 550,000 waves a second is said to have a frequency of 550,000 "cycles." This corresponds to 550 "kilocycles" (one kilocycle

equals 1000 cycles) which, for the sake of convenience, is the usual marking on your receiving set dial. ("Kilo" means one thousand, and "cycle" refers to a complete swing of an electric vibration. Thus, "kilocycle" is a short way of denoting a thousand of these vibrations or oscillations a second. By the same token, a "megacycle" is equivalent to 1000 kilocycles.)

The so-called "short wave" broadcast stations transmit from 6,000,000 to 25,000,000 waves per second. These waves are sent out one after the other so rapidly that the distance between their crests is only from 50 to 150 feet. It is a paradox that "short waves" go farther than "long waves." That is why international broadcasts are on "short waves."

Unknown to most people, radio transmission goes out in three simultaneous waves. The fundamental frequency or carrier wave, is accompanied by two other waves, one immediately above and the other immediately below the main carrier. These are called "side bands." The distance separating the main frequency and its companion frequencies is known as the "modulation frequency."

The modulated radio wave from the radio station transmitter is picked up by the home receiving antenna. That is to say, it sets up in the receiving antenna modulated radio frequency current having the same frequency and the same varying intensity as the radio frequency currents in the transmitting antenna. The receiving set changes these impulses back into sound which is amplified so that the human ear can hear. In the receiver the carrier wave and the audio waves, of which the modulated wave is comprised, are separated by a device called a "detector" or "demodulator". The carrier wave is shunted off into the ground. Having done its job it is no longer needed. The audio waves, however, are sent to the loud speaker or "telephone head set" where they are transformed back into sound waves.

Radio waves occupy only a portion of what science calls the "electromagnetic spectrum." Imagine the latter as a ruler marked off in kilocycles (which means frequencies) for eight different classes of electric radiation. The radio part of it ranges from 10 to more than 400,000 kilocycles (or frequencies). Not all of this is useful at the present time. But into the useful portion, at varying intervals and in various widths, are crowded many types of radio services.

The number of frequencies available for standard broadcast service are limited, so there is international agreement as to their use. This is necessary to prevent broadcasts in one country from "colliding" with broadcasts in another country. Thus, though the same frequencies have to be used throughout the world, they are shared in such manner as to minimize interference.

Standard broadcast occupies from 550 to 1600 kilocycles (or frequencies). This is known as the standard broadcast "band". This band was adopted for broadcasting because a score of years ago, when broadcasting began, the lower frequencies were used by other radio services, ships at sea, Government stations, and by radiotelegraph stations employing code signals. Very little attention was given to the higher frequencies in those early days. It was believed that they were not suitable for broadcasting since it was known that their ground waves were much more highly absorbed and weakened than those of the longer waves. They turned out to be the only ones possible for broadcasting to great distances, such as to foreign countries, because of the sky waves which bounce back to earth as previously explained.

Today the development of FM (frequency modulation) and television bids to make the ultra-high frequencies (above 30,000 kilocycles) also very useful. The FM development on the ultra-high frequencies is interesting because it promises more natural reproduction of music and speech than is obtainable on the lower frequencies and greater relief from static and noise. In the FM wave it is the amplitude or power which remains constant instead of the frequency as in the standard AM (amplitude modulation) wave, and it is the frequency which varies with the audio wave instead of the amplitude when the carrier and audio waves are superposed.

To prevent interference and confusion, it is necessary to apportion broadcast frequencies into "channels." In our standard broadcast band there are 106 such channels, each 10 kilocycles wide. A broadcast channel can be used by a number of stations if the stations are adequately separated to prevent interfering with one another or are protected by directional antenna systems.

A standard broadcast channel, in effect, means the path assigned to the emission of a particular station. The broadcast station's carrier wave, plus its two "side bands," must keep within the channel. The side band is the range of frequencies required for the audio program (music or speech).

A broadcast station is assigned 10 kilocycles of the spectrum for its omissions to travel in. It is permitted a certain amount of "swing" or deviation. However, its carrier must operate within 20 cycles of the assigned frequency.

Hearings differ, but the perceptible range of sound to humans is from about 16 cycles to 16,000 cycles a second. A new dog whistle emits sound which does not register on the human ear. A piano keyboard sets up vibrations of from some 27 to 4,000 cycles a second. The high-pitched piccolo has a frequency of about 8,000 cycles per second. Standard broadcast has a range of from about 60 to 5,000 cycles a second. The new FM (frequency modulation) system advocates a maximum of 15,000 cycles a second.

A broadcast channel may be likened to a modern highway, with the dividing white line of the latter representing the assigned radio carrier frequency, and the side bands symbolic of the adjacent traffic lanes. A broadcast station program travels the etherway with identifying call letters akin to license plates of an auto traversing a land highway. Both must keep in their assigned lanes to prevent "colliding" with traffic in adjacent lanes. Such "collisions" are responsible for the squeaks or rumbles often heard when you attempt to listen to distant stations.

A "regional channel" is one in which several radio stations can operate with individual station power not in excess of 5 kilowatts. A "local channel" is one in which several stations may operate with individual power not in excess of 250 watts.

The Federal Communications Commission licenses broadcast stations to operate with 100 watts to 50,000 watts of power. These are the minimum and maximum standards held by the Commission to be in the public service. "Watt" typifies radio power just as "horsepower" represents power in mechanics. The two hardly permit comparison but, roughly 746 watts are equivalent to one horsepower.

In order to provide broadcast facilities to varying population densities, the Commission licenses four general classes of broadcast stations. A Class I station, which operates on a clear channel, uses 10,000, 25,000, or 50,000 watts power to serve remote rural areas as well as a large center of population. A Class II station, which also operates on a clear channel, uses 250, 500, 1000, 5000, 10,000, 25,000, or 50,000 watts, renders secondary service over a primary service area. A Class III station, which shares a regional channel with several similar stations, uses 500, 1000 or 5000 watts, and serves a center of population and adjacent rural area consistent with interference from other stations on the same channel. A Class IV station operates on a local frequency (shared by similar stations elsewhere) and uses 100 to 250 watts for such local service.

"Primary service" area means the area in which the ground wave is not subject to objectionable interference and fading. "Secondary service" area means an area served by the skywave without objectionable interference but subject to intermittent variations in intensity. "Intermittent service" area means the area receiving service from the ground wave beyond the primary service area and subject to some interference and fading.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS

The FCC has adopted as the final findings of the Commission the Proposed Findings of Fact and Conclusions dated March 13, 1940, and entered a final order DENYING without prejudice the application of C. T. Sherer Co., Inc., Worcester, Mass., for a new station to operate unlimited time, using the frequency 1200 kilocycles, with daytime power of 250 watts, nighttime power of 100 watts.

The FCC has announced adoption of an order GRANTING the application of L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, and Aubrey Gay, doing business as Valley Broadcasting Co., West Point, Ga., for construction permit for new radio-broadcast station to operate on 1310 kilocycles with power of 250 watts, un-

limited time, upon the condition that permittee shall file an application for modification of construction permit specifying the exact transmitter location and the antenna to be employed within two months after the effective date of this Order.

FINDINGS OF FACT

The FCC announced its Proposed Findings of Fact and Conclusions, proposing to GRANT the application of the Radio Voice of Springfield, Inc., for a construction permit to erect a new broadcast station in Springfield, Ohio, to operate on the frequency 1310 kilocycles, with power of 100 watts, unlimited time.

In its conclusions the Commission finds:

1. Station WLBC and the one proposed herein are classified, under the Commission's rules and standards, as Class IV stations and, as such, normally may be expected to render interference-free service during the daytime to the 0.5 millivolt per meter contour. It is plain that in the instant case it would not be in the public interest to deny the application for the proposed station in order that the relatively few people now receiving service from Station WLBC who would be affected thereby could continue to receive service from that station, since to do so would mean that the City of Springfield would be deprived of a local radio service, and the relatively large number of people who would be served by the proposed station would not receive the benefit of such service. Particularly is this true where as here those who would no longer receive service from station WLBC already receive service from several other stations.

2. Upon consideration of all the facts of record, the Commission concludes that the granting of the instant application will serve public interest, convenience and necessity.

In a proposed finding of fact and conclusions FCC announced, concludes that the "public interest, convenience and necessity" will be best served by renewing the license of radio station KVOS, Bellingham, Wash., and denying the application of the Bellingham Broadcasting Company for a new station seeking the facilities of KVOS in the same place.

The Commission holds the Bellingham Broadcasting Company "not financially qualified" to operate its proposed station. It adds:

"Very little information is furnished as to the type and character of program service to be furnished. It is essential in a proceeding such as this that the Commission not only be informed of the service which the applicant corporation would furnish the Bellingham community but also advised in such a manner that a comparison may be made between such service and that which the applicant seeks to supplant."

KVOS, which is the only station offering primary service to the Bellingham area, is declared to now be "legally, technically, and financially qualified to continue." The Commission points out that prior to July, 1937, the licensee "conducted its station in such manner generally as to encourage strife and discord in the community" and, subsequently "instances were presented . . . of the continuance to some degree of doubtful practices, particularly with respect to the treatment of candidates for public office." The Commission explains:

"The evidence suggests, but is not conclusive, that 'equal opportunity' was not afforded . . . and that censorship of candidates'

speeches may have been imposed. However, determination of the question of censorship involves consideration of whether the material was libelous as a matter of law (a subject not within the jurisdiction of this Commission) and whether, if libelous, a licensee possesses the legal right to expunge from a proposed broadcast a libelous statement. In any event, in the light of this record, we do not feel called upon to pass upon these questions."

The Commission continues:

"The licensee has promulgated regulations since the cessation of the 'Newspaper of the Air' program designed to prevent a recurrence of that type of broadcasting. It has afforded use of its facilities for religious, civic and educational purposes. Its program service as a whole indicates that for the past year and more a wide variety of acceptable programs have been furnished. Recent instances indicate the maintenance of an unbiased attitude on the part of the station's management. Former questionable practices have now been discontinued."

Station KVOS operates on 1200 kilocycles, with 250 watts, unlimited time.

All parties will have 20 days within which to file exceptions and request oral argument on the proposed report and exceptions.

The FCC has announced its Proposed Findings of Fact and Conclusions, proposing to DENY the application of C. L. Weathersbee, W. H. Nichols, C. L. Pickler and E. M. Thompson, d/b as Albemarle Broadcasting Station, for a new station in Albemarle, North Carolina, to operate on the frequency of 1370 kilocycles with power of 100 watts, daytime only.

In its conclusions the Commission finds:

1. The applicants have failed to sustain the burden of showing that they are financially and otherwise qualified to construct and operate the proposed station, and that a grant of the application would serve public interest, convenience and necessity.

The evidence in the record relating to the financial qualifications of the individual applicants, and of the partnership, fails to show that they are presently possessed of sufficient means to pay the cost of construction and the expense of initial station operation, or resources from which necessary funds may be secured and made available. They have no definite or certain plan or arrangement for securing necessary additional finances. The record fails to show definitely that there is sufficient commercial support available to defray the estimated operating expense of the proposed stations.

None of the applicants has had experience in the operation of a regular radiobroadcast station, and no definite arrangement has been made by them for the employment of sufficient qualified personnel to insure efficient operation of the proposed station, nor have they any well defined plan for rendering broadcast service to the listeners in the area proposed to be served.

2. The granting of this application would not serve public interest, convenience and necessity.

All parties will have 20 days within which to file exceptions and request oral argument on the proposed report and exceptions.

The FCC has announced its Proposed Findings of Fact and Conclusions proposing to AFFIRM the recommendations of Commissioner Payne to revoke the licenses of three Texas radio broadcast stations—KTBC, State Capital Broadcasting Assn. Inc., Austin, KNET, Palestine Broadcasting Assn., Palestine, and KRBA, Red Lands Broadcasting Assn., Lufkin.

Upon consideration of all the facts of record, the Commission concludes in its Proposed Findings, that original

construction permits and licenses for these stations were issued by the Commission upon misleading representations on the part of the respondents. Applicants failed to make full disclosures to the Commission concerning the financing of station construction and operation, as well as the ownership, management and control thereof, in violation of the Communications Act, and that had the actual facts in this connection been made known to the Commission it would have been warranted in refusing to license these stations.

All parties will have 20 days within which to file exceptions and request oral argument on the proposed report and exceptions.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings and oral arguments are scheduled before the Commission for the week beginning Monday, May 20. They are subject to change.

Monday, May 20

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

Wednesday, May 22

Further Hearing Before Commissioner George Henry Payne

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—In re: Revocation of Station License of KGFI.

Thursday, 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 acc. 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 acc. Rule 983 (a).

FUTURE HEARINGS

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

June 11

NEW—The Kaw Valley Broadcasting Co., Inc., Topeka, Kans.—C. P., 1500 kc., 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WSM—The National Life and Accident Ins. Co., Nashville, Tenn.—Granted extension of special experimental authority to transmit facsimile signals over standard broadcast station WSM (650 kc., 50 KW, unlimited time), between the hours of 12 and 6 a. m., for the period ending August 1, 1940.

KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Granted construction permit to move transmitter site locally, install new equipment and vertical radiator, and increase power from 1 KW to 5 KW, unlimited time, on 600 kc.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted modification of license to increase night power from 1 KW to 5 KW, unlimited time, on 570 kc.

WELL—Enquirer News Co., Battle Creek, Mich.—Granted construction permit to install new transmitter, change antenna, and increase power from 100 watts to 250 watts, unlimited time, on 1420 kc. Also granted consent to voluntary assignment of license of station from the Enquirer-News Company to Federated Publications, Inc. (Federated Publications, Inc., the new licensee, heretofore held all the stock of the Enquirer News Co., the old licensee. The grant of the application for construction permit at the same time as the Commission gave its consent to the assignment of license in this case is not to be considered a precedent for the grant of additional facilities to an assignor of a broadcast station license in any case where the new licensee was not previously the sole stockholder of the licensee corporation.)

KSUB—Harold Johnson and Leland M. Perry, d/b as Johnson and Perry, Cedar City, Utah.—Granted voluntary assignment of license for station KSUB from Johnson and Perry to Southern Utah Broadcasting Co.

KSUB—Leland M. Perry, Cedar City, Utah.—Granted renewal of license for station KSUB to operate on 1310 kc., 100 watts, unlimited time, for the period ending August 1, 1940.

W3XO—Jansky & Bailey, Georgetown, D. C.—Granted modification of high frequency broadcast (FM) license to change frequency from 43200 to 43400 kc.

WGTC—Greenville Broadcasting Co., Greenville, N. C.—Granted modification of construction permit (B3-P-2053), as modified, to increase hours of operation from daytime to unlimited on 1500 kc., using 250 watts.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted construction permit to change transmitting equipment and increase power from 100 to 250 watts, unlimited time, on 1500 kc. (B3-P-2673).

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted modification of license to increase power from 100 watts night to 250 watts day, to 250 watts, unlimited time, on 1500 kc. (B4-ML-940).

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Granted construction permit to make changes in equipment and increase power from 100 to 250 watts, unlimited time, on 1420 kc. (B5-P-2682).

WHDL—WHDL, Inc., Olean, N. Y.—Granted modification of license to change frequency from 1400 kc. to 1420 kc. and time of operation from daytime to unlimited, using 250 watts power (B1-ML-929).

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit to make changes in directional antenna system; station operates on 1330 kc., 5 KW DA, unlimited time (B2-MP-953).

WSAV—WSAV, Inc., Savannah, Ga.—Granted modification of license to increase power from 100 to 250 watts, unlimited time, on 1310 kc. (B3-ML-953).

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted modification of license to increase night power from 100 to 250 watts, unlimited time, on 1310 kc., using 250 watts day (B4-ML-758).

WJPF—Orville W. Lyerla, Herrin, Ill.—Granted modification of construction permit for new transmitter, approval of antenna, studio and transmitter site, and change power to 250 watts day and night on 1310 kc. (B4-MP-926).

WRWA—Reading Broadcasting Co., Reading, Pa.—Granted construction permit authorizing new transmitter and increase in power from 100 to 250 watts, unlimited time, on 1310 kc. (B2-P-2153).

McDowell Service Company, Welch, W. Va.—Granted construction permit for new Class IV station to operate on 1310 kc., with 250 watts, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval; also antenna system (B2-P-2816).

KFXM—Lee Brothers Broadcasting Co., San Bernardino, Calif.—Granted construction permit to install new transmitter, new antenna, move transmitter, and increase power from 100 to 250 watts, on 1210 kc. (B5-P-2638).

Tri-County Broadcasting Co., DuBois, Pa.—Granted construction permit to erect a new station to operate on 1200 kc., 250 watts, unlimited time. Exact antenna system and trans-

mitter and studio locations to be determined with Commission's approval (B2-P-2665).

DESIGNATED FOR HEARING

- WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Application for construction permit to install directional antenna for night use; station operates on **1080 kc.**, with 50 KW, unlimited time.
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Application for construction permit to install new transmitter and directional antenna for night use; change frequency from **770 kc.** to **1080 kc.**; increase power from 10 KW to 50 KW; and move transmitter to 18 miles east of Lincoln, Nebr.
- WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Application for modification of license to change hours of operation from simultaneous day, share KFAB night, to unlimited time, on **770 kc.** (contingent on KFAB changing frequency to **1080 kc.**).
- WJAG—The Norfolk Daily News, Norfolk, Nebr.—Application for construction permit to install vertical radiator, change frequency from **1060 kc.** to **770 kc.**, and time of operation from limited to WBAL and WTIC, to daytime (applicant requests frequency of KFAB).
- WMBI—The Moody Bible Institute, Chicago, Ill.—Application for modification of license amended to request change in hours of operation from limited, S-WBT, to limited WBT and KFAB, contingent on the granting of WCBD's application to change to **830 kc.** and KFAB's application to change to **1080 kc.** (WMBI now operates on **1080 kc.**, with 5 KW, day and night—limited S-WCBD.)
- WCBD—WCBD, Inc., Chicago, Ill.—Application for modification of license to change frequency from **1080 kc.** to **830 kc.** and hours of operation from limited time, sharing with WMBI, to daytime.

RENEWAL OF LICENSES

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

KFSG, Los Angeles; KFWB, Los Angeles; KGCU, Mandan, N. Dak.; KGGM, Albuquerque; KLCN, Blytheville, Ark.; KMBC and auxiliary, Kansas City, Mo.; KQW, San Jose, Cal.; KRKD, Los Angeles; KROW, Oakland, Cal.; WAAT, Jersey City, N. J.; WAIR, Winston-Salem, N. C.; WCAE and auxiliary, Pittsburgh, Pa.; WCOP, Boston; WNAC, Boston; WNAD, Norman, Okla.; WNBZ, Saranac Lake, N. Y.; WNEL, San Juan, P. R.; WNEW, New York City; WOL, Washington, D. C.; WRC, Washington, D. C.; WTAU, College Station, Tex.; WTNJ, Trenton, N. J.; WXYZ and auxiliary, Detroit, Mich.; KFDI, Beaumont, Tex.

MISCELLANEOUS

- KFRU—KFRU, Inc., Columbia, Mo.—Denied special temporary authority to operate simultaneously with Station WGBF with power of 250 watts from local sunset, for the period ending not later than May 16, 1940, in order to broadcast special war bulletins.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Denied special temporary authority to operate simultaneously with Station KFRU as above in order to broadcast special war bulletins.
- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted special temporary authority to rebroadcast impromptu interview between members of U. S. Army traveling flying cadet examining board and station announcer from U. S. Army plane Type B 18 cruising over San Jose, using Army transmitter on Army frequency **4595 kc.**, from 3:30 p. m. to 4 p. m., PST, on May 11, 1940, or 2:30 p. m. to 3 p. m., PST, on May 13, 1940.
- WINS—Hearst Radio, Inc., New York, N. Y.—Denied special temporary authority to operate from local sunset at Albuquerque, N. Mex., to 2 a. m., EDST, for the period May 11, 1940, to not later than May 21, 1940, in order to broadcast news bulletins concerning the current European war crisis.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Denied special temporary authority to operate on **1060 kc.** simultaneously with Station KTHS from 9 p. m. to 6 a. m. daily, EST, for a period of ten days, in order to broadcast regular network programs from NBC, subject to interruption for

news bulletins, and to broadcast other sustaining programs during such periods as news bulletins are not being broadcast.

- Publix Bamford Theatres, Inc., Asheville, N. C.—Adopted final order (B-93) denying the application for construction permit for new broadcast station, to install a directional antenna for nighttime use, and to operate on frequency **1430 kc.**, power 1 KW, unlimited time.
- Knoxville Broadcasting Co., Knoxville, Tenn.—Granted petition to dismiss without prejudice the application for construction permit for new station to operate on **1210 kc.**, 250 watts, unlimited time.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate from 10 p. m. to 11 p. m., EST, May 24, 1940, in order to furnish facilities for a State Wide Political Network to be used by the W. P. Horton Campaign Headquarters of the W. P. Horton for Governor Campaign.
- WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 9:00 a. m. to 12:30 p. m. EST, on May 18, 1940, in order to broadcast Moving-up Day Exercises of St. Lawrence University.
- Columbia Broadcasting System, New York, N. Y.—Granted special temporary authority to rebroadcast the various parts of a scheduled program originating at amateur stations taking part in the simulated emergency broadcast from 8:00 to 8:30 a. m. EST May 12, 1940, for release on the Columbia Broadcasting System; the amateur stations taking part in this program are W8CNA, W8AVD, W8RRS, W8PUZ, W8EUI, W8EA, W8ITS, W8QJP, W8DEC, W8VI, W8CHR, W8BKT, W3WX, W3GKM, W3UA, W3ZD, and W3QV.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7:00 p. m. to 9:00 p. m. CST, Sunday, May 12, 1940, for the purpose of broadcasting the program of the Civic Music Festival at Naperville, Ill.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7:00 p. m. to 9:00 p. m. CST, on May 20, 1940, for the purpose of broadcasting an educational and Patriotic Program from Geneva, Ill.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7:00 p. m. to 9:00 p. m. CST on May 26, 1940, for the purpose of broadcasting the Annual Music Festival of the two local high schools at Aurora, Ill.
- WGOV—E. D. Rivers, Valdosta, Ga.—Granted modification of construction permit for new broadcast station for approval of transmitter and studio sites at E. Park Avenue, Valdosta, Ga., and approval of vertical antenna; station operates on **1420 kc.**, 100 watts, 250 watts LS, unlimited time. (B3-MP-946).
- KTRB—Thomas R. McTammany & Wm. H. Bates, Jr., Modesto, Calif.—Granted special temporary authority to operate from 9 p. m. PST, May 16, 1940, to completion of opening soft ball game at Modesto; program to also include a band concert by local Stanislaus Co. Boys' Band and appearance of prominent local citizens; to operate from 9 p. m. PST, June 1, 1940, to completion of junior college track meet at Modesto; to operate from 7:30 p. m. PST (Sunset June, 7:30 p. m.), June 13, 1940, to conclusion of the Commencement address at the exercises of the Modesto Junior College.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with Station KTHS on **1060 kc.** from 9 p. m. to 6 a. m. daily, EST, for a period of ten days starting May 10, 1940, in order to broadcast complete news service direct from International News, United Press and the networks, only.
- KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate until 9 p. m., CST, or until the conclusion of an address to be delivered by the President on May 10, 1940.

APPLICATIONS FILED AT FCC

610 Kilocycles

- NEW—West Publishers, Inc., Houston, Texas.—Construction permit for new broadcast station on **610 kc.**, 250 watts night, 1 KW day, unlimited time. Class III-B. Transmitter and studio to be determined, Houston, Texas.

770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license to use old licensed transmitter as auxiliary transmitter.

780 Kilocycles

WPRR—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—License to cover construction permit (B-P-1941) as modified for change of frequency, increase in power and hours of operation and move of transmitter, changes in equipment and antenna.

890 Kilocycles

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—License to cover construction permit (B3-P-2570) for increase in power and install new transmitter.

920 Kilocycles

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to install directional antenna for night use increase power from 1 KW night, 5 KW day to 5 KW day and night, change frequency from 920 to 950 kc., contingent on No. American Regional Agreement. Amended: To omit request for change in frequency.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—License to cover construction permit (B1-P-2835) for new transmitter.

950 Kilocycles

WHAL—Harold F. Gross & Edmund C. Shields, Saginaw, Mich.—Modification of construction permit (B2-P-936) for new station, for approval of antenna and studio and transmitter site at 211 N. Washington Ave., Saginaw, Mich., and install new transmitter.

1040 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs Natl. Park, Ark.—Construction permit for new transmitter, directional antenna for night use, change frequency from 1040 to 1060 kc., increase power from 10 to 50 KW and hours from shares KRLD to unlimited, move transmitter to Plum Bayou, Ark., install 250 watt amplifier. Amended: To decrease power of signal amplifier from 250 watts to 100 watts night, 250 watts day.

1070 Kilocycles

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Construction permit to change frequency from 1070 to 860 kc., increase power from 500 watts to 1 KW, change hours from limited to unlimited, new equipment. Contingent on No. American Agreement becoming effective. Requests Class II station.

1130 Kilocycles

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to change frequency from 1130 to 1040 kc., change power and hours from 20 KW, limited time to 10 KW night, 20 KW day, unlimited time, and install directional antenna for night use. Amended: To omit request for change in frequency and power, make changes in directional antenna to be used from sunset at Salt Lake City, Utah to sign-off.

1200 Kilocycles

KPHO—M. C. Reese, Phoenix, Ariz.—Modification of construction permit (B5-P-2182) for new station, for approval of transmitter and studio at 24th Ave. and Buckeye Rd., Phoenix, Ariz., approval of antenna, and increase power to 250 watts day and night.

1250 Kilocycles

WNEW—WODAAM Corporation, New York, N. Y.—Construction permit to install auxiliary transmitter, using 1 KW power, for emergency use only. Amended re equipment.

1260 Kilocycles

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Modification of construction permit (B1-P-2415) for changes in

directional antenna for day and night use, move transmitter and studio, further requesting changes in directional antenna; install new transmitter; increase power to 5 KW; extend commencement and completion dates. Amended to request 1 KW night, 5 KW day, using directional antenna day and night, and to request Class III-B station.

1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase power from 500 watts to 1 KW day, 500 watts night; change hours from share with WCAM and WCAP to unlimited. Requests facilities of WCAM and WCAP. Amended to request 500 watts day and night.

1310 Kilocycles

WLBK—The Bowling Green Broadcasting Co., near Bowling Green, Ky.—Modification of construction permit (B2-P-2194) as modified for new station, requesting extension of commencement and completion dates from 12-31-39 and 7-1-40 to 2-29-40 and 9-1-40 respectively.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Construction permit for new transmitter, increase power from 100 watts to 1 KW, change frequency from 1310 kc. to 1380 kc. Amended to request 1430 kc.

WTFL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Construction permit to make changes in equipment and increase power from 100 to 250 watts, change frequency from 1310 kc. to 1500 kc.; also to change hours from share with WHAT to unlimited. Amended re antenna.

1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit for new transmitter and antenna; increase power from 500 watts to 500 watts night, 1 KW day; change hours from share WSBT to unlimited; move transmitter. Contingent on WSBT going to 930 kc. Amended to increase power requested to 1 KW day and night and request Class III-A station.

1370 Kilocycles

WATW—WJMS, Inc., Ashland, Wis.—License to cover construction permit (B4-P-2160) as modified for a new station.

WATW—WJMS, Inc., Ashland, Wis.—Authority to determine operating power by direct measurement of antenna power.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Construction permit to change equipment, antenna, increase in power from 100 to 250 watts, move transmitter ¼ mile from 821 Chillicothe St. to 1009 Gallia St., Portsmouth, Ohio. Amended re antenna.

1420 Kilocycles

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Modification of license to change hours from specified (daily 11 a. m. to 1 p. m. and 4 p. m. to 7 p. m.) to unlimited.

1430 Kilocycles

WMPS—Memphis Broadcasting Co., Memphis, Tenn.—Authority to transfer control of corporation from Memphis Press-Scimitar Co. to Memphis Commercial Appeal Company, 200 shares common stock.

1440 Kilocycles

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Construction permit to increase power from 500 watts to 1 KW; make changes in equipment. Requests Class III-A station.

1470 Kilocycles

KGA—Louis Wasmer, Spokane, Wash.—Construction permit for new transmitter; change in antenna; increase power from 5 to 10 KW; move studio and transmitter locally. Amended to install directional antenna for night use.

1500 Kilocycles

NEW—Delta Broadcasting Co., Escanaba, Mich.—Construction permit for new broadcast station on 1500 kc. (1490 kc. when North American Regional Agreement is effective), 100 watts, unlimited time. Class IV.

NEW—The Marion Broadcasting Co., Marion, Ohio.—Construction permit for new broadcast station on **1500 kc.**, 250 watts, unlimited. Transmitter and studio to be determined at or near Marion, Ohio.

1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) for new equipment, increase in power, and move of transmitter, requesting approval of antenna and transmitter site at 56th Rd. and 49th St., Long Island City, N. Y. Amended to give transmitter location as South of Grand St., between 49th and 51st St., Long Island City, N. Y.

NEW—West Publishers, Inc., Dallas, Tex.—Construction permit for new broadcast station on **1550 kc.**, 5 KW, unlimited. Class III-A. Transmitter and studio to be determined, Dallas, Tex.

MISCELLANEOUS

NEW—WTAR Radio Corp., Norfolk, Va.—Construction permit for new high frequency broadcast station on **43400 kc.**, 1000 watts, unlimited. Special emission for frequency modulation.

NEW—Times-Dispatch Radio Corp., Richmond, Va.—Construction permit for new high frequency broadcast station on **43200 kc.**, 1000 watts, special emission for frequency modulation.

NEW—Ashbacker Radio Corp., Muskegon, Mich.—Construction permit for new high frequency broadcast station to be operated on regular commercial basis on **43600 kc.**, 1000 watts, special emission for frequency modulation.

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

NEW—Gazette Printing Co., Janesville, Wis.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation.

NEW—Banks of Wabash, Inc., Terre Haute, Ind.—Construction permit for new high frequency broadcast station on **43200 kc.**, 1000 watts, emission special for frequency modulation.

NEW—E. Anthony & Sons, Inc., New Bedford, Mass.—Construction permit for new high frequency broadcast station on **43400 kc.**, 1000 watts, special emission for frequency modulation at New Bedford, Mass. Amended re site to be Crow Island, Fairhaven, Mass.

W1XG—General Television Corp., Boston, Mass.—Construction permit to install audio transmitter to use with video transmitter, 500 watts, A3 emission.

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

NEW—The Metropolis Co., Orlando, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation, location to be determined, Orlando, Fla.

NEW—The Metropolis Co., West Palm Beach, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation, location to be determined, West Palm Beach, Fla.

NEW—The Metropolis Co., Miami, Fla.—Construction permit for new high frequency broadcast station on **43000 kc.**, 1000 watts, special emission for frequency modulation, location to be determined, Miami, Fla.

NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for new high frequency broadcast station on **117670 kc.**, 1000 watts, special emission for frequency modulation. Amended: Exact site to be determined, New York, N. Y.

NEW—District Broadcasting Co., Washington, D. C.—Construction permit for new high frequency broadcast station to be operated on regular commercial basis on **43400 kc.**, 1000 watts, emission special for frequency modulation, site to be determined, Washington, D. C.

WMC-WEIX-WABG—Memphis Commercial Appeal Co., Memphis, Tenn.—Authority to transfer control of corporation from Memphis Press-Scimitar Co. to The E. W. Scripps Co., 3000 shares common stock and 3000 shares Class A Common Stock.

WEIX—Memphis Commercial Appeal Co., area Memphis, Tenn.—Modification of license to change corporate name from Memphis Commercial Appeal Co. to Memphis Publishing Co.

WABC—Memphis Commercial Appeal Co., area Memphis, Tenn.—Modification of license to change corporate name from Memphis Commercial Appeal Co. to Memphis Publishing Co.

WENS—Radio Station WSOC, Inc., area Charlotte, N. C.—License to cover construction permit (B3-PRE-348) for changes in equipment.

NEW—Badger Broadcasting Co., Madison, Wis.—Construction permit for new high frequency broadcast station on **42600 kc.**, 1000 watts, special emission for frequency modulation.

NEW—World Peace Foundation, Abraham Binneweg, Jr., Portable, Oakland, Calif.—Construction permit for new developmental broadcast station on **1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc.**, 250 watts, A1, A2, A3 emission. Amended: change power requested to 10 watts and change from fixed location to portable.

NEW—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit for new high frequency broadcast station to be operated on regular commercial basis on **43200 kc.**, 1000 watts, special emission for frequency modulation.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Drucquer & Sons—John Drucquer, trading as Drucquer and Sons, 2201 Shattuck Ave., Berkeley, Calif., engaged in manufacturing cigarettes made of blended tobacco, and in advertising, selling and distributing the products, is charged in the complaint with packaging his products in cartons, wrappers and containers upon which are placed various pictorial representations, scrolls, words and phrases descriptive of their alleged origin and quality. One representation is a picture of a lion rampant, holding a cross of St. George in its right forepaw, accompanied by a scroll upon which is printed "Per Ardua." The statement "Manufactured by Drucquer and Sons of London, England," is in large type, according to the complaint, and in small type, hardly discernible, is printed "Late of The Strand and Regent Street, London."

The complaint charges that the respondent's business is not located in London, and that his products are manufactured, blended and processed at his place of business in Berkeley, Calif. (4125)

London Tobacco Company—Jacob Moss, trading as London Tobacco Company, 132 Hanover St., Boston, manufacturer and distributor of cigarettes, is charged, in a complaint, with packing and selling his products in cardboard boxes, on the top of each box appearing:

"LONDON

Special

(Crest, simulating the British
Royal Coat of Arms.)

CIGARETTES

London Tobacco Company"

Circulars used by the respondent to advertise his cigarette feature a pictorial representation which simulates the British Royal Coat of Arms, and carry the following price representations:

"FORMERLY 25¢ pkg.
REDUCED TO 15¢ pkg."

Through use of the word "London" as part of his trade name, and the word "English" in his advertising matter, the complaint charges, the respondent represents that his is an English concern;

that his "London Special Cigarettes" are manufactured or blended in England or of British tobacco, and that they have recently been reduced in price from 25 cents a package to 15 cents a package. The complaint alleges that these representations are untrue and misleading; that the respondent London Tobacco Company is not a British concern; that the respondent's cigarettes are manufactured in this country and that their price has not recently been reduced as advertised. (4126)

Manchester Silver Company—Alleging violation of the Federal Trade Commission Act in the pricing of silver flatware sold to wholesalers, jobbers, retailers, department stores and the public, a complaint has been issued against Manchester Silver Company, 49 Pavilion Ave., Providence, R. I., and Frank S. Trumbull, Franz S. Tideman and Edward B. Palmer, officers of the corporation.

For many years, the complaint alleges, the respondents have circulated among retailers, wholesalers and jobbers a price list known as a "Pink List," purporting to show the usual and regular retail prices or values of the respondents' silver flatware. Many retailers, particularly large department stores, the complaint continues, in conducting special sales of the respondents' products, used the Pink List to show the so-called regular prices of those products as compared with the special sales prices. The "Sales Prices," in some instances, were as much as 33 per cent off the Pink List prices, according to the complaint.

About January 1, 1939, the complaint continues, the respondents devised a plan for use by retailers to promote the sale of the respondents' products at special sales, pursuant to which they issued a "Blue List" which had the words "Wholesale List" printed thereon. The prices shown in the Blue List for identical articles were substantially higher than the "Pink List" prices long in use and were wholly fictitious, according to the complaint.

The respondents allegedly recommended that retailers, in their special sales advertisements, quote the Blue List in connection with so-called half-price and comparative price sales and represent the Blue List prices as being the regular and customary prices. The complaint alleges that use of the fictitious Blue List prices enabled dealers to represent that purchasers at retail could obtain as much as 50 per cent off the regular list price of the respondents' flatware, whereas when the "Pink List" was used retailers were unable to represent that purchasers could obtain discounts off the list price in excess of 33 per cent.

It is alleged that the respondents granted to certain large retail dealers special discounts to induce them to participate in the respondents' Blue List plan. (4133).

Petalskin Toiletries, Inc., 67 West 44th St., New York, engaged in the sale and distribution of toilet preparations designated as "Petalskin Face Cream," "Petalskin Face Tonic," "Petalskin Cream Pastelle," "Petalskin Face Powder" and "Petalskin Hand Cream," are charged, in a complaint with misrepresentations concerning their products.

By means of circulars and other printed matter distributed in various States, the complaint alleges, the respondent represented, among other things, that "Petalskin Face Cream" is "Rich in Vitamin F," and that "this emulsified, deep pore cleanser and tissue cream has unusual penetrating as well as nourishing qualities."

Through these and other representations, the complaint declares, the respondent also represents that its face cream contains Vitamin F; that the face tonic will close and refine the pores; that "Petalskin Cream Pastelle" works its way into the pores of the skin and refines it, and that the hand cream counteracts aging and will penetrate the skin.

The complaint alleges that there is no recognized vitamin now designated as Vitamin F, and that use of the respondent's preparations will not supply vitamins by absorption through the skin, nourish the skin, refine the pores or counteract aging of skin. (4128)

J. R. Pharmacal Company—J. R. Olney, Sr., and J. R. Olney, Jr., trading as J. R. Pharmacal Company, 2011 Edgmont Ave., Chester, Pa., are charged, in a complaint with misrepresentation in connection with the sale and distribution of a medicinal preparation designated "J. R."

In advertisements in newspapers and periodicals the respondents have represented, the complaint charges, that their preparation assures a cure for all cases of athlete's foot; that it gives immediate relief from athlete's foot, itching toes, ringworm, and raw, inflamed feet, and that it is endorsed by leading health institutions.

The complaint alleges that these representations are misleading and untrue, except that the product may be of value in alleviating symptomatic itching associated with such conditions. (4127)

Post Institute, Inc., a corporation, 105 East 16th St.; Post Institute, a corporation, 9 East 40th St., both of New York; Louis J. Stern, individually trading as Post Institute and as officer of Post Institute, Inc., and Post Institute, corporations, and Helmuth M. Kiesewetter, individually and as officer of Post Institute, corporation, are charged, in a complaint with misrepresentation in the sale and distribution of preparations for hair and scalp treatment.

The complaint alleges that in advertisements in newspapers and periodicals, by radio continuities and by circulars, pamphlets and other advertising literature, the respondents, who are engaged in the sale and distribution of preparations known as "Ultrazol Hair Bath," "Ultrazol Pituitary Fluid," and "Ultrazol .33," recommended for use in combination as "Ultrazol Scalp Treatment," have represented that the preparations, used either singly or in combination, will revive the growth of hair and are cures for baldness; will stop abnormal loss of hair; cause fuzz to develop into mature hair; cause dull, faded hair to become brilliant; check premature graying, and restore the natural color to the hair, and that they are effective in removing and curing dandruff.

These claims, the complaint alleges, are exaggerated, misleading and untrue.

The respondents have further represented, the complaint continues, that formation of keratinized epidermal wastes obstructs the hair follicle and restricts growth of hair; that other causes of loss of hair and hair troubles are insufficiency of pituitary secretion at the hair roots, and that their preparations have therapeutic value in correcting such conditions.

The complaint alleges that these representations are misleading; that these products have no effect in the process of keratinization, and that there is no scientific basis for the assumption that pituitary or other substances applied to the scalp will penetrate to the hair roots and stimulate hair growth.

Through use of the word "Institute" in their trade or corporate names, the complaint alleges, the respondents represent that they are a scientific organization formed for the purpose of promoting research and learning. It is further alleged that they have represented, among other things, "The ethics of the Institute preclude exaggerated claims," and "By a costly process, Post Institute isolates from whole gland pituitary body a special extract." As an additional means of furthering such representations, the complaint declares, the respondents place on their various advertising a replica of a seal, by means of which they represent that their products have been certified, tested or approved by some scientific organization or some State, city or federal board of health. In truth, the complaint continues, Post Institute is not a scientific organization formed for the purpose of promoting learning and research, and its products have not been certified, tested or approved by any scientific organizations, boards of health, or any department of the federal government. (4129)

Stanley Laboratories, Inc., Portland, Ore., and Edward A. Bachman, trading as Stillman Products Company and as Stanley Laboratories, who is also president of the corporation Stanley Laboratories, Inc., are charged, in a complaint with misrepresentation in the sale and distribution of drug products for feminine hygiene.

The respondents designate their products as "M.D. Medicated Douche Powder," "Contra-Jel," "Femeze," and "M.D. Supercones".

In advertisements in newspapers and other printed matter, the complaint charges, the respondents have represented that "M.D. Medicated Douche Powder" is a recent development of scientific research, endorsed by leading physicians and surgeons, and is a competent and effective contraceptive; that it is an antiseptic and germicide which will combat any form of bacteria, and that the preparation has competent remedial qualities for use on cuts, burns and sores; that "Contra-Jel" gives immunity from the pregnancy, protection from venereal diseases, and has germicidal and antiseptic properties; that "M.D. Supercones" constitute an effective contraceptive which has powerful antiseptic properties, and that "Femeze" is an effective treatment for functional pains and cramps accompanying menstruation.

In truth, the complaint alleges, none of the products distributed by the respondents constitute competent or effective contraceptives; none constitutes an adequate prophylactic; none will give protection from venereal diseases, and the product "Femeze" is not effective in treating the pains accompanying menstruation.

In addition, the complaint charges, the respondents make false and misleading representations to the effect that their products are prescribed or compounded by physicians and bear the endorsement or recommendation of the medical profession, by means of the use of the letters "M.D." in designating their products and by including in their advertising matter likenesses of nurses and doctors with the figure of a cross in simulation of the Red Cross emblem. The complaint alleges that in truth the products are not prescribed or compounded by physicians and have not received the endorsement or recommendation of the medical profession.

Use of the term "Laboratories" in their corporate and trade names and in advertising literature, the complaint continues, is also misleading, as the respondents neither own nor control any factory, plant or laboratory wherein their medicinal preparations are compounded or wherein any research activities are conducted, but are merely distributors of products compounded and manufactured by other concerns. (4130)

Stillman Products Company—See Stanley Laboratories, Inc.

Western Confectioners Association, Inc., San Francisco, a trade association, its officers, directors and trustees, and 49 member manufacturers engaged in the sale and distribution of candies in Western States, have been served with a complaint alleging a combination to restrain price competition, establish uniform prices and to stabilize the discounts allowed.

The complaint alleges that the respondent company members constitute a large and influential position in the candy manufacturing business in California, Washington, Oregon, Montana, Nevada, Utah, Wyoming, Colorado, Arizona and New Mexico. They would be in free and active competition with one another, the complaint continues, except for the unlawful conspiracy, agreements and practices with which they are charged.

Pursuant to their agreements and understandings, the complaint alleges, the respondent manufacturers and the association and its officers and members cooperatively enforced their merchandising policy for eliminating price competition by the following means: (1) the respondent manufacturers adopted a minimum price, based on figures obtained by the association, for the association members' products, and (2) adopted arbitrary cost figures, while pretending to act under the California "Fair Trade Act" and "Unfair Practice Act"; (3) the respondent association made arbitrary classifications designating purchasers of respondents' products as "wholesalers", "jobbers", and as other dealers; specified standard and uniform discounts to be allowed purchasers in each classification, and the respondent manufacturers adopted such classifications and allowed the discounts; (4) the respondent manufacturers, upon demand by the association, revised price lists to make them uniform, and (5) filed with the association advance notices of price changes; (6) the respondent association, through its officers and the respondent manufacturers, made threats to institute, and aided and abetted in instituting, court proceedings against manufacturers selling at prices below the costs arbitrarily fixed, and (7) disseminated threats among association members and other manufacturers that any manufacturer who sold below the cost figures adopted would be prosecuted under the California "Fair Trade Act" or "Unfair Practice Act."

The respondents' practices are alleged to have placed in them the power to control and enhance prices and to have increased the prices paid by the purchasers and by the public for their products, thereby unreasonably restraining trade in violation of the Federal Trade Commission Act. (4132)

A. W. Wilson Company—Alfred W. Wilson, trading as A. W. Wilson Company, North Hollywood, California, engaged in the sale and distribution of coin-operated vending machines and candy, is charged in complaint with misrepresentation.

In advertisements in newspapers and periodicals, the complaint alleges, the respondent represented that purchasers of his machines would be given exclusive rights to operate within certain designated territories; that locations for the machines would be obtained by the respondent prior to delivery of the machine to the purchaser; that the machines would be personally installed by the respondent's salesmen or agents; that a certain quantity of candy to be dispensed by the machines would be supplied free by the respondent; that the respondent's business is nation-wide in scope; that net profits of not less than \$30 per week are usually and customarily derived by purchasers; and that the machines would be repurchased by the respondent at the original price, less the net earnings, if at the end of 90 days operation the machines had not earned for the

purchaser profits equal in amount to the original price of the machine.

The complaint charges that these representations are false and misleading. (4131)

CEASE AND DESIST ORDERS

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

Dermagell, Inc.—See Research Associates, Inc.

Research Associates, Inc.—Two Washington, D. C. corporations, Research Associates, Inc., and Dermagell, Inc., have been ordered to cease and desist from certain misrepresentations.

Commission findings are that Dermagell, Inc., 52 O St., N. W., Washington, D. C., prior to 1938, was engaged in the sale and distribution of an organic soap compound designated "Dermagell". Research Associates, Inc., 3400 Nebraska Ave., N. W., Washington, D. C., until May 1938, controlled the activities of Dermagell, Inc. On May 11, 1938, it divested itself of a large part of the stock of Dermagell, Inc., by sale to parties not named as respondents in this proceeding. At the present time it owns no stock of Dermagell, Inc., and does not control or direct its business policies, practices and activities.

While its activities were under the control of Research Associates, Inc., Dermagell, Inc., the Commission finds, caused false advertisements containing representations and claims with respect to the properties of the compound "Dermagell" to be disseminated. The Commission finds that in newspapers and by other means, the respondents represented, among other things, that "DERMAGELL is a 3-purpose Cleansing Cream and Shampoo—so efficient—so utterly different from anything heretofore obtainable that authorities proclaim it 'the discovery of the century'"; that "DERMAGELL soothes and heals as it penetrates the innermost recesses of the tender pores without unpleasant reaction", and that "it actually protects your skin. Dermagell prevents and cures many skin disorders."

The Commission finds that the product is not substantially different from any other products or soaps designed for a similar use, and that its ingredients are well known and have been known and used for many years in the preparation of soaps and similar products. The Commission further finds that "Dermagell" possesses no special soothing or healing properties, and that other claims made for it are false and misleading.

The respondents are ordered to cease and desist from representing that the compound formerly known as "Dermagell" is the discovery of the century; that it soothes and heals or penetrates the innermost recesses of the pores of the skin; that its use will leave the skin and scalp youthfully fresh and invigorated; that its use will give any woman a soft, clear, smooth complexion or beautiful hair; that the benefits obtained from its use are distinct and lasting; that it actually protects the skin, or that it prevents or cures skin disorders. (3651)

F. B. Washburn Candy Corporation, Brockton, Mass., stipulates that it will desist from representing that its candy bars are equal in food value to either two eggs, two baked potatoes, two lamb chops or a glass of milk. The stipulation points out that the respondent's candy bars, although they contain a source of energy and a small amount of protein and mineral salts, do not also contain the other minerals, vitamins and the quality and quantity of protein to be found in the foods with which such candy is compared. (2803)

Howard Woodward & Company—Howard Woodward, trading as Howard Woodward & Co., 277 East Long St., Columbus, Ohio, in the sale of luggage and leather goods, agrees to cease using in his wholesale catalogs or in any other way, list prices which are not the prices at which the products are actually sold to retail dealers. (2792)

F & K Yarn Company—Joseph A. Keller, trading as F. & K. Yarn Company, stipulates that he will desist from representing

that his knitting yarns are composed of fibers or materials other than those which they actually contain; from using the words "Cashmere" or "Cashiere" or any other word simulating "Cashmere" to designate a product not composed wholly of the hair of the Cashmere goat, and from using the words "Silk" or "Crepe" as descriptive of a product not composed of silk.

The respondent also agrees to cease employing the word "Tweed" as descriptive of a product not composed of wool; provided that, if the product is composed in substantial part of either Cashmere, Silk or Tweed, and the words "Cashmere", "Silk" or "Tweed" are used properly to describe the contents designated by those names, then such names shall be immediately accompanied by other words in equally conspicuous type accurately describing each other constituent fiber or material of which the product is composed, in the order of its predominance by weight, beginning with the largest single constituent.

The respondent also agrees to discontinue employing the phrase "Pure Boucle" as descriptive of a product composed of rayon, or otherwise to advertise or sell an article composed wholly or partly of rayon without clearly disclosing such rayon content. The respondent also stipulated that when a product is composed partly of rayon, it will not fail to disclose each constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent.

The respondent, not a manufacturer, also agrees to cease using the word "Factory" as descriptive of his business. (2802)

S. C. Sales Company—Samuel Cohen, doing business as S. C. Sales Company, 126 West Baltimore St., Baltimore, engaged in selling a medicinal preparation designated "Mag-Net-O Balm", agrees to cease representing that the preparation is a remedy or competent treatment for varicose veins or leg swellings; that, alone or used in connection with the application of heat, rubbing or exercise, it is a remedy or competent treatment for sciatica pain, rheumatic pain, lumbago pain, lame back, stiff neck, headache, chest colds, earache, or simple sprains, or that the preparation has any therapeutic value in their treatment in excess of a rubefacient and counterirritant; that the preparation penetrates to congested or otherwise affected parts or is an aid in the treatment of deep-seated congestion, and that the preparation, alone or used in connection with the application of heat, rubbing or exercise, is a new method of treatment for varicose veins or leg swellings. (02557)

Textile Laboratories—Harry Teichlauf, trading as Textile Laboratories, 264 West 40th St., New York, in the sale of "Textilene" cleaning fluid, agrees to desist from use of the statement "Removes all stains", or any representation of similar implication, when in fact the use of the product will not return to their original appearance all kinds of fabric materials, regardless of the nature of the stain or marking to which the materials have been subjected.

The respondent also stipulates that he will cease employing the statement "It will not leave spots, rings or discoloration" or any similar representation the effect of which is to convey the impression that this preparation, when applied only to the spot sought to be removed from certain fabrics, as weighted silks, will leave no ring or will not cause a resultant discoloration. The stipulation points out that application of the fluid only to the spot to be removed will not prevent formation of a ring.

The respondent also agrees to cease employing the word "Laboratories" as part of his trade name or in any way, when in fact he does not own or control a laboratory in which his product is made. (2796)

Van Sant, Dugdale & Co., Inc., Court Square Building, Baltimore, in connection with advertisements disseminated by it concerning "Bliss Native Herbs Tablets", sold by Alonzo O. Bliss Medical Company, Washington, D. C., agrees to desist from representing that these tablets give immediate relief for, or relieve all cases of, upset stomach, gas bloating pains, acid risings, lost appetite, sour stomach and headaches, due to constipation or other causes; that the product will flush the bowels or kidneys, stimulate the liver, cause faster elimination of kidney wastes, or that the product is a treatment for the stomach, unless the representation is limited to such influence as it might have as a stomachic. (02558)

Volume Sales Promotion Company—R. Thomas Lincoln and Henry Thompson, trading as Volume Sales Promotion Company,

Denver, Colo., engaged in the sale and distribution of a sales promotion plan known as "Swap for Cash", agree to cease and desist from selling or distributing sales promotion cards or any other device so designed that their use by retail dealers may constitute the operation of a game of chance, gift enterprise or lottery scheme; supplying or placing in the hands of others cards, plans or schemes which may be used without alteration or rearrangement to conduct a lottery, game of chance or gift enterprise when distributed to the consuming public; or representing that prospective agents, salesmen or other representatives can make profits or earnings in excess of the average net profits which have been consistently made in like periods of time by its active, full-time agents, salesmen, distributors, dealers or other representatives in the ordinary and usual course of business and under normal conditions and circumstances. (2804)

Noble Refining Company—Carl L. Ficken, trading as Noble Refining Company, 12910 Taft Ave., Cleveland, in the sale of paint and oil products, agrees to cease using (1) the word "linseed," alone or in connection with the word "blended" or with other words, as descriptive of a product not composed of pure linseed oil or a blend of pure linseed oils; or (2) the word "turpentine," alone or with the word "blended" as descriptive of a product not consisting of pure turpentine or a blend of pure turpentines. The respondent also agrees to cease employing the word "Refining" as part of his trade name and to cease use of the words "Refining" or "Producers" or words of similar implication, when in fact the respondent does not own or control the refinery or factory in which the products he sells are produced or refined. (2801)

B. Ontra Company, Inc., trading as Reggie's Hosiery Mills, agrees to cease using the word "Mills" as part of its trade name and to discontinue using that word or any word of similar implication in a manner conveying the impression that the corporation owns and operates the factory in which its products are made, when such is not a fact. (2800)

Charles Dallas Reach Company—Charles Dallas Reach, trading as Chas. Dallas Reach Company, 58 Park Place, Newark, N. J., conducting an advertising agency which disseminated advertisements for a hand lotion designated "Frostilla Fragrant Lotion," on behalf of The Frostilla Company, Inc., Elmira, N. Y., has agreed to discontinue disseminating or causing to be disseminated any advertisements representing that the ingredients in "Frostilla Fragrant Lotion" are more costly than those employed in competitive lotions generally, when that fact is not definitely known, and that competitive lotions in general leave a sticky or gummy residue. The respondent also agrees to cease advertising that "Frostilla Fragrant Lotion" accomplishes certain results where other lotions fail; prevents the nail cuticle from becoming rough or ragged; is "the" perfect hand lotion; keeps hands young looking, or is most always preferred where hand lotions are tested side by side. (02554)

Ribbon Seam Binding Company—See Arrow Seam Binding Company.

Roth, Saltzman & Co., Inc., 147 West 29th St., New York, in the sale of furs, furriers' supplies and silk goods, stipulates that it will discontinue employing on letterheads, invoices or in other ways the phrase "Importers and Manufacturers," alone or in connection with other words as descriptive of its business activities, and that it will cease representing, through use of the word "Importers," that it imports products it sells, or through use of the word "Manufacturers," that it actually owns or controls the plant in which its merchandise is made, when such are not the facts. (2794)

Louisville Novelty House—Charles Barash, trading as Louisville Novelty House, 1860 Alfresco Place, Louisville, Ky., in the sale of Indian pattern blankets, cedar chests, electric clocks, wrist watches, floor lamps, and women's wearing apparel, stipulates that he will desist from selling or distributing such articles so packed and assembled that sales to the public are to be or may be made by means of a lottery scheme; from supplying to or

placing in the hands of others such merchandise together with push or pull cards, punch boards or other lottery devices, or such devices with the merchandise or separately, the devices to be used in selling the articles to ultimate consumers.

The respondent also agrees to desist from use of the phrase "Pure Dye" or the term "Satin" as applied to any fiber or fabric unless composed exclusively of pure silk without other fiber, weighting, excess finishing or dyeing materials, or loading or adulterating materials. If according to the stipulation, the phrase "Pure Dye" is truthfully used as descriptive of the silk content of a mixed fabric, it shall be accurately disclosed in connection therewith that such term or phrase is used as applying only to the silk content of such mixed fabric; for example, "Rayon and Pure Dye Silk."

Also, the respondent stipulates that he will desist from branding, labeling or selling any products composed of rayon and other kinds of fiber or substances without full and nondeceptive disclosure of the rayon and other content by accurately designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent and giving the percentage of any fiber present in less than a substantial proportion. (2795)

Louisville Novelty Manufacturing Company—Agreeing to discontinue supplying devices the use of which may result in the sale of merchandise to ultimate consumers by means of lottery methods, six dealers have entered into stipulations.

Respondents are: Archie and Bessie Jacobstein, trading as Louisville Novelty Manufacturing Company, 330 East Breckenridge St., Louisville, Ky., distributors of novelty merchandise, including lottery devices; Briarcraft, Inc., 347 Fifth Ave., New York, pipe manufacturer; Leo Pevsner, 5 South Wabash Ave., Chicago, dealer in jewelry, novelty goods and premium merchandise; Nashville Roller Mills, Nashville, Tenn., engaged in the blending, sale and distribution of flour and feedstuffs; Morton J. Friedman, Merchandise Mart Building, Chicago, engaged, under the name of Traders Syndicate, in the sale of distressed or close-out stocks of merchandise, and Dainty Foods Manufacturers, Inc., 666 West Randolph St., Chicago, distributor of a concentrated compound or powder designated "North Pole Ade" for the making of summer beverages.

According to their stipulation, Archie and Bessie Jacobstein, trading as Louisville Novelty Manufacturing Company, sold to retail merchants certain trade stimulants called "jar deals" consisting of glass jars containing a large number of tickets with concealed numbers. The stipulation recites that the plan involved a lottery in the sale of cigarettes by a jar deal designated "Pick-A-Pack."

The respondents agreed to cease supplying to or placing in the hands of others, jar deals or other lottery devices either with assortments of cigarettes or other merchandise, or separately, such devices to be used in selling such cigarettes or other merchandise to the public.

Nashville Roller Mills agreed to cease supplying to or placing in the hands of others premium flour, or other merchandise, to be used to conduct a lottery in the sale of flour or other products, and to discontinue supplying lottery devices, either with assortments of flour or other merchandise, or separately, such devices to be used in selling such flour or other merchandise to the public.

The various other respondents agreed to cease supplying to or placing in the hands of others their commodities, together with lottery devices, or lottery devices with such merchandise or separately, such devices to be used in the sale of such merchandise to the public.

Except for the jar deals and premium flour used by the above mentioned Louisville and Nashville respondents, and prize drawing cards in two instances, the lottery devices commonly employed were push or pull cards and punch boards.

Morton J. Friedman, dealer under the name Traders Syndicate in distressed or close-out stocks of merchandise, also agrees to discontinue use of the word "Syndicate" as descriptive of his business, or of any similar term implying that the respondent's individual proprietorship is an association or group of persons combining in a financial, industrial or commercial enterprise. He also agrees to cease quoting a fictitious price of any article or quoting a figure purporting to be its actual value which is in excess of the customary price at which it can be obtained. (2779-2781-2783-2786-2787-2788)

Hollander, Inc., Brockton, Mass., agrees to cease selling or distributing candies, confections or other merchandise so packed

and assembled that its sale to the public is to be or may be made by means of a lottery or gift enterprise; to discontinue supplying to others confections, candies or other merchandise, together with push or pull cards, punch boards or other lottery devices, or such devices with the candy or merchandise, or separately, the devices to be used in the sale of such products to the public. (2798)

Mrs. Greta J. Leskovar, 507 East 73d St., New York, engaged in selling a medicinal preparation designated "Lesko Herbs Tea," has agreed to cease representing that the preparation is a competent treatment or effective remedy for retarded, suppressed, irregular or sick monthly periods, is an aid for the relief of the pain or discomfort attending irregular menstruation, or will relieve the cramps or colic of troublesome or irregular menstruation due to exposure or cold or any other cause. (02556)

New England Products, Inc., 1601 Payne St., Evanston, Ill., engaged in selling a medicinal preparation designated "Peacock's Garlic Capsules," agrees to discontinue representing that the preparation is rich in calcium, potassium or phosphorus, or provides alkaline properties for the human system; that it is of value in the treatment of colon irritation or indigestion, except through any value it may have as a carminative, or in treating high or low blood pressure, except for certain temporary benefits; that it is of value in treating rheumatism, bronchitis, or other respiratory infections, or is antiseptic or has germ-killing powers when taken internally. (02555)

Carolina Hosiery Mills—Trading as Carolina Hosiery Mills, Max Kaufman, 120 West 42nd St., New York, has entered into a stipulation in which he agrees to discontinue certain representations in the jobbing and the retail sale of hosiery.

Among the representations which the respondent agrees to discontinue are use of the word "Mills" as part of his trade name and the word "Manufacturer" as descriptive of his business, when in fact he is not a manufacturer; use of fictitious designations to indicate that his place of business is at Hickory, N. C., or that his New York office is a sales branch thereof, when in fact his New York office is his only place of business, and representations that he sells men's hosiery "at mill prices" or "Direct from Mill to Consumer," thereby eliminating middlemen's profits, or that he distributes "our" mills' production to "the many large organizations throughout the entire United States."

Further representations which the respondent agrees to discontinue are use of the word "Silk" to describe products not made wholly of that substance; branding of products composed of rayon and other fibers without full disclosure of the rayon and other content, and certain representations as to prices. (2789)

O. R. Chemical Company—See L. B. Allen Company, Inc.

E. E. Forbes & Sons Piano Company, Inc., 403 North 20th St., Birmingham, Ala., engaged in the retail sale of pianos and other musical instruments, in connection with the sale and distribution of its products, agrees to cease and desist from the use in its advertisements and advertising matter of whatever kind or description of the statement "No Money Down," when in fact a down payment generally is required and insisted upon in the sale of such instruments, and from the use of such words or other words of similar implication which tend to convey the belief to prospective purchasers that the instruments offered for sale under such representations may be purchased without the making of any down payment. (2797)

Ted Brooks Clothing Company, Inc., 91 Fifth Ave., New York, N. Y. stipulates that it will cease representing any garments which it sells as being "custom tailored," when in fact they are not made to order for the persons buying them, and that it will discontinue representing any garment only partially finished by hand as being "hand tailored throughout." The respondent also agrees to discontinue selling any product made of rayon without clear disclosure in all advertising literature, invoices and other forms of the rayon composition. The stipulation provides that if the word "Celanese" is used to designate a product composed of rayon, such word shall be immediately accompanied by the word "Rayon" in equally conspicuous type to indicate clearly

that the article is rayon. If the word "Satin" is properly employed as descriptive of the construction of a fabric composed of rayon, such word shall be accurately and non-deceptively qualified by the word "Rayon" in equally conspicuous type; for example, "Celanese Rayon Satin." (2799)

Buhach Producing & Manufacturing Co., 37 East Channel St., Stockton, Calif., in selling an insecticide designated "Buhach", stipulates that it will cease advertising that the preparation is effective in killing all species of moths or all insect pests, and that it will discontinue representing, by use of the words "get rid of", "banish", or other words of similar meaning, that Buhach, when spread across the trails of ants or roaches, kills or repels all of such pests. (02559)

Carnegie-Illinois Steel Corporation, Pittsburgh, has entered into a stipulation in which it agrees to discontinue certain practices in the sale of copper-steel sheets used in the manufacture of articles such as grave vaults and caskets.

The respondent corporation agrees to cease using in its advertising matter or in the advertising supplied to others for their use, statements representing or implying (1) that its copper-steel sheets retain the same degree of resistance to deterioration which is caused by rust, corrosion, or pitting, resulting from their burial in soils generally, as they possess when subjected only to atmospheric conditions above ground; (2) that burial vaults or caskets made of copper-steel sheets are more durable or more resistant to rust, corrosion or pitting (when submerged in the soils), than vaults or caskets made of plain steel sheets of like weight and thickness buried in soils of similar chemical nature or action.

Other representations which the respondent corporation agrees to discontinue are that it has on file records of numerous disinterments which show copper-steel vaults to have been in excellent condition after many years underground; that copper-steel vaults have been completely proved by performances of hundreds of vaults now in use, and that the records show that "U. S. S. Copper Steel Vaults" were still in good condition when disinterred after from 17 to 21 years interment. (2790)

STIPULATIONS

During the week the Commission has entered the following stipulations:

L. B. Allen Company, Inc., trading as O. R. Chemical Company, 6719-6733 Bryn Mawr Ave., Chicago, in the sale of casein glue, agreed to desist from the use on its labels or in any other way of the word "waterproof" or of any other words of similar import as descriptive of a glue which is not, in fact, waterproof,

and from use of this word in any way which tends to convey the impression that the product is impervious to water or its effects. (2805)

American Television & Radio Company, 300 East 4th St., St. Paul, Minn., engaged in manufacturing a specialized line of electrical goods consisting of vibrators, vibrator-operated and rectifier power supplies, agrees to discontinue, in connection with the sale of its products, stating or representing in its advertisements and advertising matter that it is the "World's Largest Manufacturer" of the most complete line of electrical goods and supplies above-named, and to desist from the use of the words "World's Largest Manufacturer" or of any words of similar implication which may tend to convey the belief that there are no other manufacturers who make or who are now equipped to make as complete a line of such merchandise as that manufactured by the American Television & Radio Company. (2793)

Arrow Seam Binding Company—Reuben Berman, trading as Arrow Seam Binding Company and Ribbon Seam Binding Company, 590 Eighth Ave., New York, is in the business of cutting fabric materials into binding ribbons which, after they have been carded or wound on spools or bolts, are sold in interstate commerce. The respondent agrees to cease representing that any of his products is composed of fibers or materials other than those of which it actually is made, and to discontinue employing the word "Taffeta" to designate a product not composed of silk. The stipulation provides that if the article is composed in substantial part of silk, the word "Taffeta", if used to designate the silk content, shall be immediately accompanied by other words in equally conspicuous type which indicate clearly that the product is not composed wholly of taffeta or silk, and which also accurately describe each other constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent.

The respondent also agrees to desist from invoicing, labeling, branding or advertising those of its products composed in part of rayon without clear disclosure of such rayon content, and, when such products are made in part of rayon, from failing to disclose each constituent fiber or material, including rayon, by name, in the order of its predominance by weight, beginning with the largest single constituent. (2791)

I. S. Assin & Company—Isaiah S. Assin and Mac Ancona, trading as I. S. Assin & Co., 9 East 38th St., New York, N. Y., agree to desist from use of the word "Manufacturers" as descriptive of their business. They also agree to desist from use of any other word or words of similar implication the effect of which is to convey the impression that they manufacture the handkerchiefs they sell or own or control the plant in which they are made, when such are not the facts. (2806)