

Communist Broadcasts

Before the three major networks carried talks by Earl Browder last Sunday, Neville Miller suggested that recent European developments might require reconsideration of that section of the Federal Communications Act dealing with political broadcasts.

Mr. Miller made the following statement:

"Recent articles in the press have raised the question of the propriety of radio stations carrying broadcasts of the Communist Party's National Convention which is now in session in New York City, especially the speech scheduled for Sunday night by Earl Browder, who has been scheduled because at that time undoubtedly he will be the Communist Party's candidate for the Presidency.

"In these troubled days, when developments abroad reveal the devastating effects of fifth column activities, it is urgent, as the President points out, that we scrutinize the objectives of those in our midst whose only use of our free institutions springs from a desire to destroy them and the liberties of our people.

"In examining the position of radio, it should be remembered that radio stations are governed by the Federal Communications Act, Section 315 of which reads as follows:

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

"This Section clearly requires radio stations to either exclude the candidates of all parties, or to extend equal facilities to the candidates of all parties. This rule was not made by the radio stations, but was enacted by Congress, and Congress alone has the power to change it. Under it, radio stations do not have the right to pick and choose. Last April, it was thought that it would be in the public interest to carry brief talks by the candidates of all parties at the time each candidate was nominated. The Socialist Party held its convention in April, and Norman Thomas, its candidate for the Presidency, was given time on the radio. Equal opportunity was also given John W. Aiken, the candidate of the Socialist Labor Party, and under the law, the same opportunity must be given to the candidates of all other parties, including the Communist Party.

"Furthermore, it should be noted that under the law the radio station has 'no power of censorship over the material broadcast'. The stations must broadcast the speeches as written by the candidates, with no power to blue pencil the sentiments expressed therein.

"Undoubtedly, in enacting these provisions of the Federal Communications Act, Congress was particularly interested in providing for the protection of freedom of speech, and prohibiting censorship. Recent developments in Europe have brought to our

minds many dangers which then were not realized and which may require a reconsideration of the subject. However, in the meantime, radio stations have no alternative—they must obey the law as written."

On Friday, Senator Wheeler, during a speech on "Civil Liberties" in the Senate, made the following remarks:

"This morning representatives of the National Broadcasting Co. and the Columbia Broadcasting Co., and the head of the organization of all the broadcasters, called at my office. They called my attention to the following statement which they had issued:

New York, N. Y., May 30, 1940.

Gillis, Radio Station WJSV.,
Washington, D. C.:

The Columbia Broadcasting System in response to several inquiries concerning Earl Browder's talk Sunday night, issued the following statement: The radio law requires broadcasters to give the same treatment to all candidates for any public office. In compliance with this law we have arranged to carry on Sunday evening, June 2, a 15-minute talk by Earl Browder on the Communist Party's representation that, at that time he will be the duly nominated candidate for the Presidency. It is obvious that when the Congress enacted the communications law, present conditions and their dangers were not apparent. Columbia is of course obedient to the laws of the United States but it is of the belief that the communications law should be changed so that no broadcaster is compelled to give time to the candidates of any political party if it is proven to be subservient to a foreign power.

In this connection I call attention to the statute. When we passed the communications law some years ago it contained this provision:

SEC. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: *PROVIDED*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

The present law was drafted, not in a Democratic administration, but in a Republican administration, to preserve the right of free speech in the United States, and to see to it that each candidate for public office shall have the right to express his views, whether we agree with them or not, and I certainly do not agree with Mr. Browder, the Communist Party, or their theory of government. I think that the law probably should be



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COMMUNIST BROADCASTS

(Continued from page 4307)

changed, because of the fact that it perhaps goes too far in one respect as the Commission has interpreted it. Today a broadcaster is liable in damages if the speech contains libelous matter. Either the broadcaster should be relieved of liability or libelous matters should not be permitted."

On Sunday, CBS issued a second statement:

Inquiries have been received as to why the Columbia Broadcasting System could not bar Earl Browder from the air under the last sentence of Section 315 of the Communications Act, which reads:

"No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate."
The forepart of this section reads:

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

The complete section permits the licensee to decide whether it will carry speeches by all the presidential candidates or none of them. Since the Columbia Broadcasting System proposes as usual to carry speeches by the Democratic and Republican nominees and has already carried the speeches of two other nominees for the presidency, namely, that of Norman Thomas, for the Socialist Party on April 7 and that of John W. Aiken, nominee of the Socialist Labor Party, on April 28, Columbia has already begun to function in this campaign as it and practically all broadcasters always have done in this and previous campaigns, under the first part of the section. Consequently, Columbia considers itself obligated under that part of Section 315 which says that if any licensee shall permit any person who is a legally qualified candidate for any public office to broadcast, it shall afford equal opportunity to all other such candidates for that office. It would be against public policy for a nationwide network such as Columbia, in its efforts to render public service, not to carry speeches by any candidates for the presidency, especially of the major parties.

The law is simple and clear and there is no way in good faith to escape the meaning of its provisions. Either a network or radio station offers its facilities to all candidates, or it cannot, without violating the law, offer its facilities to any candidates for any given office. Thus it may be seen that, if the law is followed in its obvious mandate, barring of the candidate for President of the Socialist Party, the Socialist Labor Party, the Prohibition Party (scheduled for June 19), or the Communist Party would necessitate—unless the law be violated—barring candidates of the major parties.

The network statements led Representative Cox (D-Ga) to renew his suggestion in the House that the "broad-

casting business" should be investigated. (*Congressional Record*, June 3, p. 11179.)

Labor

WAGE AND HOUR ACT

How hard a small radio station can be hit for violation of the Wage and Hour Act was well illustrated this week in the case of WJW, Akron, Ohio.

A consent decree entered in the Federal District Court in Cleveland ordered the station to pay 41 employees and former employees a total of \$4,540.29 in back wages and overtime.

The decree also permanently enjoined the station from violating the act.

The violations all were due to misunderstanding of the law on the part of the station's previous management. "Student announcers" and "guest announcers" worked without pay. Overtime was not reported. Wage and hour records did not jibe with log sheets.

Forty-five hundred dollars is a lot of money for a small station to have to pay out in one chunk.

Again, the NAB Labor Relations Department urges all members to make sure that they are complying with the law. Members who have any questions, no matter how trivial they may seem, should send them to the Labor Relations Director.

As a starter, it is suggested that the questions and answers in the NAB REPORTS of February 23, page 4051, should be reviewed.

A southern broadcaster contemplates giving an announcer a raise. He asks whether he can use the raise to protect himself against paying overtime.

Specifically, he is now paying the announcer \$42 for a 42-hour week. The announcer's regular hourly rate is \$1, and his overtime rate is \$1.50. If the announcer is raised to \$46.50, can he work up to 45 hours without any overtime payment.

The answer is: No.

However, if the announcer works 45 hours each week, his paycheck will be \$46.50 (42 hours at \$1 an hour, and 3 hours at \$1.50 an hour), and the same result will be the same.

It is important that the announcer work his full 45 hours each week. If he works an irregular number of hours, his hourly rate must be determined by dividing his regular weekly salary by the number of hours he works each week. Overtime for each hour above 42 must then be determined by multiplying this hourly rate by one and one-half.

Milton Denbo, chief opinion attorney for the Wage and Hour Administration, gave the NAB this interpretation.

Protests from the NAB and others led the Wage and Hour Administration this week to relax a rule which required records to be kept at transmitters for technicians employed there.

Records may be kept at the central record keeping place of the employer, on condition that such records shall be produced "at the place or places of employment" within 72 hours following notice from a Wage and Hour inspector.

The broadcasting industry got caught in a rule intended for employers who had factories scattered over the country but kept all records at the "home office." With the rule amended it is not likely that a broadcaster will ever have to produce his records at the transmitter, for the inspector easily could obtain access to the records a few miles away.

AFRA TRANSCRIPTION "CODE"

Representatives of the leading transcription companies are about to start negotiations with the American Federation of Radio Artists on a contract ("Code") to cover actors, singers, announcers and sound effects men. AFRA sent out its proposed contract on May 27.

It cannot be stated accurately at this time just how much the AFRA demands would increase the cost or price of transcriptions.

Section 4 of the "Recording Rules" states: "The producer agrees, on notice by AFRA that any radio station has been declared unfair by AFRA, not to require members of AFRA to perform services in connection with recordings released to such station, not to make available to such station, nor to make available to such station recordings on which AFRA members are used, for the purpose of aiding and abetting such station in continuing its unfair practices."

In brief: if that clause were agreed to, AFRA could declare "unfair" any station which did not have an AFRA contract, and that station then could get no transcriptions from the leading transcription companies.

The NAB labor relations director will keep stations advised of developments.

BMI Developments

Two new stations join BMI: WTMA of Charleston, South Carolina, and KGNO of Dodge City, Kansas.

I Could Be a Superman for You is the title of a song by Chaylie Saxe which will be published by BMI within

INDEX

	PAGE
Communist Broadcasts	4307
Wage and Hour Act	4308
AFRA Transcription "Code"	4309
BMI Developments	4309
Scripps Appointed	4310
All Aboard for San Francisco	4310
District 4 Meeting	4311
Districts 10, 12, 14 Meet	4311
Nebraska Broadcasters Association	4311
Consumer Movement	4311
Dealers and Radio Advertising	4311
NRDGA Radio Session	4311
Nine Governors Proclaim Festival	4312
WROK Signs Power Company	4312
WFBM, WENR, WMAQ, Use Radio Plugs	4312
WBAB Festival Show	4312
Radio Festival	4312
IRE Convention	4314
Brown Reappointed	4315
Fly on Television	4315
Foreign Amateur Communication Banned	4315
Rules Amendment	4315
FCC Assignments	4315
High Frequency Allocations	4316

a few weeks. Saxe's story suggests that he had to be something of a superman anyway to write his music and get it published.

For five years he has been laying siege to the offices of music publishers. Always the answer has been the same. Today Chaylie can reel it off rapidly by heart because he has heard it so often. He says:

"They all tell you, 'Sure, the music's good. We'd take it if you had a name. But you're an unknown cluck, so—go on home and teach school.'"

He is a teacher of English and history. This past year he has been doing substitute work in one high school and four junior highs in his home town of New Britain, Connecticut. Born in 1918, graduated from the University of Alabama in 1939, he permits himself no delusions of grandeur because he has at long last sold a song. He loves music but he does not expect to rely upon it for a livelihood. He began to play in childhood and by the age of fifteen he was conducting his own 11-piece band. But it was scholarship that let him earn his way through college and it is in teaching that he plans his career.

The idea for his BMI song came out of the classroom, where he found that he had to confiscate a great many books of the "Superman" comic strip in order to get any work done by his pupils. But that, of course, was only half of the idea. The song was written, he admits, for a "super-girl."

Milton Wolf, who collaborated with Saxe on the lyrics, is a clerk in a New Britain store. He was once runner-up for the intercollegiate welterweight boxing championship.

Saxe and Wolf are excellent illustrations of the freshness of the music sources which BMI is opening to the public. Their story offers the sharpest contrast with the career of such an eminent composer as Bruno Grant (Granichstaedten). That very contrast emphasizes both

the force of the new musical urge in America and the broadly inclusive character of the catalogue which BMI is building.

BMI FEATURE TUNES

June 10-23

1. WE COULD MAKE SUCH BEAUTIFUL MUSIC
2. WHAT GOOD'S THE MOON?
3. HERE IN THE VELVET NIGHT
4. IN THE SILENCE OF THE DAWN

Transcriptions of BMI music together with names of the recording bands, where these have been announced, are given below under the names of the companies making the transcriptions. It is possible that other companies also have made transcriptions, but for the benefit of broadcasters, such information as BMI possesses is given below:

Associated Music Publishers

Here in the Velvet Night
Sagebrush Serenade
We Could Make Such Beautiful Music

Langlois-Wentworth

Here in the Velvet Night—Jean Ellington
In the Silence of the Dawn—Ray Heatherton
We Could Make Such Beautiful Music—Ray Heatherton

Standard Radio

(All recorded by Don Allen's Orchestra)

Here in the Velvet Night
In the Silence of the Dawn
Sagebrush Serenade
We Could Make Such Beautiful Music
What Good's the Moon?

NBC Thesaurus

In the Silence of the Dawn—Joe Sudy
Sagebrush Serenade—Joe Sudy
Here in the Velvet Night—Ted Steele and Gwynn Williams
We Could Make Such Beautiful Music—Ted Steele and Gwynn Williams
Give Me Music—Al Kavelin
Keep an Eye on Your Heart—Al Kavelin
Please Don't Tell Her I Told You—Al Kavelin

World Broadcasting

(All recorded by Vic Arden)

Here in the Velvet Night
In the Silence of the Dawn
Practice Makes Perfect
We Could Make Such Beautiful Music

"Delay ASCAP Forms," says a headline, announcing that the ASCAP board has postponed for a week the distribution of new contract blanks. Is that news? If recollection serves, ASCAP's original announcement was that it would be ready to negotiate the contracts on April 15, but that date was passed in silence. Of course no one really expected the contracts to be ready then, and it was no surprise either when May 29 was also allowed to pass without the appearance of the contracts.

W. J. SCRIPPS, WWJ, APPOINTED RESEARCH COMMITTEE CHAIRMAN

Neville Miller announced this week the appointment of W. J. Scripps, Manager of Station WWJ, Detroit, Michigan, as Research Committee chairman. In the original announced appointment of a Research Committee, Mr. H. K. Carpenter, Vice President, WHK-WCLE, Cleveland, Ohio, and WHKC, Columbus, Ohio, was asked to serve in this capacity. However, pressure of business caused Mr. Carpenter to suggest the appointment of another chairman who could devote sufficient time and energy to the task which Mr. Carpenter described as of utmost importance to the industry.

Mr. Scripps has accepted the appointment and will shortly announce a meeting date for the committee. The membership of the Research Committee as now constituted, is as follows: Mr. W. J. Scripps, Manager of WWJ, Detroit, Michigan, chairman; H. M. Beville, Jr., Research Manager of the National Broadcasting Company; Scott H. Bowen, President of Radio Station WIBX, Utica, New York; Arthur B. Church, President of Radio Station KMBC, Kansas City, Missouri; James D. Shouse, Vice President of Radio Stations WLW-WSAI, Cincinnati, Ohio; Dr. Frank N. Stanton, Research Director of the Columbia Broadcasting System; and, Theodore C. Streibert, Vice President of Radio Station WOR, Newark, New Jersey. Neville Miller and Paul F. Peter will serve ex-officio.

ALL ABOARD FOR SAN FRANCISCO!

You may not realize it but the Eighteenth Annual Convention to be held at the St. Francis Hotel, San Francisco, is less than two months away. All of the members have received outlines of all-expense tours and requests for responses direct to our travel agents, Raymond-Whitcomb, Inc., of 414 North Charles St., Baltimore, Maryland. The response has been gratifying but in order to protect railroad, hotel and sightseeing reservations tentatively made, it is essential that we have immediate responses. We know you will want to go to the San Francisco convention. Don't delay. Put in your reservations now for one of these all-expense tours or a special trip which Raymond-Whitcomb can arrange for you.

The tentative program of the San Francisco convention has been sent to the Directors for examination and approval. In next week's issue of the *REPORTS* the high points of the program will be covered. Watch for this. It's important. If you have suggestions as to topics or speakers, don't hesitate to send them in. This is your convention and we want it to meet your ideas and cover the problems in which you are interested.

DISTRICT 4 MEETING

John A. Kennedy, WCHS, was reelected director for the next two years at a District 4 meeting June 1-2 at Sedgfield Inn, Greensboro, N. C.

Guest speakers included Mrs. Dorothy Lewis, national radio chairman of the National Society of New England Women; Dr. J. C. Waldron, United States Office of Education; Carl Haverlin, BMI, and Joseph L. Miller, NAB labor relations director.

Edney Ridge, WBIG, was in charge of arrangements for the meeting.

Those present included:

James C. Howe, WBTM; C. T. Lucy, WRVA; Philip P. Allen, WLVA-WBTM; Endey Ridge, WBIG; H. W. Wilson, WGTW; Allen Wannamaker, WGTW; O. L. Maxey, WRTD; John W. New, WTAR; Bryce P. Beard, WSTP; John J. McAllister, WHKY; Wayne M. Nelson, WMFR; F. C. Todd, WGNC; Pat McSwain, WGNC; John W. Shultz, WSTP; R. P. Jordan, WDBJ; E. J. Gluck, WSOC; F. D. Kesler, WDBJ; Frank V. Becker, WTBO; Norris L. O'Neil, WSJS; J. F. Jarman, Jr., WDNC; Gill Murray, WRAL; George W. Smith, WWVA; Don S. Elias, WWNC; Wilbur M. Havens, WMBG; Robert E. Mitchell, WMBG; A. D. Willard, Jr., WJSV; J. D. Saumenig, WIS; A. E. Joscelyn, WBT; Richard H. Mason, WPTF; R. E. Penny, WBT; J. H. Dodge, WRC-WMAL; Campbell Arnoux, WTAR-WPID; Edward E. Bishop, WGH; W. D. Workman, Jr., WTMA; Edward E. Edgar, WGH; J. C. Waldron, U. S. Office of Education; and Joseph L. Miller, NAB.

DISTRICTS 10, 12, 14 MEET

Neville Miller and C. E. Arney, Jr., will attend district meetings in St. Louis, June 8; Wichita, Kans., June 9, and Salt Lake City, June 12.

The Sales Managers Committee of the Tenth District scheduled an all day session in St. Louis for Friday, June 7, preceding the Tenth District membership meeting. In the absence of Karl Koerper, KMBC, Kansas City, Craig Lawrence of KSO, Des Moines, was slated to preside.

District Director John Gillin, WOW, has planned a comprehensive program for the membership meeting.

The Twelfth District meeting was moved up one day on account of a conflict with the Kansas Democratic State Convention. Director Herbert Hollister, KFBI, expects a large attendance of Kansas and Oklahoma broadcasters.

The Fourteenth District meeting will be held at the Utah Hotel and Director Gene O'Fallon of KFEL, Denver, has planned an interesting program.

NEBRASKA BROADCASTERS ASSOCIATION

At the recent annual meeting of the Nebraska Broadcasters Association, comprising all eleven stations in the state, the following officers and directors were elected:

President, W. I. LeBarron, KGNF, North Platte, Nebr.; Vice President, L. L. Hilliard, KGKY, Scottsbluff, Nebr.; Secretary-Treasurer, Art Thomas, WJAG, Norfolk, Nebr.; Director, John J. Gillin, Jr., WOW, Omaha, Nebr.; Director, Vernon H. Smith, KOWH, Omaha, Nebr.

The Association went on record against the new sunrise rule of the Federal Communications Commission and endorsed Neville Miller's remarks on importance of broadcasting service during war time, and appropriated funds to assist in an appeal of the Nebraska anti-ASCAP case to the Conference Court of the United States.

Sales

IS THE CONSUMER MOVEMENT "ANTI-ADVERTISING"?

There is and has been a great deal of misconception on that score in many sections and among many groups. The future course and ultimate solution of the consumer problem are not easy to predict. For that reason, the NAB Bureau of Advertising has mailed to all members reprint of an article from *Nation's Business*, entitled "The Case for Distribution." This is an extensive and authoritative study of this complicated subject, and should be of interest to broadcasters in connection with current developments affecting all advertising media.

DEALERS AND RADIO ADVERTISING

Commercial managers particularly should be interested in the article "Dealers and Radio Advertising," by Samuel J. Henry, Jr., of the NAB staff, which appears in *Broadcasting*, June 1 (p. 62). Radio, says Mr. Henry, has brightened the typical dealer's attitude toward all advertising, because he has been able to see exactly how radio works for him. The article outlines the results of some recent surveys among dealers and wholesalers indicating a consistent preference for radio advertising, especially in the food field. The study points out what must be done to build similar acceptance in other fields, and what is being done to convert a growing dealer demand for radio into new business for stations, with particular reference to cooperative and national spot advertising.

NRDGA RADIO SESSION JUNE 19

Wednesday, June 19 at 10 a. m. has been definitely set as the date for the "Radio for Retailers" meeting to be held in conjunction with the semi-annual convention of the National Retail Dry Goods Association, Palmer House, Chicago, June 17-20. The Bureau of Radio Advertising is cooperating with NRDGA on the panel discussion, which will have prominent retail advertisers and commercial managers sitting down for a heart-to-heart talk on the problems of department store radio advertising. The theme of the discussion will be "More radio-retailer cooperation for better radio results."

Promotion

NINE GOVERNORS PROCLAIM FESTIVAL

Nine Governors of states have issued National Radio Festival proclamations.

Art Stringer will appreciate hearing from members if any names are omitted from the list below:

California—Gov. Culbert L. Olson.
Colorado—Gov. Ralph L. Carr.
Kansas—Gov. Payne Ratner.
Louisiana—Gov. Samuel Houston Jones.
New Jersey—Gov. A. Harry Moore.
New Mexico—Gov. John E. Miles.
Oklahoma—Gov. Leon C. Phillips.
Virginia—Gov. James H. Price.
West Virginia—Gov. Homer A. Holt.

WROK SIGNS POWER COMPANY MONDAY THROUGH SATURDAY

WROK, Rockford, got tired of going without power company business, and decided to do something about it. They thought there was some sense to the statement: "Your power company can be your best local account."

Result: Central Illinois Electric and Gas Company has been on WROK, Monday through Saturday, 9:15 to 9:30 a. m. since April 15 and "the sponsor is very happy."

The program is the "Town Crier" show. According to copy on the 30,000 inserts in customers bills, the townspeople are invited to use the program for making announcements concerning their "religious, fraternal, civic and social organizations."

When William R. Traum, sales promotion manager, took time out to give us the good news he included some spring tonic for us: "We used quotations from our March 1 bulletin in our presentation to the C.I.E.G. company and feel they helped sell the idea."

WFBM, WENR AND WMAQ USE RADIO PLUGS

WFBM, Indianapolis, WENR and WMAQ, Chicago, are each paying attention to circulation.

Jack Ryan, of the Chicago stations, has sent us some recent announcements which were included in "Radio Fanfare" and Radio Parade. They are always placed in the lead.

"Thanks for the announcements for portable radios, radios as wedding gifts and auto radio service," wrote Lester W. Lindow, acting manager of WFBM. "We shall be glad to use these announcements . . . please be assured of our continued cooperation."

WBAB HAS FESTIVAL SHOW FOR NATION'S UTILITY EXECUTIVES

Good news for stations without utility business!

Members of the Edison Electric Institute, the trade organization of the power companies, held its annual convention in Atlantic City during Radio Festival week.

The convention attendants and townspeople were invited to a 30-minute broadcast, "Radio," in the huge Atlantic City auditorium on the boardwalk, over WBAB, Friday evening, June 7, 9:30 to 10:00. The host and sponsor of the show was the Atlantic City Electric Company which has been serving south Jersey for forty years. The program was prepared by Norman Reed, station director.

The 30-minute program with a cast of twelve showed the power company officials how radio "ticks". It also explained the workings of the American system of broadcasting. All in all, the whole affair was just about one of the finest pieces of power company-radio promotion that any individual station could desire.

Our private grapevine also brings the news that power company officials in great numbers are giving studied attention to broadcasting as a medium to promote their business.

So far this year member stations have gotten substantial increases in power company business. Non-users of radio facilities have become users; old users have increased their time on the air.

RADIO FESTIVAL

This is the week that scores of Radio Festival celebrations are being held throughout the United States.

Observance of the event began in May, will continue through June and even into late August. News of the August event came on June 3 from Bill Dean, publicity and promotion director, WDAY, Fargo, N. D.

Bill has already included everything but the kitchen sink in his plans and that is to be incorporated a little later on. Here's his wire:

"Count on WDAY cooperation National Radio Festival with radio week all set for latter part August. Plans yet incomplete though will definitely include: special programs from fair ground studios during Red River Valley Fair biggest event in locality;

"Show windows downtown Fargo; educational radio booth at fair grounds; open house at downtown studios, transmitter and fair ground studios; quiz contest with studio and transmitter visits aired; man-on-street devoted to event; special all-talent revue built around American radio; transcriptions made of passers-by and interviews at fair; explanation given during process; do you know your radio program built for purpose of education; advance promotional announcements and newspaper publicity;

"Promises to be greatest promotion event in history of WDAY. More details later."

WEST VIRGINIA

Gov. Homer A. Holt has proclaimed National Radio Festival in West Virginia, June 10-16. So says Nick Pagliara, WCHS, Charleston.

SEATTLE—KIRO, KJR, KOMO, KRSC, KXA
TACOMA (and Seattle)—KIRO

These NAB members in the northwest empire took National

Radio Festival to their bosom with joint and individual participations.

Group effort highlight was a special "Radio Week Info Please" program, a take-off on Canada Dry's classic, with Mayor Langlie, of Seattle, doing the Clifton Fadiman. Representatives of the six stations constituted the board of experts.

Unlike the original, this program was written and rehearsed, then transcribed to be used on each participating station one night during the week.

The joint schedule included a series of short call letter spots and thirty to fifty word spots. Some of the sponsored local programs as well as sustaining and participation shows carry mention of Radio Festival Week.

In addition to this group effort, each station produced at least one promotional program on its own facilities and its own place in the general plan of the American broadcasting system.

At KOMO and KJR, according to Peter Lyman, public relations director, was produced a "Washington (state, not D. C.) at Work" program featuring KOMO and KJR at work. This program was one of a weekly series spotlighting leading Washington industries. "KOMO-KJR at Work" ended with a message from Birt F. Fisher, manager.

ROCHESTER—WHEC

Residents of Rochester heard of Radio Festival over WHEC and read about it in both of the Rochester daily papers. Gunnar Wiig, general manager, OK'd a column of copy for insertion in both papers which reads:

"RADIO
FESTIVAL
May 26 to 31
A Salute To
YOUTH"

"WHEC will devote a large part of its broadcasting schedule next week to the school children of the Rochester territory. The purpose of this "Radio Festival" is to instruct and educate these future citizens regarding the American System of Broadcasting, and to instill in them an appreciation of the American Program Service.

"Adult listeners need have no fear that they will be slighted as our special programs will have plenty of 'all-age' appeal.

"There will be a proclamation by the Mayor, special musical programs, special 'man-in-the-street' programs, a complete broadcast of assembly at Benjamin Franklin High School, P.T.A. programs, Chamber of Commerce programs, 'job-hunt' programs, discussions of freedom of radio and the press.

"Boys and girls will participate in a number of these broadcasts."

ROANOKE—WDBJ

The *Roanoke Times*, Sunday morning, June 2, devoted most of its radio page to the Festival with an eight-column banner, "Station WDBJ to Hold Open House in Celebration of Radio Festival Week."

In addition to news stories there was a 450-line ad with the main display reading: WDBJ, RADIO FESTIVAL WEEK, June 3 to 8.

RICHMOND—WMBG, WRNL, WRTD, WRVA

Down in the other part of the "Old Dominion" the Richmond stations were likewise busy. The Hon. James H. Price, Governor of Virginia, proclaimed National Radio Festival Week. The NAB essay contest was a part of the festivities.

All week WMBG conducted interviews with high school students in the studio lobby, decorated for the occasion. Walter Bishop, promotion manager, WRVA, was also a busy man during the week as was D. S. Freeman, vice president, WRNL.

A note from Bernard M. Dabney, Jr., director of sales promotion, WRTD, said that WRTD got under way with Radio Festival Friday night, June 1, with a half-hour broadcast from the final ball of the Thomas Jefferson High School. . . .

For the entire week seven to nine news broadcasts per day were handled by students from the staffs of the publications of the Richmond high schools. This included commercial news programs as well as sustaining shows. Of the several dramatic shows which were scheduled one depicted the "differences between radio in 1921 and radio today."

NBC—Red and Blue

Clay Morgan, NBC director of public relations, sent down a batch of scripts showing how Radio Festival had been incorporated into various programs over WEAf and the Red and WJZ and the Blue. They contributed to an understanding of the fact that

National Radio Festival was a grass roots promotion, with activity built around stations. Thank you, Mr. Morgan.

JAMESTOWN—WJTN

During Radio Festival Week, June 3-8, WJTN performed a notable feat in interpreting the City of Jamestown to its citizens.

Result, in the words of Si Goldman, acting manager, "we have obtained the enthusiastic support of the entire city. Already the broadcasts have tied us in solidly with every civic group."

National Radio Festival was announced in a 600 line ad in both Jamestown papers. Because the Jamestown Radio Festival was pointed to civic-mindedness: the program, copied from an advertisement, appears below:

"MONDAY, JUNE 3—7:00 to 7:30 p. m.—OPENING BROADCAST

PLACE—New Jamestown High School Auditorium.

MUSIC—Jamestown High School Band, New York State Champions.

SPEAKERS—Mayor Leon F. Roberts; Fire Chief Rudolph Swanson; City Legal Consultant Anthony Saeli; Superintendent of Schools Clinton Bush; Police Chief Harry Nelson; Rev. Dr. A. E. Randell, formerly of City Hospital Board; Charles Laycock, Secretary of Chamber of Commerce; Julius King, Publicity Director of Chautauqua.

JAMESTOWN TELEPHONE BROADCAST—9:30 to 10:00 p. m.

PLACE—Jamestown Telephone Exchange Building.

"TUESDAY—FIRE DEPARTMENT BROADCAST—8:00 to 8:30 p. m.

PLACE—City Hall Engine House, and Wellman Building, to which there will be a demonstration call.

9:15 to 9:30 p. m.—JAMESTOWN DIVISION ALFRED UNIVERSITY EXTENSION.

"WEDNESDAY—3:00 to 3:30 p. m.—NEWSPAPER BROADCAST.

PLACE—Jamestown Evening Journal.

PARTICIPANTS—Dept. Heads and Newspaper Workers.

8:30 to 9:00 p. m.—CITY ADMINISTRATION BROADCAST.

PLACE—Council Chamber of Jamestown City Hall.

PARTICIPANTS—Mayor Roberts and City Department Heads.

"THURSDAY—8:30 to 9:00 p. m.—JAMESTOWN PUBLIC SCHOOL SYSTEM BROADCAST.

PLACE—WJTN Studios.

MUSIC—Jamestown High School A Cappella Choir.

PARTICIPANTS—Superintendent of Schools Clinton Bush, and Department Heads.

9:30 to 10:00 p. m.—POLICE DEPARTMENT BROADCAST.

PLACE—Demonstration call between police transmitter and prowler car, to be picked up and rebroadcast by WJTN's transmitter; and round-table police discussion in WJTN Studios.

"FRIDAY—8:30 to 9:00 p. m.—CITY HOSPITAL BROADCAST.

PLACE—Jamestown General Hospital.

PARTICIPANTS—Ward and Department Heads.

"SATURDAY—8:30 to 9:00 p. m.—CHAMBER OF COMMERCE BROADCAST.

PLACE—WJTN Studios.

MUSIC BY THE TRUMPETEERS.

PARTICIPANTS—Charles Laycock, Secretary of Chamber of Commerce; and Julius King, Publicity Director of Chautauqua Institution; Charles Brown, Chautauqua Regions."

DURHAM—WDNC

"Super crook" Bob Stratton, program director, WDNC, Durham, N. C., matched wits with local police during National Radio Festival and won by two minutes.

It happened during the stolen car demonstration broadcast. The public listened in on the complicated chase as reported via 2-way police radio and WDNC.

"The police were very cooperative," said Mr. Stratton, "and the resulting program was very interesting."

On Friday evening WDNC broadcast an amateur radio demonstration. During the week all types of radio sets were displayed in the large studio.

DES MOINES—KSO-KRNT

Twenty-three thousand three hundred (23,300) people attended KSO-KRNT, Des Moines, Radio Festival picnic, Sunday, June 2. 23,300 folks said it was a big success!

The event was publicized for two weeks over the air. In addition, Mary Little's column in the Register and Tribune carried notes and there were regular KSO-KRNT posters on the backs of all street cars.

At the entrance gate each picnicker received a list of the forty prizes for the drawings and tickets for the free rides in the amusement park where the event was held. The picnic began at 10:00 a. m. and ended at 11:00 p. m. with a "fireworks display from across the lagoon."

The stations are continuing Radio Festival through June with a daily give-away of a radio set. "It is having a very decided effect on the general radio listening," according to Craig Lawrence, commercial manager.

COLUMBUS—WHKC

WHKC, Columbus, Ohio, "is right on top in National Radio Festival Week" according to Bob French, production manager.

Mr. French wrote:

"Not only is this station carrying out the plans for talks and announcements which you outlined, but we are incorporating several ideas of a purely local nature, which we believe will stack up with the best of them.

"Again may we thank you for your suggestions and assure you of our utmost cooperation in this very worthwhile venture."

BRIDGEPORT—WICC

"At the end of this week we will have completed what I feel has been a real effort to sell radio to the public; and especially we have made a great many school children conscious of our industry."

That's the conclusion of Joseph Lopez, supervisor, WICC, Yankee Network, Bridgeport, Conn. In addition he wrote:

"We began last week carrying special programs made up from the various schools of this area to announce the National Radio Festival and are intensifying this project this week. We have been able to get together some very good programs of school groups and have made this open house at our studios. We are showing in the windows of our New Haven building a display built around the Festival. Last night (June 3) I concluded a series of three talks taken from the ABC of Radio which have also been well received.

"About a month ago we began, in cooperation with other Connecticut stations, an essay contest among the children of the 6th, 7th and 8th grades elementary schools, and all grades of high school on the subject: 'The American System of Broadcasting—Why It is Best for Americans.' The booklets, 'The ABC of Radio' were widely distributed among the schools for reference.

"All essays have been submitted to general headquarters for Connecticut at WTIC, Hartford, for judging and awarding of prizes.

"This essay contest not only aroused considerable interest but the booklet has been widely examined and has also created additional interest in radio. This coming Saturday evening (June 8) we are planning to carry a special half hour program from Hartford to present the winners, etc."

ATLANTIC CITY—WBAB

The Honorable A. Harry Moore, Governor of New Jersey, was the first Governor of the seaboard states to proclaim National Radio Festival. The event was celebrated during the week of June 3-8.

Norman Reed, managing director of WBAB, Atlantic City, secured Governor Moore's proclamation as well as one by Thomas D. Taggart, Jr., Atlantic City's Mayor.

WBAB maintained Open House throughout the week, presented special musical programs and announcements. A highlight was a 30-minute dramatic presentation on Friday at 9:30 p. m., in which the public was taken behind the scenes in a broadcast station.

Engineering

IRE CONVENTION

The Fifteenth Annual Convention of the Institute of Radio Engineers will be held June 27, 28, 29 at Hotel Statler, Boston, Massachusetts. This year's program

June 7, 1940

should be of unusual interest to broadcast engineers because about half of the program will be devoted to television, frequency modulation, high-power air-cooled tubes, and ultra-high-frequency transmission.

Several inspection trips of unusual interest have been scheduled. Probably the outstanding trip will be the one to Paxton to inspect the 50 KW FM transmitter of the Yankee Network. Paul deMars, Technical Director of the Yankee Network, will demonstrate frequency-modulated-wave reception and relay transmission and will illustrate the peculiar merits of frequency modulation. Other inspection trips of unusual interest will be made to the new WBZ 50 KW transmitter, Hygrade Sylvania Tube factory, U. S. Coast Guard air base at Salem, Harvard Engineering and Research Laboratories, General Radio, and Massachusetts Institute of Technology.

Eight highly interesting papers will be presented on television. These will be:

"A portable Television Transmitter," by C. D. Kentner, RCA Manufacturing Company; "Small Iconoscopes of Recent Design," by W. H. Hickok, RCA Manufacturing Company; "A New Method of Synchronization for Television Systems," by T. T. Goldsmith, R. L. Campbell, and S. W. Stanton, Allen B. DuMont Laboratories; "A Type of Light Valve for Television Reproduction," by J. S. Donal, Jr., and D. B. Langmuir, RCA Manufacturing Company; "Synchronizing and Deflection Circuits of a Television Receiver," by R. E. Moe, General Electric Company; "Television Radio Relaying," by F. H. Kroger, Bertram Trevor, and J. E. Smith, RCA Communications; "The Influence of Filter Shape-Factor on Single-Sideband Distortion," by J. C. Wilson and H. A. Wheeler, Hazeltine Service Corporation; and "High Oscillation Stability Without Crystals," by S. W. Seeley and E. I. Anderson, RCA License Laboratory.

The subject of Frequency Modulation will be well covered by six timely papers on the subject. These will be:

"Interference Between Stations in Frequency-Phase-Modulation Systems," by Dale Pollack, Cambridge, Mass.; "Interference Between Two Frequency-Modulated Signals," by Stanford Goldman, General Electric Company; "A New Broadcast Transmitter Circuit Design for Frequency Modulation," by J. F. Morrison, Bell Telephone Laboratories; "Frequency-Modulation-Systems Characteristics," by M. L. Levy, Stromberg-Carlson Telephone Manufacturing Company; "National Broadcasting Company's Field Test of Frequency Modulation," by R. F. Guy and R. M. Morris, National Broadcasting Company; "Demonstration of Frequency-Modulated-Wave Broadcast Systems," by E. H. Armstrong and P. A. deMars, Columbia University, and the Yankee Network, respectively.

R. N. Harmon, of Westinghouse, will describe an air-cooled 50 KW transmitter and I. E. Mouromtseff and W. G. Morgan, of Westinghouse, will deliver a paper on large air-cooled tubes for use in 50 KW transmitters.

The papers on ultra-high-frequencies and microwaves will include: "Microwaves—Present and Future," by a Massachusetts Institute of Technology group, led by W. L. Barrow; "Ultra-Short-Wave Transmission Over a Fixed Optional Path," by C. R. Englund, A. B. Crawford, and W. W. Mumford, Bell Laboratories; "Centimeter-Wave-Detector—Measurements and Performance," by E. G. Linder and R. A. Braden, RCA Manufacturing Co.; "A New UHF Tetrode and Its Use in a 1-KW Television Sound Transmitter," by A. K. Wing, Jr., and J. E. Young, RCA; "An Ultra-High-Frequency Dosimeter-Diatherm," by J. D. Kraus and R. W. Teed, University of Michigan; "A Radio-Frequency Bridge for Measurements Up to 30 Megacycles," by D. B. Sinclair, General Radio Company; "The Measurement of Coil Reactance in the 100-Megacycle Region," by Ferdinand Hamburger, Jr., and C. F. Miller, Johns Hopkins University; "The Entrance of Ultra-High-Frequencies Into Air-Transport Communications," by J. G.

Flynn, Jr., American Airlines, Inc.; "Microwave Beams for Instrument Landing of Airplanes," by W. L. Barrow, Massachusetts Institute of Technology, Cambridge, Mass.; and "A Microwave Receiver for Instrument Landing," by F. D. Lewis, Massachusetts Institute of Technology, Cambridge, Mass.

There will be the usual commercial exhibits and annual banquet. A copy of the full program is being sent to each NAB member and further details may be obtained from the Director of Engineering or by writing to Harold P. Westman, Secretary, Institute of Radio Engineers, 330 West 42nd Street, New York City.

The Commission

BROWN REAPPOINTED

President Roosevelt this week nominated Col. Thad H. Brown to succeed himself as a member of the FCC. His present term expires on June 30 and the new term is to be from June 30, 1940, to June 30, 1947. The nomination has been referred to the Senate Committee on Interstate Commerce.

FLY SAYS TELEVISION INTERESTS ARE MOVING FORWARD

FCC Chairman James Lawrence Fly, at a press conference early this week, said that he saw some indications of the industry's getting to work on television and trying to do the job constructively and to move forward. This answer was made by the Chairman to a question as to whether the Commission saw any indication of the television industry getting together.

Mr. Fly told newsmen that the question of the industry's agreement was not the sole question. The prime question, he said, was one of satisfactory performance. The Commission, Mr. Fly stated, was not concerned with an agreement in the sense of commercial interests getting together and agreeing on a scheme to satisfy their own business interests. The Commission will rely on engineering opinion as to efficiency and actual improvement of television standards.

"What we are shooting at," Chairman Fly said, "is a level of performance and looking for engineering opinion on the merits of standards."

Television was not deadlocked, he said. On the contrary it has been put on a basis for engineering advance. The Commission, Mr. Fly said, was ready to make a substantial number of grants which would allow the public to participate in experimentation.

Mr. Fly told the conference that he expected the Monopoly Committee will make its report to the Commission sometime this week, but he said no action has been taken by the Commission itself as to when or if the report will be made public.

FOREIGN AMATEUR COMMUNICATION BANNED

Immediate ban on amateur radio communication with foreign stations was today ordered by the Federal Communications Commission. There are approximately 55,000 amateurs licensed by the Commission.

This prohibition, however, does not apply to amateur communications between licensed amateur stations in the continental United States and its territories and possessions; nor does it apply to United States citizens authorized to operate amateur stations in the Philippine Islands or the Canal Zone when such persons are communicating with amateurs in the United States.

Order No. 72, pursuant to Section 303 of the Communications Act and in accordance with Article 8, Section 1, General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunications Convention (Madrid, 1934), as issued today, reads in the main:

"IT IS ORDERED, That amateur radio operators and amateur radio stations licensed by the Federal Communications Commission shall not exchange communications with operators or radio stations of any foreign government or located in any foreign country; Provided, however, that this Order is not intended to prohibit the exchange of communications between licensed amateur operators and licensed amateur stations in the continental United States and licensed amateur operators and licensed amateur stations in the several Territories and possessions of the United States, or between licensed amateur operators and licensed amateur stations in the Continental United States and United States citizens authorized to operate amateur stations in the Philippine Islands or the Canal Zone, or between licensed amateur operators and licensed amateur stations in the several Territories and possessions of the United States.

IT IS FURTHER ORDERED, That all Rules and Regulations of the Commission inconsistent with this Order BE, AND THE SAME ARE HEREBY, SUSPENDED, pending the further Order of the Commission.

This Order shall become effective immediately."

FCC AMENDS BROADCAST RULES

FCC has announced that Section 3.71 of its rules dealing with minimum operating schedules has been amended to read as follows:

"Except Sundays, the licensee of each standard broadcast station shall maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a. m. and 6 p. m., local standard time, and two-thirds of the total hours it is authorized to operate between 6 p. m. and midnight, local standard time, except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge shall be notified in writing immediately after the emergency develops."

FCC ASSIGNMENTS

FCC has announced that the work, business and functions of the Commission for the month of June have been assigned as follows:

Commissioner Payne—Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Walker—Designated to hear and determine, order, certify, report or otherwise act upon; (a) except as otherwise

ordered by the Commission, all motions, petitions, or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Section 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

HIGH FREQUENCY ALLOCATIONS

Specific allocations of frequencies in the band 116,000 to 119,000 kilocycles, and in the band 156,000 to 162,000 kilocycles, have been approved by the Federal Communications Commission in accordance with Order No. 67 to become effective June 18 as follows:

<i>Frequency kc.</i>	<i>Allocation</i>	<i>Frequency kc.</i>	<i>Allocation</i>
116,050	Special Services and Experimental	117,550	Marine Fire
116,150	Police	117,650	Special Services and Experimental
116,250	Experimental	117,750	Police
116,350	Coastal and Ship Harbor	117,850	Special Emergency
116,450	Special Services and Experimental	117,950	Relay Press
116,550	Police	118,050	Special Services and Experimental
116,650	Special Emergency	118,150	Police
116,750	Relay Press	118,250	Experimental
116,850	Special Services and Experimental	118,350	Coastal and Ship Harbor
116,950	Police	118,450	Special Services and Experimental
117,050	Experimental	118,550	Police
117,150	Relay Press	118,650	Experimental
117,250	Special Services and Experimental	118,750	Relay Press
117,350	Police	118,850	Special Services and Experimental
117,450	Forestry	118,950	Forestry
156,075	Broadcast	156,375	Fixed
156,225	Fixed	156,525	Special Services and Experimental
156,675	Broadcast	159,225	Broadcast
156,825	Broadcast	159,375	Broadcast
156,975	Experimental	159,525	Fixed
157,125	Fixed	159,675	Fixed
157,275	Fixed	159,825	Special Emergency
157,425	Special Services and Experimental	159,975	Broadcast
157,575	Broadcast	160,125	Fixed
157,725	Experimental	160,275	Fixed
157,875	Fixed	160,425	Special Services and Experimental
158,025	Fixed	160,575	Fixed
158,175	Special Services and Experimental	160,725	Fixed
158,325	Broadcast	160,875	Forestry
158,475	Broadcast	161,025	Broadcast
158,625	Police	161,175	Broadcast
158,775	Fixed	161,325	Special Services and Experimental
158,925	Fixed	161,475	Fixed
159,075	Special Services and Experimental	161,625	Fixed
		161,775	Experimental
		161,925	Broadcast

Frequencies between 116,000 and 119,000 kilocycles are assignable on an experimental basis only in the service for which allocated until January 1, 1942. In the first mentioned band, assignments made prior to January 1, 1941, will be on a basis of non-interference to existing broadcast stations on frequencies between 116,000 and 118,000 kilocycles, and to existing Govern-

ment stations on frequencies between 118,000 and 119,000 kilocycles.

Frequencies between 129,000 and 132,000 kilocycles, and between 140,000 and 144,000 kilocycles, are also available for experimental purposes in accordance with the rules and regulations governing such service.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The FCC has announced the adoption of an order granting the applications of the Nevada Broadcasting Company and the Las Vegas Broadcasting Company, both for new stations in **Las Vegas, Nevada**, the Nevada Broadcasting Company to operate on frequency **1370 kilocycles**, with power of 100 watts night, 250 watts day, unlimited time, and the Las Vegas Broadcasting Company to use **1420 kilocycles**, with the same power and unlimited hours of operation, subject to the condition that permittees shall file application for modification of construction permit, specifying exact transmitter locations within two months after effective date of order.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments are scheduled to be heard before the Commission in broadcast cases during the week beginning June 10.

FUTURE HEARINGS

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

July 1

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

July 2

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

July 3

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

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Western Radio Corp., The Dalles, Ore.—Granted construction permit for a new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time (B5-P-2838).

WTSP—Sam H. Mann, McKinney Barton and Dorothy Line, St. Petersburg, Fla.—Granted authority to transfer control of the Pinellas Broadcasting Company, licensee of station WTSP, from Sam H. Mann, McKinney Barton and Dorothy Line, to Nelson P. Poynter, 50 shares of common stock for a total consideration of \$39,000. Station operates on **1370 kc.**, 250 watts, unlimited time (B3-TC-211).

WSYR-WSYU—M. S. Wilder, Syracuse, N. Y.—Granted authority to transfer control of Central New York Broadcasting Corp., licensee of WSYR-WSYU, from M. S. Wilder to H. C. Wilder, 1500 shares of common stock (par value \$15,000). Station operates on **570 kc.**, 1 KW, unlimited time, DA day and night (B1-TC-214).

WJTN—Harry C. Wilder, Jamestown, N. Y.—Granted authority to transfer control of James Broadcasting Co., Inc., licensee of WJTN, from Harry C. Wilder to Jay E. Mason, 490 shares of common stock for \$4,900 and 75 shares of preferred stock for \$7,500. Station operates on **1210 kc.**, 250 watts, unlimited time (B1-TC-208).

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted renewal of high frequency broadcast license for the period ending January 1, 1941, on an experimental basis only, conditionally.

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted modification of license to add frequency **17800 kc.** in addition to the presently authorized frequencies used by international station WLWO—**6060, 9590, 11870, 15270, and 21650 kc.** (B2-MLIR-27).

WSPB—WSPB, Inc., Sarasota, Fla.—Granted modification of license to increase nighttime power from 100 to 250 watts, operating on **1420 kc.** (B3-ML-950).

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted construction permit to make changes in transmitter and increase power from 100 to 250 watts, unlimited time, on **1310 kc.** (B5-P-2779).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted construction permit to install new transmitter and increase power from 100 to 250 watts on **1210 kc.**, S-WGBB-WBRB (B1-P-2786).

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Granted modification of license to increase night power from 100 to 250 watts, on **1210 kc.**, unlimited time (B5-ML-993).

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted modification of construction permit (B1-P-2240) authorizing increase in night power from 100 to 250 watts, operating on **1200 kc.**, unlimited time (B1-MP-897).

The Commission announced the grant of the following application:

West Virginia Radio Corp., Morgantown, W. Va.—Granted construction permit for a new station to operate on **1200 kc.**, 250 watts, unlimited time. Exact transmitter, studio site and antenna system to be determined subject to Commission's approval.

DESIGNATED FOR HEARING

Glover Weiss, trading as Glover Weiss Co., Jacksonville, Fla.—Application for construction permit to erect a new station to operate on **1440 kc.**, 250 watts, unlimited time (B3-P-2812).

MISCELLANEOUS

KVIO—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Denied petition for rehearing filed in re application of KIRO, the Queen City Broadcasting Company, for authority to move transmitter and increase power from 1 KW to 10 KW, unlimited time, which was granted by the Commission on April 16.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to change hours of operation from EST to EDST for the period June 1 to August 1. Also granted special temporary authority to operate from 10:30 a. m. to 12:30 p. m., EDST on June 9, in order to broadcast Commencement Exercises of Theological School; from 2:30 to 4 p. m., EDST on June 9, in order to broadcast Baccalaureate Sermon of College; from 10 a. m. to 12:30 p. m., in order to broadcast Graduating Exercises of College, and from 1:30 to 3 p. m., EDST on June 10 in order to broadcast Senior Luncheon.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 9:15 p. m. to 12 midnight EST, on June 7 in order to broadcast

election returns only; also granted special temporary authority to operate from 9:15 p. m. to 10 p. m., EST on June 3, in order to broadcast the Mercer University Graduation Exercises.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts local sunset (June 7:30 p. m., CST) to 9 p. m., CST on June 5, in order to broadcast commencement exercises of Madonna High School and to operate from 7:30 to 9 p. m., CST on June 14, in order to broadcast Americanism program to be presented by Aurora Lodge of Elks.

Anthracite Broadcasting Co., Inc., Scranton, Pa.—Granted motion for postponement of hearing from June 3 to July 2 on application for new station to operate on **1370 kc.**, 250 watts, unlimited time.

The Kaw Valley Broadcasting Co., Inc., Topeka, Kans.—Granted petition for continuance of hearing from June 11 to July 2 in re application for new station to operate on **1500 kc.**, 250 watts, unlimited time.

WMBG—Havens & Martin, Richmond, Va.—Granted construction permit to install new auxiliary transmitter, using 1 KW instead of 250 watts, for emergency use only. (B2-P-2876)

WBZ—Westinghouse E and M Co., Boston, Mass.—Granted modification of construction permit (B1-P-2161) as modified, for extension of completion date from 6-30-40 to 9-30-40. (B1-MP-984)

WSUI—State University of Iowa, Iowa City, Ia.—Granted license to cover construction permit authorizing increase in power to 1 KW, 5 KW LS, installation of new transmitter and DA for day and night use, and move of transmitter; **880 kc.** Also granted authority to determine operating power by direct measurement of antenna power. (B4-L-1153 and B4-Z-401)

KVOR—Out West Broadcasting Co., Colorado Springs, Colo.—Granted authority to determine operating power by direct measurement of antenna power. (B5-Z-399)

WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted authority to determine operating power by direct measurement of antenna power. (B4-Z-400)

WDAE—Tampa Times Co., Tampa, Fla.—Granted license to cover construction permit (B3-P-2554), which authorized changes in equipment, installation of directional antenna for day and night use and increase in power to 5 KW; **1220 kc.**, unlimited time (B3-L-1152). Also granted authority to determine operating power by direct measurement of antenna power. (B3-Z-398)

KEGE—A. E. Belo Corp., area of Dallas, Tex.—Granted construction permit to install new transmitter and decrease power from 3 to 2 watts in portable-mobile relay station. (B3-PRE-356)

W3XPY—Bell Tel. Labs., Inc., Whippany, N. J.—Granted license to cover construction permit for new developmental broadcast station; frequency **43,200 kc.**, 5 KW. (B1-LEX-14)

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted modification of construction permit (B2-P-2578), authorizing approval of antenna and specifying transmitter site to be used for 1 KW equipment as site now used; 5 miles So. of Harrisonburg, East of Valley Pike. (B2-MP-966)

WHLD—The Niagara Falls Gazette Publ. Co., Niagara Falls, N. Y.—Granted license to cover construction permit (B1-P-2210) as modified, which authorized a new station to operate on **1260 kc.**, 1 KW, daytime hours of operation (B1-L-1151). Also granted authority to determine operating power by direct measurement of antenna input. (B1-Z-396)

WEHH—Columbia Broadcasting System, Inc., Portable-Mobile (area of N. Y. City).—Granted modification of construction permit (B1-PRE-281) as modified, which authorized changes in equipment and reduction of power to 15 watts, for authority to increase power from 15 watts to 30 watts and make changes in equipment. (B1-MPRE-44)

Hagerstown Broadcasting Co., Hagerstown, Md. area.—Granted construction permit for new relay broadcast station; frequency **1622, 2058, 2150, 2790 kc.**, 100 watts. (B1-PRY-220)

WEGP—Berkas Broadcasting Co., Portable-Mobile, area of Reading, Pa.—Granted construction permit to increase power in relay station to 2 watts, and install new transmitter. (Bq-PRE-353)

WAAU—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to transmit to standard

broadcast station WAPI, Birmingham, Ala., on June 1 and 2, 1940, in connection with the Birmingham Air Races; transmitter to be operated aboard plane.

WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wisc.—Granted extension of special temporary authority to operate specified time 8:00 a. m. to 4:15 p. m. CST daily for the period June 17, 1940, to not later than July 16, 1940, pending the completion of plans being made for additional station personnel to permit full daytime operation.

KUSD—University of South Dakota, Vermillion, S. D.—Granted special temporary authority to remain silent for the period June 11, 1940, to not later than August 1, 1940, in order to observe the University's summer vacation.

WLWJ—The Crosley Corp., Portable-Mobile (area of Cincinnati, Ohio).—Granted license to cover construction permit for new relay broadcast station; frequencies 1606, 2022, 2102, 2758 kc., power 50 watts. (B2-LRY-192)

WPRO—Cherry & Webb Broadcasting Co., East Providence, R. I.—Granted license to cover construction permit for changes in directional antenna system, and increase in power from 1 KW night, 5 KW day, to 5 KW day and night (B1-L-1156)

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit for increase in power, install directional antenna for night use, and make equipment changes; 950 kc., 5 KW, unlimited time, directional antenna night (B4-L-1155). Also granted authority to determine operating power, by direct measurement of antenna input. (B4-Z-402)

WOGB—Harriett M. Alleman & Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted modification of construction permit as modified which authorized construction of a new broadcast station, to install a new transmitter; 1240 kc., 250 watts, unlimited time (B1-MP-986)

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Granted modification of construction permit as modified which authorized construction of new broadcast station, for a new transmitter and extend commencement and completion dates from December 2, 1939 and June 2, 1940, to 2 days after grant and 60 days thereafter respectively; 1210 kc., 100 watts, 250 watts LS, unlimited time (B2-MP-983)

Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Granted petition to reconsider and grant without a hearing the application for a new station to operate on 1200 kc., 250 watts, unlimited hours, subject to condition that permittee shall file an application for modification of construction permit within two months after effective date of order, specifying exact transmitter location and antenna system.

KSFO—The Associated Broadcasters, Inc., San Francisco, Cal.—Denied petition to change present assignment of KSFO, subject to final determination of any conflicting applications for the frequency involved, so as to operate with use of the facilities 740 kc. with 50 KW night and day, unlimited time, employing a directional antenna.

Radio Corp. of Orlando, Orlando, Fla.—Dismissed petition for reconsideration of Commission grant and request for joint hearing in the matter of the application of Hazlewood, Inc., Orlando, Fla., for construction permit to erect a new station to operate on 1200 kc., 250 watts, unlimited time. (B3-P-2394)

KOAC—Oregon State Agriculture College, Corvallis, Ore.—Dismissed petition for rehearing and request for special relief, directed to the opinion and Final Order of the Commission, granting the application of Salt River Valley Broadcasting Co. (KOY) for modification of license to change frequency from 1390 kc. to 550 kc., with 1 KW power.

Broadcasting Corp. of America, Riverside, Cal.—Denied petition to grant without a hearing the application for a new station to operate on 1390 kc., 1 KW, unlimited time. Notice of hearing upon said application (B5-P-2648) to be amended to substitute Riverside Broadcasting Co. in place of Howard T. Sampson whose application has been withdrawn without prejudice. (B5-P-2296)

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Denied petition for rehearing in the matter of the application of Hazlewood, Inc., Orlando, Fla., for a new station to use frequency 1200 kc., 250 watts, unlimited time. (B3-P-2394)

WCOL—WCOL, Inc., Columbus, Ohio.—Granted license to cover construction permit for change in frequency from 1210 to

1200 kc., increase in power from 100 watts to 250 watts, and changes in equipment (B2-L-1154).

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted special temporary authority to rebroadcast the regular routine messages of Jamestown Police Radio Station WJNY and the mobile units connected therewith from 7:30 p. m. to 8 p. m., EST, on June 5, 1940, in connection with the National Radio Festival.

KBPS—Benson Polytechnic School, Portland, Ore.—Granted special temporary authority to remain silent for the period June 7, 1940, to not later than August 1, 1940, in order to observe regular school vacation.

WNBW—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate relay broadcast station WNBW on board steamship *Brazil* using a 500-watt NBC Composite transmitter, type P-500-A, serial No. 1, crystal control, high level modulation with 4 RCA 805 tubes in the last radio stage, under the permissive proviso of Section 308(A) of the Act, and to operate on additional frequencies 4797.5, 6425, 9135, 12862.5, and 17310 kc., in order to relay broadcast Toscanini concerts and special program material from the *Brazil* bound for east coast South American ports to South American broadcast stations whenever feasible, for a period not to exceed 30 days (provided no interference is caused ship station WSBW or to any other radio service).

John B. Cooley, Minot, N. D.—Granted special temporary authority to operate two relay transmitters on 300 mc. and 301 mc., power 2 watts, from June 16, 1940, to not later than June 22, 1940, in order to relay broadcast program material from the North Dakota State Fair in Minot, N. D., to Radio Station KLPM (equipment to be in accordance with diagram attached to letter dated May 22, 1940).

Sioux City Broadcasting Co., Sioux City, Iowa.—Granted special temporary authority to operate two relay broadcast stations on frequencies listed in Group A and Group D, Sec. 4.23, power 10 watts, in order to relay broadcast program in connection with the Missouri River barge celebration, to Radio Station KTRI on June 10, 1940.

APPLICATIONS FILED AT FCC

630 Kilocycles

WPRO—Cherry and Webb Broadcasting Co., Providence, R. I.—License to cover construction permit (B1-MP-831) as modified for changes in directional antenna and increase in power.

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Extension of special experimental authority for transmission of facsimile signals from 1 a. m. to sunrise, EST, using 50 KW power, period beginning 8-1-40.

760 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—License to cover construction permit (B5-P-1702) as modified for increase in power, move of transmitter, changes in equipment, installation of vertical antenna, and approval of studio site.

830 Kilocycles

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Construction permit to install new transmitter and vertical radiator, and increase power from 1 KW to 1 KW night, 5 KW day. Requests Class II station.

950 Kilocycles

KMBC—Midland Broadcasting Co., Kansas City, Mo.—License to cover construction permit (B4-P-2507) as modified for increase in power, install directional antenna for night use, and make equipment changes.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct measurement of antenna power.

1010 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kans.—Construction permit to increase power from 1 to 5 KW, install new transmitter and directional antenna for night use, and move transmitter. Requests Class III-A station.

1050 Kilocycles

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Modification of construction permit (B4-P-1865) as modified for new transmitter, antenna, and move of transmitter and studio, further requesting authority to install directional antenna for night use, and change power and hours of operation from 5 KW, limited time, to 5 KW to sunset at KNX (PST) and 1 KW thereafter, unlimited time; extend commencement date to 30 days after grant and completion date to 90 days thereafter. Amended to change requested power to 1 KW night, 5 KW day.

1060 Kilocycles

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Construction permit to install directional antenna for night use, change frequency from 1060 to 1040 kc., increase power from 500 watts to 1 KW, time from limited to unlimited. Request Class II station.

1130 Kilocycles

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—License to cover construction permit (B4-P-2801) to install new transmitter and make changes in antenna.

NEW—LaGrange Broadcasting Co., LaGrange, Ga.—Construction permit for a new broadcast station to be operated on 1210 kc., 100 watts, unlimited time. Amended to give transmitter location as LaGrange and studio as Broom St., LaGrange, Ga.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Construction permit to make changes in equipment and increase power from 100 to 250 watts day and night. Amended re antenna.

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Modification of construction permit (B2-P-1809) as modified for a new station to install new transmitter, change in type of antenna, extend commencement and completion dates from 12-2-39 and 6-2-40 to 2 days after grant and 60 days thereafter, respectively. Amended to omit request for changes in antenna.

WOCB—Harriett A. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of construction permit (B1-P-1140) as modified for a new station, to install new transmitter.

1220 Kilocycles

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Authority to determine operating power by direct measurement of antenna power.

1340 Kilocycles

WORD—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2261) for a new station, requesting authority to increase power from 100 watts night, 250 watts day, to 250 watts day and night; change type of transmitting equipment; approval of antenna; and change proposed location of studio and transmitter sites; extend commencement and completion dates to 30 and 180 days, respectively.

1340 Kilocycles

KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) for a new station, for approval of transmitter site, approval of antenna, install new transmitter, and move studio. Class III-B station.

1420 Kilocycles

WELL—Enquirer-News Co., Battle Creek, Mich.—Voluntary assignment of construction permit (B2-P-2669) for increase in power, install new transmitter, and make antenna changes, from Enquirer-News Co. to Federated Publications, Inc.

1500 Kilocycles

KBST—The Big Spring Herald Broadcasting Co., Big Spring, Tex.—Authority to transfer control of corporation from Joe

Galbraith (250 shares common stock) to Howard Barrett, 75 shares; Bonnie Davis, 75 shares; Houston Harte, 50 shares; and M. B. Hanks, 50 shares common stock.

MISCELLANEOUS

WGEO—General Electric Co., So. Schenectady, N. Y.—Modification of license to change frequencies from 6190, 9530 and 21590 kc. to 6190, 9530 and 15330 kc., sharing time on 6190 and 15330 kc. with stations KGEI and WGEA; 9530 kc. with station KGEI.

KGEA—General Electric Co., So. Schenectady, N. Y.—Modification of license to add the frequencies 6190 and 21590 kc. to those already licensed, sharing time on 6190 kc. with stations KGEI and WGEO and unlimited time on 21590 kc.

WGEA—General Electric Co., So. Schenectady, N. Y.—Construction permit to increase power from 25 to 50 KW, install new transmitter, and add the frequencies of 6190 and 21590 kc. to those already licensed, sharing time on 6190 kc. with stations KGEI and WGEO and unlimited time on 21590 kc.

WLWD—The Crosley Corp., Mobile.—License to use equipment of relay station WLWJ.

KGEI—General Electric Co., San Francisco, Calif.—Construction permit to increase power from 20 to 50 KW and install new transmitter.

NEW—Board of Education of the San Francisco Unified School District, San Francisco, Calif.—Construction permit for a new non-commercial educational broadcast station to be operated on 42100 kc., 1000 watts, special emission for frequency modulation.

NEW—The Associated Broadcasters, Inc., Portable-Mobile (area San Francisco, Calif.).—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150 and 2790 kc., 15 watts, Emission A-3.

W7XSW—Symons Broadcasting Co., Spokane, Wash.—Modification of construction permit (B5-PFB-16) for new facsimile broadcast station, requesting authority to extend commencement and completion dates from 3-24-40 and 9-24-40 to 9-1-40 and 1-1-41, respectively.

WAFK—A. Frank Katzentine, Portable-Mobile (area Miami Beach, Fla.).—Modification of construction permit (B-PRY-207) to change frequencies from 1616, 2090, 2190, 2830 to 1622, 2058, 2150, 2790 kc., and extend commencement date from 6-11-40 to 30 days after grant.

NEW—The Maryland Broadcasting Co., Baltimore, Md.—Construction permit for a new broadcast station to be operated on 1210 kc., 250 watts, unlimited time, Class IV station. Amended to give transmitter location as 1220-1230 Curtain Ave., Baltimore, Md., and install vertical antenna.

W2XWE—WOKO, Inc., Albany, N. Y.—License to cover construction permit (B1-PFB-18) to move transmitter locally.

W3-XMC—McNary and Chambers, Washington, D. C.—License to cover construction permit (B1-PHB-225) which authorized local move of transmitter.

WHPR—WHP, Inc., Portable-Mobile (area Harrisburg, Pa.).—License to cover construction permit (B2-PRE-339) for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Agricultural Insecticide & Fungicide Association—An unlawful price fixing conspiracy in the sale of chemicals, fertilizers, insecticides, fungicides and related items, is alleged in a complaint issued against the Agricultural Insecticide & Fungicide Association, New York, its officers, directors and members, and against five

cooperating corporations, the Allegheny Chemical Corporation, Reading, Pa.; Ansbacher-Siegle Corporation, Brooklyn, and General Chemical Company, Phelps Dodge Refining Corporation, and Tennessee Corporation, all of New York.

Association officer respondents are: R. N. Chipman, Bound Brook, N. J., chairman of the board of directors, and L. S. Hitchner, president and treasurer, and June C. Heitzman, secretary, both of New York.

Respondent members of the association board of directors are: R. N. Chipman, Bound Brook, N. J.; H. D. Whittlesey, Cleveland; H. P. Mansfield, Wilmington, Del.; J. B. Cary, Middleport, N. Y.; J. H. Boyd, Memphis, Tenn.; A. J. Flebut, Richmond, Calif.; G. F. Leonard, Louisville, Ky., and R. E. Demmon, G. E. Riches, and L. S. Hitchner, New York.

Twenty-six respondent association member companies, named as representative of the entire membership, are: Acme White Lead and Color Works, Detroit; American Agricultural Chemical Co., American Cyanamid and Chemical Corp., George W. Cole and Company, Inc., Derris, Inc., John Powell & Co., Inc., and Stauffer Chemical Co., Inc., all of New York; American Nicotine Company, Inc., Henderson, Ky.; The Antiseptic Products Company, Denver, Colo.; California Spray-Chemical Corporation, Richmond, Calif.; Chipman Chemical Company, Inc., Bound Brook, N. J.; Hercules Glue Company, Ltd., trading as Colloidal Products Corporation, San Francisco; Commercial Chemical Company, Memphis, Tenn.; Dow Chemical Company, Midland, Mich.; E. I. duPont de Nemours & Company, Inc., Wilmington, Del.; The Latimer-Goodwin Chemical Company, Grand Junction, Colo.; Fred L. Lavanburg Company, Brooklyn, N. Y.; Lucas Kil-Tone Co., Philadelphia; Niagara Sprayer and Chemical Co., Inc., Middleport, N. Y.; Nicotine Production Corporation, Inc., Clarksville, Tenn.; Sherwin-Williams Co., Inc., Cleveland; Southern Acid & Sulphur Co., Inc., St. Louis; J. M. Taylor, E. P. Brown and E. W. Parker, trading as Taylor Chemical Works, Ltd., Aberdeen, N. C.; Tobacco By-Products and Chemical Corporation, Louisville, Ky.; The J. W. Woolfolk Company, Fort Valley, Ga., and Pittsburgh Plate Glass Company, Corona Chemical Division, Milwaukee.

Among the products manufactured and distributed by the 26 respondent member companies and three of the five cooperating corporations are chemicals, fertilizers, various types of insecticides and fungicides and related items. Two of the cooperating companies, Phelps Dodge Refining Corporation and Tennessee Corporation, manufacture and distribute monohydrated copper sulphate and certain other copper by-products and specialties which are used in the manufacture of certain insecticides and fungicides.

It is alleged that on or about October 1, 1936, the respondent association and member and cooperating companies entered into an understanding, agreement or conspiracy among themselves to restrain competition in the sale of their products by agreeing to fix and maintain uniform prices, terms and discounts and to cooperate with each other in maintaining this program.

Pursuant to these arrangements, it is alleged, the respondent association acted as a clearing house for exchange of sales and price information submitted by members; association members held regular meetings at which trade policies and prices were established; the association compiled and distributed to the respondent members and cooperating companies white lists or "Distributor Guides" containing names of dealers to whom to sell on a wholesale basis to the exclusion of other dealers, and the association assisted in policing the respondent members and the cooperating respondents in enforcing the use of the white lists.

In further pursuance of the understandings and agreements, it is alleged, the association compiled and distributed to members and cooperating respondents lists of dealers to be recognized as retail dealers to the exclusion of other dealers, and maintained an open price filing system whereby it relayed to the respondent members and cooperating companies advance notice of immediate and future price rises and declines.

It is alleged that results of these activities have been the suppression of competition in the interstate sale of the respondents' products; empowering the respondents to control the market and enhance prices, and a tendency to create a monopoly in the respondents, all in violation of the Federal Trade Commission Act. (4145)

Beautiderm Company—See Electrolysis Associates, Inc.

Electrolysis Associates, Inc., 1451 Broadway, New York, and its president, treasurer and majority stockholder, Louis Zinberg,

trading as Beautiderm Company, of the same address, have been served with a complaint alleging misleading representations in the sale of "Beautiderm Midget", a device for removing superfluous hair.

Among representations allegedly contained in the respondents' advertising matter were that their device is an effective, efficient, safe and scientific apparatus for the electrolytic removal of superfluous hair permanently, painlessly and harmlessly by individual self-application.

The complaint alleges that operation of the respondents' device involves insertion of a needle into the hair follicle for destroying the root of the hair by electrolysis, which process may cause serious injury to health. The complaint further alleges that the device will not accomplish the results claimed and is not safe, painless and harmless when used by the unskilled lay public.

The respondents are further charged with disseminating false advertisements through their failure therein to reveal that use of the device under conditions prescribed in the advertisements, or under customary or usual conditions, may result in serious and irreparable injury to health.

Upon petition of the Commission, the United States District Court for the Southern District of New York recently issued an order restraining the respondents from further dissemination of false advertisements of their product pending issuance and final disposition of the Commission's complaint now issued. (4144)

Mayos Products Company—George D. Moorman and Roy C. Stockbridge, individually and trading as Mayos Products Company and as M. P. Company, engaged in the sale and distribution of a medicinal preparation designated "Mayos Periodic Compound", are charged, in a complaint with misrepresentation.

The complaint charges that the respondents, whose office and principal place of business is at 1833 West Larchmont Ave., Chicago, have represented, in advertisements in newspapers, periodicals, and other advertising literature in connection with the sale and distribution of their product, that the preparation is a cure or remedy for delayed, scanty, irregular or painful menstruation, and is a competent and effective treatment for such ailments, and that the preparation is entirely safe and harmless and may be used without danger of ill effects upon the health of the user.

The complaint alleges that these representations are false and misleading; that the preparation does not constitute a competent or effective treatment for any of the ailments, and contains ergotin, aloes, extract cotton root bark, extract black hellebore and oil of savin in quantities sufficient to cause serious and irreparable injury to health if taken under the conditions prescribed in the advertisements or under such conditions as are customary and usual. (4147)

M. P. Company—See Mayos Products Company.

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Crete Mills, Crete, Nebr., engaged in the business of milling and selling feed for animals, including chicken feed manufactured and sold under the trade name of "Victor Chick Pellets," has been ordered to cease and desist from misrepresentation.

The Commission finds that in advertisements published in newspapers, farm papers, and through radio broadcasts, the respondent corporation has represented, among other things, that "Victor Chick Pellets" will grow chicks faster than other feed; make them reach the egg-laying period in less time than those fed mash feed; will keep indefinitely, cost less, and excel all other feeds.

The Commission finds that these representations are misleading, and orders the respondent to cease and desist from further representations that "Victor Chick Pellets" will grow chicks faster, healthier, cheaper and with less likelihood of disease or death than any other feed, regardless of price; that chicks fed the product reach the egg-laying period in less time than those fed mash feed; that the product will keep indefinitely and that there is no possibility of any ingredient in the feed getting rancid or moldy and causing chick deaths; that pullets fed upon the product will invariably lay eggs within any definite time or period earlier than chickens fed upon feeds of similar composition, or that the

product costs less than any other similar feeds or excels all other feeds, regardless of price.

The respondent is also ordered to cease representing that any feed containing corn other than kiln-dried corn is dangerous to the health and life of chicks. (3408)

Hydrosal Company, 333 East Eighth St., Cincinnati, has been ordered to discontinue misleading representations in the sale of "Hydrosal Liquid" and "Hydrosal Ointment."

The order directs the respondent company to cease and desist from disseminating advertisements representing that the respondent's preparations possess remedial, curative or healing properties with respect to eczema, piles, athlete's foot, poison ivy, or disorders characterized by or associated with pimples, skin outbreaks or itches.

Also prohibited is the representation that the respondent's preparations possess therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptom of itching usually accompanying or associated with such disorders, or that the preparations are in general use by the medical profession or hospitals. (4049)

Income Record Publishing Co.—See United States Business Card Co.

Manhattan Hat Company, Inc.—Prohibiting misleading representations in the sale of hats and caps, an order has been issued against Manhattan Hat Company, Inc., 124 Wooster St., New York, and Harry Samnick, its president, Jacob Samnick, its secretary, and Louis Reinken, its treasurer.

According to Commission findings, the respondents reconditioned and refitted old, worn and previously used hat bodies so that they had the appearance of being new and sold them to the trade without any markings or designation stamped thereon to indicate to purchasers that these products were made from old and previously used hat bodies and other materials.

The findings point out that various manufacturers made finished hats and caps not only from newly manufactured materials but from (1) previously used hat bodies, and (2) felt hat bodies obtained from new but shopworn hats. Shopworn hats, the findings continue, are new hats reclaimed from merchants' shelves by hat and cap manufacturers, who clean, steam and renovate them in practically the same manner as they do hats made from old, previously used hat bodies.

The respondents, according to findings, had stamped in hats and caps the legend "DeLuxe Quality," and also, in illegible and inconspicuous type, the legend "Made Over." The respondents' use of the term "Made Over," according to findings, was wholly insufficient to inform prospective purchasers that the hats and caps so sold were made of old, worn and previously used hat bodies rather than from shopworn hats which had never been worn or used.

The Commission order directs the respondents to cease and desist from representing that hats or caps composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that such products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats or caps, then such stamping must appear on the bodies of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating such bodies.

The order also prohibits representation in any manner that hats or caps made in whole or in part from old, used or second-hand materials are new or are composed of new materials. (1898)

McDonnell & Sons, Inc., of Buffalo, N. Y., and Barre, Vt., has been ordered to discontinue misleading representations in the sale of granite grave markers, monuments, memorials and mausoleums.

According to Commission findings, the respondent company advertised that sales of its products were made by the respondent directly from quarry to cemetery; that the respondent company operated its quarry and finishing plant; that all work turned out by it was manufactured and finished by craftsmen in the plant and shops operated by the respondent and that its quarrying and manufacturing facilities placed it in a position to execute the highest grade of memorial work at the lowest possible cost.

These representations, according to findings, had a tendency to deceive buyers into believing that the respondent's products were made from granite produced from a quarry which it operated and had been finished in its own plant. Many purchasers, the findings point out, prefer buying directly from the quarry and manufacturer in the belief that they may thereby obtain lower prices and other advantages not available when purchases are made through middlemen or wholesalers.

Findings are further that the respondent company's business was established about 82 years ago and that it still owns a quarry and a finishing plant at Barre, Vt., but has not operated them in recent years. Since 1932, the findings continue, the respondent has purchased granite parts for grave markers, monuments, memorials and mausoleums from other operators and quarry owners. Such work has been produced under supervision of an officer of the respondent located at Barre, Vt.

The Commission order directs the respondent to cease and desist from representing that products which are not made from granite obtained from its own quarry are sold directly from quarry to ultimate purchaser; or that the granite from which such products are made is produced in a quarry owned and operated by the respondent; or, that products which are not manufactured and finished in a plant owned, operated or controlled by the respondent, are made or manufactured by the respondent. (3907)

Southern Vitrified Pipe Association—Nine manufacturers of vitrified clay sewer pipe in the southeastern part of the United States and the Southern Vitrified Pipe Association, Cincinnati, and the association's officers, have been ordered to discontinue practices deemed to be in restraint of price competition in the sale of their products.

The respondent manufacturers named in the order are: W. S. Dickey Clay Manufacturing Company, Kansas City, Mo., with plants in Alabama, Tennessee and other States; Lee Clay Products Company, Clearfield, Ky.; Pomona Terra Cotta Company, Pomona, N. C.; Pine Hall Brick and Pipe Company, Winston-Salem and Ceramic, N. C.; The Columbia Clay Company, Columbia, S. C.; Georgia Vitrified Brick and Clay Company, Augusta and Cambria, Ga.; Oconee Clay Products Company, Milledgeville, Ga., which resigned its association membership in 1937; Cannelton Sewer Pipe Company, Cannelton, Ind., and Owensboro Sewer Pipe Company, Owensboro, Ky.

Respondent officers of the association are: Cliff B. Beasley, president; W. Clement Boren, Jr., vice president; D. M. Strickland, secretary-manager, and John M. Byrne, treasurer.

The association's membership comprises most of the manufacturers of vitrified sewer pipe east of the Mississippi and south of the Ohio and Potomac rivers. Large quantities of that product are sold to Federal, State and municipal governments.

Commission findings are that, among other things, the respondent manufacturers combined to restrict competition by price agreements; by agreeing to make sales on a delivered basis only, with equalization of freight charges; by a united policy of refusing to sell governmental agencies on an f.o.b. mill basis, thus depriving the Federal Government of favorable rail rates; by exchange of intended price quotations on Government orders prior to opening of sealed bids, and by agreements for the purpose of causing dealer customers to submit identical bids on Governmental orders.

The Commission order directs the respondent manufacturers or any two or more of them to cease and desist, by concerted action, agreement or understanding, from (1) fixing or establishing prices, terms and conditions of sale; (2) carrying on, through the respondent association or other central agency, or through meetings, or otherwise, discussions and exchanges of information concerning proposed or future prices; (3) promising to adhere to filed prices, terms and sale conditions pending the filing of changes with the association, and adherence to such promises; (4) quoting and selling on a delivered basis only to equalize costs to buyers regardless of variations in freight from different points of production and shipment; (5) fixing arbitrary weights to be used in calculating freight charges and equalizations so as to make delivered prices and discounts uniform; (6) refusing to quote and sell to Government purchasers on an f.o.b. mill basis and (7) exchanging prices proposed for quotation in bids in advance of submission and opening of sealed bids on Federal, State and municipal projects.

Other cooperative practices ordered discontinued are: (1) fixing and establishing of differentials in price to be charged on sales to dealers as compared with sales to building contractors; (2) agreeing with their respective dealer customers as to prices to be quoted on the resale of vitrified clay sewer pipe; (3) determining what concerns shall be recognized as dealers entitled to purchase

at dealers' prices; (4) restricting the quantity of vitrified clay sewer pipe to be produced by the respondent manufacturers, and (5) collaborating with trade associations composed of vitrified clay sewer pipe manufacturers in other sections, but who sell in the respondents' territory, so as to effect restriction of price competition in the respondents' territory.

The order also prohibits the respondents from concertedly obtaining adherence to prices, terms and sale conditions filed by the manufacturers with the respondent association or any other central agency, by exchanging price information at meetings held under association auspices; by investigating complaints of alleged price deviation by the manufacturers; by examination of books and records of suspected offenders, and by threats of legal action against them.

The respondents are directed to cease employing "The Byrne Organization" to act as an agency in performing any practice forbidden in the Commission order. Findings are that this organization, owned in part by the respondents D. M. Strickland and John M. Byrne, was employed as an agency for putting the respondents' practices and policies into effect.

The Commission ordered dismissal of its amended complaint in this proceeding as to P. Bannon Pipe Company, Louisville, Ky., a corporation which, having been adjudicated a bankrupt, is in the process of dissolution. (3868)

United States Business Card Company, United States Stationery Corporation, and Lewis Weisman, individually and trading as Income Record Publishing Company, engaged in selling stationery and business forms, with offices and principal place of business at Elizabeth, N. J., have been ordered to cease and desist from certain misrepresentations.

Findings of the Commission are that Lewis Weisman, who is in business under the name Income Record Publishing Company, also is president and treasurer of United States Business Card Company and United States Stationery Corporation, owns a majority of stock of each corporation, and directs and controls their sales policies. United States Business Card Company, a New York corporation, has been inactive since 1937.

The Commission finds that in promoting the sale of their goods the respondents have represented that certain of their business forms were approved by the United States Government, by placing on the forms the phrase "U. S. Approved." The United States Business Card Company, the findings are, also represented that it was the world's largest manufacturer of business cards exclusively.

In truth, the Commission finds, none of the business forms sold by the respondents was ever approved by or made according to the specifications of the United States Government, nor was the United States Business Card Company the world's largest manufacturer of business cards.

The respondents are ordered to cease and desist from representing that their products are approved by or manufactured according to specifications of the United States Government or any agency thereof, and the United States Business Card Company is ordered to cease representing that it is the world's largest manufacturer of business cards or that it is the world's largest manufacturer which is engaged solely in the manufacture of business cards. (3784)

United States Stationery Corp.—See United States Business Card Co.

STIPULATIONS

Following stipulations have been entered into by the Commission:

Bluebird Studios—Harry, Senia, Margaret and August Doehla, co-partners trading variously under the firm names of Bluebird Studios and Harry Doehla Company, Fitchburg, Mass., in connection with the sale of greeting cards or other merchandise, agree to cease employing in their advertising matter the statement "Request samples" or otherwise inviting their customers or prospective customers to receive sample goods, unless in immediate connection therewith and with equal conspicuousness it be clearly indicated that the goods so referred to will be billed to the recipient and payment required. (2820)

Harry Doehla Company—See Bluebird Studios.

M. B. Grogan Company—Merwin B. Grogan, sole trader as M. B. Grogan Company, 122 South Michigan Ave., Chicago, and **Southern Greeting Card Company**, Memphis, agree to cease advertising "free samples" to prospective salesmen of their products or making any other use of the word "Free" or similar expression in a manner purporting a gift or gratuity only, where any consideration such as payment of money, rendering of services, or otherwise, is required of the person receiving articles of merchandise sent in response to his request for such free samples or other gratuity.

The respondents also stipulate that they will cease delivering any invoiced article of merchandise to a customer or prospective customer without prior notice of the terms under which such article is to be sent and without first obtaining permission to make the shipment. The respondents also agree to cease inducing a customer to order samples or other goods by deceptively concealing the terms of the transaction, or in any other way imposing a burden upon a customer or prospective customer either to pay for goods received by him or return them when he has not been previously apprised of such conditions. (2819 and 2822)

Leonard J. Hartman, 1538 West Fifth St., Brooklyn, in the sale of "Concentrated Food Particle (Wheat Germ Oil)", agrees to cease advertising that the product will prevent or overcome disease, afford an increase in health or energy, and is a competent treatment or effective remedy for certain ailments of women. The respondent also agrees to discontinue advertising that the preparation will restore potency or is a competent treatment or effective remedy for sterility, unless the representation is limited to its aid in treating the condition when it is due to a Vitamin E deficiency and it is further explained in direct connection therewith that sterility due to a Vitamin E deficiency is an extremely rare occurrence. (02573)

Alexandra de Markoff Sales Corporation, 642 Fifth Ave., New York, engaged in the sale of cosmetics, has entered into a stipulation in which it agrees to desist from use of the words "compounded by hand," or other words of similar import, to describe products which are not compounded by hand, or from use of the words in any way tending to convey the belief that the products referred to are in fact made or mixed by hand; from use of the words "Skin Food," or other words of similar import to designate a product which does not, in fact, serve as a food or nourishment for the human skin or tissues, and from use of the words in any way so as to imply that the product will feed or nourish the skin or tissues to which it is externally applied.

The respondent corporation also agrees to discontinue representing that its so-called "Skin Food," when applied to the skin, is absorbed by the skin with the result that the skin is fed or nourished or otherwise therapeutically benefited by absorption of the product, and to cease representing that its products will erase or remove lines or wrinkles from the skin, build up the tissues, remold the face or restore or perpetuate youthful or firm contours to the face or throat. (28114)

Robbin's Camera Shop—Maurice and Hilda Robbin, trading as Robbin's Camera Shop, 529 Fourteenth St., N. W., Washington, D. C., have entered into a stipulation in which they agree to discontinue certain representations.

In the sale of "John Shannon Vacuum Filler Sacless Fountain Pens," the respondents agree to cease representing that such products have a \$3 or other alleged valuation in excess of the actual value or usual price; that the offered retail sales price is "Special" or for "3 days only," when in fact it is the regular price without limitation as to time, and that bona fide protection for life is extended when in fact no such protection is offered and the products are not of such quality as to last for the period of life expectancy.

The respondents also stipulate that they will discontinue employing the statement "Your first investment is your only investment" or any other statement of like meaning, when in truth such statement is contrary to fact. (2821)

Southern Greeting Card Company—See M. B. Grogan Company.

Spiegel, Inc., 1061 West 35th St., New York, has entered into a stipulation in which it agrees to cease misleading representations in the sale of men's shirts.

The respondent corporation agrees to cease representing by statement or inference that yarn dyed shirts or other textile materials are "Vat Dyed," or in any other way passing off as "Vat Dyed" any merchandise not actually dyed by the vat process.

The stipulation points out that when a textile material steeped in a liquor containing a dye is exposed to the air, the dye is reformed by oxidation and precipitated in the fiber. Dyes so used are called "Vat Dyes." Fabrics made of yarn dyed before being woven are referred to as "Yarn Dyed." The stipulation recites that to the trade and purchasing public the term "Vat Dyed" connotes a superior quality of dye coloring which commands a higher price for a product than if it were yarn dyed. (2823)

Stern Brothers, New York, has entered into a stipulation to discontinue certain representations in the sale of machine-made rugs.

Among representations which the respondent corporation agrees to discontinue are use of the words "Kara Kirman" or other distinctively Oriental names as descriptive of rugs which are not in fact made in the countries or localities designated or implied, with all the essential characteristics and qualities of such rugs, and use of the words "Oriental Reproductions," "Sarouk, Kirman, Kashan Reproductions," "American-Made Oriental Reproductions," or other use of the word "Reproduction" or similar word implying that the article referred to is a reproduction, replica or duplicate of an original, as descriptive of rugs which are not in fact reproductions of the types indicated.

The respondent corporation also stipulates that it will cease employing the words "American Oriental," "Domestic Oriental" or other appellation including the word "Oriental" or other expression indicative of an Oriental type, as descriptive of a rug which does not contain all the inherent qualities, properties, and constructive features of a true Oriental rug.

Other representations which the respondent agrees to desist from

using are the words "Sarouk," "Kirman," "Kashan," or other distinctively Oriental appellations in connection with any rug which was not made in the country or locality designated and does not contain all the inherent qualities and properties of such Oriental rugs; unless, when properly used to describe the design or pattern only, such Oriental appellations are accompanied by a word such as "Design" or "Pattern" printed in type equally conspicuous to indicate clearly that only the form delineated on the surface of the rug is a likeness of the type named; for example, "Kirman Design," "Sarouk Pattern". (2818)

Wilson Bros. Paint and Hardware Company, 3863 Cottage Grove Ave., Chicago, agrees to cease advertising that its preparation "Distol Concentrate" will kill bed bugs or bed bug eggs instantly; that most bed bug mixtures scatter bed bugs into the walls or woodwork; that roaches are carriers of cancer, and that Distol Concentrate is odorless. The respondent also agrees to cease representing that its product "Thymite" will eliminate roaches from all buildings overnight; that one application will keep any building clean of roaches, water bugs, silver bugs or ants, for one year, and that there are no other insecticides which will achieve substantially the same results as will Distol Concentrate or Thymite.

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice its case against United Distillers Products Corporation, 5599 Hudson Blvd., North Bergen, N. J., which has been charged with misleading use of the word "Distillers" in its corporate name.

The order of dismissal recites that the respondent now owns and operates registered distillery No. 1 at Amston, Conn., under Distiller's Permit No. 841, issued to it by the Federal Alcohol Administration.

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