

## THE WEEK IN WASHINGTON

The complete NAB convention program—a program no broadcaster can afford to miss—is published in this issue. (p. 4406.)

James Lawrence Fly, FCC chairman, says there is no need for the broadcasting industry to be alarmed about any defense plans. (p. 4408.)

Two BMI tunes make the “most often played” lists in the trade press. (p. 4407.)

A. F. of M. difficulties at Stations KSTP and WRVA are ironed out, and network name bands returned to the air. (p. 4408.)

Wage and Hour Administration says transmitter caretakers are covered by the Act. (p. 4408.)

All stations are urged to promote radio at state and county fairs this summer. (p. 4410.)

FCC rules affecting operators are tightened up. (p. 4411.)

The Research Committee meets in Washington and outlines a plan for unit measurement of broadcast advertising volume, to be presented to the Board of Directors at San Francisco. (p. 4411.)

## Convention Program Complete

Dr. Frank Kingdon, nationally known social leader and executive director of the Citizenship Educational Service has been added to the list of the distinguished speakers who will bring important messages to the eighteenth annual convention of the NAB (August 4-7).

In addition, James L. Fly, chairman of the FCC, making his first appearance before an industry-wide meeting, and Louis Johnson, Assistant Secretary of War, scheduled to speak on the possible effects of the national emergency on

radio, have also definitely been scheduled to address the San Francisco convention described last week by Neville Miller, NAB president, as the “most important meeting of the industry in its twenty-year history.” The complete convention program appears on another page.

A former college president, Dr. Kingdon was drafted to his present post when outstanding religious, civic, labor and fraternal groups undertook to bring together their common aims of uniting the American people in an awakened appreciation of the basic ideals underlying the Constitution and the Bill of Rights. Such outstanding groups as the Boy Scouts of America, the Catholic Youth Organization, the American Federation of Labor, the DAR, the Jewish Welfare Board, the Knights of Columbus, Federal Council of the Churches of Christ in America, the Elks, and others listed below, are the sponsoring groups of the Citizenship Educational Service.

In light of the national defense program and the increasing social responsibility which station managers must assume, as problems of propaganda and so-called Fifth Column activities become more complex, Dr. Kingdon has been asked to draw upon his own and the experience of those affiliated groups to bring the industry a backlog of usable information. Recognized as one of the country's ablest speakers, his address is looked forward to as one of the highlights of the convention.

Following is the list of organizations affiliated with the Citizenship Educational Service:

American Federation of Labor  
American Friends Service Committee  
American Jewish Committee  
Benevolent and Protective Order of Elks  
Boys' Clubs of America  
Boy Scouts of America  
Camp Fire Girls  
Catholic Charities  
Catholic Youth Organization  
Daughters of the American Revolution  
Federal Council of Churches of Christ in America

(Continued on page 4406)

**YOU CAN'T AFFORD TO MISS THE NAB CONVENTION!**

**St. Francis Hotel**

**San Francisco**

**August, 4-5-6-7**



**THE NATIONAL ASSOCIATION OF BROADCASTERS**

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President*

C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*; Andrew W. Bennett, *Special Copyright Counsel*

## CONVENTION PROGRAM

(Continued from page 4405)

General Federation of Women's Clubs  
International Society Christian Endeavor  
Jewish Welfare Board  
Knights of Columbus  
National Conference of Christians and Jews  
National Association for the Advancement of Colored People  
Roosevelt Memorial Association  
Workers' Educational Bureau of America  
Young Men's Christian Association  
Young Women's Christian Association.

## Tentative Convention Program

### Sunday, August 4

9:00 a. m.	REGISTRATION	Mezzanine Balcony
to		
6:00 p. m.		
10:30 a. m.	GOLF TOURNAMENT	California Golf Club
	"Broadcasting" Trophy	
Times of	COMMITTEE MEETINGS	Places of these meet-
these meet-	Code Committee	ings to be announced
ings to be	Sales Managers Committee	
announced	Legislative Committee	
	Research Committee	
	Accounting Committee	
	Engineering Committee	
	(Other Committee meetings	
	to be set.)	
4:00 p. m.	COCKTAIL PARTY	Press Club Building
to	San Francisco Press Club	449 Powell Street
7:00 p. m.		
6:30 p. m.	BOARD OF DIRECTORS DINNER	

### Monday, August 5

10:00 a. m.	BUSINESS SESSION	Colonial Ball Room
	Address of Welcome—Hon.	
	Angelo J. Rossi, Mayor	
	of San Francisco	
	President's Annual Report	
	Appointment Convention	
	Committees	
	Secretary-Treasurer's Report	
	Labor, Wages and Hours—	
	Joseph L. Miller, NAB	
	Director of Labor Rela-	
	tions	
	Proposed Amendment to	
	By-Laws	
	Report of Nominating Com-	
	mittee on Directors-At-	
	Large	
12:30 p. m.	LUNCHEON	Colonial Ball Room
	Hon. James Lawrence Fly,	
	Chairman, Federal Com-	
	munications Commission,	
	Speaker	
	(Topic to be announced)	

### GROUP MEETINGS

2:15 p. m.	IRNA—Samuel R. Rosen-
	baum (WFIL), Presiding
2:15 p. m.	NIB—Harold A. Lafount
	(WCOP), Presiding
2:15 p. m.	National Sales Managers,
	station and agency repre-
	sentatives—William Cline
	(WLS), Presiding
4:15 p. m.	Clear Channel—Edwin W.
	Craig (WSM), Presiding
4:15 p. m.	Regional Stations — John
	Shepard (Yankee Net-
	work), Presiding
4:15 p. m.	Local Stations—John Elmer
	(WCBM), Presiding

### EXPOSITION

All delegates will be guests of the Exposition at Folies Bergere, American Cavalcade and Billy Rose's Aquacade on Treasure Island.

### Tuesday, August 6

8:30 a. m.	BREAKFAST SESSIONS — NAB	Places of meetings
	Staff Directors	to be announced
	<i>Presiding</i>	
	Engineering Roundtable—	
	Lynne C. Smeby, Presid-	
	ing	
	Public Relations and Code	
	Roundtable—Edward M.	
	Kirby, Presiding	
	Research Roundtable—Paul	
	F. Peter, Presiding	
	Law Roundtable — Russell	
	P. Place, Presiding	
	Labor and Wages and Hours	
	Roundtable — Joseph L.	
	Miller, Presiding	
10:00 a. m.	BUSINESS SESSION	Colonial Ball Room
	Report of Nominating Com-	
	mittee	
	Election of Directors-At-	
	Large (Ballot boxes open	
	10:00 a. m. to 4:00 p. m.)	
10:05 a. m.	BROADCAST MUSIC, INC.	
	Neville Miller, President,	
	BMI	
	Sydney M. Kaye, Vice Pres-	
	ident and General Coun-	
	sel, BMI	
	Merritt E. Tompkins, Gen-	
	eral Manager, BMI	
	Carl Haverlin, Stations Re-	
	lations Director, BMI	
12:30 p. m.	LUNCHEON	Colonial Ball Room
	Hon. Louis Johnson, Assis-	
	tant Secretary of War,	
	Speaker	
	"Sponsors of National De-	
	fense"	
2:15 p. m.	BUSINESS SESSION	Colonial Ball Room
	NAB Sales Managers Divi-	
	sion Meeting — William	
	Cline (WLS), Presiding	
2:15 p. m.	"The Unit Plan of Volume	
	Measurement—A Broad-	
	caster's Views"—William	
	Scripps, Chairman, NAB	
	Research Committee	
2:30 p. m.	Report on "The Unit Plan	
	of Volume Measurement"	
	—Paul F. Peter, NAB	
	Director of Research	
2:45 p. m.	Roundtable on Unit Plan of	
	Volume Measurement	
	Representative of ANA	
	Representative of AAAA	
	Representative of NRDGA	
	Representative of Sales	
	Managers	

- 3:15 p. m. General Discussion — Unit Plan of Volume Measurement
- 3:45 p. m. Vote on Unit Plan of Volume Measurement
- 3:50 p. m. Audimeter Audience Measurement—A. C. Neilson, A. C. Neilson Co.
- 6:30 p. m. MEETING NEW BOARD OF DIRECTORS
- 7:30 p. m. TELEVISION  
Talk on Television — Ted Smith, RCA  
Talk on Television—Harry Lubcke, Director of Television, Don Lee Broadcasting System  
Television Demonstration  
Roundtable Discussion on Television

Wednesday, August 7

- 8:30 a. m. BREAKFAST SESSIONS — NAB Staff Directors, Presiding Engineering Roundtable — Lynne C. Smeby, Presiding  
Bureau of Radio Advertising—Edward M. Kirby and Paul F. Peter, Presiding  
Law Roundtable — Russell P. Place, Presiding  
Labor and Wages and Hours Roundtable — Joseph L. Miller, Presiding
- 10:00 a. m. BUSINESS SESSION Colonial Ball Room  
Edgar Bill (WMBD), Chairman, NAB Code Compliance Committee, Presiding  
Dr. Frank Kingdon  
Special Events Broadcasting —Mark Ethridge (WHAS), Presiding  
Herbert Hollister, General Manager, KFBI, Wichita, Kansas  
A. A. Schecter, Director of News and Special Events, NBC  
Paul W. White, Director of Public Affairs, CBS
- 12:30 p. m. LUNCHEON Colonial Ball Room  
(No official luncheon but we have agreed to cooperate with INS by making the Colonial Ball Room available for the luncheon they are tendering to the delegates)
- 2:15 p. m. FM BROADCASTING  
FM—John Shepard, President, FM, Inc., Presiding  
(Two speakers to be selected: one on FM Equipment and one on Practical Aspects of FM Broadcasting.)  
FM Demonstration  
Roundtable discussion on FM
- 4:00 p. m. FM, INC., EXECUTIVE SESSION Place to be announced
- 4:30 p. m. REPORTS OF COMMITTEES UNFINISHED BUSINESS
- 8:00 p. m. ANNUAL BANQUET California Ball Room  
Treasure Island

## N. Y. NEWS SENDS RADIO EDITOR TO CONVENTION

The New York *News* appreciates the importance of the forthcoming NAB convention. The paper is sending Ben Gross, its radio editor, to San Francisco to give its readers complete coverage. Other eastern papers are considering sending special correspondents, also.

## BMI DEVELOPMENTS

### BMI FEATURE TUNES

July 15-July 22

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THAT'S FOR ME
4. FOOEY ON YOU
5. DON'T THE MOON LOOK PRETTY?

Record it in your history books that BMI began to publish music during the first week of April, 1940, and that three months later, to wit, during the first week of July, 1940, two BMI songs were on the lists of the music most often played over the air. *Here in the Velvet Night* and *We Could Make Such Beautiful Music* are No. 13 and No. 19 respectively on the "sheet" in *Variety* for July 10, 1940, and the same two appear in the list published by the *New York Enquirer*.

Theme song of the new Lifebuoy program, *The Adventures of Mr. Meek*, is *Watching and Waiting* by Elliott Jacoby. It will be published by BMI. The program began on July 10, will be heard every Wednesday at 7:30 p. m., EDST, with a repeat for the West, and is being carried by CBS on a 68-station hook-up.

The composer is appearing on the program with his own band. He is one of the country's best known arrangers and has already turned out the orchestrations for several BMI numbers.

Another new song which BMI will publish was written by Ernest Gold, Beasley Smith, and Hank Fort. The name of Ernest Gold has already appeared on BMI music. Beasley Smith is a staff musician at WSM in Nashville, Tennessee. And Hank Fort is—attractive young Mrs. Eleanor Fort of Nashville. When she was asked why she used the name "Hank," she allowed as how she had on some occasions been regarded by some people as being somewhat of a tomboy. Her song is *Somethin' Grand*. BMI thinks Hank is, too, and she feels the same way

about BMI because it is the first publishing house to give her a break.

In the Dallas (Texas) *Journal* for June 15, 1940, Ruth Carlton wrote:

Robert MacGimsey sang his original and delightful Negro songs at McFarlin auditorium Friday night, exhibited his amazing two-part whistling and made lengthy excuses for ASCAP—American Society of Composers, Authors, and Publishers—which organization is sending him out as a public relations man.

The whistling had the audience leaning forward in amazement, and the rhythmical songs won many a chuckle as well as some tapping feet, but the ASCAP talk completely alienated his audience. All the things ASCAP has done for the widows and children of composers, and what it might have done for Schubert if he had just had the good sense to be born a century later, were mentioned. The audience, however, was purely uninterested in the charitable motives of ASCAP. In this day of terse radio commercials the public is quick to resent advertising that comes sugar coated as entertainment.

Bills and checks are not ordinarily considered literature and comments added to them are seldom of the sort that can be quoted. One came to BMI, however, on the return of the call for the license fees which is well worth quoting:

This is one check we love to write. If paying more would hasten the job—we'd be for it.

## Fly Discusses Defense

There is no occasion now for the broadcasting industry to be alarmed about any defense plans, FCC Chairman James Lawrence Fly stated at a press conference this week. There is every reason for the industry not to be alarmed he said, not only because full committees will represent every phase of the communications industry in the defense program, but because the situation and the state of mind of the people necessitates the leaving of private operation in private hands "so that broadcasting will continue to function as now performed."

Mr. Fly told the newsmen that it would be unfortunate if commercial operation today is at all influenced by any belief to the contrary.

"There is no reason in the world," he said, "that broadcasting should not go on absolutely unimpeded. Any suggestion that there is any problem there is far-fetched and quite inaccurate and not fair to broadcasters."

Mr. Fly stated that he could see no effect on present broadcasting in any way short of war. Even then he said things would be pretty liberal. "The Government has no intention of unnecessarily burdening or hampering normal operations." The Chairman added not only that but "our Government isn't qualified to take over broadcasting," which is a very important consideration. Should we ever get in war, he continued, there would be particular things that Government would need to do, but these things would be particular and not sweeping in character.

Chairman Fly told the reporters that he has done everything in a substantial informal way in connection with the setting up of the proposed new Communications Defense Committee in cooperation with the various interested departments. There is a general agreement on the plan he said, and no issues have arisen. Mr. Fly said that there are no outstanding problems regarding the setting up of this Committee and the personnel has been tentatively agreed upon and no difficulties have been encountered in this connection.

## Labor

### NAME BANDS BACK

A. F. of M. difficulties at Stations KSTP, St. Paul, and WRVA, Richmond, Va., were settled this week, and the network name bands returned to the air.

The union had ordered the name bands not to broadcast because, the union maintained, KSTP and WRVA were not spending their "quotas" for staff musicians.

### TRANSMITTER CARETAKERS

Transmitter caretakers are covered by the Wage and Hour Act, and must be paid a minimum of 30 cents an hour with time and one-half for overtime above 42 hours a week.

The following exchange of correspondence will be of interest:

July 2, 1940

Mr. Milton Denbo, Chief Opinion Attorney  
Wage and Hour Division  
U. S. Department of Labor  
Washington, D. C.

Dear Mr. Denbo:

A western broadcaster poses this question:

We employ a yard man whose sole duty during the spring, summer and autumn months is to cut and water the huge lawn and terraces, take care of the flowers, shrubs, trees and do general horticultural work at our transmitter site. He works more than forty-two hours a week during these months. During the winter we could easily dispense with his services but, because he has a wife and two small children we keep him on the payroll and create little odd jobs around the transmitter to keep him busy a few hours each day. Both he and we would like to pay him a constant salary the year around, but if we are forced to pay him overtime during the summer months, we cannot afford to pay him during the winter. Is he exempt from the Act as an agricultural or domestic worker during these months when his sole duty is caring for flowers, etc.?

Because nearly every radio station in the country has an employee with similar duties, the entire industry would be grateful for your opinion.

Sincerely yours,

JOSEPH L. MILLER,  
Director of Labor Relations.

JLM/hml

U. S. DEPARTMENT OF LABOR WAGE AND HOUR  
DIVISION

Washington

July 8, 1940

In Reply Refer To:  
LE:CRR:VDM

Mr. Joseph L. Miller  
Director of Labor Relations  
National Association of Broadcasters  
Normandy Building, 1626 K Street, N. W.  
Washington, D. C.

Dear Mr. Miller:

Mr. Denbo has asked me to answer your letter of July 2 regarding the applicability of the Fair Labor Standards Act in the case of an employee employed, apparently, by a broadcasting company and performing certain services at the transmitter site. During the summer months he is engaged in maintaining the flowers, shrubs, and lawn about the premises. During the winter months he performs odd jobs around the establishment for a few hours a day.

From the facts stated, it is our opinion that the duties performed by this employee are so closely associated with the interstate activities of the establishment at which he is employed as to entitle him to the benefits of the law. It would not appear that the employee in question would be regarded as engaged in agriculture nor is he employed as a domestic servant as suggested by your letter.

Very truly yours,

For the General Counsel

RUFUS G. POOLE,

Associate General Counsel.

## LABOR BOARD ORDER IN WFBM CASE

The National Labor Relations Board has announced an order requiring Indianapolis Power & Light Company, Indianapolis, Indiana, owner of Station WFBM, to cease discouraging membership in the CIO's United Utility Workers Organizing Committee and the AFL's Associated Broadcast Technicians' unit of the International Brotherhood of Electrical Workers, or in any other labor union. The company was also required to cease encouraging membership or in any manner supporting or assisting Indianapolis Power & Light Employees' Protective Association.

Finding that the company had practiced discriminations against members of the nationally affiliated organizations, the Board ordered the company to reinstate with back pay Sidney Collier and Thomas Elberg and to give back pay losses to Russell Rennaker.

*(Rennaker is not an organizer for the ABT.)*

The Board dismissed allegations that the company had discriminated against three other employees, had engaged in surveillance of union meetings, or had interfered with the formation of the Association.

Prior to 1937, the Board said, no labor organization existed among the company's employees. In March of that year Rennaker and a fellow employee called a meeting for the purpose of discussing organization among the employees of radio station WFBM. In May 1937 the CIO began its organization among the generating plant employees. The Association, which had a prior birth, began to take a prominent role among the company's employees following the CIO's activities.

The Board found that on the day preceding the meeting called by Rennaker for employees of WFBM, the company notified each of them of an increase in pay. The Board held that the raise in wages "plainly was intended . . . to express employer opposition to and forestall a series of joint action which the respondent (power company) feared would result in collective action in the formation of a labor organization at the station."

It continued: "The Board and the courts (2nd and 9th C.C.A.) repeatedly have recognized as intimidatory in its effect upon employees in the exercise of rights guaranteed by the Act and as

violative of the statute, the grant of a wage increase by the employer under circumstances calculated to and which does disclose to employees the employer's hostility to organization or to other concerted activity protected by the Act."

Although the radio station employees at that time were not members of a labor organization, the Board, after citing the Act's guarantee of the right to engage in concerted activities for mutual aid and protection, stated:

"Of this provision we have observed that employer conduct which discourages employees from engaging in concerted activities for purposes of collective bargaining or mutual aid or protection, where no labor organization exists, also 'has the effect of discouraging the formation of and membership in a labor organization, which is the customary instrument utilized by employees to achieve collective bargaining.'"

The Board found that Rennaker was dismissed from WFBM on January 15, 1938, having been employed for four years as an operator and ranking third in seniority among the company's seven other operators. After an examination of the evidence, the Board ruled that Rennaker was not discharged for business conditions, pointing out that four months later one employee was transferred from another department to perform operational work and that some time later an additional worker was hired. Also, the Board ruled that the company departed from its seniority policy and its policy of preferring married to unmarried workers in laying off employees. Considered in the light of the entire record, the Board said that Rennaker was discharged because of his undertaking to form a local of the ABT and that the company had thereby violated the Act.

The company contended that it dismissed Collier and Elberg from its generating plant at Harding Street because of a decline in energy consumption. Although the Board found that the company did experience a decline in consumption, it ruled that these two employees were singled out for lay-off, in violation of their seniority rights, because of their interest in organization. The Board found that they were dismissed by the company on January 6 in furtherance of the same anti-union policy which had resulted in Rennaker's discharge. It said that the record revealed that the employees' willingness to assume direction of organization and more especially their participation in a wage request and their positions as officers in the UWOC were the determining factors which resulted in their being selected rather than other employees of lesser seniority for dismissal.

The Board considered evidence relating to the alleged union discriminations of Roy Payton, Harry Wilkins, and Dewey Logsdon and agreed with the finding of Trial Examiner Horace A. Ruckel that they did not present cases of union discrimination.

## FREE SPEECH

Two federal circuit courts of appeals have held recently that an employer may freely discuss with his employees the question of whether they should join a labor union, so long as the employer exercises no interference, restraint or coercion.

In the case of *Midland Steel Products Company vs. NLRB*, the Sixth Circuit Court said, in part:

"But neither statement of fact nor expression of opinion by the employer is prohibited by the statute (Wagner Act), and if they were, the statute would contravene the free speech provision of the First Amendment. . . . Unless the right of free speech is enjoyed by employers as well as by employees, the guaranty of the first amendment is futile, for it is fundamental that the basic rights guaranteed by the Constitution belong equally to every person. The use of influence amounting to interference, restraint or coercion plainly is illegal. . . . But where no such element exists, the employer is not precluded from conversing with employees about labor questions."

In the case of *Continental Box Company vs. NLRB*, the Fifth Circuit Court said, in part:

"The constitutional right of free speech in regard to labor matters is just as clearly a right of employers as of employees, and if the act purported to take away this right, it could not stand. But the enforced statute has not undertaken at all to interfere with or limit the right of free speech. All that the statute prohibits is domination, interference and support. The

employer has the right to have and to express a preference for one union over another so long as that expression is the mere expression of opinion in the exercise of free speech, and is not the use of economic power to coerce, compel or buy the support of the employees for or against a particular labor organization."

The issue of free speech and the Wagner Act has yet to come before the Supreme Court. Until it is finally determined, employers should be cautious in talking to employees about labor union questions.

## Promotion

### STATIONS SHOULD PROMOTE RADIO AT STATE AND COUNTY FAIRS

Institutional promotion for radio is to have a prominent part in the activities which many stations are planning for state and county fair participation.

Stations with a long history of successful fair exhibitions seldom fail to tie-in institutional promotion along with station exploitation.

This year it is especially desirable that such a policy be continued by "old timers" and adopted by newer fair participants.

It is suggested that in promoting station services and program excellence, definite attention be given to the inclusion of promotion for the American System of Broadcasting; and particularly the fact that American radio is *free*—without dictator—and must remain free.

Among the many fair-minded stations are: WLS, WSYR and WDAY.

Bill Cline, commercial manager, explained the details of WLS' coverage of three state fairs, during a visit here this week.

Arnold F. Schoen, service director, has prepared plans for participation of WSYR, Syracuse, in the New York State Fair.

Bill Dean, publicity and promotion director, plans to make WDAY activities an outstanding feature of the famous Red River Valley Fair.

Said Mr. Schoen:

"This year we plan to promote radio in a little bit different way and perhaps more extensively than ever before. Our plans for Radio Festival Week will be combined with an increased activity program at the New York State Fair, August 25 to September 2.

"This year we plan to occupy a complete wing of the Manufacturers' and Liberal Arts Building, maintaining a broadcasting studio-stage and a theater in which such films as NBC's 'Air-waves' and 'Television' and several others will be exhibited.

"Our exhibit and activities at the New York State Fair will be viewed by from 10,000 to 60,000 persons daily. We are fortunate to be located in a State Fair city—especially the Empire State-State Fair. Since this is the One Hundredth Anniversary of the Agricultural and Industrial Exposition, the Fair should be bigger and better than ever and our plans are definitely more extensive than ever before."

As for Mr. Dean, he, too, will combine National Radio Festival with Red River Valley Fair. In addition to Open House at the Fair Ground studios, Open House will

be maintained at the station's downtown Fargo studios and the transmitter. A special all talent review will be built around the American System of Broadcasting. Programs will originate at the Fair Ground studios and the main studios. There will be interviews at the Fair and special man-on-the-street shows and a "Do You Know Your Radio?" program built for the purposes of institutional promotion. Advance promotion will include both broadcasting and the press. The combined Radio Festival at Red River Valley Fair "promises to be greatest promotional event in the history of WDAY," Mr. Dean concludes.

### WGY PROMOTION

Kolin Hager, manager, WGY, Schenectady, deftly handled the American System of Broadcasting in his talk over the station at 7:45 p. m., Sunday, June 24. This is a subject which needs continuous interpretation for the citizenry at large. Mr. Hager's talk follows:

"The National Association of Broadcasters—a countrywide organization of the more important broadcasting stations—has set aside this week in June as a Radio Get-Acquainted period. In cities throughout the nation, listeners have been invited to learn more about the organizations providing them with broadcasts of information and entertainment.

"WGY as one of the pioneer stations of America joins in this Radio Festival which tonight is officially proclaimed to our listeners near and far by the Honorable Mills Ten Eyck, Mayor of Schenectady.

"Many people are inclined to regard radio broadcasting as something distinctive to this terrifying twentieth century in which we find ourselves. In truth, only radio is new. Broadcasting—or the spreading of information in all directions—is of great antiquity.

"Ours is the one nation in all the world with a system of broadcasting which must stand or fall by the extent to which it wins the approbation of the listening audience. Here indeed is the only radio system which has the operating philosophy of 'What does the audience want—what can we bring to our listeners in news, religion, entertainment, culture—the great pageant of history in the making—to make lives more full, information more complete?'

"Through this medium we listen at will without fee or license, hindrance or restraint, and the effect of radio broadcasting on the thinking of men and women is ever-widening. Our course at WGY has been toward maintaining a democracy of the air. So that this ideal may stand out as a goal, every effort is made to keep abreast of the ever-changing tastes of the radio audience. Radio has never dealt in an ivory tower. It is of the people, by the people, for the people.

"Radio must ever continue to serve the masses as well as the classes. It can never survive or justify its existence on any other basis. And so during this week in particular we welcome you—especially those who have not yet visited our studios—to come to the station and become better acquainted with us and what we're endeavoring to accomplish.

"Looking forward we must contemplate the changes that come to all men and to all nations as the future unfolds. It is WGY's hope in behalf of the General Electric Company and the National Broadcasting Company that we may continue to be a means through which a democracy of the air may be maintained and ever-expanded to serve the people of America."

### "IS YOUR HAT IN THE RING?" MAILED NEXT WEEK

Sample copies of the 1940 edition of "Is Your Hat In the Ring?" will be mailed to member stations next week. This is the booklet which has taught microphone technique to hundreds of political speakers in every state in the Union. It incorporates new FCC rules governing broad-

casts by candidates for public office, dated June 24, 1940.

The price is 4¢ per copy, postage extra. Order from headquarters.

## Sales

### STATIONS SHOULD SEND IN DEPARTMENT STORE QUESTIONNAIRE TODAY

The Research Department has received 225 returns from the questionnaire mailed to all commercial stations May 15, 1940. Those stations which have not returned the Department Store questionnaire are urged to do so. Without complete data on the subject, it is not possible to prepare the cooperative study of Department Store use of radio NAB and the National Retail Dry Goods Association are undertaking.

Forty-one of the stations reporting do not currently have Department Store business. More than a hundred others have only a negligible amount. All of these replies have been most helpful in outlining the sales problems confronting stations. They constitute as valuable a part of the study as the answers from stations currently having such substantial business.

Whether stations currently have Department Store business or not, they should return the questionnaire to the Research Department. The NAB can't help stations get Department Store business without receiving completed questionnaires.

## Engineering

### RULES AFFECTING OPERATORS TIGHTENED

New rules to strengthen and make more definite certain prohibitions with respect to conduct of commercial and amateur radio operators were approved this week by the FCC, effective immediately.

Under authority contained in the Communications Act, the Commission amended its "Rules Governing Amateur Radio Stations and Operators" as follows:

Sec. 12.28 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

Sec. 12.81 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

Sec. 12.82 *Unidentified communications.* No licensed radio operator shall transmit unidentified radio communications or signals.

Sec. 12.29 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

Sec. 12.30 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

Sec. 12.50 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

Likewise, the Commission supplemented its "Rules Governing Commercial Radio Operators" with:

Sec. 13.64 *Obedience to lawful orders.* All licensed radio operators shall obey and carry out the lawful orders of the master or person lawfully in charge of the ship or aircraft on which they are employed.

Sec. 13.65 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

Sec. 13.66 *Unnecessary, unidentified, or superfluous communications.* No licensed radio operator shall transmit unnecessary, unidentified, or superfluous radio communications or signals.

Sec. 13.67 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

Sec. 13.68 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

Sec. 13.69 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

Sec. 13.70 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator's license by fraudulent means.

Under these provisions the Commission clarifies its authority to prosecute as well as suspend licenses in cases of violation.

### STRUCTURE ERECTION NOTICE

The Civil Aeronautics Authority has issued a regulation requiring advance notice from a person engaged in the construction or alteration of any structure within 3 miles of the nearest boundary of any landing area along or within 10 miles of a civil airway which will exceed one-fiftieth in height the distance to the nearest boundary of the landing area. Full details of the regulations can be obtained by writing to the Civil Aeronautics Authority, Washington, D. C., asking for regulations serial number 76.

## Miscellaneous

### NAB RESEARCH COMMITTEE

A meeting of the NAB Research Committee was held in the NAB Headquarters in Washington, Wednesday, July 10th. Mr. William J. Scripps, Chairman of the Committee, presided over the meeting with H. M. Beville, Jr., NBC Research Manager, James D. Shouse, Vice President of Radio Stations WLW-WSAI, Dr. Frank N. Stanton, CBS Research Director, Neville Miller, NAB President, C. E. Arney, NAB Assistant to the President, and Paul F. Peter, NAB Director of Research, in attendance. Mr.

William R. Cline, Sales Manager of Radio Station WLS, Chairman of the NAB Sales Manager's Committee, attended the meeting as a guest.

The committee completed discussion of plans for a Unit Measurement of Broadcast Advertising Volume and outlined the report to be presented to the NAB Board of Directors, and, subject to its approval, to the San Francisco Convention in August. Other subjects discussed included the work of the Bureau of Radio Advertising and the place of research in its activity, the proposal of publishing survey results of a basic industry nature by the Bureau, and possible NAB participation in future industry research.

The committee voted to hold its next meeting in San Francisco, August 4th, 1940.

### **INCREASED POPULARITY FOR U. S. SHORT WAVE IN SOUTH AMERICA**

Increasing popularity in Latin America of radio programs originating in the United States is indicated in consular reports reaching the Department of Commerce from the Latin American countries, according to John H. Payne, Chief, Electrical Division.

While it is frequently reported that reception in certain of the countries is not good, due to adverse atmospheric conditions or technical limitations, the excellent quality of the programs is commented upon in most of the communications.

Mr. Payne said that transmission of radio programs to Latin America is considered of mutual benefit, since it makes available in that region many of the high quality programs heard in the United States and at the same time is a medium through which the Latin American public is informed of our customs, culture and endeavors.

News reports emanating from American short-wave broadcasting stations have probably acted as the greatest single factor in enhancing the popularity of American broadcasts among Latin American listeners. Mr. Payne believes, too, that emphasis on entertainment value which characterizes American broadcasts also contributes greatly to their popularity.

Publication in newspapers and other periodicals in Latin America of schedules of short-wave radio programs originating in the United States and beamed directly on Latin America is being effected by the Department of Commerce in close cooperation with the Department of State, the Radio Manufacturers Association and the radio broadcasting industry. Mr. Payne indicated that a greater volume of sort-wave programs is put on the air by American broadcasters than in any foreign country.

Weekly schedules of forthcoming radio programs, especially prepared or selected on the basis of known preferences of radio listeners in Latin America and frequently presented in the languages most widely understood in that area, are distributed in Latin American countries

through the Foreign Offices of the United States Government.

At the present time, 7 companies operating 11 short-wave radio stations located in New York, N. Y., Schenectady, N. Y., Boston, Mass., Philadelphia, Pa., Pittsburgh, Pa., Cincinnati, Ohio, and San Francisco, Calif., are transmitting these programs daily to Latin America.

### **1940 CENSUS**

The Bureau of the Census, Department of Commerce, is currently releasing preliminary 1940 population figures on cities of 25,000 or more population. The figures they are now releasing are counts made by their district supervisors in the field and are subject to change when the final tabulation of the Census is made in Washington.

Through July 6th, the Census Bureau has reported preliminary population figures on 129 cities of more than 25,000 population in 1940. The total population of these 129 cities increased from 19,629,749 to 20,479,786, or 4.3% between 1930 and 1940, compared with an increase of 20.5% between 1920 and 1930. Of the 129 cities, 99 have gained population and 30 have lost in the last 10 years, whereas, between 1920 and 1930, 119 gained and only 10 cities lost population.

### **MUNICIPAL GOVERNMENT PROGRAMS**

The Educational Radio Script Exchange, U. S. Office of Education, has available 15 thirty-minute scripts dealing with the operation of municipal government, which might interest broadcasters.

The scripts are for dramatizations of the work of municipal government departments—fire, police, and others—which could be adapted to local conditions.

Their use might go a long way toward promoting good will between radio stations and municipal government officials, as well as providing excellent educational programs for the listening public.

## **The Commission**

### **HEITMEYER AND FRONTIER CASES**

The FCC on July 11 announced decisions with respect to docket cases involving construction of new radio broadcasting stations at Cheyenne, Wyo.

It denied motion of Paul R. Heitmeyer to grant without further hearing his application for a construction permit but complied with his alternative request that his application be dismissed. At the same time, the Commission granted the petition of the Frontier Broadcasting Company to reconsider Commission action in remanding its

application for hearing and granted the same without further hearing.

In doing so it authorized the Frontier Company to operate on 1420 kilocycles, with power of 100 watts night, 250 watts until local sunset, unlimited time of operation, subject to condition that permittee file within a period of two months an application for modification of construction permit specifying the exact transmitter location and antenna system proposed to be installed.

Decisions and orders, prepared pursuant to Commission action of July 5, were made public today. With reference to the Heitmeyer case (Docket No. 3161), which had been previously involved in litigation, the Commission commented:

"The necessity of obtaining current information after a time interval such as that occurring between the original filing and consideration of the instant application and the present date is readily demonstrated by reference to certain contractual arrangements upon which the applicant relied to show financial ability at the time of his hearing in October, 1935. The applicant at that time proposed to finance the new station from a loan of \$40,000 which he had obtained from A. L. Glasman and which he had agreed to repay within five years with interest at 6%, in default of which Glasman was to become owner of certain stock in various corporations which were to be organized. This contract will expire within a few months by its terms, if it has not already been terminated by the makers. In any event, the Commission does not have information as to the present status of the contract of October 1935, or with respect to the applicant's financial status at this date.

"Since the Commission considers that the information which it requested, but which is refused by the applicant, is necessary to further consideration of the application, the only alternative is to dismiss the application as prayed for by the applicant."

In granting the Frontier application the Commission observed:

"The service which the applicant proposes to establish is designed to meet the local needs and interests of Cheyenne and its surrounding area. A permit was recently granted for construction of a station in Cheyenne but as yet this city does not have a radio broadcast station although it is the capital of Wyoming and one of the State's largest communities.

"The equipment applicant proposes to install conforms to standards established by regulation and may be expected to provide efficient service from a technical standpoint. Operation of the proposed station upon the frequency specified by the applicant will not cause objectionable interference to any other station.

"The Commission finds, upon further consideration of the application of Frontier Broadcasting Company in connection with the supplemental information which has been submitted, that the applicant is legally, technically, and financially qualified to construct and operate the proposed station; and that the granting of a construction permit therefor will serve public interest, convenience, and necessity."

## 847 STATIONS

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

	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	April 1	May 1	July 1	July 1
Operating .....	735	738	739	743	751	755	765	769	771	775	779	783	791
Construction .....	43	56	59	57	58	57	49	48	51	48	47	53	56
	778	794	798	800	809	812	814	817	822	823	826	836	847

## FEDERAL COMMUNICATIONS COMMISSION

### FINAL ORDER

FCC has announced adoption of an order granting the application of Joe W. Engel for a new station in **Chattanooga, Tenn.**, to operate on the frequency **1370 kilocycles**, with 250 watts, unlimited time, upon condition that permittee shall file an application for modification of construction permit specifying exact transmitter location within two months after effective date of order.

### PROPOSED FINDING OF FACT

FCC has also announced its proposed findings of fact and conclusions, proposing to affirm the recommendations of Commissioner Payne to revoke the license of the East Texas Broadcasting Company (KGKB), **Tyler, Texas**, operating on **1500 kilocycles**, with 250 watts, unlimited time.

Upon consideration of all the facts of record, the Commission finds that the East Texas Broadcasting Company, licensee of station KGKB, had, on some date unknown to the Commission during the year 1936, delegated the operation and management of the station to one James G. Ulmer. By virtue of such action the company voluntarily transferred the rights theretofore granted to it by terms of the license issued by this Commission, without its consent in writing for such transfer or assignment, in violation of the provisions of the Communications Act of 1934, as amended.

East Texas Broadcasting Company, licensee of station KGKB, did therefore violate the provisions of the license heretofore issued to it for the operation of said station, and the revocation order entered in this matter on February 13, 1940, is affirmed.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast oral arguments are scheduled before the Commission for the week beginning Monday, July 15. They are subject to change.

Thursday, July 18

Oral Argument Before the Commission

Report No. B-107:

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., 1410 kc., 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license, **1410 kc.**, 1 KW, unlimited; and auxiliary, **1410 kc.**, 500 watts, 1 KW LS. Time: Auxiliary purposes only.

### FUTURE HEARINGS

Following future broadcast hearings have been scheduled before the Commission. They are subject to change.

#### August 13

NEW—God's Bible School and College, Cincinnati, Ohio.—C. P., **11710, 21610 kc.**, 60 KW night, 60 KW LS. Emission A-3, share time on **11710 kc.**, unlimited time on **21610 kc.**

#### August 19

NEW—George F. Meyer, Medford, Wis.—C. P., **1500 kc.**, 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KVI—Laura M. Doernbecher, Executrix of the Estate of Edward M. Doernbecher, Tacoma, Wash.—Granted consent to voluntary transfer of control of Puget Sound Broadcasting Co., licensee of Broadcast Station KVI, Tacoma, Wash., from Laura M. Doernbecher, Executrix of the Estate of Edward M. Doernbecher (deceased), to Laura M. Doernbecher; **570 kc.**, 5 KW day and night, unlimited time (B5-TC-230).

WSUN—City of St. Petersburg, Fla., St. Petersburg, Fla.—Granted construction permit to increase night power from 1 KW to 5 KW and make changes in directional antenna system; **620 kc.**, 5 KW day, specified hours.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted construction permit to make changes in directional antenna and increase power from 1 KW night, 5 KW day, to 5 KW day and night, directional antenna night; frequency **620 kc.**, specified hours (B3-P-2715).

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted construction permit to install new transmitter, directional antenna, and increase power from 250 watts night, 1 KW day, to 1 KW night, 5 KW day; frequency **620 kc.**, unlimited time (B3-P-2461).

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted modification of license to increase night power to 5 KW, using present directional antenna day and night; 5 KW day; **1010 kc.**, unlimited time (B5-ML-907).

WMFR—Wayne M. Nelson, High Point, N. C.—Granted consent to voluntary transfer of control of Radio Station WMFR, Inc., licensee of Station WMFR, from Wayne M. Nelson to James E. Lambeth; **1200 kc.**, 250 watts day and night, unlimited time (B3-TC-221).

WCHN—Mrs. Marcia Arrington, Charlottesville, Va.—Granted transfer of control of Community Broadcasting Corp., licensee of Station WCHV, from Mrs. Marcia Arrington to Charles Barham, Jr.; **1420 kc.**, 250 watts, unlimited time (B2-TC-229).

KXO—E. R. Irey and F. M. Bowles, El Centro, Calif.—Granted renewal of license for period ending October 1, 1940, to F. M. Bowles (B5-R-5).

WGCM—WGCM, Inc., Gulfport, Miss.—Granted construction permit to move transmitter site from Great Southern Country Club (East Beach, Gulfport), Mississippi City, Miss., to Arlington Heights, Gulfport, Miss.; to increase night power to 250 watts, and install new antenna; **1210 kc.**, 250 watts day unlimited time (B3-P-2618).

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted construction permit to increase power from 100 watts day and night to 250 watts day and night, and make changes in equipment; **1210 kc.**, unlimited time (B2-P-2561).

WHAT—Bonwit Teller & Co. of Philadelphia, Philadelphia, Pa.—Granted consent to transfer of control of Independence

Broadcasting Company, licensee of Station WHAT, Philadelphia, Pa., from Bonwit Teller & Co. of Philadelphia to The Philadelphia Record Co.; **1310 kc.**, 100 watts night and day, shares WTEL. Granted with proviso that Commission's action shall not be construed as a finding with respect to a future transfer of control of the licensee corporation to the preferred stockholders of the Philadelphia Record Co. or the Courier Post Co. (B2-TC-218).

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted construction permit to install new transmitter and increase day and night power from 100 watts to 250 watts; frequency **1370 kc.**, unlimited time (B5-P-2797).

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted construction permit to increase power from 100 watts, daytime, to 1 KW, limited to sunset at WCFL, Chicago, Ill.; **970 kc.**

### MISCELLANEOUS

Kokomo Broadcasting Corp., Kokomo, Ind.—Deferred application for construction permit for new Class IV broadcast station to operate on **1420 kc.**, 250 watts, unlimited time, pending North American Regional Broadcast Agreement allocations (B4-P-2842).

Anthracite Broadcasting Co., Inc., Scranton, Pa.—Granted motion to dismiss without prejudice the application for construction permit for new station to operate on **1370 kc.**, 250 watts night, 250 watts LS, unlimited time (B2-P-2575).

General Broadcasting, Inc., Miami, Fla.—Granted petition for leave to amend application for new station so as to request **920 kc.**, 5 KW, unlimited time, directional antenna day and night (B3-P-2749).

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted motion for extension of time within which to file exceptions, brief and request for oral argument in re application for construction permit to install directional antenna for day and night use and move transmitter to southwest of Kansas City, Kans., and studio to Kansas City, Mo.; granted additional 30 days (B4-P-2272).

WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wis.—Granted special temporary authority to remain silent on July 4, 1940, due to absence of Federal Market Information (B4-S-619).

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted license to cover construction permit as modified for new station, frequency **1200 kc.**, power 100 watts, daytime operation (B2-L-1157). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-404).

WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Granted construction permit to install new vertical antenna and new transmitter, and move transmitter from Wayne, N. J., to New Rochelle, N. Y.; **860 kc.**, 50 KW, unlimited time (B1-P-2855).

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Granted modification of construction permit as modified for increase in power from 1 KW to 5 KW, installation of new equipment, and move of transmitter, for installation of new transmitter and changes in antenna system (B1-MP-996).

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted modification of construction permit for new broadcast station, for approval of new transmitter, vertical antenna and approval of studio and transmitter site at Virginia Avenue and Boardwalk, Atlantic City; **1420 kc.**, power 100 watts, 250 watts day, unlimited time (B1-MP-1001).

WNEW—Wodaam Corp., New York, N. Y.—Granted license to cover construction permit for installation of auxiliary transmitter, using 1 KW power for emergency use only; **1250 kc.**, 1 KW power (B1-L-1181).

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted license to cover construction permit as modified for changes in frequency to **880 kc.**; increase in power to 1 KW; change in hours of operation to unlimited time; installation of directional antenna system day and night; new transmitter and move of transmitter (B3-L-1178). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-434).

WFNC—W. C. Ewing and Harry Layma, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Granted license to cover construction permit as modified for new broadcast station, **1340 kc.**, 250 watts power, daytime operation (B3-

## APPLICATIONS FILED AT FCC

L-1177). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-433).

**KGEK**—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 10:30 a. m. to 11:30 a. m., MST, on July 9, 12, 16, 19, 23, 26, 30, and August 2, 1940, in order to broadcast a Women's Program on the Air, provided that such programs contain no other announcements or advertising of any kind (B5-S-120).

**KFRO**—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate with power of 250 watts from 7:30 p. m., CST, to the conclusion of political rallies on July 11, 12, 13, 15, 16, 17, 18, 19, 20, and 22, 1940, in order to broadcast rallies only (B3-S-838).

**KUSD**—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent from August 1, 1940, to not later than September 15, 1940, in order to observe the University summer vacation (B4-S-651).

**Pierce Marine Corp.**, Youngstown, N. Y.—Denied as in case of default the application for construction permit for new broadcast station (Docket No. 5875).

**WSAR**—Doughty and Welch Electric Co., Fall River, Mass.—Denied petition for reconsideration and hearing of the application of New Jersey Broadcasting Corp. (WHOM) for construction permit to increase power to 500 watts night, 1 KW day, install new transmitter and make changes in antenna, without prejudice to the submission by Station WSAR at any time of engineering proof based upon competent and adequate measurements which show that the operation of Station WHOM as proposed has resulted in an objectionable increase in the interference suffered by Station WSAR.

**KFRU**—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts, from 9 p. m. to approximately 11 p. m., CST, on July 17, 1940, and from 8 p. m. to approximately 11 p. m., CST, on July 26, 1940, in order to broadcast special night baseball games only.

**WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast special night baseball games only.

**WSUI**—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to a minimum of eight hours daily from August 3, 1940, to not later than September 25, 1940, in order to observe the vacation period between regular University sessions (B4-S-524).

**WNBI**—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate experimentally on frequency **11890 kc.**, for a period not to exceed 30 days, pending filing and action on application for modification of license.

**W1XEQ**—E. Anthony and Sons, Inc., Fairhaven, Mass.—Granted construction permit to move transmitter locally (high frequency broadcast station) (B1-PHB-265).

**KOB**—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit for changes in equipment and increase in power from 10 to 50 KW, for authority to install new transmitting equipment; **1180 kc.**, unlimited (B5-MP-998).

**WEHH**—Columbia Broadcasting System, Inc. (area of New York City), Portable-Mobile.—Granted license to cover construction permit for changes in equipment and reduction of power from 50 watts to 30 watts (B1-LRE-315).

**WLND**—The Crosley Corp. (area of Cincinnati, Ohio), Portable-Mobile.—Granted license to use the equipment of relay broadcast station WLWJ (B2-LRE-313).

**W10XF**—National Broadcasting Co., Inc., Portable.—Granted modification of developmental broadcast station license to add types of emissions A1, A2, A3, A4, A5 and Special to those already licensed (B1-MLEX-6).

**W10XR**—National Broadcasting Co., Inc., Portable-Mobile.—Granted modification of developmental broadcast station license to add types of emissions A1, A2, A3, A4, A5 and Special to those already licensed (B1-MLEX-7).

**Bellingham Broadcasting Co., Inc.**, and **KVOS**—KVOS, Inc., Bellingham, Wash.—Continued oral argument originally scheduled for July 11, 1940, to July 18, 1940, in re applications of KVOS, Inc., for renewal of license and of Bellingham Broadcasting Co., Inc., for construction permit for new broadcast station.

### 640 Kilocycles

**WGAN**—Portland Broadcasting System, Inc., Portland, Maine.—Construction permit to install new transmitter; changes in directional antenna for use at night: change frequency from **610 to 560 kc.**; increase power from 500 watts to 5 KW; change hours of operation from limited to unlimited time. Class III-A station.

**NEW**—Batavia Broadcasting Corp., Batavia, N. Y.—Construction permit for a new broadcast station to be operated on **640 kc.**, 250 watts, daytime. Class II.

### 660 Kilocycles

**WEAF**—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2339) as modified for move of transmitter and installation of directional antenna, requesting further changes in equipment.

### 740 Kilocycles

**WHEB**—Granite State Broadcasting Corp., Portsmouth, N. H.—License to cover construction permit (B1-P-2457) as modified for new transmitter, move of transmitter and studio, new antenna, and increase in power.

### 890 Kilocycles

**WMMN**—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna for night use.

### 930 Kilocycles

**WBRC**—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Construction permit to install directional antenna for night use, increase power from 1 KW night, 5 KW day, to 5 KW day and night, and move transmitter. Amended to omit request for increase in power and installation of directional antenna.

### 940 Kilocycles

**WICA**—WICA, Inc., Ashtabula, Ohio.—License to cover construction permit (B2-P-2857) to make changes in transmitting equipment and increase power from 500 watts to 1 KW.

### 950 Kilocycles

**WTRY**—Troy Broadcasting Co., Inc., Troy, N. Y.—Construction permit to install directional antenna for day and night use, change hours of operation from daytime to unlimited time, using 1 KW power day and night. Request Class III-B station.

### 1020 Kilocycles

**KYW**—Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.—Authority to make changes in automatic frequency control unit.

### 1040 Kilocycles

**KRLD**—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authority to operate unlimited time, simultaneous WTIC, for period 8-1-40 to 10-1-40.

### 1060 Kilocycles

**WTIC**—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of license to change frequency from **1060 to 1040 kc.** and hours of operation from S-WBAL to unlimited time, employing directional antenna from sunset at Dallas, Tex.

**WTIC**—The Travelers Broadcasting Service Corp., Hartford, Conn.—Authority to determine operating power by direct measurement of antenna power.

### 1140 Kilocycles

**WAPI**—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Extension of special experimental authorization to operate unlimited time, directional antenna after sunset at Tulsa, Okla., for period 8-1-40 to 8-1-41.

## 1200 Kilocycles

- WCBT—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Modification of construction permit (B3-P-2647) for approval of transmitter and studio sites at E. 10th Street extended, near Roanoke Rapids, N. C., approval of antenna, and change type of transmitter.
- WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—License to cover construction permit (B2-P-2423) as modified for a new station.
- WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Modification of license to change power from 100 watts night, 250 watts day, to 250 watts day and night.

## 1210 Kilocycles

- NEW—Wilkes-Barre Broadcasting Corp., Wilkes-Barre, Pa.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time. Class IV. Requests facilities of Station WBAX.
- NEW—Central Willamette Broadcasting Co., Albany, Ore.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time. Class IV station.
- WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—License to cover construction permit (B2-MP-837) for a new transmitter, increase in power, and move of studio.
- WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Authority to determine operating power by direct measurement of antenna power.
- WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Construction permit for a new Class IV station to be operated on **1210 kc.**, 100 watts-250 watts day and night, unlimited time, to be synchronized with Station WSNJ.

## 1290 Kilocycles

- WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Class III-A station.

## 1310 Kilocycles

- WLBJ—The Bowling Green Broadcasting Co., Bowling Green, Ky.—License to cover construction permit (B2-P-2194) as modified for new broadcast station.
- WRAW—Reading Broadcasting Co., Reading, Pa.—License to cover construction permit (B2-P-2153) for new transmitter and increase in power.
- KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Modification of construction permit (B4-P-2370) for new broadcast station, requesting installation of new transmitter, antenna changes, approval of transmitter site at Willmar, Minn., and studio site at Carlson Block, 204 4th Street, W., Willmar, Minn. Class IV station.
- KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Authority to transfer control of corporation from Kenneth Dryden, Edith McKean and Dora Brown to Lloyd C. Thomas, 280 shares common stock.
- KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Authority to determine operating power by direct measurement of antenna power.
- WLBJ—The Bowling Green Broadcasting Co., Bowling Green, Ky.—Authority to determine operating power by direct measurement of antenna power.

## 1340 Kilocycles

- WSPD—The Fort Industry Co., Toledo, Ohio.—Modification of construction permit (B2-P-2470) for increase in power, and install directional antenna for night use, extend completion date from 7-27-40 to 9-1-40.

## 1350 Kilocycles

- WMBG—Havens and Martin, Inc., Richmond, Va.—Modification of license to increase power from 1 KW night, 5 KW day to 5 KW day and night, using directional antenna day and night.

## 1370 Kilocycles

- WAGF—John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Voluntary

assignment of license and construction permit (B3-P-2829) from John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co. to John T. Hubbard, Julian C. Smith, Fred C. Moseley & Horace Hall, d/b as Dothan Broadcasting Co.

- KYAN—J. Cecil Bott, Matilda Lannen & Nettie Bott, d/b as The Western Broadcasting Co. of Wyoming, Cheyenne, Wyo.—Modification of construction permit (B5-P-2331) for approval of vertical antenna and transmitter site at Hugar & 5th Streets, Cheyenne, Wyoming.
- WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Construction permit to install new transmitter, change frequency from **1220 to 1370 kc.**, change hours of operation from daytime to unlimited time, using 250 watts.
- WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—License to cover construction permit (B3-P-2346) as modified, for new broadcast station.
- WARM—Union Broadcasting Co., Scranton, Pa.—Authority to determine operating power by direct measurement of antenna power.
- WARM—Union Broadcasting Co., Scranton, Pa.—License to cover construction permit (B2-P-2366) as modified for a new broadcast station.

## 1380 Kilocycles

- WING—WSMK, Inc., Dayton, Ohio.—Authority to transfer control of corporation from Stanley M. Krohn, Jr., to Charles Sawyer, 408 shares common stock.

## 1420 Kilocycles

- NEW—Capital Broadcasting Co., Washington, D. C.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time. Amended: To change type of transmitter and vertical radiator, give location of transmitter as S. side of Pierce Street, between N. Capitol and 1st St., N. E., Washington, D. C., and install a 100 watt Booster station at N. side of Rock Creek, 1600' W. of intersection of Rock Creek and D. C. Line, Md.
- NEW—W. Montgomery Harison, Augusta, Ga.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time. Class IV station. Amended: To give transmitter and studio sites and install vertical radiator.

## 1430 Kilocycles

- WMPS—Memphis Broadcasting Co., Memphis, Tenn.—License to cover construction permit (B3-P-2612) for changes in equipment.

## 1440 Kilocycles

- WMBD—WMBD Broadcasting Co., Peoria, Ill.—Voluntary assignment of license from WMBD Broadcasting Co. to Peoria Broadcasting Co. (a Delaware Corp.).

## 1500 Kilocycles

- WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Authority to transfer control of corporation from Wylie B. Jones, Advt. Agency, to John C. Clark, 325 shares common stock.
- WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Authority to determine operating power by direct measurement of antenna power.
- KFDA—Amarillo Broadcasting Corp., Amarillo, Texas.—Modification of license to change frequency from **1500 to 1200 kc.**

## MISCELLANEOUS

- WEKH—Peoria Broadcasting Co., Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)
- WPEO—Peoria Broadcasting Co., Portable-Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)
- WAIN—Peoria Broadcasting Co., Portable-Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)
- WEKI—Peoria Broadcasting Co., Portable-Mobile.—Consent to assignment of license from WMBD Broadcasting Company to Peoria Broadcasting. (A Delaware Corp.)
- W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit to move transmitter from 1450 Broadway to 444 Madison Ave., N. Y., N. Y.

WBAF—L. B. Wilson, Inc., Portable-Mobile.—License to cover construction permit (B2-PRY-218) for a new relay broadcast station.

NEW—Mutual Broadcasting System, Inc.—Extension of authority to transmit programs to Station CKLW, stations owned and operated by the Canadian Broadcasting Corp., and stations licensed by the Canadian Minister of Transport.

W3XP—Philco Radio & Television Corporation, Philadelphia, Pa.—Transfer of control of corporation from all stockholders of Philco Radio and Television Corporation to Philco Corporation. (Also Station W3XE)

NEW—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 100 watts, A-3 Emission.

WJSN—The Sun Publishing Co., Inc., Portable-Mobile.—License to cover construction permit (B3-PRE-343) for a new relay broadcast station.

W3XE—Philco Radio and Television Corp., Philadelphia, Pa.—Transfer of control of corporation from all stockholders of Philco Radio and Television Corporation to Philco Corporation. (Also Station W3XP)

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**American Lecithin Company, Inc.,** Elmhurst, Long Island, N. Y., its officers, and a group of four American, one German and one Danish corporation, are charged in a complaint with organizing a combination and conspiracy to monopolize trade and restrain competition in the purchase and sale in interstate and foreign commerce of lecithin, a chemical used in making products such as candy, paints, petroleum products, shortening, margarine, rubber, leather, oils, fats, waxes, biscuits, crackers and other commodities.

Others named as respondents are Joseph Eichberg, Armand May, Whitney D. Eastman, Clifton M. Kolb, Richard H. Horsburg, and Adrien Joyce, officers of American Lecithin Company, Inc., all of Elmhurst, N. Y.; Ross & Rowe, Inc., New York; The Glidden Company, Cleveland; Archer-Daniels-Midland Company, and Shreve Archer, its president, Minneapolis; American Lecithin Corporation, Atlanta; Hansa-Muehle, Hamburg, Germany; and Aarhus Oliefabrik, Aarhus, Denmark.

The complaint recites that American Lecithin Company, Inc., Elmhurst, New York, was organized pursuant to an agreement entered into in December, 1934, between the six other respondent American and foreign corporations; that prior to the agreement, the respondent corporations had been in competition in the importation and sale of their products; that Archer-Daniels-Midland Company and The Glidden Company were the only lecithin producers in the United States, and that American Lecithin Corporation, Atlanta, and Ross & Rowe, Inc., distributed lecithin in this country produced by the German and Danish corporations respectively.

It is alleged that, pursuant to the agreement, the common capital shares of American Lecithin Company, Inc., were allocated to the respondent organizers on an agreed basis; each organizer assigned to this corporation certain patent and other rights, and interest in its secret knowledge concerning apparatus, devices and processes, and each participated in the management of the new corporation through representation on its board of directors.

The agreement allegedly further provided that Archer-Daniels-Midland Company and The Glidden Company sell lecithin exclusively to American Lecithin Company, Inc.; that Ross & Rowe, Inc., act as selling agent for American Lecithin Company, Inc., and not sell lecithin in competition with that corporation; that the six respondent companies which organized American Lecithin Company, Inc., should not contest the validity of any patents

assigned to or which might be developed or acquired by that corporation; that all parties to the agreement cancel any existing arrangements which would interfere with the agreement, and that the German and Danish corporations should not sell lecithin in the United States or Canada during the life of the patents, and that the American Lecithin Company, Inc., and the Glidden, Archer-Daniels-Midland and Ross & Rowe corporations should not sell such products outside of the United States, its possessions and Canada.

Pursuant to the agreement, understanding and conspiracy, it is alleged (1) that the German and Danish corporate respondents refrained from exporting lecithin to the United States and attempted to hinder its importation from other European producers; (2) that American Lecithin Company, Inc., refrained from exporting lecithin from the United States and from purchasing it from sources other than the Archer-Daniels-Midland and Glidden corporations and (3) that the parties to the agreement made misleading representations to purchasers concerning lecithin sold by competitors, certain brands sold by some of the respondents, and concerning lecithin generally and patents pertaining to it, and by such methods unfairly sought to disparage competitors' lecithin products and obtain a monopoly in lecithin sales.

It is also alleged that pursuant to the agreements the respondents (1) pooled interests, shared earnings, allocated profits, granted and accepted reciprocal benefits, established and maintained exclusive dealing contracts, agreed upon a division of sales rights and co-operated in performing other acts tending to give them control of lecithin production in the United States, and (2) sought to convey the belief to purchasers that their competitors' lecithin lacked the approval of the Food and Drug Administration and threatened to cite such purchasers to that administration for investigation for failing to properly advertise and label their products, when in fact such threats were in many instances unwarranted by the facts. (4173)

**Crook-Wallace Company**—Harry F. Crook and Gretchen Crook, trading as Crook-Wallace Co., 415 North Second St., Vincennes, Ind., distributors of candy and confectionery products, are alleged to have supplied others with push cards involving a lot or chance feature for use in the sale of various assortments of their candy. (4176)

**Sales Promoting Company**—Charles Polk, trading as Sales Promoting Company, 160 Fifth Ave., New York, dealer in watches, clocks, leather goods, electric lamps, quilts, blankets, waffle irons, radios, toilet sets and tourists sets, allegedly distributes push cards to fraternal and charitable organizations for use in promoting the sale of his merchandise wholly by lot or chance. (4175)

**Zenith Radio Corporation**, 6001 West Dickens St., Chicago, was charged in a complaint with misleadingly advertising the number of tubes contained in its radio receiving sets and the power and capacity of such sets for foreign reception.

The complaint alleges that the respondent has advertised, among other things:

"Zenith Short-Wave Radios are guaranteed to bring in Europe, South America, or the Orient every day or your money back! \* \* \*

"Positively the greatest 1940 Zenith values ever offered \* \* \* ten-tube superheterodyne \* \* \* eleven-tube superheterodyne \* \* \* radio console with eight tubes \* \* \* the amazing new 1940 eight-tube, three band Radiorgan Zenith long distance radio \* \* \* six tubes! Push buttons! Long and short-wave \* \* \* six-tube heterodyne with wave magnet aerial, two-button Radiogram."

These representations and others made by the respondent, it is charged in the complaint, are misleading, for in truth the Zenith radio sets are not equipped with six, eight, ten or eleven active, necessary, fully functioning tubes, but contain one or two, or more ballast non-functioning, or tuning beacon tubes, or rectifier tubes which do not serve as amplifying, detecting, or oscillating tubes and do not perform any recognized and customary function of a radio receiving tube in the detection, amplification and reception of radio signals.

Contrary to the respondent's representations, the complaint continues, Zenith radio sets equipped with such tubes will not bring in broadcasts from London, Paris, Berlin, Moscow, Rome, and other points in Europe and from South America and the Orient in sufficient volume, free from static, to be distinctly heard at all times and under all conditions. (4174)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Danson Laboratories**—Dan M. Thompson, formerly trading as Danson Laboratories and as Thompson Laboratories, 32 North State St., Chicago, has been ordered to discontinue misrepresentations in the sale of "Danson Formula," which he had advertised as a cure for alcoholism.

Findings of the Commission are that the active ingredient of "Danson Formula," ammonium bromide, is of value only as a sedative for quieting nerves, and will not produce results claimed by the respondent.

The order directs the respondent to cease advertising that his preparation is a cure, remedy or effective treatment for alcoholism or the liquor habit in excess of its value as a nerve sedative, or that it will counteract the desire for liquor, or relieve the craving for alcoholic stimulation.

The respondent Thompson was further ordered to cease using the word "Laboratories" or any similar word, to describe his business, or representing in any manner that he owns or operates a laboratory. (3752)

**Fellom Publishing Company**—Trading as Fellom Publishing Company, Roy Fellom, 637 New Call Building, San Francisco, publisher of the magazine "Pacific Road Builder and Engineering Review," has been ordered to discontinue misleading representations in connection with the sale of advertising space in that publication.

Commission findings are that the respondent, in furnishing data for the information of prospective advertisers, over-stated the volume of the magazine's circulation, giving an erroneous idea of its value as an advertising medium based on possible results and also of the correctness of the prices charged for advertising space therein based on the extent of such circulation.

The Commission order directs that the respondent Fellom cease representing that his magazine circulates only among equipment buyers and has no substantial circulation among non-buyers of equipment; that a survey has been made of the equipment buyers in the area in which the magazine principally circulates, unless an accurate and dependable survey of such buyers has in fact been made by some qualified agency, and that through its medium the magazine's advertisers reach substantially all of the road building and other heavy equipment buyers located in the area in which the paper principally circulates.

Further prohibited by the Commission order are representations that the respondent's magazine is circulated among 93 per cent of the equipment buyers located in its principal circulation area or among 98 per cent of such buyers based on volume purchases, or any over-statement of the percentage or number of such buyers reached by the magazine or of the amount of average monthly net paid circulation or average monthly distribution of the magazine. (3960)

**May's Cut Rate Drug Company**—Drug companies in Clarksburg and Charleston, W. Va., and McKeesport, Pa., have been ordered to discontinue false advertisements of a drug preparation the use of which under usual conditions may be injurious to health. The respondents are May's Cut Rate Drug Company, 109 South Fourth St., Clarksburg, W. Va., May's Cut Rate Drug Company of Charleston, 911 Quarrier St., Charleston, W. Va., and Pittsburgh Cut Rate Drug Company, 329 Fifth Ave., McKeesport, Pa.

Commission findings are that the respondents advertised as a competent, safe and effective treatment for delayed menstruation, a preparation designated as "Genuine Mayco English Crown Female Capsules for Delayed Periods," described further as "Genuine Mayco English Crown Female Capsules, Double Strength" and as "Genuine Mayco English Crown Female Capsules, Triple Strength." This preparation was also designated as "MAYCO" by the Charleston and Clarksburg dealers. The respondent's preparation, the findings continue, contains the drugs apiol green, ergotin, oil of savin and aloin in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under customary or usual conditions.

Upon petition of the Federal Trade Commission, each of the respondent companies recently was restrained by a United States

District Court from further advertisement of this preparation pending issuance and final disposition of the cases under the Federal Trade Commission Act.

Under the orders, the respondents are to cease advertising that their product is a safe, competent and effective preparation for use in the treatment of delayed menstruation, or that it is a cure or remedy for delayed menstruation. The orders further forbid advertisements which fail to reveal that the use of the respondents' preparation may result in serious and irreparable injury to health. (4152-4153-4154)

**Mayos Products Company**—George D. Moorman and Roy C. Stockbridge, trading as Mayos Products Company and as M. P. Company, 1833 West Larchmont Ave., Chicago, were ordered to cease advertising that "Mayos Periodic Compound" is a cure, remedy or competent treatment for delayed or painful menstruation, or that it is safe or harmless. Advertisements which fail to reveal that use of the respondents' preparation may result in serious and irreparable injury to the health of the user, are also prohibited by the Commission's order. (4147)

**M. P. Company**—See Mayos Products Company.

**Monticello Drug Company**, Riverside Viaduct, Jacksonville, Fla., was ordered to cease and desist from representing that its preparations will check, cure or stop colds; constitute a complete treatment for colds, whether taken or administered singly or in conjunction with each other; will cure malaria, or are the speediest remedies known for colds, malaria, chills and fever, or bilious fever due to malaria. The order also forbids representations that the respondent's preparations are commonly prescribed by doctors. (3455)

**Murine Company, Inc.**, 660-678 North Wabash Ave., Chicago, was ordered to cease advertising that "Murine" is a cure, remedy or effective treatment for eyestrain, or possesses any therapeutic value with respect to eyestrain in excess of furnishing relief from irritation and eye discomfort. The order further prohibits representations that "Murine" will prevent or ward off eyestrain due to driving, attendance at movies, reading, sewing, or other excessive uses of the eyes. Representations that use of the respondent's preparation will prevent irritation of the eyes due to exposure to dust, sun, or light glare, or possesses any therapeutic value with respect to irritation of the eyes in excess of furnishing relief from such irritation, were also ordered discontinued. (4076)

**National Folio Service**—George W. Haylings, trading as National Folio Service, 1071 West 30th St., Los Angeles, has been ordered to discontinue misrepresentations in the sale and distribution of books and pamphlets containing treatises purporting to disclose and portray unusual business opportunities.

Commission findings are that the respondent advertised his treatises as presenting business opportunities of exceptional merit offering prospects of high earnings with little effort. Among other things, according to findings, the respondent advertised his "Treatise No. 2" as a "workable 'business plan' that tells you How the originator earned a remarkable wage 'every month' the year round, no slack seasons."

Under the order, the respondent is directed to cease representing as earnings or profits from the operation of the businesses described in his treatises, any amounts in excess of those which have in fact been regularly and customarily earned by persons operating such businesses under normal conditions, or representing as original or new any plan or business which is not such in fact.

The Commission's order further prohibits representations by the respondent that the businesses described in his treatises involve no peddling or house-to-house canvassing, when in fact such activities are required; that the formulas involved in the plans or businesses described in the treatises possess any substantial value, or that such formulas are owned exclusively by him; that he is able to grant purchasers any rights with respect to the operation of such businesses in any specific territory; that the period of time within which his treatises or business plans may be obtained is limited, or that the respondent issues any supplements to the treatises. (4008)

**Napp's Lifelong Hosiery**—Irving Napp, trading as Napp's Longlife Hosiery, 107 West 75th St., New York, has been ordered to discontinue certain misleading representations in the sale of women's hosiery.

Under the order, the respondent is directed to cease representing that the hosiery he sells is snag-proof or run-proof; of a grade or quality different from or superior to its true grade or quality, or that it will outwear all other competitive hosiery.

Further representations directed to be discontinued are that the respondent's hosiery is guaranteed to be satisfactory to the purchaser, or that the respondent will make prompt adjustment or refund for any hosiery which is not satisfactory to the user or which does not wear as represented, when he has not in fact established, and does not maintain a definite policy and practice of fulfilling such guarantee and making such adjustment or refund.

The respondent also is directed to cease representing that hosiery he sells is guaranteed against runs or holes for any specified period of time, or that he will supply new hosiery to the purchaser without cost if runs or holes develop within such period, when in fact the respondent does not maintain a definite policy of fulfilling such guarantee. (3875)

**Al Viola Products**—Garey Carr, trading as Al Viola Products, 1225 Keniston Ave., Los Angeles, has been ordered to discontinue certain misrepresentations in the sale of a preparation for tightening dental plates.

Under the order, the respondent is directed to cease representing, directly or through inference, that, except in unusual and exceptional cases where the condition of the mouth is favorable to the use of such method, the use of his preparation, "Al Viola Dental Plate Tightener and Reliner," constitutes a competent or effective method for tightening dental plates, supplies an improved fit for such plates, or accomplishes satisfactory results.

The order further forbids representations that the respondent's preparation may be applied effectively by anyone other than an expert, or that its satisfactory use requires no expert assistance. (4045)

**Betty Wells Cosmetic Company**—An order has been issued directing Betty Wells Fowler, trading as Betty Wells Cosmetic Company, Capitola, Calif., to discontinue misrepresentations of the effectiveness of preparations for the skin known as "Tissuefane" and "Tissuefane Preparatory Oil."

"Tissuefane," according to the order, is not to be represented as being capable of nourishing the skin, building tissue, strengthening facial muscles, removing lines, pimples or crow's feet, as being made wholly of fruit and vegetable products, as being an innovation in the cosmetics field, a bleaching agent, a skin tonic or as being healing to the skin or possessing beneficial value for treating acne.

The order further directs that "Tissuefane" is not to be represented as capable of removing blackheads or of having any effect thereon in excess of removing superficial dirt on their surface; of rejuvenating, preserving, stimulating or beautifying the skin except to the extent that the preparation may temporarily stimulate the skin; of reducing or cleaning the pores in excess of removing superficial dirt from pore openings; of increasing circulation and blood supply or having any effect thereon in excess of slightly and temporarily stimulating the blood in the portions of the body to which the preparation is applied.

"Tissuefane Preparatory Oil," according to the order, is not to be advertised as being capable of nourishing or feeding the skin or pores, or of making the skin soft other than temporarily, or of preventing or removing wrinkles or lines from the face other than such lines as may be caused solely by dryness of the skin. (3538)

## STIPULATIONS

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

**Atlas Shirt Company, Inc.**, 200 Fifth Ave., New York, stipulated that it will discontinue representing that the material used in making its products has a tested strength far in excess of Government specifications for airplane cloth, and will discontinue representing or implying that the tensile strength of the cloth of

which its products are made is in excess of that of the cloth used in the manufacture of airplanes by the Federal Government, or that the cloth used by the respondent corporation is of a tensile strength greater than is actually a fact. The respondent also agreed to cease employing the terms "Full Shrunk" or "Will Not Shrink", or any similar terms, as descriptive of its products which are not proof against shrinkage. If, according to the stipulation, the products have undergone the application of a shrinking process and have been shrunk to a substantial extent but there remains a certain amount of residual shrinkage, and the word "Shrunk", "Preshrunk", or any similar word, is used as descriptive of such products, then the descriptive word shall be immediately accompanied by some other word printed in equally conspicuous type so as to clearly indicate that there still remains an amount of residual shrinkage. (2868)

**Charme Manufacturing Company**—John W. Daniels, trading as Charme Manufacturing Company, St. Louis, agreed to desist from representing in advertising or on the containers of his preparation "Charme," described as a silk preservative compound, that runs or snags in silk hosiery or lingerie are prevented by the use of his preparation, or that its use will strengthen the heels and toes of silk hosiery, improve the resistance of all colors to washing, or have the effect of deodorizing silk hosiery or lingerie. The respondent Daniels also stipulated that he will cease employing the letters "MFG." or the word "Manufacturing" or any similar words, the effect of which may convey the belief to purchasers that he manufactures the preparation sold by him or actually owns, operates or directly and absolutely controls the factory in which his preparation is made. (2860)

**Colgate-Palmolive-Peet Company**, Jersey City, N. J., and its subsidiary, Kirkman & Son, Inc., New York, have entered into a stipulation in which they agree to cease and desist from certain representations in the sale of soap products.

Among representations which the respondents agree to discontinue are that "Palmolive Soap" contains special protective qualities all its own or not present in any other soaps; is composed wholly or in part of edible olive oil or of the grade of olive oil used for bathing new born babies; that the "soft, smooth complexions" of the Dionne quintuplets are directly the result of Palmolive Soap, and that use of this soap will keep the skin young, thoroughly cleanse the pores, or assist in any way toward nourishment of the skin.

The respondents also stipulate that they will cease advertising that persons purporting to be authorities, who have not professionally used and actually approved Palmolive Soap or other products, and whose names appear on published testimonial letters or endorsements thereof, have inferentially or otherwise based such testimonials or opinions upon their own professional experience, use and controlled laboratory tests.

The respondents agree to discontinue representing by use of the unqualified statement "Made with olive oil" as descriptive of "Palmolive" soap or shaving creams; or by assertions of like import, that the oil or fat content of such products is wholly or predominantly olive oil.

Other representations which the respondents agree to discontinue are that "Cashmere Bouquet" soap or its lather will remove "every bit" of dirt and cosmetics from every pore; that this soap is capable of causing the skin to become alluring, clear or smooth in cases where such results will not be achieved by cleansing the skin; that "Concentrated Super Suds" destroys or removes all germs, dangerous or otherwise, which "lurk in every family wash"; and that dishes washed with "Super Suds" require no wiping but will dry clean with no adhering soap film.

The respondents also agree to cease advertising unqualifiedly, that use of "Colgate Rapid-Shave Cream" will obviate the necessity for shaving twice daily, and that use of this product or of "Palmolive Shave Cream" results in faster or smoother shaves than are obtainable with comparable shaving preparations; that "most bad breath begins with the teeth" or that "a safe, sure way to correct bad breath is through regular use of the thorough, cleansing action provided only by the special ingredients in Colgate's Dental Cream," and that "Kirkman Soap Flakes keep your hands soft and white," or that lingerie or other textiles washed with this product will keep their brand new appearance almost forever. (2867)

**General Household Corporation**, 6605 South Broadway, Los Angeles, agreed to cease representing that its product is a moth

preventive, or that it is a deodorant in the sense that it destroys offensive odors of other substances. The respondent further stipulated that it will cease representing that the use of its product "will not ring" or result in the formation of a "ring" when it is applied only to a spot to be cleaned or removed, or that the "most inexperienced" or unskilled person can successfully apply the product to fabrics without a resultant "ring" formation. (2869)

**Harry L. Katzman**, 174 Lincoln St., Boston, has entered into a stipulation in which he agrees to cease employing certain representations in the interstate sale of infants' shoes.

According to the stipulation, the respondent agrees to discontinue use of the words "Dr. Katzman Health Shoes" or "Health" in marking, branding or otherwise designating his products, so as to convey the belief to purchasers that the shoes are made in accordance with the design or under the supervision of a physician or doctor of medicine or that they contain special scientific, health or orthopedic features resulting from medical determination or services. (2866)

**Kirkman & Son, Inc.**—See Colgate-Palmolive-Peet Company.

**Maddock & Miller, Inc.**, 129 Fifth Ave., New York, agrees to cease designating earthenware products or products which are other than true chinaware as "Maddock's Vitrified Hotelware," "Vitrified Blue Willow," or "Vitrified Wakefield," and to discontinue employing the word "Vitrified" or similar descriptive designations as applied to semi-vitrified products in any manner tending to convey the impression that such products are chinaware. The stipulation recites that in the trade the word "vitrified" is associated with chinaware and the terms "semi-vitrified" or "semi-vitrified" with earthenware. (2861)

**Merchants Paper Corporation**, 1750 Wrightwood Ave., Chicago, stipulates that it will discontinue using the word "Manufacturers" as descriptive of its business and will cease stamping, branding or otherwise marking a certificate or any form of certification as "box maker" on boxes or containers not actually made by it; or otherwise, by assertion or implication, representing that it is the manufacturer thereof, or that any statement bearing the name of the corporation is the certified statement of the maker of such box or container. The stipulation points out that the respondent corporation is a jobber and not a manufacturer. (2865)

**Julius Nelson Corporation**, 247 West 38th St., New York, dealer in fabric garments, agreed to discontinue use of the term "Fur-Fabric" as descriptive of garments manufactured from fabrics composed of wool, cotton or any fibers other than fur, and of the word "Fur" or any other representations either alone or in connection with the word "Fabric" or other word, so as to imply to the purchasing public that such garments are made from the fur or peltries of fur bearing animals or are composed of a fabric made of fur. Under terms of the stipulation, the respondent will also cease advertising, selling or distributing garments composed of fibers other than fur under any representations or conditions of deceptive concealment whereby purchasers may be misled into buying such garments in the belief that they are composed of fur. (2862)

**New Method Manufacturing Company**—In a stipulation entered into, Wright G. Scroton, trading as New Method Manufacturing Company, Bradford, Pa., agreed to discontinue certain representations in the sale of a cigar and cigarette lighter designated "Self Starting Lighter."

According to the stipulation, which is supplemental to one entered into in October, 1933, the respondent agrees to cease representing that the Self Starting Lighter remains lit in all wind velocities, requires no refill, or employs a new principle of ignition; that the gold plated Self Starting Lighter has three separate platings of gold, and that the settings in the lighters are precious or semiprecious stones or are birthstones, unless this representation is modified by the word "imitation" or its equivalent.

The respondent further stipulated that he will discontinue claims that any repeat business built up through the sale of Self Starting

Lighters requires no time or effort; that exclusive territory is assigned to or may be reserved by prospective agents, when such is not a fact, or that his representatives make profits in excess of the minimum profits possible from the sale of the lighters, unless it is disclosed that in fact such representatives must purchase a minimum quantity of lighters before such profit is made. (0561)

**Schless-Harwood Company, Inc.**, 2 West 46th St., New York, agrees to cease representing that the diamonds and diamond rings which it sells are perfect "in accordance with the required standards of the Federal Trade Commission," or that they meet or conform to the "Federal Trade Commission Standard." The respondent corporation also stipulates that it will cease employing the name "Federal Trade Commission" in its advertising, on its tags or in any way which may imply that the Commission has examined and approved the articles designated. The stipulation points out that the use of such forms and tags was a deceptive act and practice insofar as the wording thereof indicated or implied that the Federal Trade Commission had in some way examined and approved the diamonds referred to, contrary to fact. (2864)

**J. Schmeier Company, Inc.**, 31 Beach St., Boston, manufacturer of neckwear and gentlemen's ties, agreed to discontinue use of the words "Hand Loom" as descriptive of products manufactured from material not made on hand looms, and of the words "Hand Loom," either alone or in connection with the word "Reproductions" or with any other words, the effect of which may tend to convey the belief to purchasers that the products referred to are made of hand-loomed material.

The respondent further agreed to desist from use of the words "All Wool" as descriptive of products which are not composed wholly of wool, and from use of the word "Wool," either alone or in connection with the word "All," or with any other words, so as to imply that such products are composed wholly of wool, when such is not the fact. The stipulation provides that if the products are composed in substantial part of wool and in part of a fiber or fibers other than wool, and the word "Wool" is used to properly describe such wool content, then in that case, the word "Wool" shall be immediately accompanied by some other word or words printed in equally conspicuous type and which accurately describe each other constituent fiber or material of which the products are composed in the order of its predominance by weight, beginning with the largest single constituent.

Terms of the stipulation also specify that the respondent will cease representing in any way products composed in part of rayon without clearly disclosing the fact that the products are composed in part of rayon together with other named constituent fibers, each of such fibers to be named in the order of its predominance by weight, beginning with the largest single constituent. (2859)

**Tennessee Coal, Iron & Railroad Company**, Birmingham, Ala., manufacturer of iron and steel, including the by-product "basic slag," entered into a stipulation in which it agreed to discontinue certain representations.

The respondent agreed to desist from claims that its basic slag is always as good as superphosphate and frequently better; serves as well as acid phosphate for fertilizing purposes, or that its lime content makes it superior to superphosphate for winter legumes or other products. The respondent further agreed to cease implying that quotations from scientific authorities on basic slag are applicable to its basic slag product when such comments are in fact based upon other products.

Further representations or implications which the respondent agreed to discontinue are that lime makes available the potash in the soil; that the physical quality of all soil is improved by the application of lime; that magnesium oxide is lime or a form of lime; that manganese oxide changes crude forms of plant food into simpler and more usable forms; that a sufficient quantity of manganese is not usually present in all soils for any purpose for which that element is required, or that so "powerful" is the action of the manganese content of basic slag that it may properly be called a "chemical plow."

Among other things, the Tennessee Coal, Iron & Railroad Company also stipulated that it will cease making claims that its basic slag is "unusually economical" or that in all instances it can be applied cheaper than acid or superphosphate; will cease making certain statements tending unwarrantedly to disparage competitive

products, and will discontinue representing that basic slag "carries its own complete supply of all elements," produces thin, smooth skinned fruit, improves the quality or increases the yield of citrus or other fruits, or that basic slag makes pecans or other nuts fill out or produces a superior quality. (2870)

**United States Truss Company**—A stipulation has been accepted from United States Truss Company, Fourth and Sycamore Sts., Cincinnati, in which it agrees to discontinue certain representations in the sale of its "Richfal Abdominal Support."

The respondent agrees to cease using any statement or representation which directly asserts or implies that the use of its device will have the effect of causing one to "reduce without exercise," will enable the user to "keep thin without dieting" or will otherwise result in the loss of excess fat. (2863)

## FTC CASE CLOSED

The Federal Trade Commission has closed its case against Rogers Imports, Inc., 9-11 East 38th St., New York, without prejudice to its right to resume proceedings should the facts so warrant. The respondent had been charged with violating the Federal Trade Commission Act in the sale of smokers' articles and supplies.

The Commission permitted the respondent to file a substitute answer to its complaint and to enter into a stipulation as to the facts and an agreement to cease and desist from the practices charged in the complaint.

Under the stipulation, the respondent agrees to discontinue selling in interstate commerce any imported article or object of commerce upon which the markings of the country or origin have been obscured or obliterated, or which otherwise are not clearly and distinctly marked to show the country of origin.