

## THE WEEK IN WASHINGTON

More details of what promises to be the NAB's best convention are published in this issue. No broadcaster can afford to miss it. (p. 4423.)

Both Democrats and Republicans are now on record for keeping radio as free as the press. (p. 4425.)

An array of talent and prominent American leaders seldom, if ever equalled, has been lined up for the World's Fairs broadcast August 3. (p. 4426.)

The NAB has published a new pamphlet about ASCAP. Niles Trammell succeeds Lenox Lohr on the BMI Board. A new formula for BMI license fees is announced. (p. 4428.)

NAB's suggestions for improvement of FCC procedure are filed with the Attorney-General's Committee on Administrative Procedure. (p. 4429.)

The Labor Board orders an election at Station KXOK, St. Louis. (p. 4429.)

James Lawrence Fly, FCC Chairman, states that the Commission is hard at work on the re-allocation problem. (p. 4429.)

Important television developments are announced by the FCC. (p. 4430.)

## The Convention

Plans for what promises to be the most interesting and vital membership meeting in the eighteen years of NAB history are about completed.

### FM Broadcasting

John Shepard, III, has arranged for Wednesday afternoon's FM session a most interesting program. Special

authorization from the Communications Commission was secured for the installation of a FM broadcasting station to make possible complete demonstration. Programming for the demonstration is being arranged through the active cooperation of KSFO, San Francisco. In addition to the convention demonstration, both REL and other FM equipment concerns are preparing interesting and instructive demonstration headquarters.

Paul de Mars, Vice President in Charge of Engineering of the Yankee Network, will discuss "Practical FM Broadcasting" and the session will consist largely of a question period open to participation by all delegates.

### Television

Two of the foremost television engineers, Ted Smith and Harry R. Lubcke, will be the speakers on the Television program at the NAB Convention at San Francisco, Tuesday, August 6 at 7:30 p. m.

The television session will be couched in non-technical terms.

Ted Smith will deliver a talk entitled "Apparatus Requirements for Television Stations." Smith graduated from Stevens Tech and joined the Technical and Test Department of RCA in 1925. His television experience has been continuous at RCA and dates from 1928. In 1937 he was made Manager of Television Transmission Sales. He has held this position ever since. Smith was in charge of establishing Station W2XBS in 1929, RCA's first television station.

Smith's talk will deal with equipment requirements for a television station and he will point out the differences and similarities between standard broadcast equipment and television equipment. He also will discuss film projection, remote broadcasts, relaying, estimates on television coverage and television transmitting antennas and how they are used.

*(Continued on page 4424)*

**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 NATIONAL 2080

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## THE CONVENTION

(Continued from page 4423)

Harry R. Lubcke's subject will be "Television Station Operation and Telecast Pickups." A graduate of the University of California in 1929, Lubcke, since November, 1930, has served as Director of Television of the Don Lee Broadcasting System at Los Angeles. His talk will draw heavily on the rich practical experience the Don Lee System has had since 1931 on operating television station W6XAO. This station has operated some 6,000 hours to telecast about 2800 programs by means of films, studio pick-ups and remote pick-ups.

Lubcke's talk will deal with the role of equipment, personnel and rehearsals in accomplishing smooth telecast productions covering an adequate schedule at minimum cost for a typical telecasting station. He will discuss presentations originating in the studio, from film or from on-the-spot locations remote from the main station. Public reception and reaction to television will also be covered.

These two men, Smith who has had 12 years experience with television equipment, and Lubcke who has had charge of 6,000 hours of actual telecasting, insure a well rounded non-technical program.

### Drewry Added to Program

The name of Dr. John E. Drewry, director of the University of Georgia School of Journalism, has been added to those who will bring important messages to the convention.

Dr. Drewry will make an announcement concerning the new Peabody Awards for Public Service Broadcasting, which the Peabody Foundation last spring set up to be administered by the Georgia School of Journalism, under the supervision of a board of directors composed of outstanding Americans chosen from all walks of public life. It is the intent of the Peabody Foundation, through these awards, to contribute to the elevation and public appreciation of broadcasting in much the same way the Pulitzer prizes have done for the newspapers.

### Standing Committee Meetings

There will be a meeting of the Code Compliance Committee in the Hotel St. Francis, San Francisco, Sunday,

August 4, at 5 p. m., to give members an opportunity to submit their ideas and recommendations relative to the Code.

Meanwhile, should any member desire to bring a subject to the attention of the Committee prior to the convention, he may do so by writing the Committee, care of NAB Headquarters.

In addition, the Sales Managers Steering Committee will meet at 1 p. m., the Research Committee at 1 p. m. Broadcasters interested in the work of any of these Committees will be welcome to attend.

## Luncheon Sessions

The two official luncheons on Monday and Tuesday, as well as the INS luncheon on Wednesday, hold great interest. At the Monday luncheon, James Lawrence Fly, Chairman of the FCC, will speak upon "Radio Faces the Future"; and on Tuesday, Hon. Louis Johnson, Assistant Secretary of War, has chosen as his topic "Sponsors of National Defense." Both of these talks will be broadcast on nation-wide hookups. This should give you some idea of their importance. In addition to the set discussions, each of these gentlemen will have some off the record remarks to make for broadcasters' ears only.

The INS luncheon on Wednesday is an invitational affair and the program will consist entirely of hilarious entertainment features.

## Broadcast Music

The Broadcast Music session on Tuesday morning will be of transcendent interest to all broadcasters. Neville Miller, Sydney Kaye, Merritt Tompkins and Carl Haverlin will reveal some startling information.

## Sales Managers

The Sales Managers Division is making careful plans for its session on Tuesday afternoon and the topic "Unit Plan of Volume Measurement" is certain to arouse interesting discussion.

## Displays

In addition to the general displays which will reveal NAB membership and organization information and BMI charts and graphs, the station promotional display is assuming shape. Incidentally, managers who are planning to display station promotional material at the convention are advised to ship for arrival not later than Wednesday, July 31. To expedite delivery shipments should be directed to Arthur Stringer, NAB Convention, Hotel St. Francis, San Francisco. Every attempt will be made to follow the instructions given by the individual broadcaster but you are asked to make your instructions specific.

All material will be mounted by us without cost but



we cannot assume the charges for hand lettering or similar work. This will be billed at cost if specified in your layout.

### Entertainment

Kenneth Jones and Ed Kirby are quite mysterious about the show, "Greener Pastures," which is to be the entertainment feature at the banquet. From all indications it is going to be "a colossal."

Then, of course, on Monday night we are all going to the Fair to be guests at Billy Rose's Aquacade, Follies Bergere and America-Cavalcade of a Nation.

Here's a convention that no broadcaster can afford to miss. From a business standpoint it is vital. Advance reservations indicate large attendance but there is plenty of room in the hotels of San Francisco to accommodate all who desire to come.

### Speakers to Be Broadcast

The following convention speeches have been scheduled for broadcast:

*Monday, August 5, 5:30 to 6 P. M., EST (1:30-2 P. M., Pacific Time)*, Chairman James L. Fly, over CBS and MBS.

*Tuesday, August 6, 5 to 5:30 P. M., EST (1-2:30 P. M., Pacific Time)*, Assistant Secretary of War Louis Johnson, over MBS and NBC.

## Democrats Join Republicans In Favoring Free Radio

Both the Democrats and Republicans are now on record as favoring radio as free as the press. The Democratic platform, adopted Wednesday night, included the following plank:

### RADIO

Radio has become an integral part of the democratically accepted doctrine of freedom of speech, press, assembly and religion. We urge such legislative steps as may be required to afford the same protection from censorship that is now afforded the press under the Constitution of the United States.

An NAB committee including Neville Miller, John Kennedy, WCHS, and Harry Butcher, CBS, appeared before the Democratic Platform Committee in Chicago this week.

Following adoption of the Republican radio plank, the *Buffalo News* printed the following editorial:

### Free Communication

Free speech, free press and free communication generally have been so long enjoyed in this country that they were regarded rather casually until recently. Citizens recognized that these rights were essential to democratic government but they were inclined to overlook the part they play in everyday life. As a blanket of silence has fallen over large areas in Europe and as governments have used radio and other means of communication for propaganda, Americans have come to realize how important these rights are for an ordered existence. It is necessary to know what is happening in a country to be able to anticipate its needs, to be able to plan for carrying on business or commerce with it. This free communication of information from one border of this country to another has been one of the factors in building its economic and political greatness.

President Roosevelt rightly included freedom of information among his five corollary essentials to peace in his recent press conference discussion. He said that right meant not only freedom of the press but also of all channels through which information moves. America must receive news of what is happening in all parts of the country and the rest of the world, he said.

It seems idealistic now to hope for an early restoration of this freedom in the greater part of the world, but there are steps to be taken to safeguard it in this country. For instance, under the existing radio licensing system broadcasters have felt insecure in their right to freedom of communication without governmental interference. There is need for legislation to protect them more fully in their rights. On this point the Republican party has gone on record in its platform as follows:

"Federal regulation of radio is necessary in view of the natural limitations of wave lengths, but this gives no excuse for censorship. We oppose the use of licensing to establish arbitrary controls. Licenses should be revocable only when, after public hearings, due cause for cancellation is shown."

Protection should be given against the first tentative governmental interferences for they can lead to greater abuses in the future. The issue affects not only the broadcasters. It is one that touches closely the general welfare.

### Promotion

## IMPORTANT NOTICE!

### Innovation For Station Break on World's Fairs Broadcast August 3

(Over CBS, NBC, MBS, 8-9 P.M., Eastern Daylight Saving Time. Non-network stations may carry the broadcast through arrangement for lines with the nearest network affiliated station.)

A departure from the usual routine station break during an hour's program will be inaugurated on this special NAB-World's Fairs broadcast, as follows:

(At approximately 8:40 EDST): *Network announcer: This is the American system of broadcasting.*

*Station announcer: Of which Station XYZ, the voice of ——— is proud to be a part.*

*Full details of this outstanding feature available to every station in the industry are given on the following page.*

Rapidly completing plans for an impressive dedication to the freedom of American radio, the Golden Gate Exposition in San Francisco and the New York World's Fair of 1940 announce that the following famous radio personalities will take part in the one hour program to be broadcast on the eve of the NAB Convention, August 3, 8-9 p. m., Eastern Daylight Saving Time, by all three major networks and non-network stations which tie in with nearest network affiliated line:

Rudy Vallee, Major Bowes, Kate Smith, Lowell Thomas, James Melton, Francia White, the Revellers, Gertrude Berg, Colonel Stoopnagle, Phil Cook, Lanny Ross, H. V. Kaltenborn, Tommy Riggs, Graham MacNamee, Ted Husing, and Dorothy Gordon. This list, by no means complete, will be enlarged by addition of radio stars from the West Coast whom the Fair is inviting. The musical portion of the New York program will be handled by three conductors, Frank Black, Howard Barlow and Alfred Wallenstein.

It was also announced that Norman Corwin will write and produce a dramatic sketch along the lines of his "Seems Radio Is Here to Stay," which was written in 1939 in connection with the NAB Open House Week.

An outstanding feature of the program will be the performance for the first time of a dramatic patriotic tone poem written by Carl Haverlin of BMI, and scored by Paul Nordoff, protege of Leopold Stokowski, whom BMI has retained for the purpose. Its tentative title is "More Perfect Union." This will be followed by the simultaneous singing by thousands of school children assembled on the fair grounds in both New York and San Francisco of familiar patriotic hymns whose voices will be intermixed to show the national unity achieved through a free system of American radio.

Distinguished men and women from all walks of public life will be assembled on the fair grounds for the ceremony of unveiling the plaques symbolic of free American radio. The plaques have been designed by Anton Refregier of New York around the line from Walt Whitman, "The liberties of the people will be preserved so long as there are tongues to speak and ears to hear." It is expected that President Roosevelt will from Washington press the button unveiling the plaques in New York and San Francisco simultaneously. Neville Miller, NAB president, will accept the plaques in the name of the broadcasting industry.

Among those who will take part in a brief symposium showing the contributions radio has made to the educational, religious, cultural and social life of the nation, will be James L. Fly, chairman of the FCC; Dr. John W. Studebaker, U. S. Commissioner of Education; Mrs. Harold V. Milligan, president of the National Council of Women and radio chairman of the General Federation of Women's Clubs; Roger Baldwin, director, the American Civil Liberties Union. This group will be aug-

mented by an outstanding Catholic, Protestant and Jewish clergyman. It is anticipated that William Green, president of the A. F. of L., will represent labor.

Ed Kirby, who has been cooperating with both fairs in coordinating details, has given the following digest of plans for the information of members:

**Digest of Plans  
for  
BROADCASTING'S DAY AT THE NEW YORK  
WORLD'S FAIR  
(August 3)  
(San Francisco-Golden Gate Plans in the Making)**

\* \* \* \* \*

*General Plan*

1. August 3 is officially named as "Broadcasting's Day at the Fair".

2. Advertisers who have exhibits on the fair grounds and who have investments in radio personalities are being asked by fair officials to invite these personalities to come to their exhibits and act as host for short intervals throughout the day. Thus, Major Bowes would go to Chrysler, Jessica Dragonette to the Ford Building, James Melton to the A. T. & T. Building, etc., a desirable move from the standpoint of the advertiser, the Fair, and radio, achieving goodwill all the way around.

3. Throughout the day, local New York radio stations will make several pick-ups from the fair grounds. These broadcasts will be limited to routine remotes, or special events, but in no case will the special event touch on the theme of the special program to be broadcast nationally dealing with freedom of radio.

*Special Ceremonies*

1. Because of the importance of the occasion and the widespread interest of the public in the event and in the presence of famous radio stars to be on hand with distinguished men and women from all walks of life, the Fair's Special Events Department is at work lining up important outdoor meetings, such as religious, school children, women's clubs, fraternal, American legion, etc. The theme of these meetings will be patriotic in character, tying in with the central theme of the broadcast: "freedom of radio, an essential of the American democracy".

2. Marching units, bands, boy scout and girl scout troops, youth groups and patriotic societies are being invited to appear en masse.

*Pre-Broadcast Pageant*

1. The Court of Peace will be the scene of the outdoor pageant and the locale of the broadcast and dedication of the plaque. It is being especially decorated for the occasion.

2. Approximately one hour before the national broadcast, the bands, marching units, and various groups will march into the Court of Peace, bands playing and banners flying, to witness, with the general public, an outdoor pageant which is being especially created for Broadcasting's Day, dramatizing the radio freedom theme.

3. The pageant will conclude about five minutes before the broadcast begins. The crowds will then witness and hear the broadcast in the same location.

*Publicity*

1. A joint release from both Fairs was issued last Monday. A series of releases from this week on.

2. The publicity departments of the major networks will follow through with collateral publicity.

3. NAB will send out round-up stories asking cooperation of member stations' publicity people.

*Follow-Up*

1. Newsreel cameramen will be on the spot to shoot most newsworthy shots of unveiling, distinguished people present.

2. A pictorial brochure memorializing the occasion and the statements made will be designed for the record.

*Promotion by Transportation Companies*

1. The World's Fair traffic people have arranged with the eastern railroads and bus lines for special excursions and rates to bring



in the largest possible crowd for the occasion. Dodgers and handbills will be distributed throughout terminals week after next.

#### *Invitation to Special Guests*

1. New York has sent out an engraved invitation to several hundred people, presidents and officers of leading organizations such as the General Federation of Women's Clubs, National Council of Catholic Men, Federal Council of the Churches of Christ in America, the Federal Communications Commission, members of Congress interested in the communication field, etc., William Green, Sidney Hillman, and representatives of other groups.

2. A list of these organizations and their national officers located in the west and Pacific Coast area will be invited by San Francisco, for a similar move. Upon receipt of RSVP's, Fair sends out two admissions to the grounds, and two tickets to guest area in the Court of Peace.

3. Because of the presence of so many distinguished people representing so many diverse walks of life, such as education, religion, labor, etc., the Fair's special events department is utilizing their presence by building around them group meetings and ceremonies, elsewhere, during the day.

#### *Digest of the Broadcast*

Broadcast scheduled for 8-9 P. M., EDST, carried by CBS, MBS, NBC, offered all non-network stations who may hook in nearest affiliated station line.

Production under direction of William S. Rainey, former NBC production chief, retained by NAB to coordinate job for the Fair. West Coast production under Charles Vanda, CBS. Midwest under William Bacher, MBS.

First 40 minutes of hour show will be a continuous unfolding of the wonders of American radio in a somewhat Whitmanesque poetic verse and musical treatment, divided up, roughly, into a prologue, a fast-moving montage incorporating the voices of as many radio stars as possible, into specially written drama by Norman Corwin, concluding with the last scene of Maxwell Anderson's "Valley Forge," with Washington's closing lines: "This liberty will look easy by and by when nobody dies to get it."

**At the forty-minute mark the station identification will be handled as follows:**

**Network announcer: This is the American system of broadcasting. . . .**

**Local announcer: Of which station XYZ, the voice of Middletown, is proud to be a part.**

From the inspirational, dramatic note the program moves into the ceremonies at the two World's Fairs. Harvey Gibson of New York, and Marshall Gill of San Francisco, will speak to and with each other, briefly indicating the new spirit of national unity symbolized as the two competing fairs join together by radio in dedicating its freedom to the service of the American democracy.

A symposium discussion follows, pointing out the contributions the American system of radio has made to the nation, with no more than one minute allotted. The group will represent a cross section of American life, such as labor—William Green; education—Dr. John W. Studebaker; women and children—Mrs. Saidie Orr Dunbar, president of the General Federation of Women's Clubs, and/or Mrs. Harold V. Milligan, chairman, Radio Council on Children's Programs; religion—Archbishop Mitty, of San Francisco, Rabbi Wise, Dr. Buttrick, Federal Council of the Churches of Christ in America; the press—John S. McCarrons, president of ANPA; government—Chairman James L. Fly; free speech—Roger Baldwin, American Civil Liberties Union.

They will not be introduced separately; they will introduce the next speaker, after each has concluded. Pick-ups from New York, San Francisco and Washington.

And then, the unveiling of the plaques by, it is expected, President Roosevelt, from Washington, with possibly a brief laudatory message. Acceptance by Neville Miller, from San Francisco, on behalf of the industry.

The program concludes with the dramatic rendition of a new song which has been especially written for the occasion by Carl Haverlin. BMI, and musically scored by Paul Nordoff, prestige of Leopold Stokowski, retained by BMI for the purposes similar in format to "Ballad of Americans," it contains some of the most stirring verse ever set to music. It is a patriotic narration for soloists and mixed choruses, dramatizing the individual liberties enjoyed by the American citizen and the need of holding on to those liberties and freedoms handed down.

The program closes as the thousands of people and school children on the fair grounds in San Francisco and New York join

in the singing of a familiar patriotic song such as "America". Voices from the West Coast and the East Coast will be intermixed by the engineer, to dramatize the unity in the nation which has been created and which shall be preserved through a free system of radio.

A word about the radio montage: We are lining up the participation of well-known radio figures of the past and present, starting back with Amos 'n Andy and Harry Reser (the old Cliquot Program), and winding up with those who have just recently become famous through the approval of the radio audience.

(Names of those already agreeing to appear are printed above.) Fifteen to twenty seconds will be allowed each personality, the idea being that none will attempt to do a number, but merely enough to register identification, to recapture in the mind of the listener the pleasant memories of radio enjoyment of long ago, down through the years.

These stars will be picked from the fair grounds in San Francisco and New York, and from whatever other points, such as Hollywood or Chicago, where they might be available for a network feed.

A new music score is being designed in such a way that a fragment of any theme can be included just before the program levels off to drop down so the star can speak.

The Golden Gate Exposition has indicated that the San Francisco Symphony is available for this broadcast.

#### *Newspaper Billboard Ad*

Because this broadcast will be outstanding and so important to the whole industry, we are asking that stations in the various cities get together and work out a pool to defray the cost of a newspaper ad listing the names of the stars and a line or two about the event. A complete list will be sent out next week.

## WJTN PROMOTES SUMMER LISTENING

Summertime listening in Jamestown, N. Y., and environs is mounting this season because of the aggressive promotion of station WJTN. Broadcasting and newspaper ads are being used. Typical of the latter is the following 100 lines by 2 columns, just received from Promotion Manager A. E. Spokes:

"On a Simmery Summery Day  
"Spinning in a Car  
"Sunning on the Beach  
"Sailing on the Lake  
"Sitting in Your Home

"Yes, people everywhere take time out in the good old summertime to LISTEN TO THE RADIO . . . Vacation time is radio time. . . . Are you enjoying the benefits of a modern portable, automobile or standard set? . . . You probably are, because TODAY'S TOP RANKING FORM OF ENTERTAINMENT IS VIA THE AIR WAVES. . . .

"AND FOR THE BEST IN RADIO ENTERTAINMENT KEEP YOUR DIAL SET AT 1210."

## IF LETTER NOT RECEIVED—WRITE

Plans for the LISTEN BEFORE YOU VOTE promotion were mailed to members on July 18. The special envelope contained five sections:

- 1—Letter of transmittal
- 2—Non-political letters approving theme
- 3—Some promotion suggestions
- 4—Sample poster
- 5—Order blank

If this letter has not been received by July 25, please notify Arthur Stringer at headquarters and a duplicate will be sent.

Listen Before You Vote was approved by the board of directors early in the year.

## BMI Developments

### NEW PAMPHLET ABOUT ASCAP READY FOR DISTRIBUTION

"Let's Stick to the Record" is the title of a fifteen-page compilation of questions and answers in explanation of the current dispute between the National Association of Broadcasters and the American Society of Composers, Authors and Publishers.

Based upon facts and court records, it is a well documented exposé of ASCAP, going behind its slogan "Justice for Genius" to show the inner workings of the Society, its frustration of new creative talent, its monopolistic hold on radio broadcasters, its effect upon the employment of musicians, its discrimination in favor of the inner circle crowd whereby in one year the 175 highest ranking ASCAP authors and composers divided \$1,890,000, while 175 authors and composers in the lower ASCAP classifications received only a total of \$3,000.

These and many more illuminating facts are revealed in NAB's new publication "Let's Stick to the Record". Copies are being mailed stations over the weekend. Additional copies are being sent to newspaper and radio editors and others who are targets for ASCAP's propaganda who should be in full possession of the facts. The cooperation of stations is requested to further spread the information just now off the press.

### BMI FEATURE TUNES July 22-July 29

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?

At a meeting of the Board of Directors of Broadcast Music, Inc., on July 16th, Niles Trammell, new President of NBC, was unanimously elected to the board to fill the vacancy caused by the resignation of Major Lenox R. Lohr. Mr. Trammell was present and, following his election, participated in the meeting.

The resignation of Major Lohr was occasioned by his previous resignation from the presidency of NBC. It was accepted by the BMI board with expressions of regret and with thanks for Major Lohr's services to the music company.

The board adopted a new formula for license fees to go into effect at the end of the initial license period. The

new fees are based on a sliding scale which will reduce the payments to be made by stations in the lower income categories. The networks will pay the regular rates on their managed and operated, and owned and operated stations, the rates to be computed on the amounts which would be paid by the networks to these stations if they were independently owned and operated. The networks in addition will make other payments on network revenue from sale of time, deducting station payments. Full details of the plan will be announced at a later date.

Following the meeting of the Board it was also announced that transcriptions of fifty compositions will be distributed to all BMI licensees free of charge within the next week. Plans have been laid for making 450 additional selections available to BMI subscribers without charge before the end of the year. Details of the plan with regard to transcriptions will be given at the NAB convention in San Francisco in August.

In the report as to the progress of BMI which was presented to the Board names of additional subscribers were announced, bringing the total to 311. It was also stated that the first call on subscribers for an amount in excess of \$150,000 had met with practically a 100% response after the sending of a single letter and statement. Officials reported over 95% of the money already paid into the bank.

The following letter from the officers of NIB will be read with interest by all broadcasters:

500 Edmonds Building,  
Washington, D. C.  
July 16, 1940

### SPECIAL COPYRIGHT NOTICE

TO ALL INDEPENDENT RADIO STATIONS:

Last February, the radio industry commenced the operation of BMI (Broadcast Music, Inc.), established offices, studios, etc., in New York and now are providing members with music.

The subscription agreements made it difficult, if not impossible, for many small broadcasters to participate. But independent radio stations now have the opportunity to receive the services and benefits of the industry-owned music supply at a reasonable and fair cost.

Harold A. LaFount, President, Lloyd C. Thomas, Secretary-Treasurer, and Andrew W. Bennett, General Counsel of NIB (National Independent Broadcasters), for months have argued with BMI officials the inability of independent stations to participate in BMI under existing agreements—that the proposed license fee in their opinion was excessive insofar as it applied to small stations.

These discussions culminated in a meeting at New York July 10 of the above mentioned officials of NIB and officials of BMI, at which meeting BMI proposed a graduated scale of license fees which in our opinion meets our objections, since it provides a more equitable basis for determining such fees. This scale of fees will be announced by BMI, and we suggest that you give it deliberate and careful consideration, in the light of your own particular needs, before making any contractual commitments for future music.

The ANNUAL MEETING of the NIB will be held at the St. Francis Hotel in San Francisco at 2:00 p. m., Monday, August 5. At this meeting, a full discussion of the copyright situation insofar as it affects the independent radio stations and other ques-



tions will be discussed. We believe it is imperative that you attend and urge that you make every effort to do so.

#### NATIONAL INDEPENDENT BROADCASTERS,

HAROLD A. LAFOUNT, *President*,  
LLOYD C. THOMAS, *Secretary-Treasurer*,  
ANDREW W. BENNETT, *General Counsel*

On the list of most-played tunes, printed in the *New York Enquirer*, four BMI numbers appear this week: *We Could Make Such Beautiful Music*, *Same Old Story*, *Practice Makes Perfect* and *Here in the Velvet Night*. No other publisher has more than three numbers on the list. In *Variety* also *Beautiful Music* appears for the second week in succession.

Last Monday ASCAP called together the radio and music editors and feature writers of New York's newspapers and magazines and released to them a number of sandwiches, cocktails, and statements as to ASCAP's position. It is said that the sandwiches and cocktails were very well received.

## Legal

### ADMINISTRATION PROCEDURE

NAB Counsel, Russell P. Place, with the approval of the Board of Directors, has filed with the Attorney-General's Committee on Administrative Procedure a statement of NAB's suggestions for improvement of FCC procedure. The statement filed endorses that of the Federal Communications Bar Association Executive Committee with the following three exceptions:

"1. With respect to hearings before promulgation of regulations or standards and requirements which have the force and effect of regulations, we feel that the Commission should be encouraged to express its principles and policies in formal regulations and that no procedural obstacles to its doing so ought to be imposed.

"2. In order to avoid the constitutional question of a case or controversy we are inclined to favor limiting the forum for judicial review of rules and regulations to the U. S. District Court for the District of Columbia.

"3. In all quasi-judicial proceedings before the FCC we believe that there should be an opportunity for facts to be judicially found by an independent examiner or some independent quasi-judicial or judicial tribunal. Some such separation of the powers of the Commission as recommended by the President's Committee on Administrative Management at page 41 of its report would be an acceptable solution. In particular, in those cases which involve revocation of or failure to renew broadcast licenses, and where the licensee's entire business is at stake, we urge that there be provided a separate judicial determination of the facts as well as of the law."

### FEDERAL LEGISLATION

H. R. 10205 (Bland, D., Va.) COMMUNICATIONS ACT—To amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. Referred to the Committee on Merchant Marine and Fisheries.

## Labor

### LABOR BOARD ELECTION AT KXOK

The National Labor Relations Board today announced that a collective bargaining election would be held within 30 days among the staff and free-lance actors, singers, and announcers, employed by Star-Times Publishing Company at Station KXOK, St. Louis, to determine whether or not they desire to be represented by American Federation of Radio Artists.

At the Board's hearing there was introduced into evidence an analysis made by the Acting Regional Director showing that the union holds application for membership signed by a substantial number of the company's employees at Station KXOK in the unit alleged in the petition to be appropriate for the purposes of collective bargaining. At the hearing the parties stipulated that the company had declined to recognize the union as the exclusive representative of its employees in this unit until such time as the union was certified as such representative by the Board.

At the hearing it was agreed by the union and the company that a unit consisting of actors, singers, and announcers employed by the company at Station KXOK, excluding microphone entertainers known as "hillbillies," was appropriate for the purposes of collective bargaining. The company and the union further agreed that the unit thus defined included the regular staff employees of the station in the program department, and, in addition, free-lance actors, singers, and announcers employed by the station for particular performances.

## Miscellaneous

J. Lindsay Nunn, WLAP, writes: "Winston L. Clark is not associated with Radio Station WLAP in any way, nor has he been associated with this station or any of the Nunn interests for nearly two years."

## The Commission

### FLY SAYS FCC WORKING ON HAVANA REALLOCATIONS

James Lawrence Fly, Chairman of the FCC, stated at a press conference on Monday that while the Commission itself has done nothing up to this time in connection with the North American regional broadcasting reallocations that engineers of the Commission are hard

at work on the problem and have been for sometime. He stated that the staff has gotten along very well with its work and has even prepared a list of proposed changes which have not yet been referred to the Commission.

Chairman Fly stated that while the Commission has received a communication from Neville Miller, President of NAB, requesting representation of the industry on the proposed Communications Defense Committee that no action has been taken to this time, although there has been some discussion of it. Mr. Fly said that the appointment of the proposed Committee now rests entirely with the White House. The announcement of it, he said, is probably a question of timing. If any difficulty had arisen, he said, he probably would have been notified.

## TELEVISION DEVELOPMENTS

The FCC says that television experimentation tending to develop uniform transmission standards of acceptable technical quality, plus equipment tests and training of technicians, in addition to experimental programs which the public may enjoy, are assured by the National Broadcasting Company, through its station W2XBS at New York, and the Don Lee Broadcasting System, through W6XAO at Los Angeles and a proposed station to be located in San Francisco.

Besides confirming its previous tentative approval of construction of the San Francisco station, the FCC authorizes the other stations mentioned to use the new television channel No. 1 (50,000-56,000 kilocycles). This is in conformity with the Commission's announcement of June 18 encouraging the widespread distribution of experimental facilities to promote advancement of television.

Stations W2XBS and W6XAO operated on the former television channel No. 1 (44,000-50,000 kilocycles) which, on May 22, was removed from the television band. The Commission's approval of the use of the new television channel No. 1 was conditioned upon showing of acceptable programs of research and development.

National Broadcasting Company reported that its New York station will continue to use the RMA standard but will increase the number of frame lines from 441 to 507. In collaboration with RCA, it will review the various types of transmission standards under laboratory conditions and, if necessary, undertake full scale field testing. Change in polarization of W2XBS transmission would interfere with reception by receivers in the area served, since antennas there are for horizontal polarized signals. However, polarization studies will be conducted by RCA subsidiaries. NBC hopes to make the necessary equipment changes for utilizing the new channel during the summer when audience interest is at a minimum. The work will require about two months.

Both Don Lee stations will experiment with television

transmission using 525 lines, 30 frames interlaced, or 441 lines, 30 frames interlaced, and possibly television signals of other composition. These stations will make tests to determine the effect of the different power supply systems on reception of television images, and propagation characteristics and signal-to-noise ratios will be compared with vertical and horizontal polarization. Studies will also be made of co-channel interference between the Los Angeles and San Francisco stations.

Station W2XBS operates with 12 kilowatt visual and 15 kilowatt aural power, and W6XAO with 100 watts visual power and 150 watts aural power. The proposed San Francisco station will use 1 kilowatt aural and visual power.

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In following through its promise of May 28th that it stands ready to confer with the television industry and otherwise assist in working out television's remaining problems, the FCC is cooperating in the organization of a National Television Systems Committee to function under the auspices of the Radio Manufacturers Association. Such a committee, it feels, should be of value in the advancement of television to a satisfactory level of performance that will insure a general and widespread public service.

The Commission recently paved the way for an increased number of television stations throughout the country with a view to crystallizing their experimentation with different systems into a uniform standard upon which commercialized visual broadcasting may be safely launched. A previous television hearing had revealed a serious conflict of engineering opinion upon the question of standards among the representatives of various responsible elements in the industry engaged in important research and experimental work.

Because of the inadequacy of the various suggested standards, the new group will explore existing television systems with a view to developing and formulating standards that will be acceptable to the industry as a whole in expediting establishment of a single well-founded national system—one which has promise of ultimately giving this country more television stations and receivers than all other nations combined, with resultant benefits to manufacturers, dealers, and broadcasters, as well as the public.

This project, though sponsored by the Radio Manufacturers Association, will operate independently and represent the majority opinion of the industry. Members will be appointed by James S. Knowlson, newly-elected president of the association, subject to the approval of that association's executive committee. However, membership will not be limited to the association; it will embrace representatives of companies broadly interested and experienced in the television field, also representatives of national technical organizations desirous



of seeing television launched on a firm footing, as well as individual experts.

Chairman James Lawrence Fly of the FCC welcomes organization of the committee as affording "a splendid opportunity for the cooperation of industry and government in the solution of a problem which is of such timely concern to the public and to business."

### INCREASE BROADCAST COVERAGE THROUGH MUTUAL ARRANGEMENT

Another example of mutual cooperation by widely-separated broadcasting stations to improve public service is reflected in action today by the FCC in granting construction permits to WCHS at Charleston, W. Va.; WDBO at Orlando, Fla., and WIBW at Topeka, Kans., to increase night power to 5 kilowatts. The three stations operate on 580 kilocycles. By working out directional antenna systems they are able to greatly increase their respective coverage with a minimum of interference to one another.

WCHS, licensed to the Charleston Broadcasting Company, has heretofore operated with 500 watts night and 5 kilowatts day, while WDBO, Orlando Broadcasting Company, Inc., and WIBW, Topeka Broadcasting Association, Inc., have operated with 1 kilowatt night and 5 kilowatts day.

### REHEARING IN ATLANTIC CITY BROADCAST CASE DENIED

The FCC denied a petition of the Press-Union Publishing Co., licensee of radio station WBAB at Atlantic City, N. J., for rehearing of the Commission's action in issuing a construction permit to the Neptune Broadcasting Corp. for a new station at that place to operate on 1420 kilocycles with 100 watts power night and 250 watts until local sunset. Station WBAB operates on 1200 kilocycles with 250 watts power, unlimited time.

These frequencies are sufficiently separated so that both may be used there without interference to the other. Press-Union Publishing Co. previously failed to show that its interest would be adversely affected by grant of Neptune application. Nor did the Press-Union's subsequent petition assert otherwise, but argued that there is no need for two local stations in Atlantic City, and that the service of Neptune would duplicate to a large extent the program service rendered by WBAB. Concludes the Commission:

"Although petitioner, in his petition for rehearing, does not assert that it will be aggrieved or adversely affected by the operation of the proposed station, we have carefully considered the grounds urged by petitioner for a reversal of our decision of May 22. Upon considering these grounds, we find they are without merit."

### ADDITIONS TO LEGAL STAFF

The FCC announces the following additions to its legal staff:

Lucien Hilmer, who was in charge of the New York office of the Senate Interstate Commerce Committee in its railroad investigation, to be special counsel.

David Lloyd, formerly assistant chief counsel of the Senate civil liberties committee, to be special counsel in charge of an investigation unit within the Law Department.

Oscar Schachtler, from the Wages and Hours Division of the Department of Labor, to be an associate attorney.

Leo Resnick, from the field legal staff of the Public Works Administration, to be associate attorney.

Marcus Cohn, graduate of the University of Oklahoma, University of Chicago Law School and Harvard Law School, to be associate attorney.

Philip Elman, at present law clerk to Circuit Judge Calvert Magruder of the First Circuit, to be assistant attorney.

### FCC HAS TEMPORARY POSITIONS FOR RADIO OPERATORS

A Civil Service examination is open now for radio operator positions in the FCC. In view of the emergency, the FCC is prepared to accept applications from licensed commercial operators and amateurs for appointment as radio operators in the field service, with the understanding that those selected will be given temporary employment for ninety days and examined during that time by the Civil Service Commission. The temporary employees who pass the Civil Service examination, and are reached in the order of their standing on the eligible list, will receive indefinite probationary appointment on a temporary basis as the present emergency may justify.

Applicants receiving appointments must defray the expense of travel to the city or town designated by the Commission as their headquarters. The Commission reserves the right to make transfers from time to time according to the best interests of the service. A few positions will be available outside the Continental United States to operators who pass the Civil Service examination. Those who are willing to accept appointment in Alaska, Hawaii, and Puerto Rico should indicate their order of preference. Order of preference may also be shown for regions within the Continental United States, as, for example, "West Coast," "Southeast," etc.

Temporary appointees are also required to pass a physical examination which is conducted at U. S. Public Health stations throughout the United States.

Operators will be required to travel in Commission field cars on official business, and when operating outside of the limits of their headquarters station will be paid five dollars per diem for subsistence.

Operators in the Commission's service are required to stand a rotating watch which involves work on Saturday afternoons, Sundays and holidays.

Persons holding radiotelegraph first class licenses will be appointed to fill positions at \$1800 per annum and those holding radiotelegraph second class licenses at \$1620 per annum.

Amateur licensees desiring to file applications for positions as operators in the Commission's field service must possess the following qualifications:

- (a) Must be at least 21 years of age and not over 55 unless they have veterans' preference.
- (b) Must hold an amateur operator's license for a continuous period of at least five years prior to making application for employment.
- (c) Must demonstrate in a Commission field office their ability to transmit and receive plain English text in the International Morse Code at the rate of 20 words per minute.

The salary for amateurs who qualify for appointment is \$1620 per annum. A deduction of 3½ per cent is made from all salaries toward retirement, but this is returned if the employee leaves the government service before retirement.

Applications should be submitted on U. S. Civil Service Application Form 8 to the Secretary, Federal Communications Commission, Washington, D. C. Complete information must also be

filed with respect to citizenship and fingerprints under Federal Communications Commission Order No. 75.

Further information relative to these positions may be obtained by writing to the Federal Communications Commission or to the U. S. Civil Service Commission, Washington, D. C.

## FCC ORDER REVISED

Administrative Order No. 2 of the FCC has been revised to give more latitude for the handling cases at the Commission during the vacation period. The revised Order No. 2 is as follows:

Under the authority of the Communications Act of 1934, as amended, IT IS ORDERED, That Administrative Order No. 2, adopted July 12, 1939, as amended, be and the same is hereby further amended to provide as follows:

IT IS ORDERED: That there be and there is hereby assigned and referred to the respective boards and individual Commissioners hereinafter designated, for action thereon, that portion of the work, business or functions of the Federal Communications Commission hereinafter specified:

(1) (A) The Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act, upon:

- (a) all applications for operator licenses or renewals thereof; and
- (b) all applications for amateur and ship stations or renewals thereof; and
- (c) all applications for aircraft station licenses or renewals thereof where the applicant is or has been the holder of a station license within the preceding year;

(B) The Secretary of the Commission is hereby designated to enter the appropriate final order of the Commission in all cases involving applications for radio station authorizations in which proposed findings and conclusions of the Commission have been issued pursuant to the provisions of Section 1.231 of the Commission's Rules of Practice and Procedure and in which no exceptions have been filed within the time prescribed in said section.

(2) The Chief Engineer of the Commission is hereby designated to determine and act upon all applications and requests and to make appropriate order in letter form for the signature of the Secretary of the Commission in the following matters:

- (a) temporary operation without specified items of equipment, or with temporary, substitute or auxiliary equipment;
  - (1) operation without an approved frequency monitor;
  - (2) operation without an approved modulation monitor;
  - (3) operation without thermometer in automatic temperature control chamber;
  - (4) operation without antenna ammeter, plate voltmeter or plate ammeter;
  - (5) operation with substitute ammeter, plate voltmeter or plate ammeter;
  - (6) operation with temporary antenna system;
  - (7) operation with auxiliary transmitter as main transmitter;
- (b) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (c) where formal application is not required, application for new or modified equipment or antenna system;
- (d) change of specifications for painting and lighting antenna towers where formal application is not required;
- (e) operation to determine power by direct method during program test period;
- (f) relocation of transmitter in same building;
- (g) operation with reduced power or time under Sections 3.57 and 3.71;
- (h) approval of types of equipment as to compliance with outstanding rules and standards;
- (i) all authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit;
- (j) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (k) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met;

- (l) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
  - (m) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
  - (n) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of emergency when, due to causes beyond the control of the licensee, it become impossible to continue operating at the licensed location;
  - (o) all authorizations for special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases.
- (3) The Chief Accountant of the Commission is hereby designated to determine, order, certify, report or otherwise act upon:
- (a) administration, interpretation and application of regulations promulgated by the Commission pursuant to Section 220 of the Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission;
  - (b) applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to Section 219 of the Act;
  - (c) administration, interpretation and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks or chains, including applications for extensions of time in which to file financial and statistical statements and reports;
  - (d) all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to Section 203 of the Act, and in connection with the administration of this section in so far as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof;

and, where appropriate in carrying out the foregoing, to make orders in letter form for the signature of the Secretary of the Commission.

(4) A board, to be called "The Administrative Board," consisting of the General Counsel, Chief Engineer, Chief Accountant, and Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act upon the following matters; *provided*, however, that said Board may act in such matters only in accordance with established policies of the Commission; *provided further* that three members of said Board shall constitute a quorum:

- (a) all applications for the Coastal, Marine Relay, Aviation, Emergency, and Miscellaneous services, except those falling under paragraphs (1), (2), and (3) of this Order;
- (b) upon all radio matters of every character (except broadcast, and cases falling under paragraphs (1), (2), and (3) of this Order) within the Territory of Alaska;
- (c) upon all applications for experimental authorizations except: Class II experimental stations to authorize experimentation directed toward the establishment of new services;
- (d) upon all broadcast service applications as follows: for licenses following construction which comply with the construction permit; applications for construction permit and modification of construction permit involving only a change in equipment; applications for extensions of time within which to commence and complete construction; applications to install frequency control equipment; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site not involving any substantial change in service area; applications for relay broadcast stations; applications for consent to assignment of licenses or for consent to transfer of control of licensees of relay broadcast stations, when the Commission has on a prior date consented to a like assignment or transfer of control of the licensee



of the standard broadcast station with which the relay stations are affiliated; and requests for authorization to rebroadcast under the provisions of Section 3.94 of the Rules and Regulations;

- (e) upon all applications or requests for special temporary authorization other than those falling under paragraphs (1), (2), (3) or (5) of this Order;
- (f) all applications or requests for emergency and renewal exemptions from the provisions of Section 352(b) of the Act;
- (g) upon all uncontested proceedings involved in:
  - (1) the issuance of certificates of convenience and necessity and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;
  - (2) applications from existing licensees for instruments of authorization for the Fixed Public or Fixed Public Press radio services, except applications involving (1) new points of communication, (2) changes in transmitter location other than local in character, (3) assignment of additional frequencies, or (4) involving change of policy by the Commission or the establishment of a new type of service;
- (h) upon requests for inspection of records under the provisions of Section 1.5(c) of the Commission's Rules of Practice and Procedure;

Actions taken by the Board shall be reported in writing each week to the Commission at its regular meeting.

(5) All applications or requests for special temporary standard broadcast authorizations shall be referred to the Administrative Board which shall make appropriate recommendation thereon and refer the same to a Commissioner to be named by subsequent supplements to this Order, who is hereby designated to determine, order, report or otherwise act upon all such applications or requests in accordance with established policies of the Commission.

(6) A Commissioner, to be named by subsequent supplements to this Order, is hereby designated to hear and determine, order, certify, report or otherwise act upon;

- (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 to 1.256, inclusive, of the Commission's Rules of Practice and Procedure; *provided further* that when one or more members of the Commission have been designated to preside at a hearing such Commissioner or Commissioners shall be authorized and empowered to fix the time and place such hearing shall be held; and such motions, petitions, or matters arising in connection with such hearing shall be handled by the Commissioner or Commissioners designated to preside, subject to the provisions of Sections 1.232, 1.252, 1.254, 1.255, and 1.256 of the Rules of Practice and Procedure; *provided further* that in the absence of the individual Commissioner designated to preside at a hearing, or his inability to act or pass upon such preliminary matters, they shall be referred to the presiding officer of the Motions Docket.

- (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

(7) Any party affected by any order, decision, or report of any individual, board, or individual Commissioner, to whom authority is delegated under the provisions hereof, may file a petition for rehearing, as provided by Section 1.271 of the Commission's Rules of Practice and Procedure, before the Commission, and every such petition shall be passed upon by the Commission.

## FROM THE FCC MAIL BAG

A New Yorker inquires "whether a company operating a commercial radio station is under a duty to quote rates for time not sold and to sell such time if its rates are met." Under the Communications Act a radio broadcast station is expressly declared not to be a common carrier. Accordingly, except the provision which relates to candidates for public office explained in our

information release of March 11, a radio broadcast station is under no obligation to quote rates or sell time. Hence a radio broadcast station is unlike some other classes of radio stations—notably radiotelegraph and radiotelephone—which have the status of common carriers and are required to furnish service in accordance with tariffs filed with the Commission.

With reference to reallocation of frequencies under the North American Regional Broadcast Agreement, the Commission is unable to advise about prospective individual changes pending working out of the reallocation plan in its entirety. Full publicity will be given frequency shifts at that time. Meanwhile, it is not necessary for a station to make application for such change in frequency.

Although the Commission can not, as a rule, interfere in local interference problems, so many residents of Dennison, Ohio, complained about serious interference to local radio reception that the Commission has asked the Ohio Power Co. to cooperate in remedying the local situation.

A West Virginian wants to obtain a transcript of a certain radio broadcast. Station licensees are not required under law to furnish program transcripts to the public, nor is the Commission empowered by law to secure copies thereof for individuals.

To a Pennsylvanian who complains about interruption of programs for station identification, the Commission points out that whereas such announcements are normally required on the hour and half hour, these may be dispensed with if they would interrupt a single consecutive speech, play, religious service, symphony concert or operatic rendition.

A Chicago woman objects to a program broadcast by a Dr. Brinkley. The program emanated from a Mexican station, over which the Commission has no jurisdiction.

Since the Commission lacks jurisdiction in the matter, it suggests to a Palm Beach woman that she submit to independent stations and networks a prayer that she wants to be broadcast twice daily throughout the United States.

In response to a query from Chicago, the Commission advises that there is no rule or regulation pertaining to the solicitation of funds over the air, and that the matter is one within the discretion of station management.

The Commission is likewise without authority to take remedial action with respect to the following complaints:

A Brooklyn, N. Y., man is irked because a network substituted an address by Winston Churchill for the usual baseball program.

A Washington, D. C., man alleges failure of a network to advise the listening audience concerning the reconvening of the Republican National Convention.

A San Francisco listener takes issue with the "man in the street" type of programs.

A Bronx, N. Y., individual would bar the radio to minority groups.

A Lynn, Mass., florist dislikes radio advice to purchase hosiery for Mother's Day gifts rather than flowers.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments are scheduled before the Commission during the week ending Monday, July 22. They are subject to change.

Thursday, July 25

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 time; and auxiliary, 1410 kc., 500 watts, 1 KW LS. Time: Auxiliary purposes only.

## FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

August 1

Oral Argument Before the Commission

Report No. B-108:

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KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.

October 14

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., 1080 kc., 50 KW, unlimited time (DA for night use). Present assignment: 1080 kc., 50 KW, unlimited time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., 1080 kc., 50 KW, unlimited time (DA for night use). Present assignment: 770 kc., 10 KW, simultaneous D. S-WBBM-N. S.A. synchronized with WBBM-N, exp.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, 770 kc., 50 KW, unlimited time. Present assignment: 770 kc., 50 KW, simultaneous D, S-KFAB-N. S.A. synchronized with KFAB-N, exp.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., 770 kc., 1 KW, daytime. Present assignment: 1060 kc., 1 KW, limited to WBAL and WTIC.

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, 1080 kc., 5 KW, limited to WBT and KFAB. Present assignment: 1080 kc., 5 KW, limited to WBT, shares WCBF.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted construction permit to increase night power from 1 KW to 5 KW, on 580 kc., and install directional antenna for night use.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted construction permit to increase night power from 500 watts to 5 KW, on 580 kc., and install directional antenna for night use.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted construction permit to increase night power from 1 KW to 5 KW, on 580 kc., install new equipment and directional antenna system for night use.

KPHO—M. C. Reece, Phoenix, Ariz.—Granted modification of construction permit (B5-P-2182) approving transmitter and studio sites, antenna, and increase in night power from 100 to 250 watts (B5-MP-979).

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Granted construction permit to install new transmitting equipment and increase power from 100 to 250 watts, on 1310 kc. (B2-P-2817).

Riverside Broadcasting Co., Riverside, Calif.—Granted construction permit for new Class IV broadcast station to operate on 1420 kc., 250 watts, unlimited time (B5-P-2648).

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Granted modification of license to increase nighttime power from 100 to 250 watts (B2-ML-977).

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted modification of license to change daytime directional antenna pattern (B1-ML-1001).

The Marion Broadcasting Co., Marion, Ohio.—Granted construction permit for new station at Marion, Ohio, to operate on 1500 kc., using 250 watts power, unlimited time (B2-P-2862).

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Granted construction permit to install new transmitting equipment, make changes in directional antenna system for nighttime use, change frequency from 640 to 560 kc., increase power from 500 watts to 5 KW, and change hours of operation from limited time to unlimited (B1-P-2912).

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted amended application for construction permit authorizing increase in power from 5 KW to 50 KW, installation of new transmitter and directional antenna for nighttime use on 680 kc., by mutual arrangement with WLAW.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted construction permit to install new transmitter and directional antenna for night use, increase power from 1 KW daytime only to 5 KW unlimited time, on 680 kc., by mutual arrangement with WPTF in re directional antenna.

### DESIGNATED FOR HEARING

Mollin Investment Company, Riverside, Calif.—Application for construction permit to erect a new station to operate on 1390 kc., 500 watts, daytime only (B5-P-2464).

### MISCELLANEOUS

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted license to cover construction permit for installation of new transmitter, move of transmitter and studio, install new antenna, and increase power from 250 watts to 1 KW; 740 kc., daytime (B1-L-1183).

WMPS—Memphis Broadcasting Co., Memphis, Tenn.—Granted license to cover construction permit for changes in transmitting equipment; 1430 kc., 50 watts, 1 KW LS, unlimited (B3-L-1184).

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted license to cover construction permit for installation of new transmitting equipment and increase in power from 100 watts to 250 watts; 1310 kc., unlimited time (B2-L-1186).

WJSN—The Sun Publishing Co., Inc. (area of Jackson, Tenn.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies 30820, 33740, 35820, 37980 kc., power 15 watts (B3-LRE-317).

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Granted license to cover construction permit for installation of new transmitter, increase in power from 100 to 250 watts, and move of studio; 1210 kc., unlimited time (B2-L-1182).

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted license to cover construction permit for installation of new equipment, frequency 43000 kc., special emission, 250 watts power, granted upon experimental basis only, conditionally (B2-LHB-62).

WICA—WICA, Inc., Ashtabula, Ohio.—Granted license to cover construction permit for changes in equipment and increase in power from 500 watts to 1 KW; 940 kc., daytime (B2-L-1187).

KAIZ—Woodmen of the World Life Insurance Society (area of Omaha, Nebr.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies 1622, 2058, 2150, 2790 kc., power 10 watts (B4-LRY-194).

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted license to cover construction permit for new broadcast station, 1370 kc., 250 watts, unlimited (B3-L-1170). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-419).

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted special temporary authority to rebroadcast regular routine transmissions to be received from the Boone County Police radio system, Belvidere, Ill., from 11:45 a. m. to 12:15 p. m., CST, on July 11, 1940 (B4-S-577).

Atlantic Coast Broadcasting Co. (area of Charleston, S. C.), Portable-Mobile.—Granted construction permit for new relay broadcast station, frequencies 31220, 35620, 37020, 39250 kc., power 2 watts (B3-PRE-357).

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted construction permit to move transmitter from 5½ miles northwest of Birmingham, Ala., to 2400 Arkadelphia Road, Birmingham, Ala.; 930 kc., 1 KW, 5 KW LS, unlimited time (B3-P-2541).

KQCB—Queen City Broadcasting Co. (area of Seattle, Wash.), Portable-Mobile.—Granted construction permit to increase power of its relay broadcasting station from 12 watts to 40 watts and install new transmitter (B5-PRY-223).

WSPD—The Fort Industry Co., Toledo, Ohio.—Granted modification of construction permit for increase in power from 1 KW, 5 KW day, to 5 KW day and night; install directional antenna for night use only, for extension of completion date from July 27, 1940, to September 1, 1940 (B2-MP-1007).

KSTP—KSTP, Inc., St. Paul, Minn.—Granted modification of construction permit for move of transmitter, install new equipment and directional antenna and increase in power, for extension of completion date from July 8, 1940, to September 8, 1940; 1460 kc., 50 KW, unlimited time, directional antenna day and night (B4-MP-1000).



- WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Granted license to cover construction permit for new broadcast station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited hours of operation, transmitter to be located at South of Town, Sault Ste. Marie, Mich., studio at 107 W. Portage St., Sault Ste. Marie, Mich. (B2-L-1175). Also granted authority to determine operating power by direct measurement of antenna (B2-Z-431).
- Glover Weiss, tr/as Glover Weiss Co., Jacksonville, Fla.—Denied as in case of default the application for construction permit for a new broadcast station at Jacksonville, Fla., to operate on **1440 kc.**, 250 watts, unlimited time.
- WDZ Broadcasting Co. (area of Tuscola, Ill.), Portable-Mobile.—Granted license for new relay broadcast station, frequencies **1622, 2058, 2150, 2790 kc.**, power 2 watts (B4-LRY-191).
- WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct measurement of antenna input; frequency **1210 kc.**, power 100 watts, unlimited time (B2-Z-437).
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 7:30 p. m., CST, to midnight, for the period July 15, 1940, to the conclusion of the proceedings of the Democratic National Convention, in order to permit WGBF to broadcast said proceedings only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast proceedings of the Democratic National Convention only.
- WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate from 7:45 p. m., EST, until the conclusion of the evening sessions of the Democratic National Convention, for the period beginning July 15 and continuing for the duration of the convention, in order to broadcast proceedings of said convention only (B3-S-775). Action taken 7-12.
- KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Granted authority to make changes in automatic frequency control unit.
- WLBL—State of Wisconsin, Dept. of Agriculture, Stevens Point, Wis.—Granted extension of special temporary authority to operate specified time 8 a. m. to 4:15 p. m., CST, daily from July 17, 1940, to not later than August 15, 1940, pending the completion of plans being made for additional station personnel to permit full daytime operation.
- WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary to operate from 7:45 p. m., EST, until 9:30 p. m., EST, July 13, 1940, and from 7:45 p. m. to 10 p. m., EST, July 14, 1940, in order to broadcast the pre-convention speeches of Senator Byrnes and Postmaster General Farley.
- W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to operate W2XOY with 100 watts amplifier for a period not to exceed 30 days, pending completion of manufacturing and installation of the Model 4AF2A1 amplifier as stipulated in construction permit.
- WPIT—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted special temporary authority to operate the equipment of International Broadcast Station WPIT, authorized in construction permit, File No. B1-PIB-23, with power of 35 KW, using WL 893R tubes in final amplifier stage in lieu of 50 KW power with Federal 124R tubes, respectively, specified in construction permit, for a period beginning August 1, 1940, to not later than August 30, 1940.
- WESG—Cornell University, Elmira, N. Y.—Granted modification of license to move studio from Mark Twain Hotel, Elmira, N. Y., to Cornell Campus, Ithaca, N. Y. (B1-ML-1005).
- KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted license to cover construction permit as modified for new broadcast station, frequency **1310 kc.**, power 100 watts, 250 watts LS, unlimited time (B3-L-1174); also granted authority to determine operating power by direct measurement of antenna input (B3-Z-430).
- W2XWV—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Granted extension of special temporary authority to operate a 50-watt television transmitter on frequencies **60000-86000 kc.**, at 515 Madison Ave., New York City, for the period July 13, 1940, to not later than August 11, 1940, in order to conduct field tests.
- KSUB—Leland M. Perry (surviving partner of Johnson & Perry), and Southern Utah Broadcasting Co., Cedar City, Utah.—Denied petition for extension of time within which to make other arrangements for the transfer of station property and the assignment of license of station KSUB, and to file an amended plan for the assignment of said license.
- WJHL—WJHL, Inc., Johnson City, Tenn.—Granted petition to reconsider and grant without hearing the application of WJHL to change operating assignment from **1200 kc.**, 250 watts, unlimited time, to **880 kc.**, 1 KW, unlimited time, using directional antenna for night use.
- WTMJ—The Journal Company (Milwaukee Journal), Milwaukee, Wis.—Granted construction permit to increase power from 1 KW to 5 KW on **620 kc.**, unlimited time, using directional antenna at night.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted petition for reconsideration and grant of application for construction permit to install new transmitter and directional antenna for night use, change frequency from **1310 kc.** to **620 kc.**, and increase power from 250 watts to 500 watts night, 1 KW day, unlimited time.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Redesignated for hearing the application of WHJB for construction permit to change operating assignment from 250 watts, daytime, to 1 KW, unlimited time, on **620 kc.**, using directional antenna at night.
- WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Denied petition for rehearing in the matter of the application of the Neptune Broadcasting Corp. for a new station in Atlantic City to operate unlimited time on **1420 kc.**, with power of 100 watts night, 250 watts local sunset, granted by the Commission on April 4.
- North Jersey Broadcasting Co., Inc., Paterson, N. J.—Granted petition to reconsider Commission action taken June 11, 1940 in designating for hearing the application for a new station at Paterson to operate on **900 kc.**, with 1 KW, daytime only, subject to selection of a transmitter site satisfactory to Commission (B1-P-2624).
- Sentinel Broadcasting Corp., Salina, N. Y.—Granted construction permit to erect a new station at Salina (a suburb of Syracuse), to operate on **620 kc.**, with power of 1 KW, unlimited time, using directional antenna at night.
- KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Scheduled for oral argument on August 1, 1940, the proposed findings of the Commission in re revocation of station license (B-108).
- W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted special temporary authority to remain silent until completion of installation of new transmitter at 444 Madison Ave., New York City, as proposed in application (File No. B1-PHB-281,) but for a period not to exceed 30 days.
- W10XLV—Radio Engineering Laboratories Inc., Long Island City, N. Y.—Granted special temporary authority to operate Class I experimental station on **43400 kc.**, power 1 KW, special emission, 200 kilocycle swing, at location to be determined in San Francisco, Calif., on an experimental non-interference basis from August 1, 1940, to not later than August 30, 1940, in order to demonstrate frequency modulation reception at the Convention of the National Association of Broadcasters.
- WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Granted modification of construction permit for installation of new antenna and move of transmitter, for change in transmitter location locally, and extension of commencement date from July 18, 1940, to 60 days after grant and completion date from January 18, 1941, to 120 days thereafter; **1310 kc.**, 250 watts, unlimited time (B2-MP-1013).
- KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted license to cover construction permit for installation of directional antenna for day and night use, and increase in power; **560 kc.**, 5 KW, unlimited time (B5-L-1189). Also granted authority to determine operating power by direct measurement of antenna input (B5-Z-440).
- WIXTG—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Granted license to cover construction permit as modified for new high frequency broadcast station; frequency **43400 kc.**; special emission; 1000 watts power granted upon an experimental basis only, conditionally. (B1-LHB-61)
- WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted authority to determine operating power by direct measurement of antenna input. (B3-Z-441)
- KFRU—KFRU, Inc., Columbia, Mo.—Granted modification of construction permit for installation of new transmitter, new antenna, change of frequencies, decrease in power, change

hours of operation, and move of transmitter, for approval of transmitter site at 1200 Broadway, Columbia, Mo. (present licensed location), approval of present licensed antenna, and install new transmitter; frequency **1370 kc.**, 250 watts, unlimited time. (B4-MP-1010)

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted license to cover construction permit which authorized changes in transmitting equipment; **1370 kc.**, 250 watts, unlimited time. (B4-L-1190)

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Granted modification of construction permit as modified which authorized change in frequency, increase in power, move transmitter, install new transmitter and antenna, for extension of completion date from August 20, 1940, to October 20, 1940; **590 kc.**, 5 KW, unlimited time. (B-MP-1014)

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted license to cover construction permit which authorized installation of new antenna, increase in power and move of transmitter; **1310 kc.**, 250 watts power, unlimited time. (B3-L-1164)

W2XBU—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate transmitter on **288 mc.** (channels 18 and 19) for preliminary tests and transmission of video signals under construction permit (File No. B1-PVB-54) aboard the Steamship AMERICA at Norfolk, Va., beginning July 20, 1940, and ending not later than July 31, 1940; to operate as above except at New York, N. Y., on or about July 29, 1940, in order to televise view of the arrival of the new Steamship AMERICA arriving in New York.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted construction permit to move transmitter from Walton Bldg., Maine and Esplanade Sts., Lexington, Ky., to off Mason Headley Road, Lexington, and install new antenna; **1420 kc.**, 250 watts, unlimited time. (B2-P-2900)

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST on August 1, 6, 8, 13, 15, 20, 22, 27, and 29, 1940, and from 8:15 p. m. to 9:15 p. m. CST on August 7, 14, 21, and 28, 1940, in order to permit WNAD to remain silent during the summer vacation (provided WNAD remains silent).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent during the above periods in order to observe the summer vacation.

Pensacola Broadcasting Co., Pensacola, Fla.—Granted special temporary authority to operate ship station WFLT on **1622, 2058, 2150 and 2790 kc.** on July 27 and 28, 1940, in order to relay broadcast the annual fishing rodeo from the Gulf to Radio Station WCOA.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period beginning July 17, 1940, and ending not later than August 15, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

NEW—William H. Rines, Portland, Maine.—Construction for a new broadcast station to be operated on **560 kc.**, 1 KW night, 5 KW day, unlimited time, employing directional antenna day and night. Class III-B. Transmitter near Rigby, Me.

KLZ—KLZ Broadcasting Co., Denver, Colo.—Authority to determine operating power by direct measurement.

KLZ—KLZ Broadcasting Co., Denver, Colo.—License to cover construction permit (B5-P-2523) for directional antenna for day and night and increase power.

### 590 Kilocycles

KGMB—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Modification of construction permit (B-P-2220) as modified to change frequency, increase power, move transmitter, install new transmitter and antenna, requesting extension of completion date from 8-20-40 to 10-20-40.

### 920 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on **1330 kc.**

or **1360 kc.** when Havana Treaty goes into effect, 500 watts night, 1 KW day, unlimited time. Amended: To change frequency to **920 kc.**, increase power to 5 KW, install directional antenna for day and night use, and give location of transmitter as Miami Garden Drive & State 149, Town of Ojus, Fla.

### 1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Modification of license to change frequency from **1050 kc.** to **900 kc.**, increase power from 1 KW night, 5 KW day to 5 KW day and night, change time from limited to unlimited time. Amended: To show that the frequency **900 kc.** is requested after the effective date of the North American Regional Broadcast Agreement.

### 1230 Kilocycles

KGGM—New Mexico Broadcasting Co., Inc., Albuquerque, N. Mex.—Construction permit to install new transmitter from West City Limits, Albuquerque, N. Mex. to approximately 5 miles north of business district on North Second Street, Albuquerque, N. Mex., change frequency from **1230 kc.** to **590 kc.**, increase power from 1 KW to 5 KW day and night, and install directional antenna for night use.

### 1310 Kilocycles

WOMI—The Ashland Broadcasting Co., Ashland, Ky.—Modification of construction permit (B2-P-2742) to install new antenna and move transmitter, requesting change in transmitter location from 53rd and Ohio River to 48th St. and Ohio River, Ashland, Ky., and extend commencement and completion dates from 7-18-40 and 1-18-41 to 60 days after grant and 120 days thereafter respectively.

KVSF—New Mexico Broadcasting Co., Inc., Albuquerque, N. Mex.—Construction permit to install new transmitter, new vertical antenna, move transmitter and studio from 759 Cerrillos Road, Santa Fe, N. Mex. to South Cerrillos Road, Santa Fe, N. Mex., change frequency from **1310 kc.** to **1230 kc.**, and increase power from 100 watts to 1 KW. Contingent on granting of KGGM's application B5-P-2918.

WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Modification of construction permit (B2-P-2588) for a new broadcast station, requesting approval of antenna and transmitter and studio sites at 6 Fountain St., N. E., Grand Rapids, Mich.

KSRO—Ernest L. Finley, Santa Rosa, Calif.—Construction permit to change frequency from **1310 to 1320 kc.**, increase power from 250 watts to 1 KW, new transmitter and directional antenna for day and night use. Class III-B.

### 1370 Kilocycles

KFRU—KFRU, Inc., Columbia, Mo.—Modification of construction permit (B4-P-2322) to install new transmitter and antenna, change frequency, decrease power, change hours, move transmitter, for approval of transmitter at present site, approval antenna and new transmitter.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—License to cover construction permit (B4-P-2851) for changes in equipment.

NEW—J. Leslie Doss, Bessemer, Ala.—Construction permit for a new broadcast station to be operated on **1440 kc.**, 250 watts, unlimited time. Amended: To change frequency to **1370 kc.**, and give location of transmitter as N. E. Corner Bessemer Birmingham Super Highway, near Bessemer, Ala., and studio at First National Bank Bldg., Bessemer, Ala.

WCBI—Birney Imes, Columbus, Miss.—Modification of construction permit (B3-P-2675) for a new broadcast station, requesting approval of antenna and transmitter site at N. W. Corner 1st & Main Sts., Columbus, Miss.

### 1420 Kilocycles

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Modification of construction permit (B3-P-2858) for new station requesting approval of antenna, approval of transmitter and studio site.

### 1450 Kilocycles

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Authority to determine operating power by direct measurement of antenna power.



## MISCELLANEOUS

- WIBC**—Indianapolis Broadcasting Corp., Indianapolis, Ind.—Construction permit to change hours of operation from daytime to unlimited, using 1 KW day and night, directional antenna for day and night use, move transmitter from northeast of Indianapolis to At 59th St. and Hollingsworth Road, near New Augusta, Ind. Class II station. Amended: Geographic location.
- KIIQ**—KMTR Radio Corp., area Los Angeles, Calif.—License to cover construction permit (B5-PRY-198) which authorized reinstatement of station.
- KEIL**—KMTR Radio Corp., area Los Angeles, Calif.—License to cover construction permit (B5-PRE-331) as modified which authorized construction of new relay station.
- KGKF**—KGKL, Inc. (area San Angelo, Tex.)—License to cover construction permit (B3-PRY-206) which authorized new relay broadcast station.
- KEIH**—KLZ Broadcasting Co., Portable-Mobile.—Modification of license to change type of equipment from RCA to COMPOSITE (making change in tubes in last radio stage).
- W2XD**—General Electric Co., Schenectady, N. Y.—Modification of construction permit (B1-PVB-55) which authorized new television station, for change in frequencies from **156000-162000 to 162000-168000 kc.**
- W2XOR**—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Construction permit to install new transmitter, antenna changes, and move transmitter from Carteret, N. J., to 444 Madison Ave., New York, N. Y. Amended re geographic figures only.
- WFME**—Monocacy Broadcasting Co., Frederick, Md.—License to cover construction permit (B1-PRY-200) which authorized construction of a new relay broadcast station.
- WNBI**—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of special temporary authorization (B1-MLIB-38) which authorized the use of **11820 kc.** in addition to present licensed frequencies, requesting change in frequency from **11820 kc. to 11890 kc.**
- WAIY**—WIBX, Inc. (area of Utica, N. Y.)—License to cover construction permit (B1-PRY-203) for a new relay station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Arlington Sales Company**—Samuel H. Koolish, trading as Arlington Sales Company, 210 West 8th Street, Kansas City, Mo., was charged in a complaint with the use of lottery methods in the sale and distribution of radios, flashlights, clocks, cameras, and pen and pencil sets to ultimate consumers.

The complaint alleges that the respondent furnished push cards accompanied by order blanks, instructions and other printed matter for use in the sale and distribution of his merchandise by means of a game of chance, gift enterprise or lottery scheme. Such sales plans, the complaint continues, have a tendency to induce the purchasing public to buy the respondent's merchandise in preference to that of competitors who do not use similar methods, and constitute unfair methods of competition in violation of the Federal Trade Commission Act. (4180)

**Bilt-Rite Box Corporation**, and its officers, Jacob Glekel and Jacob Press, 242 West 41st St., New York, were charged in a complaint with the dissemination of misleading representations in the sale of paper boxes.

According to the complaint, the respondents used the word "manufacturers" on letterheads, invoices and other printed mat-

ter, thereby representing that they manufacture the products they sell, when in truth they do not own, operate or control a plant, factory or machinery for the manufacture of their product. (4177)

**Inlaid Optical Company**—Two optical companies were charged in complaints with failure to indicate to purchasers that their lenses or glasses are of Japanese or foreign origin. The respondents are Inlaid Optical Corporation, 1058 Broad St., Providence, R. I., and Lucian V. Segal, trading as Segal Optical Company, 56 West 22nd St., New York.

According to the complaints, the respondents sell eye glasses, including reading glasses and sun glasses, made of lenses having Japanese or foreign origin, without any marking to indicate this fact to purchasers. In this manner, it is alleged, the respondents mislead purchasers into the erroneous belief that the glasses are wholly of domestic manufacture and origin. (4178-4181)

**Interwoven Steeking Company**, New Brunswick, N. J., was charged in a complaint with the dissemination of misleading representations in the sale of men's hosiery.

According to the complaint, the respondent caused certain of its hosiery to be marked as follows:

"MADE ON MACHINERY  
IMPORTED FROM  
ENGLAND  
GENUINE 6X3 RIBBED"

"MADE ON MACHINERY  
IMPORTED FROM  
ENGLAND  
ENTIRELY HAND EMBROIDERED"

It is alleged that the words "Imported from England" are stamped in large conspicuous type inside an oval in such a manner that the words "Imported from" appear immediately above and are read in conjunction with the word "England," and the words "Made on Machinery" appearing inside the top rim of the oval can be read in such a sense as to indicate merely that the hose were made by machinery, or were made by machinery and are "Imported" from "England." In some instances, the complaint continues, the respondent has superimposed above the oval a simulation of the English Crown with the words "Trade Mark" appearing under it and just above the oval, while underneath the oval appear the words "Genuine 6x3 Ribbed."

By such representations, the respondent allegedly misleads the purchasing public into the erroneous belief that the products are machine made and are imported from England. The complaint alleges that use of the word "Genuine" before "6x3 Ribbed" gives the further impression that such hose are imported from England, inasmuch as England was originally the only source through which a "6x3 Ribbed" hose could be obtained, though now machinery has been devised for its manufacture in America.

According to the complaint, the respondent's products so marked are not imported from England but are of domestic manufacture on machinery which was imported from England. (4179)

**Nu-Age Company**—Complaint has been issued against Nu-Age Company, 309 Castle Building, Tulsa, Okla., charging it with the dissemination of misleading representations in the sale of a medicinal preparation, "Nu-Age," also described as "Natural Mineral Extract."

It is alleged that the respondent represents its preparation as being a cure or competent treatment for eczema, athlete's foot, burns, skin diseases, tonsillitis, bleeding gums, enlarged prostate glands and piles. The respondent further allegedly advertises that internal use of "Nu-Age" is a purifier of the blood; constitutes a tonic for run-down anemic conditions; supplies minerals essential to health, vigor or energy, and constitutes a cure or remedy for indigestion, stomach and intestinal disorders, ulceration of the stomach, kidney and bladder disorders, high blood pressure and rheumatism. "Nu-Age" is also allegedly advertised by the respondent as having germicidal, antiseptic and astringent properties and as being beneficial in the treatment of female disorders.

Such representations are false and misleading, the complaint charges, for in truth the respondent's preparation has no therapeutic value other than that of a mild laxative or mild diuretic. The respondent's preparation would have no value in the treatment of high blood pressure, the complaint continues, and would

be contraindicated as being injurious to health under certain circumstances since it is sometimes necessary to restrict rather than augment salt intake as a means of protecting damaged kidneys against further irritation. (4186)

**Segal Optical Company**—See Inlaid Optical Company.

**United Soap Company**—Lawrence L. Keller, trading as United Soap Company, 4726 Ballard Ave., Seattle, Wash., is charged in a complaint with the dissemination of misleading representations in the sale of soap.

According to the complaint, the respondent manufactures soap under the brand names "Hot Springs Mineral Soap," "Hawaiian Rose," "Velvette," and other similar names, each of which is made from the same formula. The respondent allegedly advertises on the boxes of such soaps that they are manufactured by various companies located in different localities including New York, London and Paris. All of the names of such companies, the complaint continues, are fictitious, nor is his soap imported, or manufactured anywhere except at his place of business in Seattle.

Representations by the respondent that his soap is "vitamized" or medicated are also alleged to be untrue. It is further charged in the complaint that the respondent advertises on boxes of soap that the retail selling price per box is 75 cents, when in truth they are sold for far less than such amount. (4184)

## STIPULATIONS

Following stipulations have been entered into by the Commission:

**Algren Manufacturing Company, Inc.**, 8 Washington Place, New York, was ordered to cease employing the term "gold filled" or any similar term, as a designation for wrist watch buckles, unless such buckles shall have an alloyed gold content of one-twentieth by weight of 10 karat gold. (3200)

**Carter Sales Company**—George C. Huskins, Mina D. Huskins and Howard W. Ellison, trading as Carter Sales Company, 208 West Eighth St., Los Angeles, were ordered to desist from advertising that their drug preparation "Carter's Special Formula" is a cure, remedy or competent treatment for alcoholism or the liquor habit; that its use will eradicate the desire for alcoholic stimulants, or that it is in all cases safe or harmless. (4028)

**Grafize Products**—Bill Reardon, trading as Grafize Products, Peoria, Ill., agreed to cease representing that his product "Bra-Zit" is of itself a metal or that it is a weld or has the same action as welding; or that it saves the cost of welding, effects a permanent seal, or is self fusing. The respondent further agreed to cease using the term "Bra-Zit," or any similar terms, as the trade name for his product or otherwise implying that the action of his product is the same as or equivalent to the brazing process. The respondent Reardon further stipulated that he will cease making any disparaging statement with reference to similar or competing products, and that he will discontinue exaggerating the possible earnings that may be made by prospective agents. In future advertising, the respondent further stipulated, where qualifying words are used in connection with a specific claim of earnings or profits, such words will be made as clear as the words they qualify. (02593)

**Groce Laboratories, Inc.**, 2630 Pine St., St. Louis, Mo., was ordered to cease representing that its preparation, "Pazo Ointment," is a cure or remedy for hemorrhoids, or has any therapeutic value in its treatment in excess of affording palliative relief in cases of simple hemorrhoids. The respondent was further ordered to discontinue representations that its preparation, "Dr. Porter's Antiseptic Healing Oil," is an effective or standard treatment for skin diseases caused by infection; is an effective agent in the treatment of dandruff, falling hair or diseases peculiar to the scalp; will promote the growth of hair or prevent baldness, or will destroy

parasites usually associated with dandruff and other diseases of the scalp. (3445)

**Hush Sales Company**—Estelle A. Kirstein, trading as Hush Sales Company, 116 Market St., Philadelphia, in the sale of "Hush Cream Deodorant," "Hush Liquid Deodorants," "Hush Sno," "Hush Powder Deodorant" and "Hush Stick Deodorant," agreed to cease advertising that millions or any fictitious number of persons use her products, or that there is a limitation as to the time during which her products may be purchased, unless the offer is terminated on a specified date. The respondent further agreed to discontinue claims that her products have absolute powers of controlling or stopping body perspiration odors. (02592)

**Lincoln Novelty Company**, 54 Summer Ave., Newark, N. J., manufacturer of hats and caps, agreed to cease representing in any manner that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials, or by failure to stamp on the sweat bands, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that such products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats then the stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the hat bodies. (2873)

**Rosecliff-Quaker Corporation**, 1239 Broadway, New York, dealer in shirts, hose and other men's apparel, has entered into a stipulation in which it agrees to discontinue certain representations in the sale of its products.

The respondent stipulated that it will cease representing that it manufactures its commodities or owns, operates and controls a factory in which such commodities are made.

The respondent further agreed to cease using the terms "shrunk," "double shrunk," "no allowance need be made for shrinkage," or any similar terms, as descriptive of its goods when they are not in fact shrink proof or non-shrinkable, or have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage remains. If the term "shrunk," or similar words, be used properly to indicate that such goods have undergone the application of a shrinking process and have been shrunk to a substantial extent but as to which there remains a certain amount of residual shrinkage, then such term shall be immediately accompanied by a truthful statement clearly setting forth the percentage of residual shrinkage remaining in both the warp and the filling, or in the warp or filling, whichever has the greater residual shrinkage.

It is further stipulated that the respondent will desist from using the words "Pure Silk" or "Silk" to designate fabrics or merchandise not made wholly of silk, and from using the word "Silk" in any way which may have a tendency to mislead purchasers into the belief that products made in part of other materials are made wholly of silk. If the leg or boot of hosiery is properly represented as "silk" but the top, heel, toe or sole are composed of other materials, then the word "silk" shall be immediately accompanied by suitable phraseology in equally conspicuous type, indicating clearly that such designation does not apply to the top, heel, toe or sole, as the case may be.

Rosecliff-Quaker Corporation also agreed to cease advertising, branding, labeling, invoicing or selling any product composed in whole or in part of rayon, unless full and nondeceptive disclosure of the fiber and other content of such product is made by clearly designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber which is present in less than a substantial amount, or in any case less than five per cent. (2871)

**S. & M. Grand Rapids Furniture Factories, Inc.**, 123 Ferry St., Newark, retailer of furniture and house furnishings, agreed to discontinue use of the words "Grand Rapids" and "Factories" as part of its corporate or trade name, or use of the words "Grand Rapids" in any way so as to imply that the respondent corporation is a dealer in "Grand Rapids" furniture or that its furniture is made in or obtained from Grand Rapids, Michigan, when such is not a fact. The respondent further agreed to cease employing the terms "Factory," "Factories" or "From Factory Direct to You," or any similar terms, so as to imply to purchasers that it manufactures the products sold by it or actually owns, operates and controls the plants in which its products are made. It was



further stipulated by the respondent that it will desist from marking its products with any false or misleading price which is in excess of the customary and usual price, or from representing in any manner that its products are offered at wholesale prices, when such is not a fact. The respondent also agreed to discontinue use of the words "Custom Built," or any similar words, as descriptive of "stock" products, that is, products not made upon special orders of a customer. (2872)

**United States Marble & Granite Company**—Asa L. Wooten, trading as United States Marble & Granite Company, Oneco, Fla., was ordered to discontinue representations that his memorials will stand the ravages of time forever, and will never fade, stain or tarnish, or that his marble and granite tombstones and monuments will always retain their original brightness. The respondent was further ordered to cease representing that he had posted a "Gold Bond Guarantee" assuring purchasers of the everlasting quality, durability, and freedom from fading, staining or tarnishing of his products, and that such guarantee protects purchasers if the respondent's claims are not true. (4138)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**American Candy & Sales Co.**—See Blue Ribbon Candy Co.

**Blue Ribbon Candy Company, Inc.**, also trading as American Candy and Sales Company, 124 Tenth St., N. E., Atlanta, Ga., has been ordered to discontinue lottery methods in the sale of its candy to ultimate consumers.

The order directs the respondent to cease selling or distributing candy or other merchandise so packed and assembled that sales may be made by means of a lottery; supplying to or placing in the hands of others any merchandise, together with push or pull cards, punch boards or any other lottery devices which may be used in selling such products to the public; supplying to or placing in the hands of others such lottery devices, either with assortments of merchandise or separately, which devices may be used in selling articles to the public, or selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4091)

**Brewster Laboratories**—Jefferson R. Brewster, trading as Brewster Laboratories and Dr. Reece Brewster, 1908 Joe Johnson Ave., Nashville, Tenn., was ordered to discontinue certain misleading representations in the sale of medicinal preparations.

According to the findings, the respondent's preparations are designated as "Brewster's G-D"; "Brewster's T-Z"; "Brewster's Tonic"; "Brewster's Throat Wash"; "Brewster's Throat-Eaz"; "Brewster's Sinine"; "Brewster's Pain Kill"; "Brewster's Ready Relief"; "Brewster's Pile Ointment."

The Commission's order prohibits representations by the respondent that his preparations are of therapeutic value in the treatment of, among other things, constipation, tuberculosis, hemorrhages, nervousness, disorders of the circulatory system, colds, throat troubles, sinus and mastoid disorders, rheumatism, typhoid fever, cancer, gallstones, goiter or sciatica. The order further forbids representations that any of the respondent's preparations constitute preventives of whooping cough or diphtheria, or are effective germicides.

Use of the word "Laboratories" in his trade name or any other representations that he owns or operates a laboratory are also ordered to be discontinued. (3566)

**G-H-R Electric Dilator Company**—John B. Roche, trading as The G-H-R Electric Dilator Company, and as The Roche Electric Machine Company, 215 North Division Ave., Grand Rapids, Mich., has been ordered to discontinue certain represen-

tations in the sale of devices which he recommends for use in the treatment of various body diseases and disorders.

Under the order, the respondent is prohibited from advertising that his device, Electric Thermist Dilator, is a cure or effective treatment for impotency, sexual decline, kidney weakness, piles or prostatic disorders; that it has any therapeutic value in the treatment of prostatic conditions in excess of the beneficial effect of heat with relation to congested prostatic conditions; that its use will stop the wasting away of issues and beneficially affect the functioning of glands, or that it will supply or renew so-called vigor or vitality.

The order further forbids representations by the respondent that his device, Roche Electric Hygienic Machine, is a cure or effective treatment for paralysis, locomotor ataxia, apoplexy, rheumatism, gout, high blood pressure or hardening of the arteries; that its use is an effective substitute for exercise, will insure perfect blood circulation, restore health, renew vitality, or that it is of therapeutic value or an effective treatment for any weakness of any of the vital organs. (3772)

**Reva Company**—Cecil Dwight Kitchen, trading as The Reva Company, 4234 Lincoln Ave., Chicago, was ordered to cease advertising that his preparation, "Reva," is not a dye or is anything other than a dye; will supply a substitute for or replace natural pigment in the hair; will restore natural or youthlike color to the hair, or will have any effect in stimulating the growth of hair. The respondent was further ordered to desist from claims that his preparation is a cure or remedy for dandruff, scalp eczema, or falling hair, or that it has any therapeutic value in the treatment of such conditions in excess of affording temporary relief from the symptoms of itching in some instances. Representations that "Reva" is safe or harmless in the treatment of hair or scalp disorders, are also forbidden by the Commission's order. (4158)

**Roche Electric Machine Co.**—See G-H-R Electric Dilator Co.

**Sohn & Company, Inc.**, and its officers and directors, Benjamin, Morris and Isadore Sohn, 1450 West Roosevelt Road, Chicago, have been ordered to discontinue certain representations in the sale of mattresses and bedding.

The Commission finds that the respondents buy old, second-hand, used and discarded cotton and other used materials which they comb by machinery, rework and use in the manufacture of mattresses and bedding which are equipped with new coverings, the finished products having the appearance of new mattresses. These products, the findings continue, are then sold to wholesalers, retailers and other purchasers who resell them to the purchasing public without any marking to indicate that they were made from old and previously used materials. Further findings are that certain of the mattresses so manufactured and sold have stamped on them the phrase "Made of previously used materials," but in illegible and inconspicuous letters than cannot be read by the purchasers.

Under the order, the respondents are prohibited from representing in any manner that mattresses which are composed in whole or in part of old, used, discarded or second-hand materials are new mattresses or are made from new or unused materials. The respondents were also ordered to desist from failing to permanently affix to such mattresses labels or tags which clearly and conspicuously reveal that they are in fact composed of old, used, discarded and second-hand materials, and which tags or labels cannot readily be removed, obliterated, obscured or minimized. (4072)

**Madam Vera**—Veronica Ignatovitch, trading as Madame Vera, Madam Vera, and Mme. Vera, Meigs Building, Bridgeport, Conn., was ordered to cease representing that her preparation, "Madam Vera Hair Grower Salve," is a competent or effective remedy for dandruff or falling hair; that it grows new hair; that it has been used successfully by anyone, or that any price which is the customary and usual price at which such preparation is offered for sale is a special or reduced price. (3906)