



## THE WEEK IN WASHINGTON

Senator Tobey (R-N. H.) introduced a resolution calling for a Senate investigation of the FCC and the broadcasting industry, after long hearings on confirmation of Thad H. Brown for reappointment to the FCC. Confirmation of the Brown reappointment is still in the Senate Interstate Commerce Committee. (p. 4541.)

The House approved and sent to the Senate an excess-profits tax bill which the chairmen of the NAB legislative and accounting committees are studying. (p. 4542.)

A BMI tune made the Hit Parade last week. Name bands are making increased use of BMI music. (p. 4542.)

The NAB-Radio Council Survey of children's programs is continuing. Mrs. Lewis is starting on a trip to the West Coast. (p. 4543.)

The Code Committee has advised two New Orleans stations that the Code does not require acceptance of "better business bureau" advice. (p. 4543.)

The American Civil Liberties Union asks that all foreign language broadcasts be transcribed. (p. 4546.)

The Radio Manufacturers Association is cooperating with the NAB in obtaining set advertising for radio. (p. 4545.)

Chairman Fly of the FCC discusses movies, television and his proposed Defense Committee at a press conference. (p. 4547.)

## Legislation

### TOBEY ASKS BROADCASTING INVESTIGATION

Senator Tobey (R-N. H.) has introduced S. Res. 300 calling for an investigation "of any monopoly in radio broadcasting" and also of the FCC.

The resolution, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

"Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make and complete investigation with respect to (1) the existence, extent, formation, legality, and effect upon the public or any individual or group, of any monopoly in radio broadcasting

or any phase thereof or in the production, sale, or distribution of radio receiving or broadcasting apparatus; (2) the administration by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication; (3) the manner of exercise by licensees of the Federal Communications Commission of the privileges conferred upon them by their licenses from the Federal Communications Commission; (4) the effect upon the public interest of any contract pertaining to radio to which any such licensee or any broadcasting network is a party; and (5) any attempts made by any such licensee, broadcasting network, or any person, company, or corporation engaged in any business relating to radio, or by any attorney, agent, or representative of any such licensee, network, person, company, or corporation, to unduly influence any public official in the exercise of his duties with respect to any matter pertaining to radio. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation.

"For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman."

Introduction of the resolution followed the hearing on the confirmation of Thad H. Brown's reappointment to the FCC. No vote was taken on a report on confirmation at a meeting Thursday of the Interstate Commerce Committee. The committee adjourned subject to the call of Chairman Wheeler (D-Mont.) after an hour and a half's discussion.

### TOBEY QUESTIONS FCC

A letter was sent last week to each member of the FCC by Senator Tobey (R-N.H) asking for specific information as follows:

In going into the matters in connection with the hearing pending before the Interstate Commerce Committee regarding radio matters, there has come to me information that some members of the Federal Communications Commission have in the past received perquisites, gifts, favors or emoluments of one kind or another from either a radio station, one or more of the broadcasting

(Continued on page 4542)



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAtional 2080

Neville Miller, President

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

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

## TOBEY QUESTIONS FCC

(Continued from page 4541)

companies or systems, or R.C.A., or from officials of the foregoing, these sometimes taking the form of expenses being paid to different places, sometimes gifts of radio or television instruments, and other things.

I now write to ask if you will kindly advise me whether or not you have received any such favors, perquisites or gifts, and if so, will you kindly state the nature of these and the number in detail.

I am writing this letter to each member of the Commission in an entirely impersonal way, but to the end that this information may be secured.

Senator Tobey also sent a separate letter to Chairman Fly asking for substantially the same information about employees of the Commission.

## EXCESS PROFITS TAX

Chairman Doughton (D-N.C.) of the Ways and Means Committee, introduced a bill in the House Tuesday, August 27, which provides for (1) Excess Profits Tax, (2) 5-year amortization of plant and facilities occasioned by national defense activities, (3) suspension of profit limiting provision of the Vinson Act, and (4) amendments to Internal Revenue code.

The report of the Ways and Means Committee on the bill was read to the House on August 28 and the House approved the bill on August 29. It then went to the Senate.

The portion of the bill of interest to broadcasters is that of the Excess Profits Tax. The purpose of the tax is to eliminate during the period of national defense activities the amassing of war profits as was experienced in connection with the last war.

In applying the tax, corporations may select either of two methods in determining normal profits as a credit against excess profits. The first of these is the use of incorporate earnings during the period 1936 through 1939 to determine average profits. Earnings above this average would be subject to the Excess Profits Tax. The second method would be based on invested capital in the corporation, allowing a maximum of 10 per cent profit but mode definitely the per cent to invested capital which average earnings represent for the period 1936 through 1939. In both cases, an exemption of \$5,000 increase in earnings will be permitted. In the case of corporations

beginning operations after 1936, the invested capital method must be used. The rates of tax on the two methods are as follows:

Amount of Excess Profits	Rates of Tax	
	* Average Earnings Method	Invested Capital Method
First \$20,000 .....	25%	20%
Next \$30,000 .....	30	25
Next \$50,000 .....	35	30
Next \$150,000 .....	40	35
Next \$250,000 .....	45	40
All over \$500,000 .....	50	45

\* In addition to the higher tax rate on the average earnings method, there is also an increase of 4.1 per cent in the normal corporation tax.

John Kennedy, Chairman of the NAB Legislative Committee, and C. T. Lucy, Chairman of the NAB Accounting Committee, are studying the provisions of the Excess Profits Tax Bill to determine whether it will be necessary for the NAB to take part in the Senate hearings which Senator Pat Harrison, Chairman of the Senate Finance Committee, has announced will be held next week after the bill is sent to the Senate.

## BMI DEVELOPMENTS

### BMI FEATURE TUNES

September 2-9

1. THE SAME OLD STORY
2. PRACTICE MAKES PERFECT
3. THERE I GO
4. MADAME WILL DROP HER SHAWL
5. SWINGIN' AT THE SEANCE
6. WE COULD MAKE SUCH BEAUTIFUL MUSIC

The first BMI song to appear on the Lucky Strike Hit Parade was *Practice Makes Perfect* (August 24th). It is thus stamped as one of the ten most popular tunes in the country. It is being further buttressed in popularity by Kay Kyser's "Kollege of Musical Knowledge" and Ted Weems' "Beat the Band" program and other hit-spotting schedules.

This week it is tied for first place on Variety's list of the numbers most often played with a score of 36. *The Same Old Story* appears a little further down with 21, followed by *We Could Make Such Beautiful Music*, showing up for the eighth week, with 19, and *There I Go* with 16. Because the latter has taken such a grip on the public it has been moved up into third place on BMI's own feature list, and because *Beautiful Music* is holding on so remarkably it is once more added to the list.

*Madame Will Drop Her Shawl* and *Swingin' at the Seance*, two of the newer numbers, are beginning to make talk about themselves and they are destined for the hit lists along with the rest of the current feature tunes.



"Don Roberts," who is credited with the words for *Practice Makes Perfect*, is a mythical person, a combination of Don McCray and Robert Sour, who have written so many other successful BMI songs. Bob Sour is not a newcomer in the ranks of leading hits. He wrote the lyrics for the sensational success, *Body and Soul*, a few years ago.

BMI subscribers will also recognize the name of Ernest Gold, the composer of *Practice Makes Perfect*, who also wrote *Here In the Velvet Night*, *Pied Piper, Jr.*, and a number of other BMI tunes. He is the brilliant young nineteen-year-old whose first song was published this spring by BMI.

Still they come! BMI welcomes to its list of subscribers two more stations:

WSIX, Nashville, Tennessee.

KAND, Corsicana, Texas.

Tommy Dorsey has been creating a sensation with his Amateur Songwriters' Contest. The conditions of the contest provide that each song submitted must be written by persons who have never before written words or music of a professionally published song. Three songs each week are being performed by Tommy Dorsey and receive prizes of \$25, \$15, and \$10 respectively. In addition, the first prize song of each week is to be published by BMI, which has the right to publish any song submitted if it so desires.

Manuscripts have poured in by thousands from every State in the Union. In response to requests, more than 3,000 application blanks have been mailed out in a single day. Twenty-five people examining the manuscripts have not been able to keep up with the incoming mail.

The program, which has been on WEAf on Saturdays from 5 to 6 p. m., has been so remarkably successful in attracting interest that it has now acquired a sponsor, the Lewis Howe Co. of St. Louis, Missouri. Beginning on October 3rd it will be carried by NBC at 9 p. m., following the *Pot of Gold* program. In its new spot the program is to be known as *Fame and Fortune*.

The winning songs for the first five weeks, which will be published by BMI, are the following:

*Why Am I Still Dreaming*, by Mabel Toole,

*At Last a Little Love*, by Charles O'Neil and Joseph L. Peluso,

*Falling in Love*, by Jack Simmons and John Antrim,

*Often*, by Arnold Sucherman,

*The Thoughtless Things I Do*, by Judy Park.

RCA-Victor releases on August 30, a recording by Dick Todd of *We're All Americans*, *All True Blue*, by James T. Mangan (record number, B-10840). This number is

published by the Bell Music Company, but BMI has acquired the performance rights. Mr. Mangan is Director of Advertising and Merchandising for the Mills Novelty Company of Chicago, one of the large manufacturers of automatic phonographs, and is well known throughout the industry. His song is the first popular number of the patriotic type to go into the BMI catalogue.

BMI has received strong and welcome evidence of the concern of the automatic phonograph industry in the effort to create an open and competitive market for music and of the desire of phonograph operators to have BMI music made available to them in record form. The number of such records is now growing every week and will be greatly strengthened by this new patriotic number.

A list of all phonograph records of BMI music obtainable in the retail shops is to be given out shortly for the information of BMI subscribers.

## The Code

### NAB RADIO COUNCIL SURVEY OF CHILDREN'S PROGRAMS

Continuing the field survey in 44 states begun last spring in conjunction with the Radio Council on Children's Programs, Mrs. Dorothy Lewis, vice chairman, former advertising agency writer, and nationally known club woman, starts on a journey September 9 that will take her to stations through the mid-west, far west, Pacific Coast, Texas and the southwest, returning through the southern states to complete her trip December 20 reporting to NAB headquarters.

The Radio Council on Children's Programs was set up voluntarily last year by the outstanding women's, teacher and library organizations to cooperate with NAB in the improvement of children's programs as outlined in the NAB Code. Stations visited are very high in their praise of Mrs. Lewis and her work. She is interested in securing from each station a report on their experience with children's programs, especially from the standpoint of the children's own reaction. She is likewise interested in merchandising tactics which have been successful in this field. The result of her findings will be made available next winter to advertising agencies and clients. The Radio Council, a non-profit, public service organization, is prepared to throw its full support to commercially sponsored radio programs which conform to the standards for children's programs set up in the NAB Code. Further information about the Council may be found in the NAB Code Manual.

Where local women and civic clubs have not already set up luncheon meetings or conferences, stations in the same city have found it most helpful to arrange such

luncheons themselves. This is a matter, of course, subject to individual station desires.

Below we publish the itinerary of Mrs. Lewis which has just come to us from the RCCP:

### SCHEDULE—FALL TRIP—1940—RADIO SURVEY

NOTE: Where conferences are indicated, it is expected that all Radio Chairmen of women's organizations, educators, children's librarians, representatives of advertising agencies and nearby Radio Stations, sponsors and prospect sponsors of children's programs, will attend. A local club woman will act as chairman and co-operate with the local station managers in arranging the meeting. Each person should pay for his own luncheon or dinner, except where the station makes it a practice to hold such meetings and might wish to use this occasion for one of them, acting as host.

*September 9, Monday.*—Noon Luncheon, Syracuse, N. Y. P. M. to Rochester. Evening Conference.

*September 10, Tuesday.*—Buffalo. Noon Conference. P. M. to Cleveland.

Buffalo Conference Chairman, Mrs. Frank Messenger, Town Club, Town Club, Buffalo, N. Y., cooperating with the New England Women.

*September 11, Wednesday.*—A. M. Survey stations in Cleveland. P. M. Meeting with address, D. A. R. Chapter.

Cleveland Conference Chairman, Mrs. Charles Dickey Dyer, 2581 Berkshire Road, Cleveland Heights, Ohio, and New England Women's Society.

*September 12, Thursday.*—A. M. Survey, continued. Noon Conference—Representatives from stations in Akron, Canton and Youngstown. P. M. to Toledo.

*September 13, Friday.*—A. M. Survey stations, Toledo. Noon Conference. P. M. to Columbus.

Toledo Conference Chairman, Miss Alice Kinsey, 4150 Overland Park; Mrs. Floyd Dcwey, 2021 Shenendoah Road; and Mrs. Helen Buchanan Bruyers, 539 Winthrop Street, Toledo, Ohio.

*September 14, Saturday.*—A. M. Columbus. Noon Conference—Representatives from Zanesville station. P. M. Survey, continued.

Columbus Conference Chairman, Mrs. D. C. Bryant, 2053 Iyka Ave., Columbus.

*September 15, Sunday.*—Dayton, Noon. P. M. to Cincinnati.

*September 16, Monday.*—A. M. Cincinnati. Noon Conference. P. M. Survey, continued.

Cincinnati Conference Chairmen, Mrs. M. Y. Newcomb, 1722 Fairfax Ave., Walnut Hill, Cincinnati, Ohio, and Mrs. L. F. Hobart, 3130 Fairfield Ave.

*September 17, Tuesday.*—A. M. to Indianapolis. Noon Conference. P. M. Survey, Indianapolis.

Indianapolis Conference Chairman, Mrs. George Jacqua, 203 E. Washington, Winchester, Indianapolis, Indiana.

*September 18, Wednesday.*—A. M. Survey, continued. Noon to Elkhart.

Mail Address: Mr. R. R. Baker, Station WTRC, Elkhart, Indiana.

*September 19, Thursday.*—A. M. Survey Elkhart. Noon Survey South Bend and Gary. P. M. to Chicago.

*September 20, Friday.*—A. M. Chicago. Noon Conference. P. M. Survey, continued.

Chicago Conferences Chairmen: Mrs. William Bruckner, 307 S. Lincoln, Hinsdale, Illinois; Mrs. Willis Grant Murray, Kenwood Hotel, Chicago; Miss Lavinia Schwartz, Station WBBM, Chicago.

*September 21, Saturday.*—Chicago Survey, continued.

*September 23, Monday.*—Chicago Survey, continued.

*September 24, Tuesday.*—A. M. Chicago Survey, continued—Survey Joliet Representatives from Aurora.

*September 25, Wednesday.*—Peoria. Noon Conference. Representatives from Bloomington, etc.

Peoria Conference Chairman, Mrs. MacFarland, Station WMBD, Peoria.

*September 26, Thursday.*—Springfield. 11 A. M. Conference. Representatives Stations, Champaign, Decatur, Quincy, Tuscola and Danville.

*September 27, Friday.*—A. M. Survey St. Louis. Noon Conference. Representatives from East St. Louis, Illinois; Poplar Bluff; Cape Girardeau.

St. Louis Conference Chairman, Mrs. G. Brandt Leitch, 6113-A Pershing Ave., St. Louis.

*September 28, Saturday.*—Columbia. P. M. Survey.

*September 30, Monday.*—Noon Conference. Representatives from Kansas City, Kansas; Sedalia, Missouri; Pittsburgh, Pennsylvania, and Lawrence, Kansas.

Kansas City Conference Chairman, Miss Helen Smith, c/o Mrs. Truitt (see above address) and Mrs. J. H. States, 3308 E. 60th St., Kansas City.

*October 1, Tuesday.*—Topeka. 10 A. M. Conference and Survey Topeka. Representatives from Salina. Noon Emporia. P. M. to Wichita.

*October 2, Wednesday.*—A. M. Survey Wichita. Noon Conference. Representatives from Great Bend. P. M. to Dodge City.

*October 3, Thursday.*—A. M. Dodge City to Lamar, La Junta and Pueblo, Colorado.

*October 4, Friday.*—A. M. Pueblo to Denver. Noon Conference, Denver.

*October 5, Saturday.*—A. M. Denver. P. M. Boulder.

*October 7, Monday.*—Cheyenne, Wyoming. Noon Conference. Representatives from Scottsbluff and North Platte, Nebraska, and Casper, Wyoming.

Cheyenne Conference Chairman, Mrs. J. L. Jordon, Cheyenne, Wyoming.

*October 8, Tuesday.*—Evening Conference, Rock Springs.

Rock Springs Conference Chairman, Mrs. Herbert Webster, Rock Springs.

*October 10, Thursday.*—A. M. Salt Lake City survey. Noon Conference, Representatives from Provo and other nearby stations, Ogden.

Salt Lake City Chairman, Mrs. Walter Hassler, Provo, Utah, and Mrs. H. A. Dittman, 608 Harrison Ave., Salt Lake City; Mr. Earl Glade, KSL, Salt Lake City.

*October 11, Friday.*—Ogden. Noon Conference with Mrs. J. H. Peczenbaugh, 2827 Van Buren Ave., Ogden, Utah. P. M. to Logan and Pocatello, Idaho.

*October 12, Saturday.*—P. M. to Idaho Falls.

Conference Chairman, Mrs. B. S. Arrington, Pocatello, Idaho.

*October 15, Tuesday.*—A. M. Butte Survey. P. M. to Helena, Montana.

*October 16, Wednesday.*—A. M. Helena, Representatives from Great Falls. Noon to Missoula.

Helena Conference Chairman, Mrs. Dolly D. Burgess, Helena, Montana.

*October 17, Thursday.*—A. M. Wallace. At 11 o'clock to Spokane, Washington. P. M. Dinner Conference and survey.

Spokane Conference Chairmen, Mrs. P. H. Brady, 1725 W. Pacific Ave., Spokane, and Mrs. H. E. Doelle, Vista Court Apartments, Spokane.

*October 18, Friday.*—A. M. to Seattle, Wenatchee survey enroute.

*October 19, Saturday.*—A. M. Seattle survey. Noon Conference. Seattle Conference Chairman, Mrs. Ruth Haller Ottaway, Gainsborough Apartments, Seattle, Washington.

*October 21, Monday.*—A. M. Seattle to Tacoma. Noon Conference. Representatives from Olympia.

Tacoma Conference Chairman, Mrs. Walter M. Snell, 810 South G Terrace, Tacoma, Washington.

*October 22, Tuesday.*—A. M. Tacoma to Portland, Oregon.

*October 23, Wednesday.*—A. M. Survey Portland. Noon Conference. Representatives from Vancouver, Washington.

Portland Conference Chairmen, Mrs. Sue K. Woodward, 1831 N. E. Hancock; Mrs. Kletzer, PTA, National President; Mrs. Sadie O. Dunbar, President, General Federation of Women's Clubs.

*October 24, Thursday.*—A. M. Portland to Medford. Survey stations in Salem, Eugene, Roseburg and Grants Pass.

*October 25, Friday.*—A. M. Survey Medford; Chico, California.

*October 26, Saturday.*—Sacramento. Noon Conference. P. M. survey Sacramento 2 stations.

Sacramento Conference Chairman, Mrs. Ralph Parker, 2100 Marshall Way, Sacramento, California.

*October 28, Monday.*—Berkeley. Noon survey Oakland. Lunch-conference with Mrs. Kathleen D. Thompson, 2140 27th Ave., Oakland. P. M. to San Francisco.

*October 29, Tuesday.*—A. M.—P. M. Survey.

*October 30, Wednesday.*—Noon Conference. Representatives from San Jose, Monterey and Santa Rosa.

San Francisco Conference Chairman, Mrs. Alice May Baker, 285 Oak Street, San Francisco, California.

*October 31, Thursday.*—Merced survey. P. M. to Yosemite.

*November 2, Saturday.*—A. M. to Fresno survey. Noon to Sequoia.

*November 3, Sunday.*—A. M. to Los Angeles via Visalia and Bakersfield.

*November 4, Monday.*—A. M. Optional from Sequoia to Los Angeles as scheduled on November 3 or Los Angeles.

*November 6, Wednesday.*—Southern California Conference Chairmen, Mrs. W. H. Boyd, 1255 E. 2nd Street, Long Beach, Calif.;



Director of Radio, Mrs. Elizabeth Goudy, L. A. County; New England Colony, Radio Chairman, S. California.

*November 9, Saturday; 10, Sunday; 11, Monday.*—Conferences to be set up by different groups.

*November 12, Tuesday.*—Mail Address: Mr. Don Gilman, National Broadcasting Company, Hollywood, Calif.

*November 14, Thursday.*—Mr. Calvin J. Smith, Station KFAC, Los Angeles, Calif.

*November 15, Friday.*—Dr. Henry A. Hoit, 1244 N. Michigan Ave., Pasadena, Calif.

*November 16, Saturday.*—A. M. Pasadena to San Diego. P. M. Tea Conference and survey.

Tea Conference Chairmen, Dr. Vera George, 1530 Fort Stockton Dr.; Mrs. R. A. Potter, 822 Santa Clara Pl., Mission Beach; Mrs. Cool, President, N. E. Women.

*November 18, Monday.*—A. M. El Centro. P. M. to Yuma.

*November 19, Tuesday.*—Phoenix.

Phoenix Conference Chairmen, Mrs. Walter Johannessen, 917 W. Moreland; Mrs. W. H. Timmerhoff, 116 S. Mt. Vernon, Prescott.

*November 20, Wednesday.*—A. M. Phoenix. Noon Conference. Representatives from Prescott and Globe. P. M. Safford.

*November 21, Thursday.*—El Paso, Texas.

El Paso Dinner Conference Chairman, Mr. Karl O. Wyler, Station KTSM.

*November 22, Friday.*—El Paso to Albuquerque, N. Mex.

*November 23, Saturday.*—Albuquerque. Noon Conference. P. M. to Santa Fe survey.

*November 25, Monday.*—Santa Fe to Amarillo. Dinner Conference.

Conference Chairman, Mrs. J. E. Griggs, 1417 Harrison Street, Amarillo.

*November 26, Tuesday.*—Oklahoma City. Dinner Conference.

Dinner Conference Chairmen, Mrs. Winnie Sanger, Key Building, Oklahoma City; Mrs. I. L. Huff.

*November 27, Wednesday.*—Wichita Falls, Texas. Noon Conference. P. M. to Fort Worth.

Conference Chairman, Mrs. Grace C. Johnson, Iowa Park Road, Wichita Falls.

*November 28, Thursday.*—Fort Worth and Dallas.

*November 29, Friday.*—Fort Worth and Dallas.

Conference Chairmen, Mrs. James E. Gardiner, 1917 Ashland Ave., Fort Worth; Mrs. Joseph Perkins, Eastland, Texas; and Dr. Minnie L. Maffett, Dallas, Texas.

*December 1, Sunday.*—A. M. Fort Worth to Austin, Waco en route. P. M. Tea Conference, Austin.

Tea Conference Chairman, Mrs. George Cox, 2200 Parkway, Austin, Texas.

*December 2, Monday.*—Austin Survey. P. M. to San Antonio Survey.

Noon Conference Chairman, Mrs. W. H. Barker.

*December 3, Tuesday.*—Houston.

*December 4, Wednesday.*—P. M. to Beaumont.

*December 5, Thursday.*—Beaumont to New Orleans, La. Survey en route Lake Charles.

*December 6, Friday.*—A. M. Survey New Orleans. Noon Conference. Representatives from Alexandria and Baton Rouge.

Noon Conference Chairman, Mrs. J. E. P. Wilkinson, 1224 St. Charles Ave.

*December 9, Monday.*—A. M. Jackson. Conference 10 A. M. Representatives from Vicksburg, Laurel and McComb. 11 A. M. to Tuscaloosa, Ala. Dinner Conference and Survey.

Chairman P. M. Conference, Mr. John Carlile, University of Alabama, Tuscaloosa.

*December 10, Tuesday.*—A. M. Tuscaloosa to Birmingham. Noon Conference. Representatives from Montgomery. P. M. Survey, continued.

Conference Chairmen, Mrs. M. E. Moreland, 3410 Norwood Blvd., Birmingham; Mrs. Woolsey Jones, 3525 S. 8th Ave., Birmingham; and Mrs. H. G. Tew, 914 S. Lawrence St., Montgomery, Ala.

*December 11, Wednesday.*—Birmingham to Decatur. P. M. to Nashville, Tennessee.

*December 12, Thursday.*—Nashville. Noon Conference. P. M. Survey, continued.

Conference Chairman, Mrs. Arch Trawick, 2501 Ashwood Ave., Nashville, Tenn.

*December 13, Friday.*—A. M. Nashville to Louisville, Ky., Bowling Green en route.

*December 14, Saturday.*—Louisville. Noon Conference. Representatives from Lexington, Ky.

Conference Chairmen, Mrs. John Heil, 1623 S. 3rd St., Louisville; Mrs. A. R. MacEldowney, 1309 Richmond Road, Louisville.

*December 15, Sunday.*—Lexington and Ashland Survey.

*December 16, Monday.*—A. M. Ashland to Huntington, W. Va. Noon to Charleston.

*December 17, Tuesday.*—Charleston. Noon Conference. Representatives from Huntington.

Conference Chairmen, Mrs. Nelson Webster Turner, 615 Dixie St.; Mrs. George McAlpin, 1584 Virginia St., Charleston; and Mr. John A. Kennedy, Station WCHS.

*December 18, Wednesday.*—A. M. Charleston to Clarksburg, Parkersburg en route.

*December 19, Thursday.*—A. M. Clarksburg Survey, 1 station. Noon Informal Conference. Representatives from Wheeling and Fairmount.

Conference Chairman, Mrs. George M. West, 315 Washington Ave., Clarksburg.

*December 20, Friday.*—Clarksburg to Washington.

*December 21, Saturday.*—Washington.—NAB Headquarters.

## ADVERTISING PROBLEM

The Code Committee last week was asked by stations WSMB and WWL, New Orleans, for an opinion regarding a type of advertising claim made by a local furniture store in its radio continuity. The letter from the stations outlining the case was as follows:

"Gentlemen:

The Better Business Bureau and ourselves are having an honest difference of opinion regarding certain radio continuity now being used by a furniture store here. The continuity reads:

'... is neither a finance company nor a corporation, but an individually owned store that does its own financing. When you buy from ... , you pay no exorbitant interest rates or hidden charges.'

The BBB admits that all this is true, but say that other furniture stores object to that type of advertising, and that by inference it is derogatory to competitors; therefore they have ruled that it is contrary to the advertising code.

We contend that it is hard to refuse truthful copy, that it borders on censorship, and that it would be inconsistent for us to allow advertising on network programs and refuse substantially the same type of copy to our local advertisers. The networks regularly broadcast "contains no harmful ingredients" and a certain cigarette "contains no harsh irritants". Also that "They are toasted" and are "Kind to your throat", which infers that some others are not.

The ruling we would like to get from you is:

1. Whether the advertising given above by ... is a violation of the present Broadcasters' Code.
2. If not, does our Code stipulate that we should abide by local rulings on the Advertising Code or Furniture Rules of Ethics, etc.

Hoping to hear from you, and with kind regards, we are

WWL DEVELOPMENT Co., INC.,

W. H. Summerville, Manager.

WSMB, INC.,

H. Wheelahan, Manager"

### The Code Committee's reply:

"Gentlemen:

In considering the application of the Code to the radio continuity of this advertiser, the Code Committee has based its opinion upon the copy submitted in your letter of August 15:

'... is neither a finance company nor a corporation, but an individually owned store that does its own financing. When you buy from ... , you pay no exorbitant interest rates or hidden charges.'

The Committee finds that there is nothing in the NAB Code to prevent a statement of fact or truth in advertising copy. The burden of deciding what the facts are rests clearly on the broadcaster. The Committee feels that a statement of fact cannot be

construed as constituting an unfair attack upon competitors, competing products or upon other industries, professions or institutions" as provided for in the Code.

There is nothing in the Code that stipulates that radio stations should or should not abide by local rulings on the Advertising Code or Furniture Rules of Ethics, etc. Their opinion might well be taken into account in resolving questions of judgment and in developing wholesome trade practices. However, in any difference of opinion the broadcaster must be the final judge because as the licensee, he and he alone is held accountable for what is broadcast over his station.

Sincerely,  
ED KIRBY, *Secretary,*  
Code Compliance Committee".

## Foreign Language Broadcasts

Headquarters has received a copy of the following letter addressed to Commander T. A. M. Craven, FCC, by Quincy Howe, of the American Civil Liberties Union:

"August 22, 1940.

Mr. T. A. M. Craven  
Federal Communications Commission  
New Post Office Building,  
Washington, D. C.

Dear Mr. Craven:

We understand that Station WHIP has banned the German Hour Program of the Einheits Front. In cancelling the commercial broadcast, the Station stated that such action was taken "because the German Hour as now being presented is of such controversial nature as to make it unacceptable to many Americans."

The Council disapproves of the discussion of controversial matters on commercial programs. Such programs, as under the NAB Code, should be handled on sustaining time with opportunity of discussion for other views.

The difficulty in dealing with foreign language broadcasts, however, is that it is often impossible to ascertain or prove what in fact has been said. Thus in the case of Station WHIP it is alleged that the German Hour, in advising the audience of the Chicago "Keep America Out of War" meeting twice broadcast:

"I bring a pressing summons to all members and to all listeners to the United Front Radio Hour to do their duty by attending the great mass meeting in Soldiers Field. Entrance is free and the speakers are Col. Lindbergh and Senator Bennett Champ Clark. None dare or should fail."

Whether the above quotation is an accurate report or translation cannot, as a practical matter, be conclusively proved even if scripts are supplied, since there is always the possibility of interpolation. It would seem to us that one way to meet the problem of foreign language broadcasts is by a regulation requiring stations to have recordings made of all such programs. Such a requirement would very likely, in our opinion, provide all interested persons and government agencies with a record of what was in fact broadcast.

Because we deem this a vital matter, we sincerely request that hearings be held by the Commission to ascertain both the advisability and practicability of requiring recordings of foreign language broadcasts.

Sincerely yours,  
(Signed) QUINCY HOWE,  
*Chairman.*

## Promotion

### RMA COOPERATION

Following the recent Radio Manufacturers Association bulletin to members urging that distributors and dealers

be supplied with broadcast copy, Bond Geddes, executive vice president, reports that the request has already been complied with by a number of companies.

This voluntary action by the Radio Manufacturers Association automatically places broadcast salesmen on an equal competitive basis with newspaper salesmen for the dealers' 50-50 cooperative advertising allotment.

### NATIONAL DEFENSE

Three broadcasting stations which have been using man-power announcements from the beginning, not previously reported, are:

#### DISTRICT 3

PENNSYLVANIA  
WPIC—Sharon

#### DISTRICT 5

ALABAMA  
WHBB—Selma

#### DISTRICT 10

MISSOURI  
KSD—St. Louis

This brings to 612 the number of stations that are banded together to locate skilled workers for national defense.

The United States Civil Service Commission last week distributed 10,000 "Men Wanted" posters. Five thousand were sent to police stations to enlist the aid of patrolmen, who, in a great many instances, know heads of families out of work who may be competent to handle some of the jobs that are open. The second 5,000 will be displayed in the 5,000 first and second class post offices throughout the United States.

### SERVICEMEN'S QUALIFICATIONS

Suggested qualifications for Radio Servicemen's organizations, formulated by the NAB engineering committee, were approved by the NAB Executive Committee at the 18th annual convention in San Francisco.

The committee's findings, forwarded by John V. L. Hogan, chairman, were adopted without change.

The qualifications were prepared only as a guide to stations for use in determining whether a radio servicemen's organization is reliable enough to warrant the station entering into a cooperative plan for encouraging the public to keep sets in proper repair.

The suggestions cover five general subjects:

- 1—Code of ethics and by-laws.
- 2—Standards of admission.
- 3—Standards of conduct.
- 4—Guaranteed service plan.
- 5—Method of self-policing.

The recommended requirements for each are discussed in the complete document which will be mailed direct to member stations.



## NEW BUSINESS POSSIBILITIES

Two "free offers" and four cost-per-inquiry proposals have been reported to the NAB Bureau of Radio Advertising by members during the past month. Surprisingly enough, several well-known advertising agencies are included among the concerns seeking free time for commercial purposes, or asking for guaranteed advertising, and the Bureau has written them pointing out that such requests hardly serve to further the mutual interests of agencies and media.

The Bureau has invited the following concerns to use radio advertising on a regular basis:

M. Barrows & Company, Inc., 286 Fifth Avenue, New York (Toll House Cook Book)  
Hays, MacFarland & Company, 333 N. Michigan Ave., Chicago (United Wall Paper Factories, Inc.)  
H. C. Morris & Company, Graybar Bldg., New York (The Book-a-Week Club)  
National Classified Advertising Agency, Youngstown, Ohio, (Air Conditioning Training Corp.)  
Arthur Rosenberg Company, 570 Seventh Ave., New York  
Weinberg-Weinberg-Alpern, 1400 Broadway, New York (Sensibly Young Fashions)

Member stations may wish to have their representatives follow up all these companies for possible new business, since they have shown themselves interested in the power and influence of radio advertising.

## NOTICE TO MANAGERS

The Burns Detective Agency and two Seattle radio stations are looking for a young man who appeared in Seattle several months ago, and obtained temporary radio work, leaving town with many unpaid bills, and some of the station's property. The young man gave his name as Jack MacDonald and gave WLW as a reference. He is unknown at WLW.

His description: five feet ten inches tall, dark brown straight hair, dark eyes, dark complexion, suave appearance and manner, wears English tweeds, has good knowledge of radio and fine announcing voice.

Any station knowing of this person is asked to communicate with NAB headquarters.

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Any station approached by a person who represents himself as Graham Grigg, President of the Grigg Brothers Company, a packing house near Salisbury, Md., will be interested to know the following: There is no such company in Salisbury, Md. A Washington, D. C., bank given as reference never heard of him. In Philadelphia recently this gentleman secured dental service in the amount of \$50.00 on his representation that he was a client of a radio station there.

## MILLER TO GEORGIA

Neville Miller will attend a meeting of the Georgia Association of Broadcasters scheduled for September 10 in Macon.

## FEDERAL COMMUNICATIONS COMMISSION

### FLY TALKS ON TELEVISION AND DEFENSE COMMITTEE

James Lawrence Fly, FCC chairman, at a press conference on Monday discussing the communications defense committee which has been on the fire for a long time expressed the opinion that this committee might materialize within "a week or so."

Mr. Fly too told the newsmen that he had been looking into the defense committee since his return from the NAB convention and has the impression that no serious question has developed. He said that in the early days of the talk of this committee some of the broadcasters of the country were alarmed but they have now been reassured that this is not primarily a broadcast matter but largely a communications matter involving relationship of all services to national defense. The matter is now before the President, Mr. Fly said, for his action.

Chairman Fly told the correspondents that he had been much impressed by his visit to motion picture producing lots when he was on the West Coast recently, particularly with the possible coordinated relationship between motion pictures and television. Mr. Fly said that he now thinks that conceivably too little emphasis may have been laid on the production of television and he said that he had not appreciated all the motion pictures offer from that point of view.

Mr. Fly's thought is apparently that there is a tremendous lot of equipment, personnel and materials in the hands of motion picture producers which can and should be drawn into television production. He said that he feels sorry that there are not more applications for television stations from the motion picture industry on file at the FCC.

Mr. Fly said that he was impressed most of all on the motion picture lots with the manner in which the movies are prepared to move in and do a job as compared with the lack of facilities at television studios. In some way, the chairman said, television could and should utilize some of the things that the movies have to offer.

### FCC LABOR RELATIONS ADVISER

Sidney D. Spear, assistant to the legal adviser of the State Department, has been appointed to the Law Department of the FCC to advise on matters involving employment and labor problems in relation to the regulation of communications.

Mr. Spear's background is labor economics and research, and he is completing a chapter on international communications for the Digest of International Law.

Born in Seattle March 16, 1909, Mr. Spear was graduated from the University of Washington, magna cum laude, with A.B. degree in 1931. He had graduate work in psychology and sociology and was Assistant Dean of Men at the University of Washington until 1934. He received his LL.B from Harvard in 1937.

In his service with the State Department, since 1937, Mr. Spear has specialized in the legal aspects of electrical communications.

### TELEVISION STATION FOR CROSLLEY

The Crosley Corporation, Cincinnati, Ohio, has been granted a construction permit by the FCC for a new television broadcast station in that city. The proposed station, at Vine and Fifth Streets, will operate experimentally on television channel No. 1 (50,000 to 56,000 kilocycles) with 1 kilowatt aural and visual power, A3 and A5 emission.

It was among the applications tentatively approved in June subject to proper showing of programs of research and development, including engineering experimentation tending to develop uniform transmission standards of acceptable technical quality. The Crosley station intends to work with a transmitting system in which the picture is composed of 30 frames per second interlaced. Tests will be conducted with 441 and 507 lines as well as an intermediate number of lines. It also contemplates research on wave forms, and experimentation on various types of antennas and the effect of vertical and horizontal polarization.

The initial cost of the station is estimated to exceed \$100,000.

### FCC ASSIGNMENTS

The FCC announces that the work, business and functions of the Commission for the month of September have been assigned as follows:

- Commissioner Payne: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.
- Commissioner Craven: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission for the week beginning Monday, September 2. They are subject to change.

### Wednesday, September 4

- NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—C. P., 1150 kc., 250 watts, daytime.
- NEW—Helen J. Walton and Walter Bellatti, Jacksonville, Ill.—C. P., 1150 kc., 250 watts, daytime.

### FUTURE HEARINGS

Following future hearings and oral arguments in broadcast cases have been scheduled by the Commission during the past week. They are subject to change.

### September 19

#### Oral Argument Before the Commission

- Report No. B-110:  
KGKB—East Texas Broadcasting Co., Tyler, Tex.—In re: Revocation of Station License of KGKB.
- Report No. B-108:  
KSAM—Sam Houston Broadcasting Assn., H. G. Webster, President, Huntsville, Tex.—In re: Revocation of Station License of KSAM.
- Report No. B-99:  
WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—C. P., 1220 kc., 1 KW night, 5 KW LS, shares time with KFKU.

### September 26

#### Reargument 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.

#### Oral Argument Before the Commission

- Report No. B-99:  
WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—C. P., 1220 kc., 1 KW night, 5 KW LS, shares time with KFKU.

### September 30

- NEW—George F. Meyer, Medford, Wis.—C. P., 1500 kc., 100 watts night, 100 watts LS, unlimited time.
- WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, 1140 kc., 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

### October 7

- KDKA & Auxiliary—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Renewal of license, and auxiliary, 980 kc., 50 KW night, 50 KW LS, unlimited time.
- WBZ—Westinghouse Electric & Mfg. Co., Boston, Mass.—Renewal of license, 990 kc., 50 KW night, 50 KW LS, unlimited when synchronized with station WBZA.



WBZA—Westinghouse Electric & Mfg. Co., Boston, Mass.—Renewal of license, **990 kc.**, 1 KW night, 1 KW LS, unlimited when synchronized with station WBZ.

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Renewal of license, **1020 kc.**, 10 KW night, 10 KW LS, unlimited time.

#### October 15

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of license, **1310 kc.**, 100 KW night, 250 KW LS, unlimited time.

#### October 21

WGY & Auxiliary—General Electric Company, Schenectady, N. Y.—Renewal of license, and auxiliary, **790 kc.**, 50 KW night, 50 KW LS, unlimited time.

#### October 23

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., **620 kc.**, 1 KW night, 1 KW LS, unlimited time (DA night).

#### October 28

WHCU—Cornell University, Elmira, N. Y.—Renewal of license, **850 kc.**, 1 KW, daytime.

#### November 12

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.**, 50 KW night, 50 KW LS, specified hours.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

Crosley Corp., Cincinnati, Ohio.—Granted construction permit for new television broadcast station to operate on the frequencies **50,000 to 56,000 kc.** (television Channel No. 1), on an experimental basis only, conditionally, with power of 1 KW aural and visual, A3 and A5 emission (B2-PVB-23).

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Granted construction permit to install new transmitter, change frequency from **1420 kc.** to **590 kc.**, increase power from 250 watts unlimited to 1 KW unlimited, and install directional antenna for night use (B2-P-2711).

The Tribune Company, Tampa, Fla.—Granted construction permit for new broadcast station to operate on **940 kc.**, 1 KW night, 5 KW day unlimited time, using directional antenna at night; granted with conditions (B3-P-2866).

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit to change hours of operation to unlimited and reduce night power from 5 KW to 1 KW with directional antenna; **1050 kc.**, 5 KW power day (B4-MP-896).

WLOK—The Fort Industry Co., Lima, Ohio.—Granted construction permit to increase power from 100 watts to 250 watts, unlimited as a Class IV station; frequency **1210 kc.** (B2-P-2506).

Midwestern Broadcasting Co., Traverse City, Mich.—Granted construction permit for new broadcast station to operate on **1370 kc.**, 250 watts power, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval (B2-P-2565).

W. Montgomery Harison, Augusta, Ga.—Granted construction permit for new broadcast station at Augusta, Ga., to operate on frequency **1420 kc.**, 250 watts power, unlimited time (B3-P-2872).

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit programs to CKLW and other Canadian stations owned and operated by the Canadian Broadcasting Corp., and to stations named in the application licensed by the Canadian Minister of Transport as the Canadian Broadcasting Corp., deems advisable, to be transmitted through the facilities of the American Telephone and Telegraph Co., for the period from September 1, 1940, to September 1, 1941 (B4-FP-81).

Columbia Broadcasting System, Inc., New York, N. Y.—Granted extension of authority to transmit programs to Canadian Stations CFRB and CKAC, and to stations under supervision of the Canadian Broadcasting Corp., by means of wire line facilities furnished by the American Telephone and Telegraph Co., for the period from September 15, 1940, to September 15, 1941 (B1-FP-82).

### DESIGNATED FOR HEARING

WCSC—South Carolina Broadcasting Co., Charleston, S. Car.—Designated for further hearing the application to install vertical antenna, and increase power from 500 watts night, 1 KW LS to 1 KW night, 1 KW LS, unlimited time. (Docket No. 5492.)

WLAK—J. P. Marchant, D. J. Carey, and Melvin Meyer, transferees, Florida West Coast Broadcasting Co., Inc., transferee, Lakeland, Fla.—Application for transfer of control of station WLAK from J. P. Marchant, D. J. Carey, and Melvin Meyer to Florida West Coast Broadcasting Co., Inc.; **1310 kc.**, 250 watts, unlimited time (B3-TC-216).

WGST—Georgia School of Technology, Atlanta, Ga.—Application for renewal of license for main and auxiliary transmitters (B3-R-441).

### RENEWAL OF LICENSES

KTW—First Presbyterian Church of Seattle, Seattle, Wash.—Granted renewal of license of broadcast station KTW for the period ending October 1, 1940; **1220 kc.**, power 1 KW, sharing time with KWSC (B5-R-64).

KGFT—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Granted extension of present license to October 1, 1940, upon temporary basis only, subject to the terms and conditions of the order of revocation entered March 22, 1940, and subject further to the final determination of the Commission on said order (B3-S-401).

KTBC—State Capital Broadcasting Association, Inc., Austin, Tex.—Granted extension of present license to October 1, 1940, upon a temporary basis only, subject to the terms and conditions of the order of revocation entered February 7, 1940, and subject further to the final determination of the Commission on said order (B3-S-1007).

W2XOY—General Electric Co., Albany, N. Y.—Granted further extension upon a temporary basis only, of station license, pending receipt and/or determination upon application for renewal of license, to not longer than October 1, 1940 (B1-SHB-32).

### MISCELLANEOUS

WWJ—The Evening News Association, Detroit, Mich.—Granted special temporary authority to operate from 10:15 p. m. to 11:15 p. m. EST, with power of 5 KW on August 20, 1940, in order to permit more coverage for the 20th Anniversary Program only.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:15 p. m. EST, to the conclusion of American Legion programs only, August 23, 1940.

W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate with amplitude modulation in addition to frequency modulation on **42600 kc.** on August 20 and 21, 1940, in order to demonstrate amplitude versus frequency modulation at the meeting of the NBC engineers.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Granted motion to postpone oral argument in re revocation of station license to September 19, 1940. (Docket No. 5838.)

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Scheduled for oral argument the Proposed Findings of Fact (B-99) in re application of the Wren Broadcasting Co. (WREN), for a construction permit to move the station transmitter, install directional antenna for day and nighttime use, and establish the main studio in Kansas City, Mo.

The Huntsville Times Co., Inc., Huntsville, Ala.—Granted petition to accept amendment to application for construction permit to operate on **1200 kc.**, 250 watts night, 250 watts LS, unlimited time, requesting facilities of station WBHP (B3-P-2784).

The Huntsville Times Co., Inc., Huntsville, Ala.—Dismissed petition to vacate order of intervention in re above application (B3-P-2784).

- WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Continued from September 19 to September 26, the oral argument on Proposed Findings (B-99) in re application for construction permit to move the station's transmitter, install directional antenna for day and nighttime use, and establish the main studio in Kansas City, Mo.
- WAKR—Summit Radio Corp., Akron, Ohio.—Granted modification of construction permit for move of transmitter, approval of studio site, changes in transmitting equipment and in directional antenna system; towers to be painted and lighted in accordance with Specifications "B" (B2-MP-1044).
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted modification of construction permit which authorized installation of new transmitter and directional antenna for night use, change in frequency, increase in power, move of transmitter, and change in hours of operation for change in type of transmitter, and slight change in location of transmitter (same designation); 1250 kc., 1 KW, 5 KW LS, unlimited time, directional antenna night (B4-MP-1031).
- WSLS—Roanoke Broadcasting Corp., Roanoke, Va.—Granted modification of construction permit which authorized new station, for approval of antenna and transmitter site; 1500 kc., 250 watts, unlimited time (B2-MP-1041).
- WPAB—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Granted license to cover construction permit as modified for new station; frequency 1340 kc., 1 KW power, unlimited time (B-L-1211). Also granted authority to determine operating power by direct measurement of antenna input (B-Z-464).
- WDRC—WDRC, Inc., Hartford, Conn.—Granted license to cover construction permit as modified which authorized installation of directional antenna for day and night use, and increase in power; 1330 kc., 5 KW, unlimited time (B1-L-1213). Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-465).
- WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-456).
- National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit via RCA Communications, Inc., programs originating in NBC's studio at 30 Rockefeller Plaza, New York City, or any points in the United States where network programs may originate, to station CMX, Havana, Cuba, for the period beginning August 20, 1940, and ending August 20, 1941.
- W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency experimental transmitter at 444 Madison Ave., New York City, for the period August 29, 1940, to not later than September 27, 1940, pending action on formal application for such authority.
- WKST—WKST, Inc., New Castle, Pa.—Granted special temporary authority to operate from local sunset (Aug. 7:15 p. m., EST) to 9:30 p. m., EST, on August 28, 1940, in order to broadcast the 100th Anniversary of Ira David Sankey program only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 8 p. m. to midnight, CST, on August 26, 1940, in order to broadcast baseball game only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast baseball game only.
- WSPA—Spartanburg Advertising Co., Inc., Spartanburg, S. C.—Granted special temporary authority to operate from 7:15 p. m., EST, August 26, 1940, to the conclusion of election information and civic programs, in order to broadcast said programs only; to operate unlimited time August 27, 1940, in order to broadcast election returns only.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7 p. m. to midnight, PST, August 26, 1940, in order to broadcast a local political program only, and to operate from 7 p. m. to midnight, PST, August 27, 1940, in order to broadcast election returns only.
- KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (Aug. 7 p. m., PST), August 27, 1940, to 2 a. m., PST, August 28, 1940, in order to broadcast election returns only.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m., EST, for the period August 20, 1940, to not later than September 8, 1940, in order to broadcast sustaining musical programs as described in letter dated August 14, 1940, only (provided WSVS remains silent).
- WAUJ—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate the equipment of relay broadcast station WAUJ on the frequency 44.1 mc. at the transmitter site of standard broadcast station WHAS, for a period not to exceed 30 days, in order to conduct tests to determine antenna requirements for a forthcoming application for a high frequency FM station.
- KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted special temporary authority to rebroadcast Forest Service fire messages to be received from forestry stations serving Siskiyou National Forest, for a period not to exceed 30 days.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 6:30 p. m., EST, to the conclusion of a religious program by the Holy Name Society on September 8, 1940, in order to broadcast said programs only.
- KEHS—WDAY, Inc., Fargo, N. Dak.—Granted special temporary authority to operate equipment described in construction permit (File No. B4-PRE-345) with larger tubes and power of 5 watts, on 133030 kc., on August 24, 1940, in order to conduct tests, and from 3 p. m. to 4 p. m., CST, August 25, 1940, in order to relay broadcast programs entitled "American Way of Broadcasting" to radio station WDAY.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 9 p. m. to approximately 11 p. m., CST, on September 4, 1940, and from 8 p. m. to approximately 11 p. m., CST, on September 20, 1940, in order to broadcast baseball games only.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to permit KFRU to broadcast special night baseball games only.
- WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted special temporary authority to operate from local sunset (Sept. 6:45 p. m., EST) to 9 p. m., EST, September 6, 1940, in order to broadcast speech by Senator Josh Lee at Roosevelt Neely Democratic Dinner only.
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST, on September 3, 5, 10, 12, 17, and 19, 1940, and from 8:15 p. m. to 9:15 p. m., CST, on September 4, 11, and 18, 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 above periods in order to observe the summer vacation.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 11:30 p. m., MST, on August 30, 1940, in order to broadcast a special Musical Festival only.
- WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:15 p. m. to 12 p. m., CST, on August 29, 30, and 31, 1940, in order to broadcast Barron County Fair Event only.
- WPIT—Westinghouse Electric & Mfg. Co., Baltimore, Md.—Granted extension of special temporary authority to operate the equipment of international broadcast station WPIT, authorized in construction permit, File No. B1-PIB-23, with a 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 31, 1940, and ending not later than September 28, 1940.
- Broadcasting Corp. of America.—Dismissed petition for rehearing directed to Commission's action of July 16, 1940, granting application of Riverside Broadcasting Co., Riverside, Calif., for construction permit for new broadcast station, inasmuch as the Commission, on July 26, 1940, on its own motion, reconsidered its action of July 16 granting without hearing the application of Riverside Broadcasting Co. and designated same for hearing.



## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit to move transmitter from northeast corner 12th and Olive Sts., St. Louis, Mo., to approximately 3 miles west of Columbia, Ill., install new transmitter and new directional antenna for night use, and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 590 Kilocycles

NEW—West Publishers, Inc., Corpus Christi, Tex.—Construction permit for a new broadcast station to be operated on **590 kc.**, 500 watts night, 1 KW day, unlimited time. Class III-B station. Amended to give transmitter site as north of Corpus Christi, Texas, and change requested power from 500 watts night, 1 KW day, to 1 KW day and night.

### 610 Kilocycles

NEW—West Publishers, Inc., Houston, Tex.—Construction permit for a new broadcast station to be operated on **610 kc.**, 250 watts night, 1 KW day, unlimited time, Class III-B. Amended to change requested power from 250 watts night, 1 KW day, to 1 KW day and night, install directional antenna for night use, and give transmitter site as 3.2 miles northeast city limits, U. S. Highway 90, Houston, Tex.

### 620 Kilocycles

KGW—Oregonian Publishing Co., Portland Ore.—Construction permit to install directional antenna for day and night use, and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 630 Kilocycles

KOH—The Bee, Inc., Reno, Nev.—Authority to determine operating power by direct measurement of antenna power.

KOH—The Bee, Inc., Reno, Nev.—License to cover construction permit (B5-P-2279) as modified for change of frequency and power, install directional antenna for night use, and move transmitter and studio.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Modification of construction permit (B4-P-2323) for new equipment, changes in antenna, change of frequency, increase in power, employing directional antenna day and night, and move of transmitter, requesting change of type of transmitting equipment.

### 700 Kilocycles

WLW—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-P-2460) as modified for changes in equipment, requesting extension of completion date from 10-22-40 to 4-22-41.

### 810 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Authority to determine operating power by direct measurement of antenna power (main transmitter).

### 970 Kilocycles

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction permit to install new transmitter and directional antenna for day and night use, increase power from 5 KW to 10 KW, and change hours of operation from unlimited time experimentally to unlimited time.

### 1000 Kilocycles

NEW—Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.—Construction permit for a new broadcast station to be operated on **1000 kc.**, 1 KW, daytime. Amended: To change transmitter site from Carter Hotel, 1020 Prospect Avenue, Cleveland, Ohio, to East 49th Street at NYC RR, Cleveland, Ohio, and make changes in vertical antenna.

### 1010 Kilocycles

WHN—Marcus Loew Booking Agency, New York, N. Y.—Construction permit to install new transmitter and directional antenna for day and night use, change frequency from

**1010 to 1050 kc.**, increase power from 1 KW night, 5 KW day to 50 KW, and move transmitter from 20th Ave. and 31st St., Astoria, Long Island, N. Y., to Rural, East Rutherford, N. J. Amended: re directional antenna system.

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Construction permit to install directional antenna for night use, increase power from 1 KW, 5 KW LS to 5 KW day and night. Amended: To make antenna changes and request **990 kc.**, 10 KW power under N. A. agreement.

### 1120 Kilocycles

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Modification of license to change power from 1 KW night, 2½ KW day to 2½ KW day and night.

### 1190 Kilocycles

WSAZ—WSAZ, Incorporated, Huntington, W. Va.—Construction permit to install new transmitter, directional antenna for day and night use, change in frequency from **1190 to 900 kc.**, change hours of operation from limited to unlimited time, and move transmitter from Pleasant Heights, West Virginia, to near Burlington, Ohio. Amended: To move transmitter 1 mile west, near Burlington, Ohio.

### 1200 Kilocycles

NEW—Worcester Broadcasting Inc., Worcester, Mass.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts, unlimited time. (Class IV station.) To construct two 100 watt Booster Stations, one at S. W. corner of Main & Florence Sts., Marlborough, Mass., and the other at S. W. corner of Main & Douglas, Whitinsville, Mass. Amended: To change location of Booster Station from S. W. corner of Main & Douglas, Whitinsville, Mass., to 11 Main St., Whitinsville, Mass., and make changes in vertical antenna.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts, unlimited time. Transmitter and studio at Worcester, Mass. (Class IV station). To operate three amplifier stations at sites to be determined, Auburn, Whitinsville and Marlboro, Massachusetts, using 100 watts power.

WLOG—Clarence H. Frey & Robert O. Greever, Logan, W. Va.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power day and night.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Modification of construction permit (B2-P-2871) for a new station, requesting approval of transmitter site near Charleston Ave., and Summers St., Morgantown, W. Va., and approval of vertical antenna.

WAYX—Jack Williams, Waycross, Ga.—Authority to determine operating power by direct measurement of antenna power.

### 1210 Kilocycles

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—License to use old main transmitter for auxiliary purposes only, using 100 watts power.

WSIX—WSIX, Inc., Nashville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

NEW—Scripps-Howard Radio, Inc., Houston, Tex.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time (Class IV station).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license to request change in hours of operation from shares with WGBB and WBRB to shares with WGBB and simultaneous operation with WBRB.

### 1250 Kilocycles

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Authority to install automatic frequency control equipment.

### 1260 Kilocycles

WNBX—Twin State Broadcasting Corporation, Keene, N. H.—Modification of construction permit (B1-P-2415) as modified for changes in directional antenna for day and night use, move of studio and transmitter, requesting extension of completion date from 9-10-40 to 12-10-40.

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Modification of construction permit (B1-P-2415) for changes in directional antenna for day and night use; move of transmitter and studio; install new transmitter; increase power from 1 KW to 1 KW night, 5 KW day; and extend commencement and completion dates 30 and 180 days respectively. Requests Class III-B station. Amended to request 5 KW day and night.

#### 1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to change frequency from 1280 to 1230 kc.; increase power from 500 watts to 1 KW; change hours of operation from share WCAM and WCAP to unlimited time; install directional antenna for day and night use; and move transmitter from Falls Twp., one mile south of Morrisville, Pa. (U. S. Route 1) to Edgewood-Yardley Road, Yardley, Pa., Class III-B.

#### 1370 Kilocycles

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to change frequency from 1370 kc. to 1050 kc.

#### 1420 Kilocycles

KNET—John Calvin Welch, Wm. J. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Assn., Palestine, Tex.—Voluntary assignment of license from John Calvin Welch, Wm. J. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Association, to Bonner Frizzell.

WGOV—E. D. Rivers, Valdosta, Ga.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

NEW—Central Carolina Broadcasting Corp., Burlington, N. C.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended re corporate structure, equipment changes, and requesting 100 watts power only.

#### 1500 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license to move studio from 846 Flatbush Ave., Brooklyn, N. Y., to 101 Park Ave., New York, N. Y.

### FM APPLICATIONS

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on 43500 kc.; coverage, 6,944 square miles; population, 2,604,104.

NEW—The A. S. Abell Co., Baltimore, Md.—Construction permit for a new high frequency broadcast station to be operated on 44300 kc.; coverage, 15,489 square miles; population, 3,308,983.

### MISCELLANEOUS

NEW—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Construction permit for a new relay broadcast station to be operated on 156750, 158400, 159300, 161100 kc., 50 watts, special emission for frequency modulation, to be located at 408 State St., Schenectady, N. Y.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit recorded programs to all broadcast stations in Canada, licensed to operate by the Canadian Government, which may be heard consistently in the United States, for the period beginning 9-15-40.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs to station CFCF and CBL (formerly CRCT) and the Canadian Broadcasting Corp., for the period beginning 9-15-40.

WDAC—State of Wisconsin, University of Wisconsin (area of Madison, Wis.)—Construction permit to increase power from 10 watts to 30 watts and make changes in equipment.

NEW—Racine Broadcasting Corp., Racine, Wis.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 10 watts, A-3 emission, transmitter to be located at corner Kentucky Ave. and Victory St., Racine, Wis.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Allred Brothers Candy Company**—See Consumers Mercantile Service.

**Lee Boyer's Candy**—Complaints have been issued charging Lee Boyer's Candy, a Portland, Oreg., corporation, and Hugh C. Mitchum and Carl B. Tucker, trading as Southern Candy Company, Charlotte, N. C., with the sale of assortments of candy so packed and assembled as to involve the use of a lottery when sold and distributed to the consuming public.

Use of the respondents' sales methods, the complaints charge, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair practice under the Federal Trade Commission Act. (4265-4266)

**J. T. Carlton Candy Company**—See Dixie Candy Company.

**Central Buying Service, Inc.**—See Jack Herzog & Company.

**Clito Company**—Rene P. Balditt, trading as Clito Company, 325 North Frio St., San Antonio, Tex., allegedly misrepresents that his preparation designated as "Clito" and as "Clito Emmenagogue Capsules" is a competent treatment for delayed menstruation and that it is harmless. The complaint further alleges that the respondent misleadingly represents that his preparation known as "Rayo de Sol" is a competent and effective cure for cataracts, cloudiness of vision, ulcers and inflammation of the eyes. It is further charged that the respondent has disseminated false advertisements in that his advertisements of "Clito Emmenagogue Capsules" fail to reveal that use of this preparation, under the conditions prescribed in such advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health. (4262)

**Colonial Drug Company**—See Colonial Sales Company.

**Colonial Sales Company**—M. A. Younkman and Alice Younkman, trading as Colonial Sales Company and as Colonial Drug Co., 21 E. First St., Tulsa, Okla., are charged in a complaint with the dissemination of misleading representations in the sale of a medicinal product known as "Natural Mineral Extract."

The complaint alleges that while this preparation has no therapeutic value other than that of a mild laxative and mild diuretic, the respondent advertises and recommends it for use both internally and externally as a cure, remedy and competent treatment of a large number of diseases and ailments for which it has no therapeutic value.

The complaint further charges that the respondent falsely represents that the preparation supplies minerals essential to health, that it has therapeutic value in the treatment of female diseases, and is an effective treatment for ill-nourished, backward or defective children. (4260)

**Consumers Mercantile Service**—Charging use of lottery methods in the sale of merchandise, complaints have been issued against John J. Schocket, trading as Consumers Mercantile Service,



64 West Randolph St., Chicago, dealer in cameras, silverware, broilers, fishing tackle, clocks, pens and pencils; Candymasters, Inc., 3-5 North Fifteenth St., Minneapolis, dealer in candy and confectionery products, and Jesse W. Allred and Robert A. Allred, trading as Allred Brothers Candy Co., 515 West Palmer St., Charlotte, N. C., dealers in candy.

According to the complaints, the respondents use push cards to sell their merchandise wholly by lot or chance. (4242-4243-4244)

**Dixie Candy Company**—Charging use of lottery methods in the sale of merchandise, complaints have been issued against Dixie Candy Company, Inc., 732 East Seventh St., Charlotte, N. C., dealer in candy; J. T. Tarlton, trading as J. T. Tarlton Candy Company, Marshville, N. C., dealer in candy, and L. & H. Stern, Inc., 56-64 Pearl St., Brooklyn, N. Y., dealer in pipes.

According to the complaints, the respondents sell certain assortments of merchandise so packed and assembled as to involve the use of a game of chance, gift enterprise or lottery scheme when such merchandise is sold and distributed to consumers thereof (4255-4256-4258)

**Hamilton, Harris & Company**—See Trinidad Creamery Company.

**Jack Herzog & Company**—Two New York firms acting as commission resident buyers of fur garments and of millinery, respectively, are charged in complaints with violation of the brokerage section of the Robinson-Patman Act. The respondents are Jack, Michael, George and Louis Herzog, trading as Jack Herzog and Company, 337 7th Ave., New York, and Central Buying Service, Inc., 101 West 37th St., New York.

According to the complaints, the respondents receive and accept from sellers commissions on purchases made in behalf of the respondents' buyer clients, in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act (4257-4259)

**Jacks Chemical Company**—Lambert Agin, trading as Jacks Chemical Company and as Jacque Chemical Company, pleasant Ridge Station, Cincinnati, allegedly represents that his medicinal preparation called "JACKS" and "JACQUE" constitute a cure or remedy for gall, kidney and bladder stones, diabetes, rheumatism, swollen limbs, hives, excess acid and excess uric acid, when in truth it is wholly incapable of effecting any of the results claimed by the respondent. (4247)

**Lessing Hat Company, Inc.**, and Joseph Loring, trading as Loring Hat Company, Third and Mercer Sts., New York, are charged in a complaint with the dissemination of misleading representations in the sale of caps and hats.

The complaint alleges that the respondents buy second-hand, old, worn and previously used felt hats, and recondition them for sale to retailers and wholesale dealers without any adequate designation to indicate to the purchasing public that they are manufactured from old, worn and previously used hat bodies. It is further charged that on some part of the sweat band or size labels are stamped the words "Made of castaway hats" but that jobbers, wholesale dealers and retailers can readily and easily remove this designation, and such designation does not adequately inform the purchasing public that such hats are made of old, worn and previously used hat bodies.

Such practices by the respondents, the complaint continues, tend to create the mistaken belief that their hats are made from new and unused materials. (4245)

**Loring Hat Company**—See Lessing Hat Company.

**Helena Rubinstein, Inc.**, 715 Fifth Ave., New York, is charged in a complaint with the dissemination of misleading representations in the sale of certain cosmetic preparations.

The respondent allegedly misrepresents that ordinary powder particles swell within the pores and cause enlarged pores, blackheads and blemishes; that its "Town and Country Face Powder" because of a pre-expanded quality or balsamizing process is

moisture-proof, prevents and removes enlarged pores, blackheads and blemishes; that its "Eye Lash Grower Cream" has special properties which will be effective in causing eye lashes to grow, and that its "Eye Lash Cream and Darkener" makes the lashes dark, silky and luxuriant looking and has special properties which will be effective in preventing eye lashes from breaking.

It is also charged in the complaint that the respondent misrepresents that its "Egg Complexion Soap" will benefit the complexion through the presence of eggs therein and that such products purifies the skin. (4254)

**Kuhn Remedy Company**, 1855 North Milwaukee Ave., Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of a medicinal preparation formerly described as "Kuhn's Rheumatic Fever Remedy," and now known as "Kuhn's Remedy."

According to the complaint, the respondent misleadingly represents that its preparation is a cure or remedy for rheumatism, rheumatic fever, gout, neuralgia and lumbago, and for muscular and joint aches and pains generally, and that it possesses substantial therapeutic value in the treatment of such ailments and conditions.

The complaint points out, however, that the preparation possesses no therapeutic value in the treatment of rheumatism, rheumatic fever, gout, neuralgia or lumbago in excess of affording, in some instances, temporary symptomatic relief from aches and pains associated with such disorders.

The respondent further is alleged to misrepresent that its preparation is entirely safe and harmless and may be used without danger of ill effects.

It is also charged that the respondent's advertisements are false because they fail to reveal that use of its preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual may result in injury to health, in that such advertisements do not contain any cautionary statement to the effect that its preparation should be used only as directed on its label. (4264)

**Progressive Laboratories**—See Progressive Medical Company.

**Progressive Medical Company**—Blanche Kaplan, trading as Progressive Medical Company, Progressive Laboratories, Ladies Aid Company, Ladies Aid, and as Ladies Aid Products, 330 South Wells St., Chicago, allegedly misrepresents that "Ladies Aid No. 1 H.Y.G. Tablets" is a competent antiseptic and reliable germ destroyer; that it is an effective prophylactic and dependable contraceptive; that "Ladies Aid No. 4" is an effective treatment for certain conditions peculiar to women; that "Promeco Cod Liver Oil Compound Tablets" is an effective remedy for every condition for which physicians might prescribe cod liver oil, and that "Ladies Aid Reducing Tablets" is a safe and effective treatment for obesity. The complaint declares that the respondent also has disseminated false advertisements in that they fail to reveal that use of "Ladies Aid Reducing Tablets," under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health. (4261)

**Scholl Manufacturing Company, Inc.**, 211 West Shiller St., Chicago, allegedly misrepresents that the use of "Dr. Scholl's Zino-Pads" stops pain instantly; constitutes a cure or remedy for corns, callouses and bunions; has healing properties, and abolishes shoe pressure and friction. The respondent further allegedly misleadingly represents that the use of "Dr. Scholl's Kurotex Foot Plasters" instantly relieves the pain caused by corns, sore toes, callouses, bunions, and tender spots on the feet and toes caused by new or tight shoes. (4241)

**Shaw's Jewelry Company**—Complaint has been issued against Shaw's Jewelry Company and Shaw's, 1618 Main St., Dallas, Tex., alleging misleading representations in the sale of jewelry and silverware.

According to the complaint, the respondents misrepresent that their silverware is of genuine Rogers Brothers silverplate; is guaranteed for a lifetime by the International Silver Company, manufacturer of Rogers Brothers silverware; that the diamonds

in their "Miss Centennial" and "His Majesty" rings are certified perfect diamonds, and that their watches are made wholly of gold or solid gold. (4250)

**Southern Candy Company**—See Lee Boyers' Candy.

**Spors Company**—Frank Spors, trading as The Spors Company, Le Center, Minn., is charged in a complaint with the dissemination of misleading representations in the sale of various drugs, cosmetics, fountain pens, mending tissue, and household accessories.

It is charged in the complaint that the respondent misleadingly represents that his "Electro-Heat-Kwik" water heater is capable of heating substantial quantities of water; that it may be used with entire safety; that it heats substantial quantities of water more quickly than gas, coal or wood, and that it has been approved by the Underwriters' Laboratories.

The respondent further allegedly misrepresents that the product "Savarip" is of substantial value in the prevention of runs, snags and breaks in silk and rayon hosiery and lingerie; that it renders such garments rainspot proof; prevents shrinking and fading, and prolongs the life of such garments.

The complaint further alleges that the respondent represents that his "Super-Pure Laxative Bromide Quinine Tablets" constitute a cure or remedy for colds, when, in truth, they may afford only partial and temporary relief for the symptoms of colds.

The respondent also allegedly misrepresents that his fountain pens are comparable to those retailing for sums up to \$5 each; that the flow of ink from such pens is unusually even and steady, and that agents and salesmen reselling his pens are enabled to make a profit of 300 per cent. (4246)

**L & H Stern, Inc.**—See Dixie Candy Company.

**Style & Merit Buying Service**—Violation of the brokerage section of the Robinson-Patman Act is charged in a complaint issued against the Style & Merit Buying Service, a buying agent in the purchase of ladies' and children's ready-to-wear, leather goods, furs and fur coats. Lewis Block, Frank Block, Mac Goldberg, Otto Langer, Morris Block and Dora Block are co-partners trading as Style & Merit Buying Service, 225 West 34th St., New York.

According to the complaint, the co-partnership has charged and received from various sellers and manufacturers commissions on purchases made in behalf of the respondents' buyer clients.

It is charged in the complaint that the payment of the brokerage fees and commissions by the various sellers and manufacturers to, and the receipt and acceptance thereof by, the respondents is in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4249)

**Terpezone Incorporated**, 738 Washington Boulevard, Chicago, is charged in a complaint with the dissemination of misleading representations in the sale of a device called "Terpezone Generator," which produces a vapor designated as "Terpezone" for use in the treatment of various bodily conditions.

According to the complaint, the respondent misleadingly represents that its device generates a vapor known as "Terpezone," the inhalation of which will increase vitality, and constitutes a remedy for anemia, hardening of the arteries and heart disease.

The respondent further allegedly misrepresents that the inhalation of "Terpezone" will kill disease germs; constitutes a remedy for colds, hay fever, tonsillitis, pneumonia and tuberculosis; neutralizes toxins, and is a competent treatment for all diseases having a toxic origin.

The complaint declares that under the conditions of use, "Terpezone" is of no therapeutic value in the treatment of such ailments in excess of possibly loosening the congestion of mucous in some cases of respiratory disorders. (4248)

**Trinidad Creamery Company**—Charging use of lottery methods in the sale of merchandise, complaints have been issued against Trinidad Creamery Company, 328 Commercial St., Trinidad, Colo., dealer in butter; H. M. Williams, trading as Williams Candy Company, 2819 Monroe Road, Charlotte, N. C., dealer in

candy, and Hamilton, Harris & Co., 302 W. South St., Indianapolis, Ind., dealer in fishing tackle, pipes, robes and cameras.

According to the complaints, the respondents employ various games of chance, gift enterprises or lottery schemes to sell their merchandise to consumers thereof. (4251-4252-4253)

**Union Concession Company**, 456 South State St., Chicago, engaged in the manufacture and distribution of candy, is charged in a complaint with the sale to dealers of assortments of candy and other merchandise to be sold and distributed to the consuming public by means of a game of chance, gift enterprise or lottery scheme.

Use by the respondent of these sales plans or methods, the complaint charges, is a practice contrary to established public policy and in violation of the criminal laws, and is an unfair practice under the Federal Trade Commission Act. (4263)

**David M. Weiss**—A New York buying agent in the purchase of garments in behalf of approximately sixty retail fur outlets, is charged in a complaint with violation of the brokerage paragraph of the Robinson-Patman Act. The respondent is David M. Weiss, 370 Seventh Ave., New York.

The complaint alleges that the respondent receives from various retail fur stores, for whom he acts as agent, requests to purchase fur garments. He contacts various fur garment manufacturers and places the orders at the most advantageous prices from the standpoint of the buyer. The manufacturers are located in New York, and the client buyers are located in Detroit, South Bend, Memphis and Atlanta, and elsewhere.

In the course of the purchasing transactions by the respondent, the complaint continues, sellers have, since June 19, 1936, paid to the respondent commissions based on a certain percentage of the sales price agreed upon, and the respondent has received and accepted such commissions on purchases of merchandise by retail buyers in whose behalf he has been and is in fact acting. These acts and practices, the complaint declares, are in violation of subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act. (4240)

**William Candy Company**—See Trinidad Creamery Company.

## STIPULATIONS

During the week the Commission has entered the following stipulations:

**Farmington Shoe Manufacturing Company**, Dover, N. H., agrees to cease and desist from the use of words "J. W. Stetson Quality Shoes" or word "Stetson" in conjunction with other words, or arranged within a triangle so as to simulate the brand or label or name heretofore used by the Stetson Shoe Company, Inc., the effect of which may tend to convey the belief that its shoes are products made by or in accordance with the standards and specifications of the Stetson Shoe Company, Inc. The respondent further agrees to desist from the use of the name or private brand of well-known advertised products of shoe manufacturers or dealers so as to convey the belief to purchasers that the respondent's shoes are in fact such well-known advertised products. It was also agreed by the respondent that it will cease representing a fictitious or excessive price to be the price customarily asked for shoes in the usual course of retail trade. (2911)

**Federal Raw Fur Exchange**—See Leo M. Goldberg Fur & Wool House, Inc.

**Leo M. Goldberg Fur and Wool House, Inc.**, and Leo M. Goldberg, trading as The Federal Raw Fur Exchange, 1040 Helena St., Helena, Mont., in connection with their buying and selling of furs, agree to cease and desist from quoting any fictitious or exorbitant prices which trappers or fur dealers may expect to receive from them for their furs; representing that they pay a higher price for furs than do any other fur buyers; conveying the impression or belief that they are in a position to control the



resale prices of furs; using the word "Guaranteed" in connection with prices offered for furs, or representing that such prices are guaranteed unless they actually pay the prices quoted during the period of time for which such price lists are effective or in force. (2909)

**Mechanix Universal Aviation Service Company**—J. A. Vaughan, trading as Mechanix Universal Aviation Service Company, Wayne County Airport, Detroit, entered into a stipulation in which he agrees to discontinue certain representations in the sale of correspondence school courses for home study intended to assist students to obtain employment in the aviation industry and to qualify for airplane mechanic's licenses.

The respondent agrees to cease and desist from representing that persons answering his advertisements or applying for registration will or may receive employment; that his courses of instruction include apprenticeship work or practical training either with or without compensation; that students completing his home study courses will or may be qualified for aviation mechanic's licenses issued by the former United States Bureau of Air Commerce, or that his courses have the endorsement of such agency or any other agency of the Federal Government.

The respondent also agrees to desist from using on his stationery or in his advertising, illustrations of the Wayne County Airport buildings in conjunction with the letters "M U A S" or the phrase "Home of M.U.A.S." so as to convey the belief to students that the school conducted by him is situated in such buildings or that they are occupied in their entirety by him. (2908)

**Tyson & Company, Inc.**, Paris, Tenn., has entered into a stipulation in which it agrees to discontinue certain representations in the sale of medications and cosmetics.

The respondent agrees to cease and desist from representing that J & T Tried and True Vegetable Compound is a dependable or competent remedy for ailments peculiar to women; is a competent remedy for nervousness, malnutrition or dysmenorrhea, or is scientifically compounded.

The respondent further agrees to desist from representing that La Dainty Hair Dressing & Grower, La Dainty Special Hair Grower, La Dainty Temple Grower, La Dainty Pressing Compound, La Dainty Quinine Pomade, or La Dainty Sheik Cream makes hair natural; restores natural color to the hair; prevents baldness; overcomes deficiencies of the skin and scalp, and eliminates the cause of dandruff.

It is further agreed that the respondent will cease using the words "Hair Grower," "Special Hair Grower" or "Temple Grower" so as to imply that its products will cause hair to grow or will restore a growth of hair.

Further representations which the respondent agrees to discontinue are that La Dainty Cold Cream, Mme. Carue Tissue Cream, Mme. Carue Cleansing Creme, La Dainty Lucky Lovin' Cream, Tyson's Ideal Bleaching Creme, La Dainty Vanishing Cream or any similar preparation, is a skin food or skin invigorator; makes skin beautiful or makes the skin lighter.

The respondent also agrees to cease representing that La Dainty Bleaching Ointment gives youthful beauty and glow to the skin; that La Dainty Beauty Bar nourishes and stimulates the skin; that La Dainty Special Face Soap will cause skin to become young looking; that its products are compounded by skilled and experienced cosmeticians, beauty experts or chemists, or that its products are "Guaranteed" unless clear and unequivocal disclosure is made of exactly what is offered by way of security, as for example, refund of purchase price. (2910)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Air Conditioning Textiles, Inc.**, 1441 Broadway, New York, is ordered to cease and desist from certain misleading representations in the sale and distribution of a soap designated as "Air Conditioning the Human Body" soap and as "Air Conditioning" soap.

The respondent is ordered to cease and desist from using the term "Air Conditioning" or "Air Conditioning the Human Body," or any other similar term, to describe its soap, or otherwise representing that its soap possesses air-conditioning properties; representing that its soap reduces body temperature, reduces humidity or eliminates perspiration objections, or representing that the human body breathes through the pores of the skin. (3974)

**L. Hoffman**—Louis Hoffman, trading as L. Hoffman, 459 Broadway, New York, is ordered to cease and desist from the dissemination of misleading representations in the sale and distribution of desk pads and other office accessories.

The respondent is ordered to cease and desist from using the phrase "Grecian Gold Tooled Border" or "Genuine Gold Tooled Border" or any other phrase containing the word "gold," or the word "gold" alone to refer to borders of desk pads which borders are not in fact manufactured from gold leaf, or using pictorial representations of desk pads not offered for sale and sold by respondent as representative of the desk pads offered for sale and sold by him.

The order to cease and desist further directs the respondent to cease representing, through the use of the words "Flexbide," "Top Grain," "Leather," or in any other manner, that desk pads manufactured in whole or in part from the under layer or flesh side of hides, known as split leather, are made from the outside or surface layer of the hide.

The respondent is also ordered to cease and desist from representing that his business was established at any date prior to the time that it was in fact established, or through the use of statements, pictures, or otherwise, that his desk pads or other office accessories are of a grade, quality and value greater than that which actually exists. (4165)

**Imogene Shepherd, Ltd.**, 100 East Ohio St., Chicago, has been ordered to discontinue certain misleading representations in the sale of its "Baby Skin Oil" and "Baby Skin Oil Soap."

The respondent is directed to cease and desist from representing that its preparations are remedies or effective treatments for dryness, roughness of the skin, eczema and acne; will prevent and correct skin disfigurements; will rejuvenate the texture of the skin, or restore to adults the soft and silken texture of baby skin.

The order further directs the respondent to cease representations that its products will nourish or cause permanent benefit to the skin on account of their Vitamin E and so-called "Vitamin F" content; that they will restore essential lipids to the skin, or that they are amazing discoveries and the outstanding development in beauty culture of the present day. (3625)