

THE WEEK IN WASHINGTON

Practice Makes Perfect, BMI tune, stands at the head of the list of numbers most played on the air and also has climbed into the list of best sheet music sellers. Four more stations join BMI. Only two sections of Florida's 1939 Copyright Law are unconstitutional. (p. 4560.)

CBS demonstrates television in color to James Lawrence Fly, FCC Chairman and the press. Mr. Fly says he is much impressed. (p. 4558.)

Samuel J. Henry, Jr., NAB director of the Bureau of Radio Advertising, will address the Associated Chain Druggists on the "Why and How of Radio for Chain Drug Stores." (p. 4562.)

The "Listen Before You Vote" promotion campaign is proving highly successful. (p. 4563.)

Westinghouse licenses for four stations formerly programmed by NBC are renewed, but the FCC says that "its action must not be interpreted as a precedent for subsequent approval of broadcast station licensees disposing of their rights and privileges through contract. (p. 4563.)

Miscellaneous

STAR-SPANGLED BANNER

The NAB has received the following letter from John J. Gillin, Jr., manager of Station WOW, and asks all members to cooperate:

I believe it is true that a great many stations—perhaps a majority of them—are opening and closing each broadcast day with our national anthem "The Star-Spangled Banner."

Because it is playing such an important role in Americanization work, the Americanization Committee of the United States Junior Chamber of Commerce would like to have a full report on just how many stations are doing this.

They have come to me, as Chairman of the Radio Committee of the US JCC, and if we may clear the matter through the NAB I shall appreciate it very much.

Will all stations that are signing on and off with "The Star-Spangled Banner," and those that plan to do so, please be so kind as to advise NAB headquarters to that effect?

EDDIE CARTER

Station managers contemplating hiring Mr. Eddie Carter, marathon piano player, should write W. W. Behrman, radio Station WBOW, Terre Haute, Indiana.

ANALYSIS OF CONVENTION ATTENDANCE

Members will be interested in the following facts relative to attendance at the Eighteenth Annual Convention at San Francisco, August 4 to 7. The total attendance was 661.

A breakdown of this total figure discloses the following:

The 15th District, embracing northern California, Nevada and Hawaii, had a 100 per cent record of NAB attendance—20 NAB members, 20 convention attendants.

From a sectional standpoint, NAB member stations were represented as follows:

Pacific Coast stations (California, Oregon, Washington, Nevada, New Mexico, Arizona and the territories of Hawaii and Alaska) had over 90 per cent.

Rocky Mountain states (Idaho, Montana, Utah, Wyoming and Colorado), over 65 per cent.

Mid-west (Ohio, Kentucky, Missouri, Oklahoma, Wisconsin, Kansas, Nebraska, Iowa, Minnesota, Michigan, North Dakota, South Dakota, Illinois and Indiana) had over 47½ per cent.

Northeast and New England (Pennsylvania, New York, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont and Maine) over 45 per cent.

East Central and South Atlantic (Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia) 48 per cent.

South (Georgia, Florida, Alabama, Louisiana, Tennessee, Arkansas, and Mississippi) had 25 per cent.

Texas, 66 per cent.

In addition to these NAB member stations attending, 64 non-member stations had representatives on hand. This is almost 20 per cent of the non-member stations.

These figures reflect what we believe to be the universal opinion that the Eighteenth Annual Convention marks a high point in the radio industry. It can be truly said that the radio broadcasters now present a united front in both numbers and in spirit.

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*

NAB SEAL

Arrangements are now being made through which the Association hopes to fulfill the requests for cuts of the NAB seal. It will be helpful if member stations desiring cuts will so advise headquarters.

Engineering

COLORED TELEVISION

On Wednesday, September 4, Columbia Broadcasting System demonstrated its new television in color to a group of about 50 representatives of the press. A prelude to this demonstration was the private showing tendered James L. Fly, Chairman of the FCC, on Thursday, August 29.

Colored motion pictures were used for the demonstration and Columbia announced that it hoped to have live pick-up equipment by the first of the year. CBS explained the operation of the color system as follows:

"An attempt to detail the technical phenomena in not too technical language follows:

1. A color motion picture is run through a film scanner. Between the film and an electronic pickup tube there is a rotating disc containing red, green, and blue filters in that order. When the red filter is in front of the tube only those parts of the picture which contain red register in the picture tube. When the green filter is in front of the tube only those parts of the picture which contain green (and this includes yellow) register in the tube. Similarly with the blue filter.

2. The three filters (red, green and blue) are balanced to give the effect of pure white when the picture is white.

3. Synchronized with the disc in front of the pickup tube is a similar disc in front of the receiver tube. In other words, at the instant when the red filter is in front of the pickup tube, a red filter is in front of the receiver tube. The same holds for the green and blue.

4. The scanning method differs somewhat from that used in most black and white systems. The picture is *completely* scanned every sixtieth of a second instead of

every thirtieth of a second. However, at the end of the first sixtieth of a second only two colors have been used. The third color requires an additional one one-hundred-twentieth of a second, bringing the total to one-fortieth of a second for a single picture in full color.

The following sequence may help to make this clear:

The odd number lines are scanned in red in $\frac{1}{120}$ of a second.

The even number lines are scanned in green in $\frac{1}{120}$ of a second.

At this point the whole picture has been scanned, but there is yet no blue in the picture. Time thus far: $\frac{1}{60}$ of a second.

Now the red on the odd number lines has faded and these same lines are scanned in blue in $\frac{1}{120}$ of a second.

At this point the whole picture has been scanned one and one-half times, but in full color only once. Time thus far: $\frac{1}{40}$ of a second.

Now the green on the even number lines has faded and these same lines are scanned in red in $\frac{1}{120}$ of a second.

At this point the picture has been scanned twice but in full color only once and a third. Time thus far: $\frac{1}{30}$ of a second.

Now the blue on the odd number lines has faded and these same lines are scanned in green in $\frac{1}{120}$ of a second.

Time thus far: $\frac{5}{120}$ of a second.

Now the red on the even number lines has faded and these same lines are scanned in blue in $\frac{1}{120}$ of a second.

At this point the whole picture has been scanned three times and in full color twice. Elapsed time thus far: $\frac{1}{20}$ of a second.

And now the whole progressive cycle begins again with the even number lines being scanned in red.

5. When there is no color disc in front of the receiver tube the picture appears as a black and white image."

The color television was invented by Peter C. Goldmark, Chief Engineer for CBS, after making an exhaustive study of the retentive qualities of the human eye. It was Dr. Goldmark's conclusion that if he would transmit each of three colors in succession that the human eye would remember long enough for the colors to properly mix in the eye, thus giving the appearance of the true colors. By successive transmission of the three colors Dr. Goldmark has been able to transmit good colored pictures and still stay within the standard 6 megacycle channel assigned to television. Another interesting point about the color system is that it can be picked up on a receiver designed for black and white and the picture will then appear in black and white.

James Lawrence Fly, Chairman of the FCC, said at a press conference this week that he was very much im-

pressed by the color television demonstration which was given to him last week when he visited the New York studios of Columbia Broadcasting Company.

Mr. Fly said that of course color television is in its early stages and there is considerable development work to do and while he doesn't want to pass on the feasibility of it, he expressed the opinion that it is a tremendous improvement in television.

The Chairman told the newsmen that what he had seen indicated to him a very substantial beginning and he expressed the hope that the various good engineers of the industry will get together and bring it to a practical state of efficiency. Mr. Fly said that while he does not in any way pose as an expert, he was very favorably impressed by the demonstration, and in his opinion there is no comparison between black and white and color television. Color television gives, he said, more satisfactory realism, definition and clarity.

Perspective in itself is a remarkable improvement Mr. Fly said. He explained transmitter has nothing to do with the colors as same are due to a device on the camera and a rapidly rotating disc between the spectator and the tube which reflects different type rays. The result of the picture he said is even and not jumpy. Color television, Mr. Fly told the newsmen, is more satisfactory than technicolor in the movies. Mr. Fly expressed the opinion that the use of one camera and one frequency band in itself is appealing and contrasted to other methods of using three cameras and three channels comprising an 18 megacycle band which at the present time is impracticable.

OPERATORS CITIZENSHIP PROOF

FCC adopted Order No. 75-B, further extending the effective date of Order No. 75, as amended by Order No. 75-A, from September 15 to October 15, allowing an additional month's extension of time within which to file proof of citizenship of all radio operators.

RADIO INTERFERENCE

Extracts from address by E. K. Jett, Chief Engineer of the Federal Communications Commission, at the 19th Annual Session of the American Congress of Physical Therapy, Cleveland, Ohio, September 2, 1940.

Interference is the problem child of radio. If it were not for interference, one of the principal reasons for Government regulation of radio would be lacking.

Radio interference is of three kinds. Except under special conditions, radio stations can interfere with one another unless they are assigned separate frequencies—that is, separate highways in the ether. This kind of interference is taken care of through Government regulation and international agreement. Every station is assigned a specific frequency or channel and is required to operate within this channel.

The second type of interference is caused by nature—thunder storms or electric discharges, which listeners call “static” or atmo-

spheric noise. There is always a varying amount of atmospheric noise present in radio reception. This type of interference is overcome in large measure by assigning sufficient power to radio stations to override the noise.

The third type of interference is industrial—electrical or man-made. It is caused by electric machines used in the industry or the home, such as oil burners, electric razors, automatic sign flashers, and the like. Automobile ignition and electric railways are other producers of interference. Fortunately, this third type of interference travels a very short distance from the source. It has been possible to control it to a large extent through cooperation between manufacturers, radio operating companies, and the user of the equipment.

The interference caused by diathermy equipment appears in a class of its own. It is not only capable of interfering with radio reception but in many cases is actually now doing so.

The Federal Communications Commission recognizes the importance of electro-medical apparatus to the medical profession in the treatment of human ills. As a matter of fact, the Inter-American Radio Communications Arrangement, signed at Santiago in 1940, specifically states that the use of diathermy apparatus has an important place in therapeutics, surgery, and industry. The immediate problem, therefore, is how may the public enjoy the benefits of radiocommunication as well as those resulting from the use of electro-medical apparatus without conflict between these services.

The Commission has been studying this problem for several years and has received excellent cooperation from the Council on Physical Therapy and other interested parties. A number of States and municipalities have enacted statutes and ordinances to deal with the subject. However, the general problem of interference has been approached by the Commission from the point of view that the public as a whole will be best served through cooperation in the industry. The Commission believes that through further cooperation it will be able to adopt standards of good engineering practice to guide manufacturers and users of electrical equipment and thus prevent radio interference.

However, local interference in the broadcast services is not the greatest cause for concern in this problem. Transmissions from diathermy machines are capable of being received across the continent and even across the ocean. The frequencies upon which they operate are used by the national defense and safety services. Interruptions of these services may jeopardize life or property, or seriously affect the nation's interests. Communication companies appeal repeatedly to the Commission as being their only source of relief from these interruptions. Municipalities, as many as thirty at a time, have also petitioned the Commission for assistance in the protection of their police services.

Any curtailment of diathermy apparatus would cause great hardship to many sufferers and would prevent the saving of many lives. No one would suggest such a step. Diathermy, like radio, is a safety service. It is used by physicians and surgeons in many ways to combat disease and for surgical purposes. In the hospital it has become an indispensable tool. There are thousands of therapeutic departments in hospitals in the United States, all of which possess one or more diathermy machines, and there are thousands of privately owned machines being operated by physicians in this and other countries. The Commission would no more want to prevent the use of these machines than it would seek to curtail the activities of the doctors themselves. But it is confronted with a very serious problem. It must find a way in which diathermy and radio can get along together.

The reason operation of diathermy apparatus affects radio reception is that the machines are essentially radio transmitters. The radiation which results in interference is not essential for therapeutic purposes and may be regarded as a by-product of the

means used to attain the objective. It can, however, be eliminated or minimized if reasonable methods are employed.

From an engineering standpoint, the solution of the problem is simple. While economic factors are important, they are not of such great importance as to be regarded as being unreasonable from the standpoint of cost to the users of therapy apparatus.

In those cases where it is necessary to take the apparatus to the patient, in circumstances where screening the room is not practicable or advisable economically, or, if for any other reason entire screening of the patient and the apparatus is not possible, it would appear that the only solution would be to use apparatus with a restricted frequency band of emission which does not extend over more than one communication channel. Great care should be exercised in the selection of the channel to make certain that no interference will result to radio reception.

This problem was considered in detail at the Inter-American Radio Conference held in Havana in 1937, and again at Santiago in 1940. It is significant that the question was an important topic for discussion at these meetings. There are international aspects. For example, the diathermy machines in Mexico or in Canada cause interference with reception in the United States, and vice versa.

A report prepared by the Canadian delegation and adopted at Havana gives the results of a very comprehensive study of diathermy interference and of the most effective and economic methods of suppressing it. Details as to the different kinds of shielding, their costs, and the manner in which they may be applied to rooms, walls, doors, etc., in hospitals and offices are given.

Representatives at Santiago agreed that their respective countries should adopt measures to suppress or alleviate, insofar as possible, interference caused by apparatus or equipment which may generate or radiate radio frequency currents capable of interfering with, or adversely affecting, the reception of radio transmissions. In this connection, the following is quoted from the annex to the Inter-American Radiocommunications Arrangement:

"All diathermy machines designed for the same service can operate on the same frequency without impairing their usefulness, since their operation is not affected by radiation from other machines. Operation on a specific frequency with a very close frequency tolerance is practicable, with little added cost. It is understood that the present design of diathermy equipment has to a great extent gravitated to frequencies above approximately 12 megacycles, hence it is recommended that the subscribing countries consider requiring all diathermy machines to use not more than two frequencies in harmonic relation above 12 megacycles which will not interfere with existing radio assignments. The harmonic relationship between the two frequencies provides a further guarantee against interference to radio communication.

"Standards of good engineering practice are believed to be practicable at the present time and consideration of the adoption by the governments of such standards at the earliest practicable date is recommended. The standards should include the following subjects:

- (a) Frequencies to be used.
- (b) Automatic frequency control.
- (c) Frequency stability.
- (d) Type of emission.
- (e) Maximum power output.
- (f) Harmonic radiation to be effectively suppressed.
- (g) Internal circuits to be effectively shielded.
- (h) Radiation from power supply connection to be eliminated.

"Where diathermy apparatus does not comply with the standards which may be adopted by the subscribing countries they should consider the desirability of requiring such apparatus to be operated in a properly shielded room."

There has been splendid cooperation among all concerned—the manufacturers of the apparatus, the medical profession, the Government, and commercial agencies whose radio services are affected, and the general public. When the medical profession has

agreed on the most effective region of the radio spectrum for diathermy treatments, it will be the first task of the Commission to find a suitable frequency for diathermy operation. The provisions which must then be met insofar as the apparatus is concerned, should be arrived at by cooperative efforts on the part of the Government and other interested parties. The Federal Communications Commission stands ready to assist, and is planning to call a conference for this purpose in the near future.

BMI DEVELOPMENTS

BMI FEATURE TUNES

September 9-16

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

Practice Makes Perfect this week stands at the head of the list of numbers most played on the air and has also climbed into the list of the 15 best sheet music sellers. It has now been heard for two weeks on the Lucky Strike Hit Parade and the first phonograph records of the song are just being released this week and next.

There I Go, *The Same Old Story*, and *We Could Make Such Beautiful Music* hold their places on the "sheet," the latter for the ninth week.

Variety (September 4) says:

"What has been suspected is now gaining credence, that sundry ASCAP songsmiths have been authoring pop tunes for BMI under nom-de-plumes. It recalls that BMI made frank offers to ASCAP writers and the Society is supported to have tacitly told any and all that if they wanted to 'knock off some easy money' it was all right to write songs under phoney names.

"The manner in which a couple of BMI tunes have been asserting themselves belies one premise that 'you can't find songwriters under rockpiles'—but then again these tunesmiths may be better than the casual variety."

BMI has, of course, made no "frank offers" to ASCAP writers unless the writers could free themselves of ASCAP.

To contradict *Variety's* implication that BMI hits may have been written by ASCAP writers in disguise it is worth while identifying the composers and authors concerned.

The writers of *Practice Makes Perfect*, who are all members of the BMI staff, were discussed in this column last week.

There I Go was composed by Irving Weiser, a thoroughly real young man, using his own name, which is the same under which he won an honorable mention in a Paul Whiteman contest a few years ago. Hy Zaret, who wrote the words, is a young New York lawyer, author of the lyrics of half a dozen successful songs. He is far from being somebody else's "phoney name." It is not

many years since he was playing football for New York's High School of Commerce and wrestling for the University of West Virginia.

The Same Old Story is the result of collaboration in both words and music of Michael Field and Newt Oliphant. "Michael Field" is a pseudonym for Milton Schwartz, one which he has used as pianist as well as composer. He was for seven years a student in the Juilliard Graduate School of Music, where he held a fellowship under the famous piano teacher, Carl Friedberg. He was accompanist for Charles Hackett, of the Metropolitan Opera Company, has appeared as a recitalist at Steinway Hall, and has this past year presented the first recital by his piano pupils in Carnegie Hall. *The Same Old Story* is his first published composition.

Newt Oliphant is Newt Oliphant, a nephew of the late Herman Oliphant, who was General Counsel of the United States Treasury and a close adviser of President Roosevelt. Newt, who has previously published one song, is a pupil of Joseph Piastro, brother and teacher of Michael Piastro, one of the most famous of living violinists.

We Could Make Such Beautiful Music was written by Robert Sour, of the BMI staff, one of the co-authors of *Practice Makes Perfect*, and "Henry Manners," who in private life is Henry Katzman, also a member of BMI staff.

Four more new stations join the BMI parade:
KOB, Albuquerque, New Mexico,
WGAN, Portland, Maine,
WKBN, Youngstown, Ohio,
WOPI, Bristol, Tennessee.

Sunday, September 8, the day appointed by President Roosevelt for special prayers for peace, is to be marked by widespread use of a new hymn, *Hail, Prince of Peace*, written by Thomas Patton Mock and published by Broadcast Music, Inc. The last stanza contains words almost identical with those used by Winston Churchill in a radio address when he asked for prayers that

"Right should conquer might
On land and sea."

It will be heard on at least four network broadcasts during the day, one of them originating in the Temple of Religion at the World's Fair, where it is to be sung at two services.

The hymn, composed early this year, was first sung last Easter in a radio broadcast by the Byzantine choir of the Holy Trinity Cathedral in New York. On May 3rd it was presented at the annual spring concert of the General Motors Glee Club, of which the composer is a member. Two days later it was sung by audience as well as choir at the General Conference of the Methodist Church in Atlantic City.

On Peace Sunday it is to be sung at the World's Fair by a choir under the direction of Rhys Morgan in an arrangement made by Dana Merriman, assistant editor of Broadcast Music, Inc. This performance will occur during the noon service at the Temple of Religion and will be carried by the Mutual Broadcasting System over a coast-to-coast hookup from WOR. The new hymn will be sung also at the five o'clock service in the Temple of Religion by the Churchmen's Glee Club and Chorus Choir.

It is also scheduled for Tone Pictures, NBC Blue, 8:30 to 9:00 a. m., Sunday Vespers, NBC Blue, 4:00 to 4:30 p. m., and Richard Maxwell's Songs of Comfort and Cheer, CBS, at 9:30 a. m.

Specially bound copies of *Hail, Prince of Peace* are being prepared for presentation to President Roosevelt, to Archbishop Spellman, and to Pope Pius XII, for whom the lyrics have been translated into Latin.

Inspired by Christmas broadcasts in a world at war, the song has stirred the enthusiasm of musicians and churchmen alike and has been accepted by different denominations as a profoundly moving expression of the common prayer for peace. Among those praising it have been Bishop Edwin E. Hughes of the Methodist Church, Dr. Ralph Sockman, National Chairman of the Methodist Peace Commission, Archbishop Athenagoras of the Greek Orthodox Church, and numerous others.

The League of Nations Assembly has requested the hymn for use at its opening services in the Cathedral at Geneva. The first stanza of the hymn contains the slogan of the League—

"May peace on earth now reign,
Good will toward men."

A radio sales executive is the latest recruit to join the ranks of popular composers under the banner of Broadcast Music, Inc. He is Paul Mills, young accountant executive at Westinghouse stations WOWO-WCL, Fort Wayne, Indiana.

Mills' tune, *Little Star*, recently accepted for publication by BMI, will be a familiar one to radio audiences in many sections of the country, for it is the theme song of "Friendly Neighbors," the popular Alka-Seltzer radio serial, now featured on 41 stations including the complete Don Lee Network and KGMB, Honolulu.

The three judge federal court did not hold Florida's music monopoly law unconstitutional in its entirety. *The court sustained the constitutionality of Florida's 1939 law with the exception of Sections 4 (a) and 4 (c).* (NAB REPORTS, p. 4526.) It merely held unconstitutional the 1937 Florida law, which was a duplicate of the statute enacted in Nebraska, and based this part of

its decision rendered in Nebraska last fall. It held that the state had the right to enact monopoly legislation but that the monopoly provisions of the 1937 statute could not be separated from the unconstitutional provisions and therefore that the entire statute must fall.

Laws similar to the Florida 1939 law which were sustained as constitutional also have been enacted in Kansas, North Dakota, Montana and, in part, in Vermont and are in force in those states. New Mexico likewise enacted a similar statute, but it was subjected to a pocket veto by the Governor.

The temporary injunction entered last October against the enforcement of the 1939 act was "vacated and dissolved as to the whole act and all of its sections except Sections 4 (a) and 4 (c)." The principal features of this statute now are in full force and effect in Florida. These require that copyright owners selling performing rights in the state must make full disclosure of all copyrighted music which they intend to sell by filing under oath with the State Comptroller full information concerning each music copyright. This information includes the name of the composition, the names of the composer, author and publisher, the date and Copyright Office number of the copyright, the present owner of the performing rights and a statement that the owner of the performing rights has a legal right to license. This sworn information must be filed with the Comptroller as a condition precedent to doing business in the state, and no suits may be brought in the state by the copyright owner until it is shown affirmatively that the disclosure provisions of the statute have been complied with. Certified copies of all data filed with the Comptroller must be submitted to a prospective licensee at the time of negotiations for a license if the prospective licensee so requests, in order that he may know what rights he is acquiring. A 3 per cent privilege tax based on gross income is provided for, and the law also requires that the Secretary of State be appointed agent by the copyright owners for the service of process in any action brought against the copyright owners. In the past, it has been impossible to obtain jurisdiction in local courts in suits against licensing combinations such as ASCAP, SESAC, AMP and others, with the result that music users were compelled to abandon the enforcement in court of any legal rights which they might have, or attempt to enforce those rights by bringing suit in New York. Violation of the statute subjects the offender to fine or imprisonment, or both.

The Florida Attorney General now is considering the taking of an appeal to the United States Supreme Court from the decision of the lower court with regard to the monopoly provisions of the 1937 statute and Sections 4 (a) and 4 (c) of the 1939 statute.

This is the first final decision rendered by an authoritative court in which the power of the state legislature to regulate the licensing of public performance rights in

copyrighted music has been sustained as constitutional. It is believed substantial progress has been made and that ASCAP came out second best in the litigation.

Attorneys representing the State of Florida were Assistant Attorney General Thomas J. Ellis of Tallahassee, Special Assistant Attorney General Lucien H. Boggs of Jacksonville and Andrew W. Bennett, Counsel, of Washington, D. C. ASCAP was represented by Frank J. Wideman, Manley P. Caldwell, Louis D. Frohlich and Herman Finklestein.

Advertising

ADVERTISING DIRECTOR TO SPEAK BEFORE CHAIN DRUGGISTS

The Bureau of Radio Advertising has been invited to address the annual convention of the Associated Chain Druggists, scheduled for the Hotel Biltmore, New York, September 16-18. The subject of the talk, to be delivered by Samuel J. Henry, Jr., is "Why and How Radio for Chain Drug Stores." The date has been set for September 17.

Roy Goldheim, advertising manager of the Read Drug Chain, Baltimore, is chairman of the program committee, and arranged for the radio session through Purnell Gould, commercial manager, WFBR.

MGM PICTURE PLAYS

Some member stations have recently been offered an "Electrical Transcription" series by Metro-Goldwyn-Mayer Studios, to start on or about September 15, to continue for a period of 13 weeks.

In the offering blank sent stations to fill out, the station is asked to agree "to play each transcription delivered to us at least once on the best time available either *before or during the run of the picture which the transcription exploits.*"

In addition, the transcriptions are "not to be played on a sponsored program (other than a program sponsored by the theater in which M-G-M pictures appear). . . ."

The majority of radio stations agree with the Bureau of Radio Advertising that the only manner in which these transcriptions should be broadcast is "on a program sponsored by the theater in which M-G-M pictures appear" and at regular card rates.

In addition, stations may well consider the desirability of airing these transcriptions which doubtless will plug ASCAP tunes exclusively, to the detriment of BMI and other non-ASCAP music.

Promotion

LISTEN BEFORE YOU VOTE

Orders for a substantial number of "Listen before You Vote" posters were received at headquarters this week with more anticipated next week.

It is suggested that as many stations as possible tie-in with the "Listen before You Vote" theme. As one manager expressed it, listening to both sides of the question is the spirit of democracy. The American way of life must continue, he said, or the American system of broadcasting will fade out of the picture.

Despite increased demands for time by various agencies, state and national, many station managers are continuing their individual campaigns to keep the virtues and benefits of the American system of radio constantly before listeners. One of them is Ellis Atteberry, manager, KCKN, Kansas City, Kansas. He recently enclosed a letter of approval of the practice, representative of hundreds of similar letters the station had received, "since we began to follow your NAB suggestions to sell the American system of broadcasting to listeners."

Into such planning the "Listen before You Vote" theme fits hand-in-glove; it is the very essence of democracy.

Several suggestions for tying-in with the "Listen before You Vote" theme were made in a bulletin of July 18. From September 16 to election day "Listen before You Vote" is a natural for all member stations.

Many unique uses of the posters by individual stations are indicated by letters from managers. Because of their use in competitive markets the listing of purchasers of additional quantities is omitted.

NATIONAL DEFENSE

The week ends with the thirteen district managers of the United States Civil Service Commission meeting in Washington for protracted conferences with commission headquarters personnel.

While the field executives are in session they will be asked a number of questions, at NAB's request, the answers to which may contribute to the efficiency of man power procurement by the broadcasting industry.

As of Thursday, September 5, 619 stations have notified NAB that they are broadcasting man power announcements. Previously unpublished cooperating stations are:

DISTRICT 1

VERMONT
WCAX—Burlington

DISTRICT 4

NORTH CAROLINA
WFNC—Fayetteville

DISTRICT 5

GEORGIA
WDAK—West Point
PUERTO RICO
WPAB—Ponce

DISTRICT 9

WISCONSIN
WATW—Ashland

DISTRICT 10

IOWA
KWLC—Decorah

DISTRICT 13

TEXAS
KMAC—San Antonio

Cooperating stations whose call letters have not been listed in NAB REPORTS and bulletins are requested to notify Arthur Stringer, NAB Headquarters, 1626 K St., N. W., Washington, D. C.

ALIEN REGISTRATION

Earl G. Harrison, Director of Alien Registration, recently paid a tribute to the press and radio for their cooperation in the work of educating the alien population in regard to registration.

"The press, both American and foreign language newspapers," said Mr. Harrison, "have been most cooperative and persevering in their efforts to help us tell the story of alien registration to all to whom it applies. Radio stations have been very generous with their valuable air time. I hope that both media will continue their fine service in this cause."

FEDERAL COMMUNICATIONS COMMISSION

WESTINGHOUSE LICENSES RENEWED

Cautioning that its action must not be interpreted as a precedent for subsequent approval of broadcast station licensees disposing of their rights and privileges through contract, the FCC has granted applications of Westinghouse Electric and Manufacturing Co. for renewal of licenses of stations WBZ and WBZA, at Boston, KYW at Philadelphia, and KDKA at Pittsburgh.

These stations were among those which the Commission, on January 29, designated for hearing in the matter of contractual relations. Hearing on the Westinghouse stations, set for October 7, is now cancelled.

In its petition for reconsideration and grant of the renewal applications without hearing, Westinghouse alleged that it has held operating licenses for these stations for more than 18 years, and as "the pioneer" in the development of broadcasting has continued its interest and research therein; that prior to Commission's decision to hold hearing the company considered the desirability of terminating its agreement with the National Broadcasting Co., and did so as of July 1; that Westinghouse now supplies its own programs for local broadcasting and has a new arrangement with National on the usual station affiliation basis for network programs.

Declares the Commission in its opinion and order:

"We are of the opinion that in entering into the agreement of November 21, 1932, and in permitting National to operate the stations, Westinghouse disposed of rights and privileges granted to it by the terms of its licenses and to all intents and purposes transferred control of the stations here involved to National, without obtaining the written consent of the Commission as required by Section 310(b) of the Communications Act. But the agreement has been abrogated and Westinghouse represents that it will hence-

forth exercise control over the stations. To deny the renewal applications because of this earlier violation of law would result in depriving the public of the broadcast service now available from the stations.

"The contracts now in existence between Westinghouse and National appear to be of the usual character extensively employed by the several networks in relation to licensed broadcast stations. The Commission, by a special committee, has held lengthy hearings and has obtained much information upon the subject of such contracts in its investigation of chain broadcasting, and now has this general subject under consideration. Pending final action by the Commission on this subject, we do not deem it desirable either to approve or disapprove the new contracts between Westinghouse and National, and therefore expressly reserve any decision or opinion with respect to these contracts until our consideration of the entire subject of chain broadcasting agreements is completed and action taken thereon.

"Upon all of the facts we are of the opinion that public interest will be served by granting the renewal applications here involved. This action, however, must not be interpreted as a precedent which in the future will permit licensees of broadcast stations to dispose by contract or agreement, oral or written, of the rights and privileges conferred upon them under licenses issued by this Commission or to transfer control of stations to non-licensees without first obtaining the written consent of the Commission and thereafter abrogate such agreements, contracts or understandings and urge the Commission to overlook such actions and grant renewals of licenses by the Commission."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearing is scheduled before the Commission during the week beginning September 9. It is subject to change.

September 9

WPAY—Chester A. Thompson (Transferor), The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of corporation; 1370 kc., 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted modification of license to change frequency from 1500 kc. to 1200 kc.; power 250 watts, unlimited time (B3-ML-1013).

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted modification of license to increase power from 100 watts to 250 watts on frequency 1500 kc., unlimited time (B1-ML-994).

Burns Avenue Baptist Church, Detroit, Mich.—Granted authority to transmit religious programs from applicant's church auditorium in Detroit, by lines of the Michigan Bell Telephone Co., to Station CKLW, Windsor, Ontario, Canada (B2-FP-80).

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted construction permit to change frequency from 1190 kc. to 990 kc.; increase hours from limited-WOAI to unlimited; move transmitter; install new transmitter and directional antenna for day and night use; power 1 KW; granted pending conference (B2-P-2856).

WCLS—Robert W. Thomas, Administrator, Joliet, Ill.—Granted consent to the involuntary transfer of control of WCLS, Inc., licensee of WCLS, upon the death of L. W. Wood, to Robert W. Thomas, Administrator; 1310 kc., 100 watts, specified hours (B4-TC-243).

KDTH—Telegraph Herald, Dubuque, Iowa.—Granted modification of construction permit as modified to increase power from 500 watts to 1 KW; change hours of operation from day-time to unlimited; install directional antenna for night use; and give location of studio, and extend commencement date to 60 days after grant and completion date to 180 days thereafter; granted conditionally upon approval of transmitter site and antenna system by the Commission (B4-MP-1028).

WING—WSMK, Inc., Dayton, Ohio.—Granted construction permit to increase power from 250 watts night, 500 watts LS, to 5 KW; move transmitter location; install new transmitter; and change directional antenna for night use; 1380 kc. (B2-P-2761).

RELAY BROADCAST STATION RENEWALS

The Commission granted the following applications for renewal of relay broadcast station licenses for the period beginning 3 a. m., Eastern Standard Time, October 1, 1940, and ending 3 a. m., Eastern Standard Time, October 1, 1941.

<i>Applicant and Location</i>	<i>Call Letters</i>
Columbia Broadcasting System, Inc., Los Angeles, California.	KAAC
Don Lee Broadcasting System, San Francisco, California.	KABB
Tri-State Broadcasting System, Incorporated, Shreveport, Louisiana.	KABH
Woodmen of the World Life Insurance Society, Omaha, Nebraska.	KAID
Don Lee Broadcasting System, Los Angeles, California.	KAPT
Don Lee Broadcasting System, Los Angeles, California.	KAPU
Radio Service Corporation of Utah, Salt Lake City, Utah.	KBID
Red River Broadcasting Company, Inc., Duluth, Minnesota.	KBTA
Red River Broadcasting Company, Inc., Duluth, Minnesota.	KBTB
Maxwell H. White and Hermann R. Wiecking, d/b as Winona Radio Service, Winona, Minnesota.	KBQA
National Broadcasting Company, Inc., Denver, Colorado.	KDRA
National Broadcasting Company, Inc., San Francisco, California.	KHCM
Seattle Broadcasting Company, Seattle, Washington.	KIEF
Seattle Broadcasting Company, Seattle, Washington.	KIEG
National Broadcasting Company, Inc., San Francisco, California.	KNBC
Radio Service Corporation of Utah, Salt Lake City, Utah.	KNEF
National Broadcasting Company, Inc., San Francisco, California.	KSFM
WHB Broadcasting Company, Kansas City, Missouri.	KWHB
W. A. Patterson, Chattanooga, Tennessee.	WAEA
WTAR Radio Corporation, Norfolk, Virginia.	WAHE
WTAR Radio Corporation, Norfolk, Virginia.	WAHF
WIBX, Incorporated, Utica, New York.	WAIJ
WAVE, Incorporated, Louisville, Kentucky.	WAIQ
National Broadcasting Company, Inc., New York, New York.	WAOB
WAVE, Incorporated, Louisville, Kentucky.	WATC
University of Illinois, Urbana, Illinois.	WAUI

<i>Applicant and Location</i>	<i>Call Letters</i>	<i>Applicant and Location</i>	<i>Call Letters</i>
Savannah Broadcasting Company, Savannah, Georgia.	WAXH	Earle C. Anthony, Inc., Los Angeles, California.	KAXA
Jonas Weiland, Kinston, North Carolina.	WAXL	KGKO Broadcasting Company, Fort Worth, Texas.	KAXY
New Jersey Broadcasting Corporation, Jersey City, New Jersey.	WBAC	The KANS Broadcasting Company, Wichita, Kansas.	KBIB
Westinghouse Radio Stations, Inc., Fort Wayne, Indiana.	WBGM	Columbia Broadcasting System, Inc., Los Angeles, California.	KBKC
Radio Service Corporation of Utah, Salt Lake City, Utah.	KBIC	Gilbert H. Jertberg, Executor of the Estate of George Harm (Deceased), Fresno, California.	KDAC
WBNS, Incorporated, Columbus, Ohio.	WBNT	A. H. Belo Corporation, Dallas, Texas.	KFAA
Tampa Times Company, Tampa, Florida.	WDAJ	Fisher's Blend Station, Inc., Seattle, Washington.	KIEL
WJR, The Goodwill Station, Detroit, Michigan.	WENH	International Broadcasting Corporation, Shreveport, Louisiana.	KILB
Columbia Broadcasting System, Inc., New York, New York.	WFYB	Carter Publications, Incorporated, Fort Worth, Texas.	KNED
WGTM, Incorporated, Wilson, North Carolina.	WGTO	The Associated Broadcasters, Inc., San Francisco, California.	KSFQ
WHP, Incorporated, Harrisburg, Pennsylvania.	WHPA	Columbia Broadcasting System, Inc., New York, New York.	WAAU
National Broadcasting Company, Inc., New York, New York.	WIEO	Central New York Broadcasting Corporation, Syracuse, New York.	WABE
National Broadcasting Company, Inc., New York, New York.	WIEW	Columbia Broadcasting System, Inc., Washington, D. C.	WAEW
National Broadcasting Company, Inc., Chicago, Illinois.	WIEX	Minnesota Broadcasting Corporation, Minneapolis, Minnesota.	WAFY
WFBM, Inc., Indianapolis, Indiana.	WIPM	The Journal Company (The Milwaukee Journal), Milwaukee, Wisconsin.	WAHB
Stromberg-Carlson Telephone Manufacturing Company, Rochester, New York.	WJEN	Courier-Journal and Louisville Times Company, Louisville, Kentucky.	WAIC
Stromberg-Carlson Telephone Manufacturing Company, Rochester, New York.	WJEP	Ashland Broadcasting Company, Ashland, Kentucky.	WATA
WJR, The Goodwill Station, Detroit, Michigan.	WJRA	Matheson Radio Company, Inc., Boston, Massachusetts.	WAUC
National Broadcasting Company, Inc., New York, New York.	WMEF	Evansville on the Air, Inc., Evansville, Indiana.	WAUT
National Broadcasting Company, Inc., New York, New York.	WMFL	Havens & Martin, Inc., Richmond, Virginia.	WAXE
National Broadcasting Company, Inc., Chicago, Illinois.	WMFS	Bamberger Broadcasting Service, Inc., Newark, New Jersey.	WBAM
National Broadcasting Company, Inc., Chicago, Illinois.	WNBE	Bamberger Broadcasting Service, Inc., Newark, New Jersey.	WBAN
National Broadcasting Company, Inc., Cleveland, Ohio.	WNBJ	Bamberger Broadcasting Service, Inc., Newark, New Jersey.	WBAO
National Broadcasting Company, Inc., New York, New York.	WNBK	Bamberger Broadcasting Service, Inc., Newark, New Jersey.	WBAQ
National Broadcasting Company, Inc., Cleveland, Ohio.	WNBT	Head of the Lakes Broadcasting Company, Duluth, Minnesota.	WBGL
National Broadcasting Company, Inc., New York, New York.	WNBV	Columbia Broadcasting System, Inc., Charlotte, North Carolina.	WCBE
WFBM, Inc., Indianapolis, Indiana.	WNEI	Columbia Broadcasting System, Inc., New York, New York.	WCBF
Northwestern Publishing Company, Danville, Illinois.	WRDI	Columbia Broadcasting System, Inc., Chicago, Illinois.	WCBG
KLZ Broadcasting Company, Denver, Colorado.	KAAO	Columbia Broadcasting System, Inc., New York, New York.	WCBN
Columbia Broadcasting System, Inc., Los Angeles, California.	KAAZ	Central New York Broadcasting Corporation, Syracuse, New York.	WFYA
Don Lee Broadcasting System, Los Angeles, California.	KABD	Minnesota Broadcasting Corporation, Minneapolis, Minnesota.	WAFZ
Oscar C. Hirsch, trading as Hirsch Battery and Radio Co., Cape Girardeau, Missouri.	KAGM	Larus & Brother Company, Incorporated, Richmond, Virginia.	WCLA
Earle C. Anthony, Inc., Los Angeles, California.	KAIH	Miami Broadcasting Company, Miami, Florida.	WIEF
Don Lee Broadcasting System, Los Angeles, California.	KAOG	Knickerbocker Broadcasting Company, Inc., New York, New York.	WIEH
KRIC, Incorporated, Beaumont, Texas.	KAOV	Columbia Broadcasting System, Inc., New York, New York.	WIEK
Don Lee Broadcasting System, Los Angeles, California.	KAPS		

<i>Applicant and Location</i>	<i>Call Letters</i>
Isle of Dreams Broadcasting Corporation, Miami, Florida.	WIOE
Isle of Dreams Broadcasting Corporation, Miami, Florida.	WIOF
The Journal Company (The Milwaukee Journal), Milwaukee, Wisconsin.	WJER
Isle of Dreams Broadcasting Corporation, Miami, Florida.	WIOG
National Broadcasting Company, Inc., Washington, D. C.	WNBU
Agricultural Broadcasting Company, Chicago, Illinois.	WOEB
Georgia School of Technology, Atlanta, Georgia.	WQER
Georgia School of Technology, Atlanta, Georgia.	WQET

RENEWAL OF LICENSES

Westinghouse Electric & Manufacturing Co.: WBZ, Boston, Mass.; WBZA, Boston, Mass.; KYW, Philadelphia, Pa.; KDKA, Pittsburgh, Pa.—Granted petition for reconsideration, cancelling hearings previously scheduled, and granted renewal of licenses of broadcast stations WBZ, WBZA, KYW, and KDKA.

MISCELLANEOUS

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to rebroadcast material to be received from police transmitter KGPE between 7:30 p. m. and 9 p. m., CST, on September 11, 1940, in connection with educational broadcast concerning the police department, subject to the condition that only routine police communications are rebroadcast.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m. to 10 p. m., EST, on September 10, 1940, in order to broadcast the political speeches of Abit Nix, A. M. Anderson, and others.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m., EST, September 11, 1940, to 1 a. m., EST, September 12, 1940, in order to broadcast returns of the Georgia Primary Election.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:45 p. m. to 10:15 p. m., EST, on August 29, 1940, in order to broadcast the annual Ritchie Day Dinner only.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period August 16, 1940, to not later than September 14, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

WPAY—Chester A. Thompson, Transferor, and Brush-Moore Newspapers, Transferee, Portsmouth, Ohio.—Denied petition for reconsideration and grant without hearing of application for consent of transfer of control of Vee Bee Corp., licensee of Station WPAY.

Broadcasting Corp. of America, Riverside, Calif.—Granted petition for intervention in re hearing on application of Mollin Investment Co., Riverside, Calif., for construction permit for new station to operate on 1390 kc., 500 watts, daytime (B5-P-2464).

WRR—City of Dallas, Tex.—Granted motion for leave to amend application so as to request 5 KW, move transmitter, install new equipment and directional antenna system; frequency 1280 kc. and unlimited hours to remain same (B3-P-2229).

Trent Broadcasting Corp., Trenton, N. J.—Granted petition for leave to amend application for new station, with reference to proposed transmitter site and directional antenna system.

WDAK—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Granted license to cover construction permit as modified for new broadcast station, 1310 kc., 250 watts, unlimited time (B3-L-1214). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-466).

WFME—Monocacy Broadcasting Co. (area of Frederick, Md.), Portable-Mobile.—Granted license to cover construction permit for new relay broadcast station, frequencies 1622, 2058, 2150, 2790 kc., power 40 watts (B1-LRY-202).

KMYR—F. W. Meyer, Denver, Colo.—Granted modification of construction permit for new station, for approval of antenna and transmitter site, and change type of transmitter; 1310 kc., power 100 watts, 250 watts LS, unlimited time (B5-MP-962).

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted modification of construction permit as modified for construction of new station, for change in type of transmitter; 1500 kc., 100 watts, 250 watts LS, unlimited time (B3-MP-1026).

WNBX—Twin State Broadcasting Corp., Keene, N. H.—Granted modification of construction permit for changes in directional antenna for both day and night, and move of transmitter and studio, for extension of completion date from September 10, 1940, to December 10, 1940 (B1-MP-1049).

WSPD—The Fort Industry Co., Toledo, Ohio.—Granted license to cover construction permit to increase power from 1 to 5 KW night, installation of directional antenna for night use (B2-L-1216). Also granted authority to determine operating power by direct measurement of antenna power (B2-L-467).

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted special temporary authority to operate from local sunset (Aug. 7:30 p. m., EST) to 11 p. m., EST, on August 30 and 31, 1940, and from local sunset (Sept. 6:45 p. m., EST) to 11 p. m., EST, on September 1, 2, 3, 4, 5, 6, 7, and 8, 1940, in order to broadcast Michigan State Fair programs only.

WEAU—Central Broadcasting Co. Eau Claire, Wis.—Granted special temporary authority to operate from 7:30 p. m. to 9 p. m., CST, August 29, 1940, in order to broadcast the acceptance speech of Henry A. Wallace, Democratic Vice Presidential candidate.

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—Denied petition for reconsideration of Commission action of August 14, 1940, which ratified the action taken July 29, 1940, by a Board of Commissioners granting the application of Watertown Broadcasting Corp., Watertown, N. Y., for a construction permit for new broadcast station to operate on frequency 1210 kc., 250 watts power, unlimited time.

WJHP—The Metropolis Co., Jacksonville, Fla.—Granted extension of time to September 25, 1940, within which to file answer to petition of Florida Broadcasting Co. (WMBR) for rehearing to Commission's grant of a license to cover construction permit to The Metropolis Co. on July 23, 1940, for new broadcast station to operate on 1290 kc., 250 watts power, unlimited time.

KYSM—F. B. Clements & Co., d/b as Southern Minnesota Supply Co., Mankato, Minn.—Denied petition for immediate grant of application for construction permit to install new equipment, directional antenna, and to operate on 940 kc. contingent on the shifting of station frequencies pursuant to the North American Regional Broadcasting Agreement.

WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—Granted modification of construction permit for new broadcast station for approval of antenna, approval of transmitter and studio sites; 1500 kc., 250 watts, unlimited time (B1-MP-1047).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted license to use old main transmitter for auxiliary purposes only (B1-L-1217).

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted license to cover construction permit for changes in equipment and increase in power; 1310 kc., 250 watts, unlimited time (B2-L-1215).

KOH—The Bee, Inc., Reno, Nev.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-472). Also granted license to cover construction permit, as modified, for change in frequency and power, installation of directional antenna for night use and move of transmitter and studio; 630 kc., 1 KW, unlimited time, directional antenna at night (B5-L-1218).

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted modification of construction permit for equipment changes, for extension of completion date from October 22, 1940, to April 22, 1941.

WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate from 6:15

p. m. to 7 p. m. EST, September 2, 9, 16, 23, and 30, 1940, in order to broadcast a religious program, a Novena, conducted by Monsignor Connelly.

WAIA—Press Union Publishing Co. (area of Atlantic City, N. J.).—Granted special temporary authority to operate a relay broadcast station for a period of 15 days, commencing on or about September 1, 1940, the portable relay transmitter to be operated on **30830, 33740, 35820 and 37980 kc.**, with power of 2 watts and A3 emission, in order to broadcast a description of the Atlantic City Beauty Pageant and Annual Boardwalk Festival.

W9XA—Everett L. Dillard, tr/as Commercial Radio Equip. Co., Kansas City, Mo.—Granted extension of special temporary authority to operate high frequency broadcast station **W9XA** on a frequency of **26300 kc.**, using maximum power of 1000 watts, special emission (FM) in cooperation with the licensee of high frequency broadcast station **W2XJI**, for the period beginning August 31, 1940, and ending not later than September 29, 1940, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26300 kc.**, employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via sky-wave will interfere with program reception of the desired station in its own coverage area.

APPLICATIONS FILED AT FCC

900 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Construction permit to install new transmitter, install directional antenna for night use, change frequency from **1210 to 900 kc.**, and increase power from 250 watts to 1 KW. Amended: To make minor changes in directional antenna.

1320 Kilocycles

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—License to cover construction permit (B2-P-2495) as modified, for new equipment, installation of directional antenna, increase in power and move of transmitter.

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Authority to determine operating power by direct measurement.

1340 Kilocycles

WFNC—W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Voluntary assignment of license from W. C. Ewing & Harry Layman, d/b as Cumberland Broadcasting Co., to W. C. Ewing & T. K. Weyher, tr. as Cumberland Broadcasting Co.

1420 Kilocycles

NEW—The Huntsville Times, Co., Inc., Huntsville, Ala.—Construction permit for a new station to be operated on **1200 kc.**, 250 watts, unlimited time. Amended: To change requested frequency from **1200 kc. to 1420 kc.**, make changes in vertical antenna and omit request for facilities of **WBHP**.

1450 Kilocycles

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATIONS

NEW—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 6,564 square miles; population, 1,531,182.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43300 kc.**; coverage, 12,520 square miles; population, 5,241,300.

NEW—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.**; coverage, 1427.97 square miles; population, 1,901,124.

NEW—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit for a new high frequency broadcast

station to be operated on **43100 kc.**; coverage, 20,437 square miles; population, 6,606,882.

NEW—WJR, The Goodwill Station, Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **43700 kc.**; coverage, 14,144 square miles; population, 3,636,615.

MISCELLANEOUS

WEMB—Westinghouse Electric and Manufacturing Co., Mobile-Chicopee Falls, Mass.—Construction permit to install new transmitter and decrease operating power from 50 watts to 2 watts.

WEMB—Westinghouse Electric and Manufacturing Co., Mobile-Chicopee Falls, Mass.—License to cover construction permit (B1-PRE-365) for new equipment and decrease in operating power.

KEGN—Don Lee Broadcasting System, Portable-Mobile, San Francisco, Calif.—License to cover construction permit (B5-PRE-289) as modified for installation of new transmitter.

KQCB—Queen City Broadcasting Co., Inc., vicinity of Northwest Washington State.—License to cover construction permit (B5-PRY-223) for installation of new transmitter and increase in power.

WBAE—L. B. Wilson, Inc., Cincinnati, Ohio.—License to cover construction permit (B2-PRY-217) for new relay station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

Belle Blouse Corporation, New York, is alleged to misrepresent the constituent fiber or material of which its blouses and other wearing apparel for women are made. A typical representation, the complaint continues, is its use of the terms "Pure Dye Silk" and "Pure Crepe Silk," and other terms indicative of silk, on tags, labels, price lists and other advertising matter. By these means and by failing to disclose the rayon content of certain of its products, the complaint alleges, the respondent represents that its fabrics so described are composed of silk, when in fact they consist in whole or in part of rayon. (4273)

Federal Sales Company—See Jordan Stevens Company.

Parker T. Frey Company—Parker T. Frey, trading under the names of Parker T. Frey Company and Nearby Sales Company, 135 South Second St., Philadelphia, a broker in the sale of food products, particularly canned sea food and vegetables, is charged with violation of the brokerage provision of the Robinson-Patman Act in a complaint.

The complaint alleges that the respondent has carried on his brokerage business principally under the firm name of Parker T. Frey Company and that he is also in the business of buying and selling food products for his own account principally under the firm name of Nearby Sales Company but also under the name Parker T. Frey Company.

According to the complaint, the respondent, in the purchase of food products for his own account, and trading under the two firm names, receives and accepts from numerous sellers of such products so purchased, brokerage fees or allowances or discounts in lieu thereof, on many of the purchases made for his own account. (4290)

S. Friedman & Sons—Abraham and Samuel Friedman, trading as S. Friedman & Sons, and as Sunray Yarn House, New York, are alleged to advertise one of their knitting yarns as "Sunray Cashmere Sport Yarn" and as "Sunray Cashmere Sport" and "Cashmere Sport," and another yarn as "Sunray Cashmere De Laine," representing that they are made entirely from the hair of the Cashmere goat. The complaint points out that in fact neither of the yarns is made entirely from such hair, the "Sunray Cashmere Sport Yarn" containing no hair of the Cashmere goat and "Sunray Cashmere De Laine" being a mixture of hair of the Cashmere goat and Australian wool, with the Australian wool predominating. (4274)

Jack Frost Yarn Company—See Gottlieb Brothers.

Gardner & Company—Everett J. Granger, Mame Partin, Frances Martin, Hattie G. Gardner, Thekla Maas, Bernice Feitler and Erwin Feitler, individually and trading as Gardner & Company, 2309 Archer Ave., Chicago, are charged, in a complaint, with the distribution of lottery devices.

The complaint alleges that the respondents are engaged in the manufacture and distribution of push cards and punch boards involving lottery features when used in connection with the sale or distribution of other merchandise to ultimate consumers.

Through the sale and distribution of their devices the respondents are alleged to furnish others with the means of conducting lotteries. (4278)

Gottlieb Brothers—Charging misrepresentation in the sale of knitting yarns, a complaint has been issued against Samuel and Peter Gottlieb, trading as Gottlieb Brothers and as Jack Frost Yarn Company, 207 Avenue C, New York.

The complaint alleges that the respondents represent the constituent fiber or material of which their products are made by means of misleading designations on labels, sample cards and other advertising matter and by failure to disclose the rayon content of certain of their products.

Typical instances of the respondents' misrepresentation of the constituent fiber or material of their products, the complaint continues, are their use of the wool-denoting terms "Sport Angora," "Cashmere Sport," "Imported Cashmere," "Zephyr Tweed," "Persian Curl" and other similar words for products made from fibers other than those so indicated.

Some of the terms employed by the respondents, the complaint continues, do not disclose or indicate the kind or type of material from which the products are made, and are used on materials having the appearance and feel of either silk or wool; for example, use of the terms "Heatherstone," "Pompadour," "Paradise," "Duveen," "Magic Duveen," "Willow Down," "Supersheen," "Germantown" and "Persian Curl", when in fact the products are composed in whole or in part of rayon.

Typical also of the respondents' representations of their products as being of a finer grade, higher quality or different fiber than is actually a fact, the complaint continues, has been their use of terms indicative to the public of certain fiber, grade or quality; for example, use of the words and phrases "Cashmere Sport" and "Imported Cashmere" in advertising matter to describe certain of their products which do not contain the hair of the Kashmir goat but instead are composed of other fibers.

A further typical practice of the respondents, the complaint continues, has been their use of words associated in the public mind as descriptive of wool exclusively, to describe yarn products consisting partly of wool and partly of other materials; for example, use of the words "Tweed," "Worsted," "Angora" and "Cashmere" and other words of similar meaning indicative of wool to designate yarn products actually composed of rayon and wool. (4268)

Minetree Brokerage Company—Alleging violation of the brokerage provision of the Robinson-Patman Act, a complaint has been issued against T. A. Ward, Carr Ward and Wilma Ward, trading as Minetree Brokerage Company, Poplar Bluff Mo.

The complaint points out that the Poplar Bluff Wholesale Grocery Company, Poplar Bluff, Mo., in which the respondents T. A. and Wilma Ward own 88 per cent of the outstanding capital stock and of which they are officers, place orders for a substantial portion of its merchandise requirements, particularly foodstuffs, with various sellers through the respondent brokerage firm of

T. A. Ward, Wilma Ward and Carr Ward, trading as Minetree Brokerage Company.

Sellers delivering the goods ordered by Poplar Bluff Wholesale Grocery Company, the complaint alleges, transmit and pay to the respondent brokerage firm substantial brokerage fees or commissions amounting to a certain percentage, usually from 2½ to 5 per cent of the sales price of the grocery company's purchases. In all of these transactions, the complaint continues, the respondents have acted for and on behalf of the Poplar Bluff Wholesale Grocery Company. (4285)

National Proprietaries, Inc.—Misrepresentation of a drug product is alleged in a complaint issued against National Proprietaries, Inc., 767 North Milwaukee Ave., Chicago.

Advertising a preparation known as "Nuga-Tone," the respondent is alleged to represent that it has substantial value in treating nervous disorders when in fact it does not possess such value.

The complaint alleges that in addition the respondent has disseminated false advertisements in that such advertisements fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary and usual may result in serious and irreparable injury to health.

The complaint points out that the respondent's preparation is not safe and harmless in that it contains the drugs corrosive sublimate, strychnine sulphate, arsenic trioxide, reduced iron, extract gentian, extract cascara sagrada, extract taraxacum and zinc phosphide. The complaint alleges that these drugs are present in quantities sufficient to produce serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary and usual. (4271)

Nearby Sales Company—See Parker T. Frey Company.

Thomas Page Mill Company, Inc.—A complaint has been issued against The Thomas Page Mill Company, Inc., Topeka, Kans., a miller and distributor of flour, and Piedmont Wholesale Grocery Company, Piedmont, Mo., alleging violation of the brokerage provision of the Robinson-Patman Act.

The complaint charges that The Thomas Page Mill Company, Inc., has paid brokerage fees and granted allowances or discounts in lieu of brokerage upon purchases by buyers for their own account, including the Piedmont Wholesale Grocery Company, and that the latter company has received and accepted allowances or discounts in lieu of brokerage upon its purchases from The Thomas Page Mill Company, Inc. (4286)

Piedmont Wholesale Grocery Company—See Thomas Page Mill Company, Inc.

Poplar Bluff Wholesale Grocery Co.—See Minetree Brokerage Company.

Thomas Roberts & Company—Charging violation of the brokerage provision of the Robinson-Patman Act in the sale and purchase of food products, a complaint has been issued against Walter W. Thrasher, Willoughby J. Rothrock, Linton A. Thrasher and Wainwright Churchill, trading as Thomas Roberts & Co., 135 South Second St., Philadelphia, who purchase canned fruits and vegetables for their own account and resell them to jobbers, wholesalers, retail chain stores and other purchasers.

Substantial brokerage fees and commissions or allowances and discounts in lieu thereof have been received and accepted by the respondents from sellers in connection with the purchase of commodities for their own account in interstate commerce, according to the complaint, and have been granted by them to purchasers in connection with the respondents' resale of such commodities.

Usually, the complaint continues, the receipt and acceptance of these brokerage fees, discounts or allowances by the respondents is accomplished by purchasing commodities at prices lower than the prices at which such articles are sold to other purchasers thereof. The prices paid by the respondents, the complaint continues, are lower by an amount which reflects all or a portion of the brokerage currently being paid by the sellers of such com-

modities to their respective brokers for effecting sales of such products to other purchasers.

The complaint alleges that the respondents' receipt and acceptance from the sellers, and their granting and allowing to the purchasers upon resale, of brokerage fees and commissions or allowances and discounts in lieu thereof, are in violation of section 2 (c) of the Clayton Act, as amended by the Robinson-Patman Act. (4282)

Albert W. Sisk & Son—Six firms engaged as brokers in the purchase and sale of food products are charged with violation of the brokerage provision of the Robinson-Patman Act in complaints.

The respondents are A. Fletcher Sisk, Theodore E. Fletcher and Harold E. Stark, trading as Albert W. Sisk & Son, Preston, Md.; Charles F. Unruh and Robert A. Harris, Jr., trading as C. F. Unruh Brokerage Company, Kinsdale, Va., and Cecil G. Reaburn, trading as C. G. Reaburn & Co., Roanoke, Va.; H. Weldon Ruff, trading as H. M. Ruff & Son, York, Pa.; W. E. Robinson & Co., Inc., Bel Air, Md., and American Brokerage Company, Inc., Roanoke, Va.

The respondents, according to the complaints, are field brokers acting as agents of sellers in transactions of sale and purchase of canned vegetables between sellers and jobbers, wholesalers, retail chain stores and other purchasers. The C. F. Unruh Brokerage Company, H. M. Ruff & Son, and W. E. Robinson Co., Inc., also handle canned fruits.

The complaints allege that the respondents effect sales for the sellers both by direct transactions with the purchasers and through corresponding or local brokers employed by the respondents; that for their services to the sellers the respondents receive from the sellers a brokerage fee or commission, usually four per cent of the price paid by the purchaser, and that in instances where the respondents effect sales for the sellers directly with the purchasers, an allowance or discount in lieu of brokerage is granted to such purchasers by the respondents, such allowance and discount usually being the equivalent of the brokerage paid by the respondents to local or corresponding brokers when sales are effected through them. This allowance or discount, according to the complaint, usually amounts to 50 per cent of the brokerage fees or commissions paid by the sellers to the respondents.

The complaints point out that the respondents also purchase canned products for their own account for resale to jobbers, wholesalers, retail chain stores and other purchasers and that in connection with such purchases and the resale of such commodities they have received and accepted from the sellers and have granted and allowed to the purchasers on resale, substantial brokerage fees and commissions or allowances and discounts in lieu thereof.

The complaints charge that the respondents have violated section 2(c) of the Clayton Act, as amended by the Robinson-Patman Act, by receiving and accepting and by granting and allowing the brokerage fees and commissions or allowances and discounts in lieu thereof, as alleged. (4275, 4283, 4284, 4292, 4294 and 4298)

Jordan Stevens Company—A Minneapolis seller of coffee and a Flushing, N. Y., candy dealer have been served with complaints alleging the sale of products so packed and assembled as to involve the use of lottery methods when sold and distributed to the consuming public. The respondents are Jordan Stevens Company, 200 Third Ave., North, Minneapolis, and John Shapiro, trading as Federal Sales Company, 150-35 Thirty-fourth Ave., Flushing, Long Island, N. Y.

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 method of competition and an unfair act or practice under the Federal Trade Commission Act. (4269-4270)

Stomar Manufacturing Company—Alleging misrepresentation in the sale of graters and shredders for use in preparing foods, a complaint has been issued against Joseph H. and Joseph D. Kevorkian, and Louis Stone, trading as Stomar Manufacturing Company, 1027 Ridge Ave., Philadelphia.

Advertisements of the respondents allegedly referred to the "Stomar Stainless Safety Grater" and "Stomar Stainless Safety Grater and Shredder" and contained the expressions "Won't Rust", "Won't Tarnish" and "Won't Corrode".

Through use of the word "Stainless" the respondents, according to the complaint, represent that their grater is stainless steel when in fact it is made from ordinary carbon steel wire with a re-tinned finish. The respondents, through their use of the expressions "Stainless", "Won't Rust", "Won't Tarnish" and "Won't Corrode", are alleged to create the impression that their grater successfully resists rust, stain and corrosion, when in fact, according to the complaint, it is not stainless and will rust and stain when brought into contact with agencies which do not rust or blemish stainless steel. (4272)

Sunray Yarn House—See S. Friedman & Sons.

Uco Food Corporation—Violation of the brokerage provision of the Robinson-Patman Act in the purchase of food products is alleged in complaints issued against Giant Tiger Corporation, Philadelphia, operating a chain of retail food stores commonly known as "Super Markets"; Uco Food Corporation, Newark, N. J., food wholesaler; R. C. Williams & Co., Inc., New York, food importer and exporter; A. Krasne, New York, food wholesaler, and General Grocer Company, St. Louis, food wholesaler.

The respective complaints allege that each respondent, in connection with the purchase of its requirements in interstate commerce, has received and accepted allowances and discounts in lieu of brokerage in substantial amounts.

Usually, the complaints continue, the receipt and acceptance of the allowances and discounts in lieu of brokerage is accomplished by the respondents through the purchase of commodities at prices lower than the prices at which such articles are sold to other purchasers. The prices paid by the respondents, according to the complaints, are lower by an amount which reflects all or a portion of the brokerage currently being paid by the sellers of such commodities to their respective brokers for effecting sales of similar products to other purchasers. (4276-4277-4279-4280-4281)

Wool Trading Company, Inc.—A complaint has been issued charging the Wool Trading Company, Inc., 361 Grand St., New York, with misrepresentation in the sale of knitting yarns.

In its catalogs, sample books and other printed matter the respondent, according to the complaint, makes misleading representations concerning the composition of its products and their place of origin, the status of its business, and persons purported to be connected with it.

The complaint alleges, among other things, that the respondent employs the term "Cashmere Sport" for yarn containing none of the wool of the cashmere goat; "Ascot Tweed," "Zephyr Tweed" and "Shag Tweed" for yarns composed not wholly of wool but of part wool and part rayon; "Sparkle Crepe" for yarn not made wholly of silk but entirely of wool and rayon; "Angora" for yarn not composed wholly of the wool of the Angora goat but consisting in part of other wool; and "Frazee" and "Gimp" for yarns having the appearance of being part silk products but in fact consisting of wool and rayon or cotton and rayon.

Yarns not imported from the Shetland Islands or Scotland have been designated by the respondent as "Shetland Floss," "Scotch Heather" and "Scotch Tweed," according to the complaint, and yarn of domestic origin has been described as "Imported Cashmere (Feather Tone)."

Typical of the respondent's misrepresentation of persons allegedly connected with its business, the complaint continues, has been its use of the name "Elsie Janice," represented to be its "chief instructress," such fictitious name so closely resembling that of Elsie Janis, the actress, as to be misleading.

Letterheads of the respondents, it is alleged, bear the wording "Wool Trading Co., Inc., Manufacturers of Peter Pan Yarns," when in fact this company does not manufacture yarns but purchases them from others. (4267)

STIPULATIONS

No stipulations were entered into by the Commission during the past week.

CEASE AND DESIST ORDERS

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

National Converters Institute—Nine members of the transparent materials converting industry and their trade association have been ordered to cease and desist from agreeing to maintain uniform prices of transparent cellulose sheets and rolls such as cellophane, sylphrap, kodapak and protectoid. The manufacturer-members are dominant factors in their industry, controlling more than 90 per cent of the country's output and sale of such products.

The respondents are National Converters Institute, 111 West Washington St., Chicago, the trade association; Shellmar Products Company, Mount Vernon, Ohio; Milprint Products Corporation (now Milprint, Inc.), 431 West Florida St., Milwaukee, with branch factories in Philadelphia and Los Angeles; Traver Paper Corporation, 358 West Ontario St., Chicago; Dobeckmun Company, 3301 Monroe Ave., Cleveland; Dennison Manufacturing Company, Framingham, Mass.; Caton Printing Company, 422 West 8th St., Kansas City, Mo.; Thomas M. Royal & Company, 5800 North Seventh St., Philadelphia; Nashua Gummed and Coated Paper Company, Nashua, N. H., and Pioneer Wrapper and Printing Company, 837 East 4th Place, Los Angeles. The last three mentioned respondents resigned their memberships in the trade association shortly prior to the service of the Commission's complaint on September 19, 1939.

Also named as respondent is Richard M. McClure, secretary-treasurer and manager of the National Converters Institute.

Commission findings are that the member respondents entered into agreements with each other to maintain uniform prices for the sale of their products, including the discounts to be allowed purchasers; exchanged through the medium of the trade association and of McClure, current price lists and confidential detailed information as to the conduct of their businesses.

The respondents are ordered to cease and desist from filing uniform prices and discounts at which their products are to be sold either directly or through the medium of the National Converters Institute and Richard M. McClure, or any other agency; exchanging through the medium of the Institute and its manager, or any other agency, price lists containing proposed or future prices and discounts of their products in order to establish net prices at which they will sell such products, or filing with the Institute and its manager, or any other agency, deviations in current price lists of their products in order to establish and maintain uniform net selling prices.

The respondents were also ordered to desist from agreeing among themselves that they will maintain proposed future prices and discounts published by them and filed with the Institute and Richard M. McClure, or any other agency, or collecting or disseminating information as to instances where respondent corporations have sold their products at prices and discounts other than those set forth in their respective price lists, in order to maintain the net prices and discounts which the respondent manufacturers agreed to maintain. (3897)