



THE WEEK IN WASHINGTON

The broadcasting industry pledged its cooperation this week with the new Defense Communications Board set up by President Roosevelt. The Executive Order setting up the Board stipulated that it would have no power to censor radio or other communications, or to take over any facilities. (p. 4627.)

BMI tunes continued to gain popularity. Sheet music and record sales were up. (p. 4629.)

Wage and Hour officials explained that they had no intention of requiring payment of *all* performers on all sustaining programs by their memorandum of September 16. Conscription exemptions are possible for essential employees in broadcasting stations. (p. 4630.)

The Federal Government will ask broadcasting industry's cooperation in making the public familiar with conscription regulations. (p. 4632.)

The "Listen Before You Vote" promotion campaign is drawing increased attention. (p. 4632.)

Republican National Committee has prepared a series of one minute spot political announcements available for sponsorship by Republican State Central Committees. (p. 4635.)

Industry Will Cooperate With Defense Board

The broadcasting industry will gladly cooperate with the Defense Communications Board just created by Executive Order. Proper and ample communications in time of emergency are of the utmost importance to national defense. We must strengthen and improve what we believe is already the most efficient communications system in the world. Communications by radio broadcasting has become a new and powerful weapon in modern war strategy, not alone because of its instantaneous and far-reaching coverage, but because of the constructive or destructive character of its affect upon the morale of human beings. It is both wholesome and significant that industry and government should be working side by side in seeking ways and means for radio to render the maxi-

mum service to the American public. We welcome this opportunity for committees from the industry to study the question with government officials, so that proper plans may be made in advance of a national emergency or a war.

The Board is basically a planning agency without operating or procurement functions. The Order stipulates that "the Board shall take no cognizance of matters pertaining to censorship"; and, further, that "the Board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions". As stated in the release, "the Board does not propose to interfere with the normal operation of broadcasting or other forms of communication any more than is necessary for the national protection". We commend the safeguards which have been set up guaranteeing the preservation of a free American radio, so essential to the welfare of a democratic people.

We are looking forward to the strengthening of the plans for national defense by the work of this Board.

The White House on September 24 issued the following statement:

The purpose of the Defense Communications Board, created today by Executive Order, is to coordinate the relationship of all branches of communication to the national defense.

The Defense Communications Board was initiated jointly by the various Government departments and agencies having a vital interest in this phase of the preparedness program. The board is basically a planning agency, without operating or procurement functions. As such it is charged with the important duty of charting the utilization and control of our communication systems in the best interests of the national security.

The board will have no power to censor radio or other communications, or to take over any facilities.

This task of planning is not confined to radio broadcasting, but also embraces common carriers such as commercial radiotelephone and radiotelegraph as well as other telephone, telegraph and cable facilities.

The board does not propose to interfere with the normal operation of broadcasting or other forms of communication any more than is necessary for the national protection. Through correlated planning, it will seek to gear the great and strategically valuable American communications system, in both the domestic and inter-

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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

INDUSTRY WILL COOPERATE WITH DEFENSE BOARD

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national fields, to meet any situation the national interest may require.

The various branches of the communications industry will cooperate in an advisory capacity with the board, which will be composed of the Chairman of the Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, an Assistant Secretary of State, and an Assistant Secretary of the Treasury. Where the activities of the board impinge upon any functions of Government departments, representatives of such departments will be placed upon appropriate committees.

The board has had the cooperation of the radio industry in the preparation of this order. With industry cooperation, the board will appoint committees from every branch of communications—broadcast and other radio services, cable, telegraph and telephone—as well as from labor groups. All plans involving the utilization of private facilities, or requiring industry cooperation, will be adopted only after consultation with such industry representatives, and the particular private companies whose properties may be involved.

The executive order reads as follows:

EXECUTIVE ORDER

CREATING THE DEFENSE COMMUNICATIONS BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

WHEREAS coordinated planning for the most efficient control and use of radio, wire, and cable communication facilities under jurisdiction of the United States in time of national emergency involves the consideration of the needs for communication of the armed forces of the United States, of other government agencies, of industry, and of other civilian activities; and

WHEREAS such planning must be accomplished as a matter of preparation for national defense; and

WHEREAS the interest of national defense in the matter of control and use of communication facilities during any war in which the United States may become a belligerent is deemed paramount:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and by the Communications Act of 1934 (48 Stat. 1064), as amended, it is ordered as follows:

1. There is hereby created the "Defense Communications Board," hereinafter called the Board, consisting of the Chairman, Federal Communications Commission, the Chief Signal Officer of the Army, the Director of Naval Communications, the Assistant Secretary of State in charge of the Division of International Communications, and the Assistant Secretary of the Treasury in charge of the Coast Guard.

2. The functions of the Board shall be, with the requirements of national defense as a primary consideration, to determine, coordinate, and prepare plans for the national defense, which plans will enunciate for and during any national emergency—

a. The needs of the armed forces of the United States, of other governmental agencies, of industry, and of other civilian activities for radio, wire, and cable communication facilities of all kinds.

b. The allocation of such portions of governmental and non-governmental radio, wire, and cable facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

c. The measures of control, the agencies to exercise this control, and the principles under which such control will be exercised over non-military communications to meet defense requirements.

3. The Chairman of the Federal Communications Commission shall be the Chairman of the Board. In the absence of the designated Chairman, the temporary chairmanship shall devolve upon the remaining members of the Board in the following order:

1. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be senior in rank.
2. The Chief Signal Officer of the Army or the Director of Naval Communications, whichever may be junior in rank.
3. The Assistant Secretary of State in charge of the Division of International Communications.
4. The Assistant Secretary of the Treasury in Charge of the Coast Guard.

In the absence of any regularly designated member, the agency which he represents may be represented by an alternate from that agency, designated by the head thereof, but such alternate shall not serve as Chairman. The Assistant Secretary of the Treasury in Charge of the Coast Guard is designated as the Secretary of the Board.

4. The Board shall take no cognizance of matters pertaining to censorship. The Board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also make plans for the speedy and efficacious use of all necessary facilities in time of military emergency.

5. The Board shall appoint such committees as may be necessary to carry out its functions and to provide for continuing studies and for contact with other government agencies and with the civil communications industry.

6. Except as otherwise instructed by the Board, committees appointed thereby shall have no power to make final disposition of any matter presented to them by the Board for study, but they shall express by written report their findings and recommendations. Minority reports may be submitted if deemed of sufficient importance to warrant further consideration by the Board.

7. The Board and the committees shall call for consultation such representatives of other government agencies and of the civilian communication industry as may be deemed advisable in obtaining full knowledge of the situation being studied, to the end that the needs of all may be considered and provided for in so far as the situation permits. Other governmental agencies are directed to cooperate in providing assistance required by the Board in its studies.

8. During any war in which the United States is a belligerent, or any national emergency, the existing Interdepartment Radio

Advisory Committee shall act as a Committee of the Board, but only in an advisory capacity. While the Interdepartment Radio Advisory Committee is so acting as an advisory committee, all of its reports, recommendations, or communications normally prepared for submission to the President shall instead be submitted to the Board, for consideration from the standpoint of national defense and for disposition.

9. Reports containing the findings and recommendations of the Board shall be submitted to the President for final action through one of his administrative assistants.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 24, 1940.

BMI FEATURE TUNES September 23-October 6

1. THE SAME OLD STORY
2. THERE I GO
3. PRACTICE MAKES PERFECT
4. I GIVE YOU MY WORD
5. MAY I NEVER LOVE AGAIN
6. I HEAR A RHAPSODY
7. YOU WALK BY
8. MADAME WILL DROP HER SHAWL

Billboard, *New York Enquirer*, *Radio Daily*, and *Variety* all run each week various lists of numbers most played on the radio and of sheet music best sellers, with *Billboard* also carrying the listings for phonograph records. Inasmuch as these different lists are made up on a slightly different basis, it is interesting to compare the ranking of the BMI music in the different sources.

Radio Daily lists songs played fifteen times or more over the two NBC networks and CBS between 5:00 P.M. and 1:00 A.M. for week ending on Saturday. On this list, *Practice Makes Perfect* is tied for second place with one other number, *There I Go* is tied for sixth place with one other number, and *The Same Old Story* is tied for eighth place with another number.

The *Variety* sheet is made up from the records of the same stations between 8:00 A.M. and 1:00 A.M. for the week ending on Sunday. On this list *Practice Makes Perfect* stands alone in the number two position, *Same Old Story* and *There I Go* are tied for fourth position, and *We Could Make Such Beautiful Music* is tied with two others in fourteenth position.

The New York Enquirer, likewise, uses the same stations but for the week ending on Friday. On this list *Practice Makes Perfect* stands in third position, *There I Go* is tied for ninth position, *Same Old Story* is tied for eleventh position, *We Could Make Such Beautiful Music* is tied for twentieth position, and *I Give You My Word* is tied for twenty-first position.

Billboard uses the same stations from 5:00 P.M. to 1:00 A.M. on weekdays, and from 8:00 A.M. to 1:00 A.M. on Sundays. On this list *Practice Makes Perfect* stands third, *There I Go*, eighth, *The Same Old Story* eleventh, *We Could Make Such Beautiful Music*, fourteenth. *Billboard* also lists plugs over the independent stations for songs having ten or more performances on networks. Among the independents on this listing, *Practice Makes Perfect* is tied in ninth position, *Same Old Story* tied in tenth place, *We Could Make Such Beautiful Music* stands seventeenth, and *There I Go*, nineteenth.

These comparisons indicate at least that, no matter how or where you take the count, BMI numbers are among the leaders. On the list of the fifteen best sheet music sellers in *Billboard*, *Practice Makes Perfect* stands eighth, and in the same list in *Variety*, it stands fourteenth for last week.

Billboard also lists the biggest money-makers in the automatic phonographs on the basis of reports received from phonograph operators throughout the country. This section is divided into a list headed "Going Strong" and another list headed, "Coming Up". For the current week, Bob Chester's recording of *Practice Makes Perfect* stands at the head of the "coming up" division. The same record stands ninth on the list of regional best selling retail records on the west coast.

Sheet music sales in most cases follow after the establishment of popularity on the radio, and recordings are seldom made until a song has shown popular appeal. The first records of BMI music only recently reached the market. The fact that one of them appears on a regional list of best sellers and also among the leading money-makers in the coin machines is strong proof of its acceptance by the American public. *Radio Daily* regularly lists five numbers as the "leading recordings of the week" and five others as "future musts." On this week's listing, Eddie Duchin's recording of *Practice Makes Perfect* appears on the former list, and Al Kavelin's recording of his own song, *I Give You My Word*, on the latter.

BROADCAST MUSIC, INC. welcomes another station to its list of subscribers: WOCB, of West Yarmouth, Mass.

Evidence of the wide spread among the American people of the urge to express themselves in music continues to accumulate from the 2,000 or more manuscripts which our editors are receiving every week.

During the past week, the mail brought two songs written by prisoners in western state penitentiaries and another by a judge in Old New England.

Beginning on Monday, October 7, BMI Pacific coast representative will be Eddie Janis of 3636 Somerset Drive, Los Angeles, California.

On Monday, September 30, BMI will give a lunch for band leaders and their representatives at the Waldorf-Astoria. The arrangements for the luncheon were planned in collaboration with Russ Morgan and Paul Specht so that BMI might have an opportunity to present its position to the musicians. Mr. Morgan and Mr. Specht arranged a luncheon for the orchestra leaders at which representatives of ASCAP will seek to explain themselves on September 26th. The BMI luncheon on Monday will serve to clear the atmosphere and to dispel the fog which the Thursday luncheon is likely to produce.

Labor

SUSTAINING PERFORMERS

Conferences this week with Wage and Hour Division officials brought out that they had no intention of extending the Act to cover *all* performers on *all* sustaining programs by their memorandum of September 16 (NAB REPORTS, page 4612).

In the first place they had no intention of attempting to extend the Act's coverage to "public service" programs. For instance, they said it certainly was not their thought to require stations to pay kids the minimum or any other wage for participation in the Saturday morning shows. The same held for college and high school glee clubs, American Legion bands, shows in which well-known artists contributed their services to start the Community Chest drive, church choir broadcasts, etc.

What they were driving at, they said, were hillbilly bands, other orchestras, soloists, etc., who were willing to appear on the air for nothing to advance their own interests. When the broadcasters put such people on the air and didn't pay them, they said, the broadcasters were deriving benefit, were the employers, and should pay at least the minimum wage. They could not give any other opinion, they said, because, if they did, it could be carried over into other industries where chiselers has exploited "learners"—with vague promises of jobs if they would work for nothing while "learning."

When it was explained how a number of stations made "trade deals" with hillbillies—obtaining hillbilly programs in return for plugs for future dance engagements, the Wage and Hour officials said that some sort of deal could be made whereby the hillbillies were paid for their services while the broadcasters were paid for their plugs, coming out even Stephen. Such a plan, however, would involve Social Security taxes and ASCAP payments.

In conclusion, the Wage and Hour officials decided that the memorandum needed revision, and invited the cooperation of the NAB Labor Relations Director in revising it.

DRAFT EXEMPTIONS

Several members have inquired about the possibility of obtaining conscription exemption for broadcasting employees. The NAB checked this with the Selective Service Administration and found that no industry was exempt, per se, nor any classification of jobs exempt, per se, under the Act.

This is a matter which has been left to the discretion of the local Conscription Boards under Section 5 (e) of the Act. It is felt that because of the relatively small number of men who are being conscripted on the one hand, and the availability of the tremendous number of men on the other, that it would not be necessary to select employees who are regarded by their employers as essential. Therefore, broadcasters may be able to obtain exemptions for essential employees by placing the matter before their local Boards.

Here is the text of the "deferment" section of the Act:

"Sec. 5 (e) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient or defective. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution.

"(f) Any person who, during the year 1940, entered upon attendance for the academic year 1940-41—

"(1) at any college or university which grants a degree in arts or science, to pursue a course of instruction satisfactory completion of which is prescribed by such college or university as a prerequisite to either of such degree; or

"(2) at any university described in paragraph (1) to pursue a course of instruction to the pursuit of which a degree in arts or science is prescribed by such university as a prerequisite;

and who, while pursuing such course of instruction at such college or university, is selected for training and service under this Act prior to the end of such academic year, or prior to July 1, 1941, whichever occurs first, shall, upon his request, be deferred from induction into the land or naval forces for such training and service until the end of such academic year, but in no event later than July 1, 1941."

The other two sections which affect labor relations are section 3, which provides that employers may continue to pay part or all of employees salaries while they are in training, and section 8, which provides that employees must be given back their jobs after their training period "unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so".

Some labor unions are now asking for provisions in new contracts to cover this last point.

LABOR BOARD POLL SCHEDULED

The Labor Relations Board announced Tuesday that separate collective bargaining elections by secret ballot would be conducted within 30 days among transmitter operators employed by four broadcasting stations in Pennsylvania and Delaware.

The stations are WGAL, Incorporated, Lancaster, Pennsylvania, York Broadcasting Company, York, Pennsylvania, Delaware Broadcasting Company and WDEL, Incorporated, both of Wilmington, Delaware.

The transmitter operators will determine whether or not they desire to be represented by Associated Broadcast Technicians Unit, International Brotherhood of Electrical Workers (A. F. of L.).

The union and the companies stipulated that transmitter operators, separate from other employees, constituted an appropriate unit. However, they differed as to the scope of the unit. The union contended that transmitter operators employed by each of the companies, respectively, constituted a separate unit; while the companies contended that all transmitter operators employed by the seven corporations in the Mason Dixon Radio Group constituted a single appropriate unit. The companies pointed to the common ownership of stock, unified business operations, interdependent relations in handling programs, and the supervision of all transmitter operators employed by each of the corporations by a technical director employed by the Mason Dixon Radio Group.

Pointing out there had been no history of collective bargaining on either individual or multiple unit basis, and that the union's organization was limited substantially to transmitter operators of the four companies involved in the present proceedings, the Board stated:

"The organization of the business of the corporations comprising the Mason Dixon Radio Group is such that either a unit comprising all the transmitter operators in the group or separate units limited in each case to operators employed by a single member thereof could be appropriate for the purposes of collective bargaining. Under these circumstances, and in view of the absence of any bargaining history on either basis, the fact that substantial employee self-organization has not extended beyond the employees of the four Companies here involved, and the request of the only labor organization involved for separate station units, we shall designate the transmitter operators employed, respectively by WGAL, WORK, WILM, and WDEL at their respective stations as separate appropriate units. Such a determination is subject to revision in accordance with changes in the state of self-organization of the employees concerned."

WAGE-HOUR COMPLIANCE

Every employer against whom an allegation of violation of the Wage and Hour Law is filed, henceforth will receive a form which he is asked to fill out, giving information indicating his compliance with, or violation of, the Fair Labor Standards Act, "The use of the new form will have the effect of making each complaint a 'live' one, in that action will begin immediately with the filing of the charge," Colonel Fleming said.

"Each employer complained against will receive this

form, AD-85, headed 'Information Respecting Compliance with the Fair Labor Standards Act of 1938.' This will serve to advise some employers, who have been inadvertently violating the law, of the existence of the statute and its requirements. Accurately filled out, it will put the employer through a sort of 'examination of conscience' insofar as the Wage and Hour Law is involved. When he has completely filled out the form, he will know whether or not he is complying with the law.

"Should an employer thus discover that he has been violating the law, and he wants to come into compliance immediately and make restitution of back wages due his employees, every assistance will be given him by the nearest Wage and Hour office."

The form summarizes the requirements of the law with respect to minimum wages, overtime, record-keeping requirements, discrimination against employees making complaints and shipment of goods produced in violation of the law.

One part of the form is also designated to indicate immediately whether or not the firm is covered by reason of being engaged in interstate commerce or in the production of goods for commerce.

It clearly states that the information supplied in it to the Wage and Hour Division shall not affect in any way any cause of action arising under the Act. Neither does the submission of this information give the employer immunity in any action, civil or criminal, that may be brought under the Act.

"In no case is this form being used as a substitute for physical or personal inspection of the books of the employer involved," Colonel Fleming said. "It is merely being used to expedite our inspection procedure and should prove of great value in this respect. Inspections will still be made at the faster rate made possible by our increased inspection force now totalling more than 700."

WAGE-HOUR APPRENTICE REGULATIONS

Revised apprentice regulations were issued by the Wage and Hour Division, U. S. Department of Labor, today. (*Federal Register*, September 24, 1940.)

"These new apprentice regulations will further facilitate and expedite the issuance of apprentice certificates under the Fair Labor Standards Act," Colonel Philip B. Fleming, Administrator of the Wage and Hour Division said.

The revised regulations provide that agreements may be approved "on the spot" by local joint committees as well as by state apprenticeship councils. Immediate exemptions and employment of the apprentices at wage rates lower than the applicable minimum under Section 6 of the Act are made possible.

National Defense

DEFENSE PROGRAMS

Of continued primary importance are the following: Alien Registration announcements, Recruiting Programs from the Army, Civil Service Announcements for Skilled Workers.

In the next ten days or so, the Selective Service Administration, in cooperation with NAB, will send out material of an informational character enabling stations to give their listeners authoritative information about "Who's to register, and where and when." The Recruiting Campaign, however, will be continued even after the registration date, October 16. NAB is now in contact with the War Department to bring about a uniform policy for recruiting announcements, covering both National Guard and regular Army enlistments.

Meanwhile, the Civilian Defense Information Bureau, with Headquarters in the Hotel Weston, New York City, has sent out two transcribed speeches made by Lieutenant-Colonel O'Kelliher and Lieutenant-Colonel Hershey of the Joint Army and Navy Selective Service Administration. These are recordings of speeches previously made and give a general background of national conscription. The Civilian Defense Information Bureau is a group of civilian reserve officers who have been cooperating with the War Department in bringing about civilian understanding of Army problems.

The weekly radio news release by the National Advisory Defense Commission is given each Sunday at 6 P.M. to all news services. This is a week by week summary of the statistical progress of the Commission in getting planes, guns and defense equipment in production and in use.

The United States Committee for the Care of European Children, Inc., Marshall Field, chairman, has sent stations material for use on women's, sports, news and sustaining programs. The Committee, in cooperation with the British, Canadian and United States governments, is endeavoring to secure adequate homes for refugee children as quickly as possible.

KGBU, Ketchikan, Alaska
KROC, Rochester, Minn.
KSUB, Cedar City, Utah

These three stations have been added to the list which has reported cooperation in the industry's recruiting campaign for skilled national defense workers. The total is now 640.

The United States Civil Service Commission finds that all sections of the country are furnishing workers, a logical expectation in view of the solid industry support.

Promotion

LISTEN BEFORE YOU VOTE

Interesting comments are beginning to come in to headquarters from member stations which are sponsoring the "Listen before You Vote" promotion.

Letter from William R. Traum, promotion director, WROK, Rockford, Ill., says that the station is enthusiastically engaged in "Listen before You Vote" promotion. Several daily spot announcements call attention to the campaign.

Imprinted posters, "Listen to the Campaign Speeches over WROK, Mutual Network", are being circulated this week by WROK's own salesmen and by the Central Illinois Electric & Gas Company.

Letters were written to all heads of local political organizations and to prominent party members telling about the campaign.

The Rockford Register-Republic, on September 20, carried a ten-inch story next to the radio program listings telling about the campaign. The lead paragraph with headlines reads:

"WROK STARTS VOTE FEATURE

"'Listen before You Vote'

"Recommended by Many U. S. Leaders

"In cooperation with the National Association of Broadcasters, radio station WROK is today launching a campaign titled 'Listen before You Vote'—a campaign prompted by the barrage of political oratory which is getting under way throughout the nation."

Wayne Welch, sales promotion manager, WMT, Cedar Rapids and Waterloo, KRNT and KSO, Des Moines, Iowa, wrote:

"The 'Listen before You Vote' posters which you sent us are being posted in prominent places throughout Des Moines.

"Also thanks for the wealth of suggestions for other methods of promoting the campaign. You may be sure we will cooperate."

E. W. Buckalew, KNX, Los Angeles, arranged for poster distribution through two radio distributors.

"Both of these organizations," said Mr. Buckalew, "were most enthusiastic over the use of these posters and said that they could assure us of strategic placement of the posters through their dealers."

McGraw-Hill's RADIO AND TELEVISION RETAILING, which is eagerly read by from twenty-five to thirty thousand radio dealers each month, has consistently carried the story of "Listen before You Vote" to the trade. The current issue has most of a double spread devoted to detailed window displays whereby radio dealers can tie-in with the campaign.

Editor "Mac" MacDonald retained Alfred Harvey of the Alvic Display Service to design three windows. August

RADIO RETAILING carried a full page "Listen before You Vote" story which included a reproduction of the poster.

Major Edney Ridge, manager, WBIG, Greensboro, received a note of appreciation for posters from Margaret Dent, vice president, N. C. Young Republicans. She wrote:

"We wish to take this opportunity to thank you for the posters brought in to us at Headquarters here on West Market Street, yesterday. We can appreciate the strictly non-partisan act of your radio station in getting voters to the polls by radio, and we will be glad to cooperate with you in any possible way at our command."

"Radio Reaches People in Washington State" is the name of a most excellent promotion piece prepared by Charles A. Bailie, sales promotion manager, KOMO—KJR, Seattle, on behalf of his own stations and KHQ—KGA, KGW—KEX, KPQ, KVOs, KGY, KXRO, KELA, KUJ, KWLK, KVAN, KRLC. The brochure shows "Coverage Data of Pacific Northwest Radio Stations Available for Washington State Political Broadcasts."

Tipped into the front cover is a copy of "Is Your Hat In The Ring?"

POWER COMPANY COOPERATION

J. S. Bartlett, managing director of the Electric Institute, Washington, D. C., and contact with NAB of the International Association of Electric Leagues, tomorrow finishes a successful three weeks promotion. Set distributors broadcasting stations and the Institute participated.

The event was the Institute's 1941 Radio Exposition. Sixteen announcers from WJSV, WMAL, WOL and WRC appeared in the Potomac Electric Power building in relays "to greet their public" and to cooperate with them in making recordings.

NBC announcers from WMAL and WRC appeared during the first week; Mutual announcers from WOL the second week; while CBS's WJSV announcers took over during the final and concluding week.

When each of the crews took over, their presence was publicized in one of the huge street front windows. Inside the building on the stage was a large panel display of artists' pictures.

Two studios were constructed in the lobby, both of which were utilized for making recordings of visitors. Approximately 125 recordings were made on each of the days of the three weeks, Monday through Friday. On the platters was an appropriate spot for the autograph of the broadcast announcer who M.C.'d the record cutting.

In the middle of the display room was a loud speaker with which other visitors could hear recording being made.

An exhibit of 120 radio sets rounded out the radio exposition picture. In analyzing the medium which attracted visitors to the exposition it was found that out of one

hundred visitors forty-five heard one of the paid radio announcements; fifteen others heard of the exposition from friends; eleven noticed the invitation printed on the face of 50,000 envelopes containing electric bills; eighteen stayed to visit the exposition because they saw the lobby displays. There was no record of the remaining eleven.

The free voice recordings were made from 11:30 A.M. to 2:00 P.M. and from 3:30 to 5:00 P.M. each Monday through Friday for the duration of the show. The radio exposition is one of the ten industry shows sponsored by the Electric Institute every year.

Similar radio shows in all cities having radio stations are suggested as splendid institutional and circulation building events.

ESSAY WINNER

Neal Axtell Blake, Hartford, Conn., is declared the winner of NAB's \$100 cash award for writing the best essay on the "American System of Broadcasting—Why It Is Best for Americans."

Second best essay was written by Myrtle Lu Hammell of Missoula, Mont. Miss Hammell's essay was entered in the national competition by KGVO; that of Mr. Blake by WTIC, Hartford.

Essays were judged by a committee of three Washington, D. C., high school teachers: Miss Fern Duvall, Paul Junior High School; Miss Bertha Lucas, Elliott Junior High School; and Mr. O. W. Trueworthy, Paul Junior High School. They were appointed by Lawson J. Cantrell, assistant superintendent, Public Schools of the District of Columbia.

Commenting upon the quality of the essays submitted, the judges expressed official regret that they did not have additional prizes to award the entrants.

Stations forwarding essays receiving "Honorable Mention," together with the student contestants, were:

WICC, WDRC, WTHT, WTIC, WNBC, WELI, WNLC, WATR and WBRY, all in Connecticut: Robert Gilbert and Edward Winnuk, New Haven; Edward Walsh, Milford; Ruth M. Cunningham, East Hartford; Jane Purtill, S. Glastonbury; Robert Shapiro, Middletown; and Geraldine Scheibl, Newport, R. I.

WEEI, Boston: Mildred McManus, West Newton; John J. Burke, Boston; Martin Dietel, Woburn.

WRNL, WMBG and WRVA, Richmond: Kathryn Robinson.

WDBJ, Barbara Jeanne Lucas, Roanoke.

WBIG, Roberta E. Favore, Greensboro.

WMAQ, Eleanor Gaworski, Chicago.

WHEC, Robert Crampton, Rochester.

KFEL, KOA and KVOB, Charles F. Baes, Jr., Lakewood, Colo.

A joint competition is indicated in the case of Connecticut, Denver and Richmond.

Neal Axtell Blake's prize-winning essay reads:

"The time is Memorial Day, 1940; the place beautiful New England, U. S. A.; the scene a typical boy's room in a rather old and somewhat dingy house; but the action, as the world drama unfolds from my radio, is modern, thrilling and dynamic. Yes, I am glad I'm an American! Where else in all this world could I sit so comfortably today and listen so happily to the story of a baseball game—the Phillies are taking the Boston team into camp

to the tune of 5 to 1—gee, that was a perfect hit, just in time to save the man on second and score the fifth run!

"The scene (radio) changes. Truly, that speaker is right. America is great—here we have life, liberty, property, happiness, freedom of speech, of the press and religion—and a free radio to report these precious privileges of all of us—Americans.

"Often I think that the radio has become so thoroughly a part of us that we fail to realize how much we owe to its mysterious power. It enters our homes at will—past locked doors and barred windows—but it is always welcome, for it has been entertainment, instruction, scientific achievement, the truth into 84 per cent of the homes in this country has made every citizen more sensitive to the changes that threaten, more determined to keep America what our forefathers made it, "The land of the free." The American broadcast system has made this country stronger and safer. The 'American Town Meeting of the Air' means much; this is real democracy, for now even a humble citizen may speak to millions of his countrymen—provided his message is worthwhile—for this is the policy of American broadcasters.

"Limited only by those conventions which regulate the relations of good neighbors, this miracle of communication takes the humblest into the presence of kings and councils. We become intimate with great authors, scientists and inventors. We realize more deeply the goodness of God, for his blessings bear in upon so closely that none can fail to understand the joys and sorrows, the defeats and victories of all peoples, the art and the wisdom of the noblest minds.

"It is commonplace now for the humble citizen to be well informed.

"How different the scene abroad, where government restricts and hampers! How cramped is the opportunity to learn, to understand either the new or the best in life! There the dictator argues, 'Am I not the supreme wisdom? Should not my people learn from me!' The account is no longer of sports, of happy homes, of freedom, but of hate, destruction and death. I am devoutly thankful that I live in America, for here the radio—with all its power for good or evil—is the instrument of democracy. Long may the American system last! American broadcasting policy helps to keep this continent 'The Promised Land.'

CENSUS DATA

Since last week's REPORTS, the Bureau of the Census has completed its preliminary population figures for all states and has released figures on occupied dwelling units for three additional states. The revised population and occupied dwelling unit figures are as follows:

PRELIMINARY 1940 CENSUS DATA

<i>State</i>	<i>Population</i>	<i>Occupied Dwelling Units</i>
Alabama	2,830,285	.....
Arizona	497,789	.....
Arkansas	1,948,268	.....
California	6,873,688	.....
Colorado	1,118,820	.....
Connecticut	1,710,112	.....
Delaware	264,603	70,549
District of Columbia.....	663,153	.....
Florida	1,877,791	519,436
Georgia	3,119,953	750,633
Idaho	523,440	140,742
Illinois	7,874,155	.....
Indiana	3,416,152	.....
Iowa	2,535,430	700,173
Kansas	1,799,137	512,090
Kentucky	2,839,927	.....
Louisiana	2,355,821	590,722
Maine	845,139	.....
Maryland	1,811,546	462,591
Massachusetts	4,312,332	.....
Michigan	5,245,012	.....
Minnesota	2,785,896	.....
Mississippi	2,181,763	537,359
Missouri	3,775,737	.....
Montana	554,136	.....
Nebraska	1,313,468	360,255
Nevada	110,014	33,326
New Hampshire.....	489,716	.....

<i>State</i>	<i>Population</i>	<i>Occupied Dwelling Units</i>
New Jersey	4,148,562	.....
New Mexico	528,687	.....
New York	13,379,622	.....
North Carolina	3,563,174	.....
North Dakota	639,690	.....
Ohio	6,889,623	.....
Oklahoma	2,329,808	609,094
Oregon	1,087,717	335,944
Pennsylvania	9,891,709	.....
Rhode Island	711,669	187,610
South Carolina	1,905,815	.....
South Dakota	641,134	165,113
Tennessee	2,910,992	713,853
Texas	6,418,321	.....
Utah	548,393	.....
Vermont	357,598	.....
Virginia	2,664,847	.....
Washington	1,721,376	.....
West Virginia	1,900,217	.....
Wisconsin	3,125,881	.....
Wyoming	246,763	69,227
Total state figures		131,284,881
Estimated allowance for supplementals not distributed by state		125,000
U. S. Total		131,409,881

SERVICE MEN PROMOTION

Since August WFIL and the Philadelphia Radio Service Men's Association have been engaged in a cooperative promotion. According to Roger W. Clipp, WFIL's general manager, who worked out the details of the tie-up, circulation has been greatly stimulated.

Each Saturday night WFIL broadcasts a 15-minute program of studio organ music, under sponsorship of the service men. The program has the promotional benefit of five of the station's billboard locations. Additional program promotion is given in the form of cards in transportation buses which ply in and around the listening area of the station.

One unusual feature of the public service program is that provision is made on each Saturday night for the listener to test his radio set. During the course of the program, Mr. Clipp explained, a series of three musical notes are sounded, each of a different frequency. Set owners are told to listen closely. If the radio is capable of reproducing all three series of vibrations the listener is advised that his receiver is operating satisfactorily. If not he is invited to contact the nearest member of P.R.S.M.A. for repairs or adjustments.

Mr. Clipp said that the program had proved of great interest to the listening public because, for the first time, it is possible for anyone to test the performance of his own radio set. Newspaper publicity featuring this unusual angle has been released and the members of the association have cooperated most generously in publicizing the testing opportunity to their customers.

Since the majority of the 300 members of the Philadelphia Radio Service Men's Association are independent radio dealers with stores, including display windows, counters and so forth, Mr. Clipp provided display cards for both window and counter use.

Each member of the Association, according to the arrangement, has pledged himself to use at least two cards in the windows and two in the store. They are adaptations of billboards and bus cards.

The deal between WFIL and the Service Men further provides for the distribution of folders, booklets and pamphlets prepared by the station from time to time. Such literature is delivered with new radios and left when old radios are repaired. It is also inserted with monthly invoices and included with minor store purchases.

NEW BUSINESS

The Republican National Committee has prepared a series of 93 one-minute spot political announcements available for sponsorship by Republican State Central Committees. Seven of these announcements are made by Wendell Willkie.

Republican State Central Committees have been advised by the National Committee that these transcriptions are now available. They have been prepared in harmony with the NAB Code, consisting of straight announcements and interviews.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDER

FCC this week announced adoption of its Final Decision granting the application for the renewal of license for KIEV, **Glendale, California**, operated by Cannon System, Ltd., on **850 kilocycles**, 100 watts, daytime only.

The renewal application was designated for hearing on issues involving principally the program service of this station. The record shows that attempts to improve programs have been made. There is, therefore, ground for expecting that the present trend of improvement in program service will be carried forward. The facts developed in the hearing, however, will be given cumulative weight in dealing with any future questions involving the conduct of this station.

PROPOSED FINDINGS

The Commission has announced its Proposed Findings of Fact and Conclusions proposing to *deny* without prejudice the application of KFIO, **Spokane, Washington**, for a construction permit to install a new transmitter, new antenna, to change its frequency from **1120 to 950 kilocycles**, and to increase its power from 100 watts daytime to 1000 watts unlimited time.

FCC this week also announced its Proposed Findings of Fact and Conclusions proposing to *grant* the application of the Mason City Globe Gazette Company (Station KGLO), **Mason City, Iowa**, for a construction permit to change frequency from **1210 to 1270 kilocycles**; increase power from 100 watts night, 250 watts LS, to 1000 watts, unlimited time (the facilities of KGCA and KWLC), and install new equipment including a directional antenna for nighttime operation. The application of Charles Walter Greenley for renewal of license of KGCA, **Decorah, Iowa**, was *denied* as in default, and the application for renewal of license of Luther College (KWLC), **Decorah**, to use the frequency **1270 kilocycles** was also *denied*. However, this finding will not prejudice consideration of an application by Luther College for authority to operate station KWLC upon another frequency.

FCC RULES EXTENDED

FCC has announced that the effective date of Section 3.32(b) of Standard Broadcast Rules which prohibits broadcasting of commercial programs under experimental authorizations, was advanced from October 1, 1940, to March 29, 1941.

FCC APPROPRIATIONS

The House of Representatives this week passed H.R. 10539 which is the first supplemental civil functions appropriation bill for 1941 containing additional appropriations for the FCC.

As the bill passed the House, it provided \$125,000 additional for salaries and expenses of the FCC and also \$175,000 for the reallocation of monitoring stations. In connection with the latter, the bill provides:

"For the relocation of radio monitoring stations at sites to be selected by the Federal Communications Commission in the States of Oregon, California, Michigan, Maryland, Georgia, and Massachusetts, including the purchase of land, provided suitable sites now owned by the Government cannot be made available, construction of suitable buildings or modification or reconstruction of existing buildings, the providing for necessary apparatus and equipment, erection of goniometric apparatus, the construction and installation of roadways, power, water and sanitary facilities, associated antenna systems, and other necessary expenses."

CLEVELAND SCHOOLS TO USE FM

The Cleveland City Board of Education has been granted authority by the FCC to change that school system's non-commercial education radio service from amplitude modulation to frequency modulation.

The specific grant involves the education board's station WBOE shifting from 41,500 kilocycles frequency, 500 watts power night and day, A3 emission, to 42,500 kilocycles and increasing day and night power to 1000 watts for FM transmission.

Extensive use has been made of the facilities of WBOE in serving 156 receivers in the Cleveland school system.

The Board of Education states that the objective to be attained with FM is higher fidelity and less noise in classroom instruction and public education.

In August the Commission authorized the San Francisco Board of Education to use FM for like service in that area. The New York City Board of Education has been using amplitude modulated noncommercial educational broadcasts for some time, and the University of Kentucky was more recently licensed to give similar service to local mountain schools.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, September 30. They are subject to change.

Monday, 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.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WING—Stanley M. Krohn, Jr., Dayton, Ohio (Transferor), Charles Sawyer (Transferee), Dayton, Ohio.—Granted authority to transfer control of WSMK, Inc., licensee of station WING, from Stanley M. Krohn, Jr., to Charles Sawyer (408 shares of common stock for \$51,000, and has a five-year option to purchase the remaining 392 shares for the sum of \$75,000). Station operates on 1380 kc., 250 watts night, 500 watts day, unlimited time (B2-TC-236).
W2XOR—Bamberger Broadcasting Service, Carteret, N. J.—Granted construction permit to make changes in equipment and change location of high frequency broadcast station W2XOR from Carteret, N. J., to 444 Madison Avenue, New York City (B1-PHE-281).
WBOE—Cleveland City Board of Education, Cleveland, Ohio.—Granted construction permit for non-commercial educational broadcast station authorizing change in frequency from 41500 to 42500 kc., increase in power from 500 watts to 1 KW, and change emission from A3 to special for frequency modulation; also install new equipment (B2-PED-16).

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>
The Crosley Corporation, Area of Cincinnati, Ohio.	WLWA
Florida West Coast Broadcasting Company, Inc., Area of Tampa, Florida.	WGHB
The Fort Industry Company, Area of Toledo, Ohio.	WAAJ

<i>Applicant and Location</i>	<i>Call Letters</i>
Harris County Broadcast Company, Area of Houston, Texas.	KIIS
Indianapolis Broadcasting, Inc., Area of Indianapolis, Indiana.	WATB
KSTP, Inc., Area of St. Paul, Minnesota.	KABE
KSTP, Inc., Area of St. Paul, Minnesota.	KAJE
KSTP, Inc., Area of St. Paul, Minnesota.	KIGA
KFAB Broadcasting Company, Area of Lincoln, Nebraska.	KIIH
KLZ Broadcasting Company, Denver, Colorado.	KAAR
McClatchy Broadcasting Company, Area of Sacramento, California.	KSCR
Ben S. McGlashan, Area of Los Angeles, California.	KABG
Missouri Broadcasting Corporation, Area of St. Louis, Missouri.	KIFF
The National Life and Accident Insurance Company, Inc., Area of Nashville, Tennessee.	WADQ
Nichols and Warinner, Inc., Area of Long Beach, California.	KADB
Nichols and Warinner, Inc., Area of Long Beach, California.	KIFO
Nichols and Warinner, Inc., Area of Long Beach, California.	KBLE
Paducah Broadcasting Company, Inc., Area of Paducah, Kentucky.	WAHL
Radio Station WMFR, Incorporated, Area of High Point, North Carolina.	WHPT
Radio Station WSOC, Inc., Area of Charlotte, North Carolina.	WAAK
Joe L. Smith, Jr., Area of Beckley, West Virginia.	WAIE
Tarrant Broadcasting Company, Area of Fort Worth, Texas.	KAAD
Vee Bee Corporation, Area of Portsmouth, Ohio.	WAVB
WBNS, Incorporated, Area of Columbus, Ohio.	WGBD
WBNS, Incorporated, Area of Columbus, Ohio.	WJLF
WCBS, Incorporated, Area of Springfield, Illinois.	WMFZ
WDZ Broadcasting Company, Area of Tuscola, Illinois.	WAAC
WDZ Broadcasting Company, Area of Tuscola, Illinois.	WAIO
WDZ Broadcasting Company, Area of Tuscola, Illinois.	WAAE
WFBM, Inc., Area of Indianapolis, Indiana.	WIPL
WGN, Incorporated, Area of Chicago, Illinois.	WAIH
WGN, Incorporated, Area of Chicago, Illinois.	WGNA
WJHL, Incorporated, Area of Johnson City, Tennessee.	WAIX
WKY Radiophone Company, Oklahoma City, Oklahoma.	KAZA
WKY Radiophone Company, Area of Oklahoma City, Oklahoma.	KAXB
WSIX, Incorporated, Area of Nashville, Tennessee.	WAUB
The Birmingham News Company, Area of Birmingham, Alabama.	WAXD
Florida West Coast Broadcasting Company, Inc., Area of Tampa, Florida.	WTHB
Lamar Life Insurance Company, Area of Jackson, Mississippi.	WAXJ
Queen City Broadcasting Company, Inc., Area of Seattle, Washington.	KQCB
West Virginia Broadcasting Corporation, Area of Wheeling, West Virginia.	WAAH
The WGAR Broadcasting Company, Area of Cleveland, Ohio.	WAAI
The WGAR Broadcasting Company, Area of Cleveland, Ohio.	WAAQ

<i>Applicant and Location</i>	<i>Call Letters</i>
Rockford Broadcasters, Inc., Area of Rockford, Illinois.	WAAR
Southern Minnesota Broadcasting Company, Area of Rochester, Minnesota.	KAAN

In the following cases the Commission directed pursuant to Section 1.381 of the Rules and Regulations that the applications for renewal of licenses of the above-mentioned relay broadcast stations be granted in part and said licenses be issued for the period beginning 3 a. m., Eastern Standard Time, October 1, 1940, and ending in no event longer than 3 a. m., Eastern Standard Time, October 1, 1941, deleting the frequency **2022 kilocycles**, heretofore assigned said stations and substituting the frequency **2074**, subject to the condition that no interference is caused to the Government stations on adjacent channels.

<i>Applicant and Location</i>	<i>Call Letters</i>
The Crosley Corporation, Area of Cincinnati, Ohio.	WLWJ
The Crosley Corporation Area of Cincinnati, Ohio.	WLWB
Central States Broadcasting Company, Area of Omaha, Nebraska.	KABJ
The Evening News Association, Area of Detroit, Michigan.	WKFB
Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Area of Bloomington, Illinois.	WAAO
The National Life and Accident Insurance Company, Inc., North of Franklin, Tennessee.	WADP
The National Life and Accident Insurance Company, Inc., Area of Nashville, Tennessee.	WBPA
Richmond Radio Corporation, Area of Richmond, Virginia.	WAHM
WDAY, Incorporated, Area of Fargo, North Dakota.	KBRG
Westinghouse Electric & Manufacturing Co., Area of Pittsburgh, Pennsylvania.	WEMC
Westinghouse Electric & Manufacturing Co., Area of Boston, Massachusetts.	WHER
WSMB, Incorporated, Area of New Orleans, Louisiana.	WSMA
WSMB, Incorporated, Area of New Orleans, Louisiana.	WSMC

In the following cases the Commission directed that the licenses of the above-mentioned relay broadcast stations, expiring 3 a. m., Eastern Standard Time, October 1, 1940, be extended upon a temporary basis only, pending receipt and/or determination upon the applications for renewal of licenses, in no event longer than 3 a. m., Eastern Standard Time, November 1, 1940.

<i>Applicant and Location</i>	<i>Call Letters</i>
Charleston Broadcasting Company, Area of Charleston, West Virginia.	WADA
City of New York, Municipal Broadcasting System, Area of New York, New York.	WASJ
City of New York, Municipal Broadcasting System, Area of New York, New York.	WNYK
City of New York, Municipal Broadcasting System, Area of New York, New York.	WNYL
City of New York, Municipal Broadcasting System, Area of New York, New York.	WNYN
City of New York, Municipal Broadcasting System, Area of New York, New York.	WNYO
Community Broadcasting Service, Inc., Area of Bangor, Maine.	WEHL
Eagle Broadcasting Company, Inc., Area of Brownsville, Texas.	KIJG
A. Bruce Fahnestock, Director, Fahnestock South Sea Expedition, Aboard Yacht <i>Director II</i> .	KFAH
Edwin A. Kraft, Area of Juneau, Alaska.	KBQB
KVOX Broadcasting Company, Area of Moorhead, Minnesota.	KAAJ
Mason City Globe-Gazette Company, Area of Mason City, Iowa.	KDJB
Mason City Globe-Gazette Company, Area of Mason City, Iowa.	KQHS

<i>Applicant and Location</i>	<i>Call Letters</i>
Miami Valley Broadcasting Corp., Area of Dayton, Ohio.	WMVB
Mosby's, Inc., Area of Missoula, Montana.	KAAB
May Seed & Nursery Company, Area of Shenandoah, Iowa.	KEMA
McClatchy Broadcasting Company, Area of Sacramento, California.	KABF
Onondaga Radio Broadcasting Corp., Area of Syracuse, New York.	WAID
Onondaga Radio Broadcasting Corp., Area of Syracuse, New York.	WAUQ
Onondaga Radio Broadcasting Corp., Area of Syracuse, New York.	WGBE
Juan Piza, Area of San Juan, Puerto Rico.	WABV
Puget Sound Broadcasting Co., Inc., Area of Tacoma, Washington.	KNEB
Puget Sound Broadcasting Co., Inc., Area of Tacoma, Washington.	KNEC
Allen T. Simmons, Area of Akron, Ohio.	WATS
South Bend Tribune, Area of South Bend, Indiana.	WATD
State of Wisconsin, University of Wisconsin, Area of Madison, Wisconsin.	WDAC
Wescoast Broadcasting Company, Area of Wenatchee, Washington.	KAOD
WODAAM Corporation, Area of New York, New York.	WABA
Peoria Broadcasting Company, Area of Peoria, Illinois.	WAIN
Peoria Broadcasting Company, Area of Peoria, Illinois.	WEKH
Southeastern Broadcasting Company, Inc., Area of Macon, Georgia.	WAEB

In the following cases the Commission directed that the licenses of the above-mentioned relay broadcast stations, expiring 3 a. m., Eastern Standard Time, October 1, 1940, be extended upon a temporary basis only, pending receipt and/or determination upon the applications for renewal of licenses, in no event longer than 3 a. m., Eastern Standard Time, November 1, 1940, said extensions to contain the following clause:

Pursuant to Section 1.381 of the Rules and Regulations this extension of license is granted upon the condition that the frequency **2022** be deleted and frequency **2074 kilocycles** be substituted therefor, subject to the condition that no interference is caused to the Government stations on adjacent channels.

<i>Applicant and Location</i>	<i>Call Letters</i>
Airfan Radio Corporation, Ltd., Area of San Diego, California.	KIEO
The Champaign News-Gazette, Inc., Area of Champaign, Illinois.	WAHJ
The Champaign News-Gazette, Inc., Area of Champaign, Illinois.	WBGH
The Evening News Association, Area of Detroit, Michigan.	WAAS
The Evening News Association, Area of Detroit, Michigan.	WENM
General Electric Company, Area of Schenectady, New York.	WOEG
Intermountain Broadcasting Corporation, Area of Salt Lake City, Utah.	KALO
Memphis Commercial Appeal Company, Area of Memphis, Tennessee.	WABG
Martin R. O'Brien, Area of Aurora, Illinois.	WAOE

RENEWAL OF LICENSES

Licenses for the following stations were extended for the period October 1, 1940, to March 29, 1941, pending further consideration of applications for renewal:

KYCA, Prescott, Ariz.; WFGP, Atlantic City, N. J.; WGTC, near Greenville N. C.; WLBK, near Bowling Green, Ky.; WPAB, Ponce, P. R.; WSAM, Saginaw, Mich.; KWT, Seattle; WFAS

(auxiliary), White Plains, N. Y.; WNEW (auxiliary), New York City.

KSUB—Leland M. Perry, Cedar City, Utah.—Present license further extended upon a temporary basis only, pending receipt of and determination upon the application for renewal, for the period October 1 to November 1, 1940.

WDAK—Valley Broadcasting Co., West Point, Ga.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period October 1 to November 1, 1940.

WJHP—The Metropolis Company, Jacksonville, Fla.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period October 1 to November 1, 1940.

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period October 1 to November 1, 1940.

DESIGNATED FOR HEARING

WMBD-WEKI-WPEO-WEKH-WAIN—WMBD Broadcasting Co., Assignor, Peoria, Ill., Peoria Broadcasting Co., Assignee.—Application for voluntary assignment of license of broadcast station WMBD and four associated relay stations, WEKI, WPEO, WEKH, and WAIN, from WMBD Broadcasting Co. to Peoria Broadcasting Co.; **1440 kc.**, 1 KW night, 5 KW day, unlimited time (for broadcast station WMBD) (B4-AL-282)

Harbenito Broadcasting Co., Harlingen, Texas.—Application for construction permit for new broadcast station to operate on **1420 kc.**, 250 watts, unlimited time (B3-P-2747).

Stephen R. Rintoul, Stamford, Conn.—Application for construction permit for new broadcast station to operate on **1370 kc.**, 250 watts, unlimited time, Class IV (B1-P-2789).

WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—Application for construction permit to install new transmitter and change operating assignment from **1220 kc.**, 250 watts daytime, to **1370 kc.**, 250 watts day and night, unlimited time (B1-P-2948).

KOVO—Clifton A. Tolboe, tr/as Citizens Voice & Air Show (Assignor), KOVO Broadcasting Co. (Assignee), Provo, Utah.—Application for voluntary assignment of license of station KOVO from Clifton A. Tolboe, tr/as Citizens Voice and Air Show, to KOVO Broadcasting Co.; **1210 kc.**, 250 watts, unlimited time (B5-AL-278).

MISCELLANEOUS

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate from 8:30 p. m. to 10:30 p. m. CST, September 17, 1940, in order to broadcast the Singing Convention only and from 8:30 p. m. to 10:30 p. m., September 20, 27, October 2 and 11, 1940, in order to broadcast football games only and to operate from 7:30 p. m. to 9 p. m. CST, October 7, 1940, in order to broadcast Texas Forest Festival Pageant only.

WABJ—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted special temporary authority to operate aircraft transmitter, call letter KHAMM, licensed to Stanley W. Bath on frequency **2790 kc.**, in order to conduct tests between 2 p. m. and 6 p. m. EDST, September 18, 1940, and in order to relay broadcast programs to radio station WTAG from 6:45 p. m. to 7 p. m. EDST, September 18, 1940, in connection with CAA program.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 7:30 p. m. to 8 p. m. CST, September 20, 1940, in order to permit WGBF to broadcast a speech by Governor James.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to broadcast a speech by Governor James.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with WGBF with power reduced to 250 watts from 7:30 p. m. to 8 p. m. CST, September 27, 1940, in order to permit WGBF to broadcast an NBC program of the Democratic National Committee.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except

simultaneously with KFRU in order to broadcast an NBC program of the Democratic National Committee.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 3:30 p. m. to 4:30 p. m. CST, September 21, 28, and October 12, 1940, in order to broadcast football games only (provided KGCA remains silent).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 7:30 p. m. to 10:30 p. m. PST, September 27, October 4, 11, and 18, 1940, in order to broadcast football games only.

WAKR—Summit Radio Corp., Akron, Ohio.—Granted modification of construction permit as modified which authorized erection of new station, for authority to change type of transmitter; **1530 kc.**, 1 KW, directional antenna for use day and night, unlimited time (B2-MP-1062).

WBRW—McDowell Service Co., Welch, W. Va.—Granted license to cover construction permit as modified, which authorized construction of new station; **1310 kc.**, 250 watts, unlimited time (B2-L-1220). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-474).

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted license to cover construction permit which authorized changes in transmitter and increase in power to 250 watts; **1500 kc.**, unlimited time (B1-L-1234).

W2XBU—National Broadcasting Co., Inc., Portable Mobile (area of New York City).—Granted license to cover construction permit as modified, which authorized new television relay broadcast station; frequencies, Channels 17 and 18, **282000-288000, 288000-294000 kc.**; 15 watts visual power, A5 emission; granted upon an experimental basis only, conditionally (B1-LVB-22).

WEJJ-WEJR-WEJI—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate relay broadcast stations WEJJ, WEJR, and WEJI for communication purposes in connection with the antenna and transmitter adjustment of standard broadcast station WEAJ for a period from September 20, 1940, to not later than September 29, 1940, subject to the condition that no interference results to the transmission of any other relay broadcast station.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with Station KXL from 7:30 p. m. PST, to the conclusion of football games on October 25, November 1, 11, 15, 18, and 21, 1940, in order to broadcast football games only; to operate from 9 p. m. to 12 midnight PST, on November 5 and 9, 1940, in order to broadcast election returns only.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted special temporary authority to operate simultaneously with Station KLX from 7:30 p. m. PST, to the conclusion of football games on September 20, 27, October 4, 11, and 18, 1940, in order to broadcast football games only.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. CST, on October 15, 16, 17, 22, 23, 24, 29, 30, and 31, 1940, and from 2 to 3:15 p. m. CST, October 14, 21, and 28, 1940, in order to permit WNAD to broadcast educational programs only.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m. CST, October 15, 16, 17, 22, 23, 24, 30, and 31, 1940, and from 2 to 3:15 p. m. CST, October 14, 21, 28, 1940, in order to broadcast educational programs only (provided KGGF remains silent).

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted special temporary authority to operate simultaneously with WFAM from 7:30 p. m. to 8 p. m. CST, October 24, 25, November 1, 2, 7, 8, 15, 16 and 21, 1940, in order to broadcast football games only.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:45 p. m. to 10:30 p. m. CST, September 21, 27, October 4, 1940, in order to broadcast football games only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 9 p. m. EDST, September 21, 1940, in order to broadcast Defense Day and National Guard Day programs only.

W2XOR—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate high frequency experimental transmitter at 444 Madi-

- son Ave., New York City from September 28, 1940, to not later than October 27, 1940, pending action on formal application for such authority.
- WGNV**—WGNV Broadcasting Co. Inc.—Granted construction permit to install new transmitter (B1-P-2968).
- WFCI**—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted modification of construction permit (B1-P-1877, which authorized a new station), for new transmitter, changes in directional antenna system, and move of transmitter from Elm Street, Valley Falls, to John Street, Lincoln, R. I.; extend commencement date 30 days after grant and completion date to 180 days thereafter (B1-MP-1055).
- WJPF**—Orville W. Lyerla, Herrin, Ill.—Granted license to cover construction permit (B4-P-2097), authorizing a new station to operate on 1310 kc., 250 watts, unlimited time (B4-L-1221). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-475).
- KEVR**—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate from 4 to 5:30 p. m., PST, September 26, 27, October 4, 5, 11, 12, 17, 18, 24 and 25, in order to broadcast football games only (B5-S-62).
- WSVA**—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 5:45 to 6:30 p. m., EST, October 5, 12, 19 and 26, in order to broadcast football games only (B2-S-855).
- WJMC**—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 6:15 to 11 p. m., CST, September 27, in order to broadcast football games.
- WORL**—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 7 to 9 p. m., EDST, September 24, in order to broadcast a description of the American Legion Parade only (B1-S-205).
- KFDY**—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 4:30 p. m., CST, September 21 (instead of 7:45 to 10:30 p. m., CST, as authorized by grant of September 18), in order to broadcast football game only (B4-S-645).
- WCLS**—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., CST, November 5, to 4 a. m., CST, November 6, in order to broadcast election returns only (B4-S-591).
- WBAL**—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to broadcast incidental non-sponsored music during intervals occurring between campaign speeches November 4 and election returns November 5, in addition to the authority granted September 9, permitting simultaneous operation with KTHS on 1060 kc. on above dates, in order to broadcast speeches and election returns (B1-S-152).
- KEVR**—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with KRKO from 4 to 5:30 p. m., PST, November 1, 2, 8, 9, 14, 15, and 21, in order to broadcast football game only (B5-S-62).
- WDGY**—Dr. George W. Young, Minneapolis, Minn.—Granted application for extension of time within which to file answers to the petitions for rehearing of Greater New York Broadcasting Corp. (WVOV) and International Broadcasting Corp. (KWKH), the time within which WDGy may file opposition was extended for 15 days from and including September 13, 1940.
- W6XKG-W6XRE**—Ben S. McGlashan, Los Angeles, Calif.—Adopted order denying renewal of high frequency broadcast station licenses for stations W6XKG and W6XRE, proposed findings on which were entered by the Commission April 4, 1940.
- WTAL**—Florida Capital Broadcasters, Inc., Tallahassee, Fla.—Hearing on application for renewal of license for WTAL, now scheduled to be heard in Washington, D. C., on November 19, will be held in the city of Tallahassee instead, and elsewhere which may be found necessary by the Commission's representative.
- WWRL**—Long Island Broadcasting Corp., Woodside, N. Y.—Granted further extension of temporary license for period of 60 days from September 24, authorizing use of the time previously utilized by station WMBQ.
- KEVR**—Evergreen Broadcasting Corp., Seattle, Wash.—Denied petition of KEVR for waiver of Rule 1.368, and dismissed application for modification of license requesting unlimited time on 1370 kc.
- WRTD**—Times-Dispatch Radio Corp., Richmond, Va.—Cancelled license heretofore issued for operation of WRTD and deleted call letters WRTD, and dismissed pending application (B2-P-1929), asking change in frequency from 1050 to 590 kc., increase in power from 500 watts to 1 KW, change transmitter site and name.
- KUJ**—KUJ, Inc., Walla Walla, Wash., and KRLC—H. E. Studebaker, Lewiston, Idaho.—Granted petition to reconsider and grant the applications of KUJ and KRLC, which in substance is an exchange of frequencies between these two stations. KUJ is now authorized to use 1370 kc., with 100 watts, unlimited time, and proposes to operate on 1390 kc., with 1 KW; KRLC, now licensed to use 1390 kc., with 250 watts, unlimited time, proposes to use 1370 kc. without change in power or hours.
- KGMB**—Hawaiian Broadcasting System, Ltd., Honolulu, Hawaii.—Granted modification of construction permit as modified which authorized change in frequency, increase of power, move transmitter, install new transmitter and antenna, for extension of completion date from October 20, 1940, to December 1, 1940; 590 kc., 5 KW, unlimited (B-MP-1059).
- WTRY**—Troy Broadcasting Co., Inc., Troy, N. Y.—Denied special temporary authority to operate unlimited time, using 250 watts power after local sunset (September, 6:15 p. m.; October, 5:15 p. m., EST), with non-directional antenna, for a period not to exceed 30 days, in order to broadcast programs of outstanding public interest, particularly the discussion of public questions, political broadcasts and war news.
- WMRO**—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts local sunset (October, 5:15 p. m., CST) to 11 p. m., CST, October 4, 11, 18, and 25, 1940, in order to broadcast football games only.
- KFIO**—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., PST, to the conclusion of football games on September 27 and October 4, 1940, in order to broadcast football games only.
- KGCA**—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period September 15, 1940, to not later than October 14, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.
- WBAA**—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 6 p. m., CST, October 5, 12, and 26, 1940, in order to broadcast football games only.
- WIBG**—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted modification of construction permit which authorized installation of new transmitter and new antenna, increase in power, change hours of operation, and move transmitter, for approval of present licensed antenna, and approval of transmitter site; 970 kc., 1 KW, limited to WCFL; authority granted for operation after local sunset is granted upon a temporary basis only conditionally (B2-MP-1058).
- WTAW**—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted license to cover construction permit which authorized installation of new vertical antenna and move of transmitter; 1120 kc., 500 watts, specified hours (B3-L-1232).
- KVNU**—Cache Valley Broadcasting Co., Logan, Utah.—Granted modification of license to move main studio from 41 South Main St., Logan, Utah, to North State Road, 1 mile north of city, Logan, Utah; 1200 kc., 250 watts, unlimited time (B5-ML-1031).
- KIIQ**—KMTR Radio Corp., Portable-Mobile (area of Los Angeles, Calif.)—Granted license to cover construction permit which authorized reinstatement of station; frequencies 1622, 2058, 2150, 2790 kc., 200 watts, A3 emission.

APPLICATIONS FILED AT FCC

550 Kilocycles

- WGR**—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction permit to make changes in antenna system; move transmitter from Sweethome Road, Tonawanda, N. Y., to Big Tree Road, Township of Hamburg, N. Y. Amended to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

560 Kilocycles

- WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power—main transmitter.
- WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power—auxiliary transmitter.

680 Kilocycles

- WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit (B3-R-2216) for a new transmitter, increase in power, change in hours of operation and changes in directional antenna; further requesting authority to install new transmitter.

820 Kilocycles

- WCBF—WCBF, Inc., Chicago, Ill.—Modification of license to change frequency from 1080 kc. to 830 kc., and hours of operation from limited, S-WMBI, to daytime only, using 5 KW power. Amended to change from a modification of license (B4-ML-917) to a construction permit requesting changes in equipment, change frequency from 830 kc. to 820 kc. under Havana Treaty, and change power from 5 KW to 10 KW, daytime.

830 Kilocycles

- WRUF—University of Florida, Gainesville, Fla.—Authority to determine operating power by direct measurement of antenna power.

860 Kilocycles

- WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to install auxiliary transmitter for emergency use only, using 5 KW power; located at Little Pea Island, New Rochelle, N. Y.
- WABC—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-P-2855) for new transmitter, new vertical antenna, move of transmitter; further requesting authority to install new transmitter and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

920 Kilocycles

- KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 to 5 KW, install directional antenna for day and night use, Class III-A station. Amended to change type of transmitting equipment.

940 Kilocycles

- WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Modification of construction permit (B1-P-2704) which authorized installation of new transmitter, directional antenna for night use, change in hours of operation, increase in power and move of transmitter, requesting installation of new transmitter.

1100 Kilocycles

- WOV—Greater New York Broadcasting Corp., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

1120 Kilocycles

- NEW—Willard Carver, Thomas B. Williams and Byrne Ross, Lawton, Okla.—Construction permit for a new broadcast station to be operated on 1120 kc., 250 watts, daytime. Amended to omit name of Thomas B. Williams from partnership.

1170 Kilocycles

- NEW—Contra Costa Broadcasting Co., Richmond, Calif.—Construction permit for a new broadcast station to be operated on 1170 kc., 500 watts, limited time. Class II station.

1190 Kilocycles

- WOAI—Southland Industries, Inc., San Antonio, Tex.—License to cover construction permit (B3-P-2759) for changes in equipment.

1200 Kilocycles

- KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Authority to determine operating power by direct measurement of antenna power.
- KPHO—M. C. Reese, Phoenix, Ariz.—Modification of construction permit (B5-P-2182) as modified for a new station, requesting change in type of transmitting equipment.

1210 Kilocycles

- WCRW—Clinton R. White, Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

1280 Kilocycles

- NEW—Atlantic Broadcasting Corp., Miami, Fla.—Construction permit for a new broadcast station to be operated on 940 kc., 500 watts night, 1 KW day, unlimited time. Amended to change frequency from 940 kc. to 1280 kc., and make changes in antenna (1310 kc. under N.A.R.A.)

1310 Kilocycles

- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Modification of construction permit (B3-P-1871) which authorized increase in power, change in frequency, change in hours of operation, new transmitter, changes in antenna, and move of transmitter, requesting authority to change type of transmitter to be installed.
- WLAV—Leonard A. Versluis, Grand Rapids, Mich.—License to cover construction permit (B2-P-2588) as modified for a new station.
- WLAV—Leonard A. Versluis, Grand Rapids, Mich.—Authority to determine operating power by direct measurement of antenna power.

1330 Kilocycles

- KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Authority to determine operating power by direct measurement of antenna power.

1370 Kilocycles

- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Construction permit to change frequency from 1370 to 1040 kc. (1080 kc. if North American Regional Agreement becomes effective prior to action); increase power from 250 watts to 5 KW; install new transmitter and directional antenna for day and night use; move studio from New Albany to Louisville, Ky., move transmitter locally. Amended to make changes in directional antenna.
- WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to change frequency from 1370 to 1050 kc. Amended: To request 1140 kc.
- KLUF—The KLUF Broadcasting Co., Inc., Galveston, Texas.—License to cover construction permit (B3-P-2741) for new transmitting equipment.
- WDEF—Joe W. Engel, Chattanooga, Tenn.—Modification of construction permit (B3-P-2483) for a new station, requesting authority to install new transmitter, approval of antenna and approval of studio and transmitter site at Volunteer State Life Building, Chattanooga, Tenn.

1470 Kilocycles

- WMEX—Joe W. Engel, Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna power.
- WMEX—The Northern Corp., Boston, Mass.—License to cover construction permit (B1-P-1167) as modified, for new transmitter, directional antenna day and night, increase in power, change in frequency and move of transmitter.

1480 Kilocycles

- WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to change hours of operation from specified hours to unlimited time, employing directional antenna day and night. Amended: To make changes in directional antenna.

1500 Kilocycles

- KXO—F. M. Bowles, El Centro, Calif.—Voluntary assignment of license from F. M. Bowles to Valradio, Inc.
- KAWM—A. W. Mills, Gallup, N. Mex.—Voluntary assignment of license from A. W. Mills to A. W. Barnes.
- KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—License to cover construction permit (B5-P-2892) for new equipment and increase in power.
- WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—Authority to determine operating power by direct measurement of antenna power.

1530 Kilocycles

- WAKR—Summit Radio Corp., Akron, Ohio.—Modification of construction permit (B2-PSB-14) as modified for a new station, requesting authority to change type of transmitter.

1550 Kilocycles

- NEW—West Publishers, Inc., Dallas, Tex.—Construction permit for a new broadcast station to be operated on **1550 kc.**, 5 KW, unlimited time, Class III-A station. Amended to specify transmitter site as southeast of Dallas, Tex.

FM APPLICATION

- NEW—William G. H. Finch, New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**; coverage, 4,400 square miles; population, 10,600,000.

MISCELLANEOUS

- W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to change frequencies to comply with amended Section 4.154(a), 1614, 2398, 3492.5, 4797.5, 6425, 8650, 8660, 9135, 12862.5, 17310, 23100, 30660, 31020, 31140, 31180, 31540, 33340, 33460, 33620, 35060, 35460, 37060, 37140, 37540, 39140, 39540, 39460, 116050, 116250, 116450, 116850, 117050, 117250, 117650, 118050, 118250, 118450, 118650, 118850, 156525, 156975, 157425, 157725, 158175, 159075, 160425, 161325, 161775, 162000-168000, 210000-216000, 264000-270000, 300000-400000, 401000 kc. and above. Amended: To delete frequencies 8650 and 8660 kc.
- NEW—Henry J. Walczak, tr/as Walczak Laboratory, Springfield, Mass. Construction permit for a new television broadcast station to be located at 360 Worthington Street, Springfield, Massachusetts, to be operated on **1604-1624 kc.**, 250 watts, unlimited time, special and A-3 emission. Amended: To change location to 458 Bridge Street, Springfield, Massachusetts.
- WEKW—Travelers Broadcasting Service Corp., Mobile, Ala.—Construction permit to install new equipment and decrease power from 25 to 15 watts.
- W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to cover construction permit (B1-PFB-19) for local move or transmitter.
- W2XJI—Bamberger Broadcasting Service, Inc., Newark, N. J.—License to cover construction permit (P1-PHB-183) for local move of transmitter.
- NEW—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit for a new television broadcast station to be operated on **78000-84000 kc.**, 1000 watts visual and aural, emission A-3 and A-5. Class II Television station. Amended: Re: transmitter site to be determined.
- W6XDL—Don Lee Broadcasting System, San Francisco, Calif.—Modification of construction permit (B5-PVB-19) which authorized a new television station, requesting approval of transmitter site and antenna.
- W10XF—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to change frequencies to comply with amended Section 4.154(a), 1614, 2398, 3492.5, 4797.5, 6425, 8650, 8660, 9135, 12862.5, 17310, 23100, 30660, 31020, 31140, 31180, 31540, 33340, 33460, 33620, 35060, 35460, 37060, 37140, 37540, 39140, 39540, 39460, 116050, 116250, 116450, 116850, 117050, 117250, 117650, 118050, 118250, 118450, 118650, 118850, 156525, 156975, 157425, 157725, 158175, 159075, 160425, 161325, 161775, 162000-168000, 210000-216000, 264000-270000, 300000-400000, 401000 kc. and above. Amended to delete 8650, 8660 kc.

WLWO—The Crosley Corporation, Cincinnati, Ohio.—Modification of license to change frequencies and hours of operation as follows: Delete frequency **11870 kc.** and add **11710 kc.** (unlimited time); effective 11-1-40 delete frequency **15270 kc.** and add **15250 kc.** (unlimited time), and operate unlimited time on **9590 kc.**

NEW—University of Illinois, Farm Area, south of Champaign, Ill. Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190 and 2830 kc.**, power 20 watts, emission A3. Amended re frequency monitor.

WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to cover construction permit (B1-PRE-340) as modified, for move of transmitter.

W3XWT—Allen B. DuMont, Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31) for a new television broadcast (experimental) station, requesting extension of commencement and completion dates from 9-19-40 and 3-19-41 to 1-1-41 and 7-1-41 respectively.

KAQY—Don Lee Broadcasting System, area of Los Angeles, Calif. Modification of construction permit (B5-PRE-297) as modified for a new relay broadcast station, requesting change of frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.**, and extend commencement and completion dates from 6-10-40 and 12-10-40 to 60 days after grant and 180 days thereafter respectively.

NEW—L. B. Wilson, Inc., area of Cincinnati, Ohio.—Construction permit for a new relay broadcast station to be operated on **31220, 35620, 37020, 39260, kc.**, 2 watts, A-3 emission, unlimited time.

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.

Detroit Candy & Tobacco Jobbers Assn., Inc.—A complaint has been issued against the Detroit Candy & Tobacco Jobbers Association, Inc., Detroit, and its officers and members, alleging a combination and agreement to restrain trade in the sale of candies, tobaccos and groceries.

Association officers named respondents are: Calvin J. Gauss, president; Vene G. Perry and Jacob Starkstein, vice presidents; Archie Cherrin and Harry T. Bump, secretaries, and Joseph Bianco, treasurer. Respondents directors are: Charles Nalbandian, B. J. Mendel, Joel Levy, and V. H. Nalbandian.

The association membership, according to the complaint, comprises a majority of the Detroit area's buyers and sellers of candies and tobaccos in wholesale quantities. The complaint names as representative of the association membership: Morris, William and Jacob Starkstein, trading as General Tobacco & Grocery Company, 5280 Fourteenth St.; Archie Cherrin, trading as Joseph Kohn & Co., 1365 Gratiot Ave.; Joseph Bianco, trading as B. & G. Candy Company, 444 E. Jefferson St.; Charles Nalbandian, trading as N. Nalbandian, 9111 Joseph Campau Ave.; Joel Levy, trading as Auto City Candy Company, 2937 St. Aubin St.; V. H. Nalbandian, trading as Chaffee & Co., Inc., 11736 E. Jefferson St.; Vene G. Perry, trading as Detroit Candy Company, 1528 Gratiot Ave., and Calvin J. Gauss, trading as Charles Gauss Company, 2155 Grand River Ave.

Pursuant to their combination and agreement, the respondents, according to the complaint, limit the number of buyers and sellers of candies, tobaccos and groceries in wholesale quantities, by (1) determining and agreeing among themselves as to who shall enter or remain in such business; (2) interfering with the sources of supply of those whom they determine should not enter or remain in the business, by boycotting, intimidating, and threatening to boycott the manufacturers and suppliers, and persuading them not to sell to such concerns; (3) refusing to sell to persons, firms and

corporations not selected by the member respondents to enter or remain in the business, and (4) coercing and persuading jobbers, wholesalers and suppliers of candies, tobaccos and groceries located in cities adjacent to Detroit and in States other than Michigan, to refrain from making or soliciting sales in Detroit and the surrounding trade area.

The complaint further alleges that the member respondents concertedly classify customers, allocate business, fix discounts and enter into numerous understandings and agreements regarding their respective business and sales problems, and have concertedly enforced adherence to agreements and understandings; have harassed competitors and interfered with the conduct of their businesses by spying on their shipments, sent or received, and upon their truck deliveries and other business operations, and have used the respondent association, together with its officers and directors, as a vehicle or implement for the furtherance of their joint purposes, plans and activities.

According to the complaint, the respondent association and its officers and directors have cooperated with member respondents in carrying out and furthering the understanding and agreement. (4321)

Eastman Kodak Company, Rochester, N. Y., is charged with violation of the Federal Trade Commission Act in the sale of certain of its amateur photographic film products, in a complaint.

Since February, 1938, the complaint alleges, in connection with the sale of its "Kodachrome" film for the taking of colored still and motion pictures, and its "Magazine Cine-Kodak Film" or so-called "Magazine" film, both black and white and colored, the respondent corporation has used and is now using a resale price maintenance policy and system for fixing and controlling the prices at which retail dealers resold and resell the two classes of film to the public, and for causing such products to sell at prices uniform among such dealers.

In carrying out its price maintenance policy, according to the complaint, the respondent corporation and those cooperating with it prevent retail dealers from selling at less than the established prices by entering into agreements and understandings with the respondent's dealer customers in the 44 States having Fair Trade Acts to the effect that they will sell Kodachrome and Magazine film to the public at prices fixed by the agreements and understandings and as fixed from time to time by the respondent corporation, such prices to be uniform as among the respondent's dealer customers.

The complaint alleges that in carrying out its price maintenance system the respondent makes it generally known to the trade by its salesmen general trade notices, letters and other means, that it expects and requires dealers handling its Kodachrome and Magazine film to maintain and enforce its resale prices, and that it will refuse to further sell and supply such products to dealers failing to maintain and enforce such prices.

In connection with the execution of its system and policy, the complaint alleges, the respondent seeks and receives from dealers handling its products reports of the failure of other dealers handling such products to observe and maintain its resale prices.

The direct effect and result of the respondent's system, methods and practices, the complaint alleges, have been to suppress competition in the sale of Kodachrome and Magazine film; to prevent dealers from selling such products at prices lower than those fixed by the respondent, if they so desire, and to deprive ultimate purchasers of advantages in price they would otherwise obtain under conditions of free competition.

The complaint alleges that the respondent's Kodachrome and Magazine films are not sold in free and open competition with commodities of the same general class produced or distributed by others. The respondent, according to the complaint, is the only manufacturer and distributor of film for colored motion pictures in the United States, and there is a single competing distributor of film manufactured abroad for use in taking colored still pictures, the sale of which are negligible with reference to sales of the respondent corporation's film for taking colored still pictures. (4322)

McK. Edwards, Valley, Wash., according to the complaint, advertised that "McK. Edwards' Eczema Remedy" constitutes a cure or remedy for, and has substantial therapeutic value in the treatment of eczema, poison oak and poison ivy; that eczema is caused by microbes in the skin and that a cure may be affected by destroying such microbes through the external application of the respondent's preparation, and that the product is entirely safe and harmless for use except in the case of infants, when such are not the facts.

The respondent's preparation, the complaint continues, is not safe or harmless in that it contains an unusually high percentage of salicylic acid and its frequent repeated application to the skin, as directed, has the effect of dissolving and destroying skin tissues. Moreover, the complaint continues, the use of the preparation is highly irritating and painful in cases where the surface epithelium is denuded, raw or inflamed.

The complaint further charges that the respondent's representations constitute false advertisements in that they fail to reveal that use of the preparation under the conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in injury to health. (4317)

Gene Hughes Drug Stores, Inc., and Eugene P. Hughes, its president, both trading as Sacramento Pharmacal Company, Sacramento, Cal., according to the complaint, represented that the preparation "Slendoids," also known as "Slendoids Nu-Form Capsules," is a cure or remedy and a safe, competent and effective treatment for obesity, and that its use will tone up the entire system, turn ugly fat into energy, and relieve the body of excess fat without harmful effects, when such are not the facts. The complaint alleges that the preparation's properties are limited to effecting weight reduction because of the cathartic dehydration resulting from its use and that because of such action its use may irritate the colon and rectum and tend to produce an irritation of the nervous system resulting in serious injury to health. (4316)

Lo-Well Pencil Company—Alleging misrepresentation, complaint has been issued against James R. Kaye, trading as The Lo-Well Pencil Company and The Lo-Well Company, 40 West 24th St., New York, a dealer in pencils, carbon paper and other merchandise.

The complaint alleges that the respondent advertises that certain of his fountain pens offered as premiums have points or nibs made of or covered with iridium or "durium", and that such pens are of high quality, when in fact the points of the respondent's fountain pens are not tipped or covered with substances known as iridium or "durium", and are not of fine quality. The complaint alleges that there is no metal or substance known to science or industry as "durium".

Further typical of the respondent's methods, the complaint continues, is the practice of placing in circulars pictorial representations purporting to illustrate cameras offered as premiums, when in fact the cameras actually sent to customers are not of the grade and quality pictured.

The respondent, according to the complaint, misleadingly represents the quality of pencils by use of the words and phrases: "100% first quality in every respect"; "New"; "Better"; "Outwears ordinary pencils", and "New record-breaking price reduction", when in fact, the pencils so designated are not 100 per cent first quality but are of the type ordinarily selling at retail for 2½ cents each, while first grade pencils generally sell for 5 cents each. (4310)

Morton Salt Company, 208 West Washington St., Chicago, is charged with price discrimination in violation of the Robinson-Patman Act in a complaint.

The complaint alleges that the respondent corporation has discriminated in price between different purchasers by selling its products to some customers at lower prices than it sells products of like grade and quality to other customers competitively engaged with the favored customers.

One of the discounts granted by the respondent, the complaint continues, amounts to approximately five per cent of the list price to customers purchasing a carload of salt. In addition, it is alleged, a five per cent discount is allowed to customers whose purchases of salt during a 12-month consecutive period equal or exceed \$50,000. This discount, according to the complaint, is allowed on a "split business" basis to customers who do not purchase from the respondent \$50,000 worth of salt during a 12-month consecutive period, provided, however, that the total purchases of salt from all sources made by such customer total \$50,000 during that period of time.

In lieu of but not in addition to these discounts, the complaint continues, the respondent grants to customers who purchase during a 12-month consecutive period 5,000 or more cases consisting of 24 packages to a case of "free running" table salt and "iodized" salt, a discount of 10 cents a case, and to customers who purchase 50,000 or more cases of this type of salt, a discount of 15 cents a case.

In addition, the complaint continues, discriminations in price between different purchasers of the respondent's products result from the respondent's "combine selling" of salt to an individual customer where the delivery is made to the customer's several branches or outlets at prices based upon the total quantity or volume delivered to all of that customer's separate branches or outlets, provided that such total quantity or volume amounts to the required minimums during the 12-month consecutive period and is not based upon the quantity or volume which the respondent delivers to the respective branches or outlets. (4319)

Sacramento Pharmacal Company—See Gene Hughes Drug Stores, Inc.

Salt Producers Association—A complaint has been issued against the Salt Producers Association, 2137 Book Building, Detroit, 20 salt companies which sell and distribute a large percentage of the national salt production, and a New York business management and engineering organization, charging combinations and conspiracies for prevention of price competition in the sale of salt.

Respondent salt companies are: Avery Salt Company (a subsidiary of International Salt Company), and Myles Salt Company, Ltd., both of New Orleans; Barton Salt Company and Carey Salt Company, Hutchinson, Kans.; Cayuga Rock Salt Company, Myers, N. Y.; Colonial Salt Company, Akron, Ohio; Detroit Rock Salt Company and Mulkey Salt Company, Detroit; Diamond Crystal Salt Company, Inc., and Worcester Salt Company, New York; International Salt Company, Scranton, Pa.; Jefferson Island Salt Company, Inc., Louisville, Ky.; Hardy Salt Company, St. Louis; Morton Salt Company and its subsidiary Ruggles & Rademaker Salt Company, Chicago; Ohio Salt Company, Wadsworth, Ohio; Saginaw Salt Products Company, Saginaw, Mich.; Union Salt Company, Cleveland; Watkins Salt Company, Watkins Glen, N. Y., all of which are members of the respondent Salt Producers Association, and American Salt Corporation, Kansas City, Mo.

The respondent business management and engineering organization consists of the Stevenson Corporation, Charles R. Stevenson, T. M. Harrison, C. H. Ferris, N. M. Perris, E. G. Ackerman, A. H. Dyer, R. E. Case, F. L. Sweetser, W. R. Guthrie, A. P. Nonweiler, S. M. Hudson, R. R. Bliss, L. B. Platt, Howard Marvin and D. M. Metzger, partners in business under the firm name of Stevenson, Jordan and Harrison, 19 West 44th St., New York, who, according to the complaint, have recommended, directed and supervised the respondent salt companies' activities in furtherance of the alleged combinations and conspiracies.

The complaint alleges that pursuant to their understandings, agreements and conspiracies, beginning about October, 1935, the respondent salt companies have fixed and maintained uniform prices, terms and conditions in the sale of salt; established a national system of zones to aid in the establishment and fixing of such prices, and cooperated in the maintenance of the various prices determined for particular zones; curtailed the production of salt, and, for the purpose of enforcing the agreement to curtail production, filed invoices and other reports with the respondent Salt Producers Association; through that association, exchanged price lists in order to establish the prices at which salt is to be sold; and exchanged information to be used in connection with the fixing of prices, discounts, terms and conditions of sale of salt.

Salt Producers Association, the complaint continues, collects from and distributes among the member respondents and other participants in the alleged agreements, statistical information used in carrying out the agreements, and they distribute among the member respondents and participating non-members lists showing the current prices, terms and conditions of sale, dealers and distributors to be allowed special discounts, and other information. (4320)

STIPULATIONS

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

Brown Drug Company, 212 East Tenth St., Sioux Falls, S. D., has made a stipulation in which it agrees to cease and desist from certain representations in the sale of "Spencer's Cold Ointment".

The respondent corporation stipulates that it will desist from advertising its preparation as having a wool fat base, as containing

double strength or extra strength medication, and as being capable of penetrating the skin.

Other representations which the respondent corporation agrees to discontinue are that its preparation is manufactured by a laboratory; that it is a competent remedy or an effective treatment for colds, and that cold ointments made with a mineral jelly base stay on the surface of the skin because of the presence of the mineral jelly. (02635)

Chinese Linen Importing Company—Two New York importers have entered into stipulations to cease and desist from certain representations in the sale of Chinese and Japanese linens, laces and handkerchiefs. The respondents are Charles Mamiye and Jacob Hidary, a co-partnership trading as Chinese Linen Importing Company, 7 West 30th St., and Salim S. Dweck, 15 West 30th St.

True Tuscany lace, the stipulation points out, is a hand-made file lace of grape design produced from linen thread in the Tuscany district of Italy.

Each respondent agrees to cease using the word "Tuscany" or words of similar meaning (either with or without the explanation "Made in China" in the case of the Chinese Linen Importing Company) as descriptive of the laces or other articles sold by them which are not in fact true Tuscany lace actually made in Tuscany of linen thread; or in any way, by assertion or inference, misrepresenting the type, quality or origin of an article offered for sale. (2930-2931)

Continental News, Inc.—Walter C. Rathke, trading as W. C. Rathke Laboratories, 303 Oppenheim Building, St. Paul, and The Continental News, Inc., 402 Corn Exchange Building, Minneapolis, have entered into stipulations in which they agree to cease and desist from certain representations in the sale of cosmetics. The respondent Rathke is a cosmetics dealer and Continental News, Inc., publishes a magazine called "True Mystic Science" and sells cosmetic products under the trade designation "Mystic Glow."

Each respondent agrees to cease quoting any marked-up or fictitious prices for products; advertising an article as being "free" when the cost is included in the price charged for a combination offer of such article with some other commodity, as a magazine subscription; designating a complexion cream as a "tissue cream" or representing that any of the creams sold by the respondents is a skin "normalizer" or that it "penetrates deep" into the pores or promotes skin health, or otherwise that it has any beneficial effect upon the tissues of the skin cell structure.

The respondents also agree to desist from representing that a cleansing cream "revitalizes" the skin or otherwise affects it beyond the normal result of cleansing its surface, and to discontinue representing that the cactus plant has any recognized curative or mystic healing properties; that an "oil" extracted from cactus has been known since ancient civilization to possess any unusual healing qualities; that such cactus product or any other ingredient in the respondents' preparations lubricates withered skin to suppleness, stimulates fatigued glands into releasing the precious drop of moisture confined at the bottom of each pore, or penetrates into sluggish or atrophied glands or nourishes them into activity.

The respondent Rathke stipulates that he will cease using the word "Laboratories" as part of his trade name or as descriptive of his business. The stipulation points out that the respondent neither owns, operates nor controls any laboratory for making the preparations he sells, but compounds them in his home. (2927-2928)

W. T. Hanson Company, 31 Lafayette St., Schenectady, N. Y., has entered into a stipulation in which it agrees to cease advertising that "Dr. Williams Pink Pills" build blood, aid breathing, restore underweight persons to normal weight, render one less susceptible to colds or diseases, enable every gland, organ or muscle to function better, and are a competent treatment or effective remedy for fatigue, "fatigue anemia," and certain conditions caused by the menopause or puberty. The respondent corporation stipulates that it will cease representing that a low blood count is due entirely to red corpuscle deficiency; that pimply skin indicates an iron deficiency, or that the use of Dr. Williams Pink Pills will clear the skin. (02637)

Midwest Optical Supply—Trading as Midwest Optical Supply, Joseph T. Cline, Harriet T., Carol H. and Robert L. Cline, co-

partners, 16 East Fourth St., Dayton, Ohio, have entered into a stipulation to cease and desist from certain representations in the sale of optical goods.

They agree to cease designating spectacle frames or other products as "rhodium" when not composed throughout of rhodium, and to clearly indicate in their trade designations when the article advertised consists of some metal other than rhodium, and only the surface has been finished or coated with rhodium.

The respondents also stipulate that they will cease employing the term "semi-precious" as descriptive of products made of so-called "villadium" which are not composed in part at least of the precious metals, and that they will cease using the word "precious," either alone or in connection with the word "semi," or with any other words, so as to imply that such products are made of an alloy composed of metals, one or more of which are "precious" metal.

The respondents further agree to discontinue use of the word "Certified" as applied to or descriptive of an article which has not been analyzed or appraised by an authorized impartial agency, its quality being duly attested in writing by such agency to be as represented. (2929)

Ohio Airway Surgical Company—See Ohio Truss Company.

Ohio Truss Company, trading as Ohio Airway Surgical Company, 10 East Ninth St., Cincinnati, engaged in selling girdles designated "Air-way Reducing Girdles," has entered into a stipulation in which it agrees to cease and desist from representing that the action of an Air-Way Girdle upon the wearer is massage-like or otherwise representing that the girdle will massage the body of the wearer; that wearing an Air-Way Girdle will cause one to reduce or will effect a definite reduction in weight or measurement, or result in the loss of fatty tissue; that Air-Way Girdles are non-absorbent; that the possibility of skin infection from excreted waste matter absorbed by a girdle is eliminated by wearing an Air-Way Girdle; that Air-Way Girdles are the only girdles having none of the objectionable features of rubber girdles, or that they are the only girdles which may be worn next to the body with complete comfort, or that the material used in Air-Way Girdles shrinks with wearing or laundering. (02636)

W. C. Rathke Laboratories—See Continental News, Inc.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

W. C. Allen Candy Company, Inc., 1028 East Burnside St., Portland, Oreg., and Queen City Candy Company, Inc., 531 Bruns Ave., Charlotte, N. C., have been ordered to discontinue the use of lottery methods in the sale of candy.

The orders prohibit the respondents from selling and distributing candy or any other merchandise so packed and assembled that sales to the general public may be made by means of a lottery; supplying others with candy or any other merchandise, together with lottery devices which may be used in selling or distributing such candy or merchandise to the public; supplying others with lottery devices, either with assortments of merchandise or separately, which devices may be used in selling merchandise to the public or selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4156-4220)

American Drug and Chemical Company, 420 South Sixth St., Minneapolis, has been ordered to cease and desist from misrepresentations in the sale of its preparations designated "Ardanol," "Chloro-Zol" and "Germ-I-Tabs."

The order directs that the respondent corporation cease and desist from representing that its preparation "Ardanol," which has been advertised for use in cases of Vitamin E deficiency, is a cure or remedy for sterility or will restore or beneficially affect fertility or possesses any value as a preventive of abortion; that the preparations "Chloro-Zol" and "Germ-I-Tabs" constitute competent or effective antiseptics or germicides or a reliable or effective

means of feminine hygiene, and that "Chloro-Zol" constitutes a competent or effective treatment for bromidrosis, tetter, itching and irritations of the skin, blisters on the feet, acne, boils, halitosis or body odors.

Commission findings are that the respondent's products do not generally accomplish the results claimed and that while "Chloro-Zol" and "Germ-I-Tabs" possess antiseptic properties of a low toxicity, they are not competent or effective antiseptics or germicides. (4200)

Benton Announcements, Inc., engaged in the business of printing stationery for social and business purposes, with its principal place of business located at 16 East Tupper St., Buffalo, N. Y., has been ordered to cease and desist from misrepresentation of its products.

Findings of the Commission are that the respondent, in circular letters and literature, has represented, among other things, that "Benton craftsmen have evolved the most economic method devised for producing genuine plate engraving." In its various catalogs, letters and other literature, there appear numerous statements wherein the respondent refers to the process by which it prints letters, words and designs on stationery as a process of engraving, and refers to the products manufactured by it as being genuine plate engraving, and to the respondent as an engraver, according to findings.

The word "engraving," as it is used in the graphic arts, the Commission finds, may be applied either to an engraved intaglio plate upon which letters, words or designs have been incised or cut, or to the impressions made from such a plate.

In truth, the findings continue, the respondent is not an engraver and the stationery offered for sale and sold by it is not engraved stationery, but is in fact a printed product. The respondent's stationery is produced by printing on a printing press, and after it is printed it is allowed to dry for a day, and then the printing is "bumped up" or embossed by the use of a plate. The Commission finds that it is absolutely essential to the true engraving process that the plate be inked and the impression taken on a blank paper from the inked plate in one operation. The respondent's products, according to findings, are not produced in this manner, and cannot properly be represented or described as "engraved," but rather as "raised printing."

The respondent is ordered by the Commission to cease and desist from (1) using the words "engraved," "engraving" or "engravers," either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products on which the lettering, inscriptions or designs have been printed from inked type faces, electrotypes or similar devices, and which lettering, inscriptions or designs have been given a raised letter effect by an embossing process wherein the plates used have not been previously inked so as to make an inked impression on the paper stock at the time the embossing impression is made; (2) using the words "engraved," "engraving" or "engravers," either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products, or the nature or character of the respondent's business, unless and until the respondent produces the stationery products so designated, described or referred to by a process which consists essentially in the application of blank stationery to an inked intaglio plate under pressure sufficient to force the surface of the stationery into the letters or designs, which are cut or incised on the plate, so that the ink in such plate adheres to the stationery to form letters, words, characters or designs which are in relief and raised from the general plane of the surface of the stationery. (3425)

Cohen's Cut Rate Drug Store—Louis, Sol and Marvyn Cohen, trading as Cohen's Cut Rate Drug Store, as Cohen Drug Co., and as Cohen's operators of a chain of drug stores in West Virginia, with their main store located at 160 Summers St., Charleston, W. Va., have been ordered to cease and desist from misrepresentation of a drug preparation designated as "Soluble Gelatin Capsules No. 5, ApioI and Ergotin Compound", and sold as "Lady Lydia Capsules".

The Commission finds that the respondents, in false advertisements distributed through the U. S. Mails and by other means, have represented that the preparation is a competent and effective treatment for delayed menstruation, and that it is safe and harmless. These statements and representations, the findings continue, are false and misleading, as the preparation is not a competent or effective treatment for delayed menstruation, and contains certain

drugs in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual. The advertisements are also false, the findings continue, in that they fail to reveal that the use of the preparation under conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health.

The respondents are ordered to cease and desist from further dissemination of any advertisements which represent that the preparation is a competent or effective treatment for delayed menstruation or that it is safe or harmless, or which advertisements fail to reveal that its use may result in serious or irreparable injury to the health of users. (4202)

Empire Style Designers League, Inc.—An order to cease and desist from certain acts and practices was issued against Empire Style Designers League, Inc., 276 Fifth Ave., New York, and its members: Sol Vogel, trading as Sol Vogel Fashion Imports, and Octave Golos, both of 330 Seventh Ave.; Alexander Greenstein and Abraham Fessler, doing business as Greenstein Fur Modes, 345 Seventh Ave.; Samuel Handelman, Mendel Levine, and Anthony T. Sozio, all of 333 Seventh Ave.; Lazare T. Sherman, 370 Seventh Ave.; Evangelista Petrocelli, trading as Van-Celli Fur Fashion Company, 127 West Thirtieth St.; Benedict Savio, trading as Savio Fur Modes, 352 Seventh Ave., and Bern Publishers, Inc., trading as American-Mitchell Fashion Publishers, 360 Seventh Ave., all engaged in the creation of styles and the designing and making of patterns for women's fur coats, and the grading, copying and sale and distribution of such patterns in interstate commerce.

Findings of the Commission are that the membership of Empire Style Designers League, Inc., is composed of the corporations, partnerships, firms and individuals named as respondents, and that the League was formed with the purpose and effect of serving as a clearing house for, and with the joint cooperation of, its members.

The Commission further finds that the respondents, during the last three years, had entered into and carried out an agreement, combination and conspiracy with each other and with others to hinder and suppress competition in the interstate sale and distribution of their products, and that pursuant to the agreement and conspiracy the respondents have collectively and cooperatively arranged for and fixed uniform prices at which their products were to be sold; published such prices in newspapers and periodicals, and adhered to uniform prices at which their products were and are to be sold, as set forth in their published price lists.

The respondents are ordered to cease and desist, pursuant to their agreement or understanding, from arranging for and fixing uniform prices at which their products are to be sold; publishing or causing such fixed prices to be published in lists, newspapers, magazines or other periodicals and circulars, and adhering to fixed prices at which their products are to be sold. (4136)

Fresh Grown Preserve Corp.—See Sun Distributing Company, Inc.

Galvin Manufacturing Company—See Radio Manufacturing Company, Inc.

Hills Brothers Company—An order has been issued requiring three distributors of dates to cease and desist from practices deemed to be in restraint of competition. The respondents are The Hills Brothers Company, 110 Washington St., New York, importer; E. Suren, London, Eng., importer of dates into the United States, and Persian Gulf Products, Inc., 67 Wall St., New York, seller and distributor.

Commission findings are that early in 1939, the Kingdom of Iraq, which has produced approximately 83 per cent of the dates consumed in the United States in the last four or five years, entered into a five-year agreement with Andrew Weir & Co., London, Eng., which provided, among other things, that the Weir firm should have the exclusive right to purchase, and to grant permits to purchase, all dates grown in Iraq and packed in boxes, and that that firm in turn should buy from the growers in Iraq specified quantities of such dates at specified prices, for export.

The findings further relate that on or about May 15, 1939 an understanding was reached among Andrew Weir & Co., E. Suren, African & Eastern (Near East), Ltd., of London, Eng., an exporter

of Iraq dates to the United States, and The Hills Brothers Company, whereby the Weir firm was to grant permission to the three other companies, their agents and representatives, to purchase and pack for importation into the United States and Canada, dates of the 1939 crop grown in Iraq and packed in boxes, and to refrain from granting such permission to any others. It was further understood, the findings continue, that Andrew Weir & Co. would not permit a greater quantity of such dates to be exported from Iraq to the United States and Canada than the average annual quantity that had been so exported from Iraq in the previous five-year period.

The understanding was carried out, according to the findings, and other firms, some of which had formerly obtained dates grown in Iraq for importation into the United States, in attempting to obtain such dates, met with the refusal of Andrew Weir & Co. to grant them the necessary permission and rights, and were unable to obtain such dates for importation.

The Commission order directs The Hills Brothers Company, E. Suren and Persian Gulf Products, Inc., their officers, agents and employees, to cease and desist from entering into, participating in, carrying out or being party to any plan, arrangement, understanding or agreement to: (1) limit, restrain, lessen or hinder competition in trade and commerce in dates between and among the States of the United States and between and among the United States and foreign countries, or to monopolize the sale and distribution of dates in such trade and commerce; (2) curtail or limit the number of persons, partnerships, corporations or individuals importing dates into the United States; (3) hinder such importers in the conduct of their respective businesses, either by cutting off sources of supply or by any other similar means, or (4) limit or restrict date importations into the United States, or fix or determine the quantities that may be imported annually from Iraq or any foreign country.

The Commission ordered that its complaint in this proceeding be dismissed as to the respondents Joseph Essaye, and Hund Steinharter and Lester Nordlinger, copartners, trading as Steinharter & Nordlinger, all of New York, agents for E. Suren; The United Africa Company, Ltd., London, Eng.; African & Eastern (Near East), Ltd., London, Eng., exporter which, although not named as a respondent in the complaint, stipulated that it could be considered as so named, and W. A. West, its employees, and Balfour, Guthrie & Co., Ltd., New York, its selling agent; and Alexander Weir, of the firm of Andrew Weir & Co. (4105)

Kant-Slip Manufacturing Company—Samuel Benensohn and L. Benensohn, trading as Kant-Slip Manufacturing Company, engaged in the sale and distribution of a belt dressing known as "Kant-Slip Belt Dressing," 451 East 63rd St., Chicago, have been ordered to cease and desist from misrepresentation of their product.

In advertisements distributed throughout the various States by means of circulars, pamphlets and otherwise, the respondents have represented, the Commission finds, that their product is a positive preservative; that its use will prolong the life of leather, canvas and fiber belts, and that it will make and keep belts made of such material soft and pliable.

In truth, the Commission finds, the product consists principally of resin and denatured alcohol, neither of which is a preservative, and in fact use of the product on leather belts has a solvent action on the oils and greases in the leather and tends to remove them and cause the leather to become dry and brittle.

The respondents are ordered to cease and desist from representing that the belt dressing will preserve or prolong the life of leather, canvas and fiber belts or that the belt dressing will make such belts soft or pliable. (3963)

Persian Gulf Products, Inc.—See Hills Brothers Company.

Queen City Candy Company, Inc.—See W. C. Candy Company, Inc.

Radio Manufacturing Company, Inc.—An order has been issued requiring Automatic Radio Manufacturing Company, Inc., Boston, Galvin Manufacturing Corporation, Chicago, and the Pep Boys—Manny, Moe and Jack, Inc., Philadelphia, to cease and desist from unauthorized use of the trade name "Remington" to designate radios, tubes and other radio parts.

Commission findings are that the Automatic and Galvin companies, manufacturers, sold radio sets and parts bearing the name Remington exclusively to the Pep Boys organization, which operates a chain of 52 stores in various cities, and that the two manufacturing corporations have cooperated with the Pep Boys company in adopting and using the name Remington to identify and designate radios sold by them to the Pep Boys company for resale to the purchasing public.

The name Remington, according to findings, is the name or part of the name of a number of corporations well known and long established, some of which employ it as a trade name, mark or brand for the products they make and sell; and the respondents' use of the name has been without the authority or consent of any of the corporations which have heretofore so used it.

The Commission order directs the Automatic Radio Manufacturing Company, Inc., Galvin Manufacturing Corporation, and the Pep Boys—Manny, Moe and Jack, Inc., in connection with the sale of radio sets, tubes and parts, to cease and desist from using the word Remington or any simulation of it, whether spelled the same or not, as a brand or name to mark, designate, describe or refer to radios, radio tubes or other radio parts.

The Commission further ordered that its complaint in this proceeding be dismissed as to the Ferguson Radio and Television Company, Inc., New York, which was named as a respondent in the complaint, but which is no longer in business. (3762)

Rite Packing Corporation—See Sun Distributing Company, Inc.

Sekov Corporation, and Edwin H. and Hazel Ruth Vokes, its officers, trading as Sekov Reducing Studios, 6404 Hollywood Blvd., Hollywood, Calif., has been ordered to cease and desist from misrepresentations in the sale of a medicinal preparation for treatment of obesity advertised as "Sekov Reducer" and "Sekov."

Commission findings are that, contrary to the respondents' representations in newspaper, periodical or circular advertising, their preparation is not a scientific treatment for obesity when administered without a thorough medical examination and without scientific care and observation; that it does not guard the health of the user, does not act on a corrective principle, and does not reduce by normalizing the body, and that, contrary to such representations, the preparation does contain cathartics and dangerous drugs. The Commission order prohibits the representations made by the respondents.

Findings are further that "Sekov Reducer" constitutes a treatment for obesity only when used by persons suffering from hypothyroidism. Obesity, the findings continue, may be due to several causes, including the dysfunctioning of the pituitary gland and to excess intake of food, in which cases the use of the respondents' preparation would be improper and ineffective.

Further, the findings continue, the use of the preparation, although it may result in taking off fat by accelerating the rate of metabolism, may seriously weaken the body and its organs, including the heart, and the preparation contains the dangerous drug, extract of thyroid.

The Commission order further forbids dissemination of advertisements which fail to reveal that use of the respondents' preparation under conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health.

The respondents, on petition of the Commission, were restrained last February by the United District Court for the Southern District of California from further dissemination of false advertisements of their preparation until such time as the Commission's

complaint had been issued and final disposition of its proceeding made. (4061)

Sun Distributing Company, Inc.—An order has been issued against Fresh Grown Preserve Corporation, Sun Distributing Company, Inc., and Rite Packing Corporation, all of Lyndhurst, N. J., and formerly located at 32 Thirty-third St., Brooklyn, and Murray and Leo Greenberg, officers and directors of the three corporations, requiring them to cease and desist from misrepresentation in the sale of preserve products designated "Nature's Own," "Top Notch" and "Mardi Gras."

Commission findings are that by means of labels, tags and markers and by statements in price lists and other advertising material, the respondents have represented their products as being fruit preserves or "pure" fruit preserves when in fact they were not preserves or pure preserves within the meaning and popular acceptance of such words but were imitation or sub-standard preserves so closely simulating an unadulterated preserve made from the accepted commercial formula that ordinary inspection would not reveal the difference in fruit content between the two products.

The minimum standard formula used by manufacturers for "preserves" and "pure preserves" (which are the same product in fruit and sugar content), according to findings, is a fruit content of 45 pounds of fruit to 55 pounds of sugar, cooked to a consistency of approximately 68 per cent water soluble solids, such formula being a commercial adaptation of the ordinary cookbook formula of "a cup of fruit to a cup of sugar." A preserve product falling below that standard, the findings continue, constitutes "imitation preserves."

The Commission further finds that the fruit portions of the respondents' products are not composed entirely of the specified fruit represented, but instead they contain in part a mixture of fruits or products other than that specified, and that in designating or advertising their products the respondents do not disclose the substitution of fruits or materials other than those specified.

The Commission order directs the respondents to cease and desist from using the terms "preserves" or "pure preserves" on labels, tags, markers, or in advertising material, or in any other manner, to in any way designate, describe or refer to preserve products which are not prepared from a mixture of clean, sound fruit with sugar in the proportion of at least 45 pounds of fruit to 55 pounds of sugar cooked to an appropriate consistency; from representing in any manner that a product which contains a fruit content in a proportion of less than that provided in the formula mentioned is a pure preserve or a preserve, or is anything other than an imitation or sub-standard preserve, and from representing in any manner that the respondents' products are composed of certain specified fruits, when in fact they contain a mixture of fruits other than those represented.

Commission findings relate that analyses made by the Food and Drug Administration in Washington and by an independent firm of chemists of 42 samples of the respondents' products bought in the open market over a period of approximately 18 months, reveal that with the exception of one sample labeled "grape preserves," all had a fruit content of less than the accepted minimum formula. The average fruit content ranged from 19 pounds of fruit to 55 pounds of sugar as found in one group of four samples, to 30 pounds of fruit to 55 pounds of sugar as found in another group.

Based upon the testimony of manufacturers and chemists, the Commission finds that the respondents, by reason of the use of a lesser amount of fruit resulting in both a saving in cost of fruit and a greater percentage of yield, obtained an advantage in competition over competitors who did not resort to such practice. The Commission further finds that this saving is sufficient to force competitors using the standard formula of 45 pounds fruit to 55 pounds sugar to sell below his actual cost in order to meet this saving in cost. (3682)