



THE WEEK IN WASHINGTON

When must a broadcasting station carry Communist political speeches? This question has been raised hundreds of times since the start of the current campaign. Conditions are different in various states. Information that should prove helpful in making decisions is included in this issue. (p. 4665.)

Practice Makes Perfect was number one tune on the Hit Parade last week. BMI has acquired radio performance rights for the catalogue of G. Ricordi and Company of Milan. It includes 124,000 titles. Seventeen phonograph records of BMI tunes are now on sale. (p. 4666.)

The forty-hour week for employees covered by the Wage and Hour Act goes into effect the first work-week starting after midnight October 23. The minimum wage remains at thirty cents an hour. The Wage and Hour Administration is revising and adding to its opinion about the coverage of performers on sustaining programs. (p. 4668.)

The War Department has published a list of public relations officers of the Selective Service Administration who will cooperate with radio stations in publicizing conscription day. (p. 4669.)

The America First Committee's radio program has been revised to make it conform with Code standards for commercial use. (p. 4670.)

Radio's twentieth birthday is to be celebrated nationally. Plans are being sent out from the NAB (p. 4670.)

Automobile advertising is the subject of the latest Bureau of Radio Advertising study being sent to all members. The NAB has appointed a committee to confer with the American Association of Advertising Agencies on the subjects of the standard order form contract and standard invoice forms. (p. 4671.)

Round table discussions of regulations for the more accurate keeping of program records by international short-wave stations were held at the FCC this week. The broadcasters' committee made certain suggestions which will be submitted to the Commission. The Communications Defense Board held another executive session, continuing its discussion of the whole communications situation. The FCC is sending out a questionnaire to all stations on the subject of foreign language broadcasts. (p. 4671.)

COMMUNIST CANDIDATES

The matter of accepting programs for Communist candidates has caused considerable uncertainty among NAB members. We have tried to render the most accurate advice possible upon this subject. The conditions are different in the various states. In order that we may respond accurately to inquiries and give official information, we have just completed a canvass of the Secretaries of State of the forty-eight states. We asked them the status of the Communist candidates at the present time.

In alphabetical order, by states, we have listed below a resumé of the telegraphic information we have received up to the time the REPORTS go to press. We have, incidentally, requested each of these Secretaries of State to advise us by wire of any change in the status of such candidates. Members are asked to watch future issues of the REPORTS for information as to changes. If the general information contained below leaves any doubt as to the status of Communist candidates in your State, you are cordially invited to submit a specific inquiry to us and we will see that a prompt response is made.

Following is the tabulation:

ALABAMA	—Presidential electors only qualified.
ARIZONA	—No candidates on ballot.
ARKANSAS	—Secretary of State declined to accept filing of Communist candidates. Circuit Court sustained him. Case now on appeal to Supreme Court; probable decision about October 14.
CALIFORNIA	—Forty-four Communist candidates for national and state offices qualified. Law outlawing party not effective until 1941.
COLORADO	—Presidential electors and Congressman from First District qualified.
CONNECTICUT	—Presidential electors and United States senatorial candidate qualified.
DELAWARE	—No Communists qualified. Deadline for filing, October 15.
FLORIDA	—No Communists qualified. Laws do not recognize party.
GEORGIA	—No Communist candidates qualified.
IDAHO	—Presidential electors qualified.
ILLINOIS	—Communist candidates will not appear on ballot.

(Continued on page 4666)



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COMMUNIST CANDIDATES

(Continued from page 4665)

INDIANA	—Board of Election Commissioners have prohibited the placing of Communist candidates' names on ballot.
IOWA	—Candidates for president, vice president and governor will appear on ballot.
KANSAS	—Communist candidates will not be on ballot.
KENTUCKY	—Communist candidates will not be on ballot.
LOUISIANA	—No Communist candidates qualified.
MAINE	—Communist candidates for presidential electors will appear on ballot.
MARYLAND	—Communist candidates filed. Matter now in litigation.
MASSACHUSETTS	—Communist candidates qualified.
MICHIGAN	—Communist candidates for major state offices except Auditor-General have qualified.
MINNESOTA	—Communist candidates for presidential electors qualified.
MISSISSIPPI	—No Communist candidates qualified.
MISSOURI	—No Communist candidates qualified.
MONTANA	—Communist candidates for presidential electors, governor and lieutenant-governor qualified.
NEBRASKA	—Communist candidates not qualified.
NEVADA	—Communist candidates not qualified.
NEW HAMPSHIRE	—Communist candidates for presidential electors and governor have filed. Protest has been entered. Final decision October 11.
NEW JERSEY	—Communist candidates for presidential electors, governor, United States senator and six congressmen qualified.
NEW MEXICO	—Communist candidates qualified.
NEW YORK	—No Communist candidates qualified when check was made. New York members will be notified of any change.
NORTH CAROLINA	—No Communist candidates qualified.
NORTH DAKOTA	—No Communist candidates qualified.
OHIO	—No Communist candidates qualified.
OKLAHOMA	—No Communist candidates qualified.
OREGON	—No Communist candidates qualified.
PENNSYLVANIA	—Communist candidates qualified.
RHODE ISLAND	—Communist candidates for presidential electors qualified.
SOUTH CAROLINA	—No Communist candidates qualified.
SOUTH DAKOTA	—No Communist candidates qualified.
TENNESSEE	—No Communist candidates qualified.

TEXAS	—Communist candidates for presidential electors, United States senator and representative 20th district, qualified.
UTAH	—Communist candidates for presidential electors and governor filed but rejected by Secretary of State. Case taken to Supreme Court. Now pending.
VERMONT	—Candidates for presidential electors qualified. Candidates for representative in Congress not qualified.
VIRGINIA	—Communist candidates for presidential electors, United States senator and one national representative qualified.
WASHINGTON	—Communist candidates filed. Legal action instituted. Case pending in Supreme Court.
WEST VIRGINIA	—No Communist candidates qualified.
WISCONSIN	—Communist candidates for presidential electors have qualified as Independents and will appear on ballot as such.
WYOMING	—No Communist candidates qualified.

BMI FEATURE TUNES

October 14-21

1. PRACTICE MAKES PERFECT
2. YOU WALK BY
3. THE SAME OLD STORY
4. MAY I NEVER LOVE AGAIN
5. THERE I GO
6. I GIVE YOU MY WORD
7. I HEAR A RHAPSODY
8. SO YOU'RE THE ONE

Of BMI's featured tunes, five are on the sheet this week, *Practice Makes Perfect* was number one on the Hit Parade last Saturday, both *Practice* and *Same Old Story* are among the sheet music best sellers, and two records of *Practice* are among the best selling retail records, Bob Chester's on the national list and Al Kavelin's on the regional list for the Midwest. The Chester recording also appears among the leaders in the coin machines.

BMI has acquired radio performance rights, effective immediately, in the catalogue of G. Ricordi & Co. of Milan. Embracing 124,000 titles, including 500 operas and several hundred symphonic works, the catalogue of this 132-year-old music firm represents one of the largest and finest repertoires of music in the world.

As the Ricordi catalogue is not included in the contract between ASCAP (the American Society of Composers, Authors and Publishers) and the Italian governmental society, these rights do not come within the scope of ASCAP's contracts with the official Italian society.

Among the copyrighted works are the operas of Puccini, including "Madame Butterfly", "Tosca", "The Girl of the Golden West", "La Boheme" and many others; also the works of Respighi, "The Pines of Rome", "The Fountains of Rome" and other tone poems. The catalogue includes the standard editions of the works of Verdi, Donizetti, Mascagni, Rossini, Boito. It ranges all the way from early church music to modern dance music. The Buenos Aires listings, which contain a large selection of rhumbas, tangos and congas, are in the grant. Existing contracts between Ricordi and BMI member stations are assigned to BMI by Ricordi.

The contracts were signed by Dr. Renato Tasselli for Ricordi and by M. E. Tompkins, vice president and general manager, for Broadcast Music, Inc.

It is probably no news to most broadcasters that regular phonograph recordings are seldom made until a song has begun to show a strong appeal to the public. The fact that 17 records of BMI numbers are now available in the retail record stores is proof of the success of BMI music.

Some broadcasters will be interested in these records for use in their stations. All broadcasters will be interested in them for use at home. BMI members can help the BMI cause by playing these records of their own music for their families and their guests, by keeping them on their own phonographs and by helping to spread them among the homes of their friends. They have been made by some of the country's leading artists. There are no better records in popular music. Here's the list:

COLUMBIA

Here In The Velvet Night—Ted Strater—Col. 35641
Practice Makes Perfect—Eddy Duchin—Col. 35702
The Same Old Story—Eddy Duchin—Col. 35724
There I Go—Will Bradley—Col. 35743

OKEH (Columbia)

I Give You My Word—Al Kavelin—Okeh 5734
Madame Will Drop Her Shawl—Al Donahue—Okeh 5704
Practice Makes Perfect—Al Kavelin—Okeh 5746
Practice Makes Perfect and The Same Old Story—Billie Holliday—Okeh 5806
The Same Old Story—Frankie Masters—Okeh 5716
There I Go—Tommy Tucker—Okeh 5789
What Good's The Moon—Ray Herbeck—Okeh 5659

DECCA

Practice Makes Perfect—Terry Shand—Decca 3399

BLUEBIRD (Victor)

I Give You My Word—Mitchell Ayres—B-10895
Practice Makes Perfect—Bob Chester—B-10838
The Same Old Story—Freddie Martin—B-10830
There I Go—Vaughn Monroe—B-10848
We Are All Americans—Dick Todd—B-10840

More details as to what BMI stations are doing with BMI music is given in a letter from Frank Bishop of KFEL of Denver, to BMI's Carl Haverlin.

"As you know, we originate no ASCAP music on KFEL. ASCAP representatives insisted, both to Gene and to KFEL, that radio

ruins their music, and that the time would come when they wouldn't let us play it at all. Of course, we don't want to ruin anybody's music and if ASCAP feels that way and would rather we didn't play it, we are not going to. We also feel that any industry, especially one as large and important as radio, should not depend on a single source of supply for a staple and important commodity.

"Consequently, we bear down on Public Domain, tax-free, and BMI music in particular. Every day we carry three or four or more announcement periods devoted entirely to BMI music. At the open and close we use an announcement to the effect that 'The music on this program is published by Broadcast Music, Incorporated, and that means it is new and created especially for the broadcasting industry.' On programs which may include other than BMI tunes we add, 'Another Broadcast Music, Incorporated, tune, the organization giving songwriters a real chance to create music.'

"Every evening in the five-minute period following our newscast we carry a special program dedicated to BMI in which we play the tunes to be plugged that week. . . .

"So many local orchestra leaders have asked us for BMI orchestrations and sheet music that we are completely out of all of the more popular tunes and it will probably be necessary for us to ask your shipping department to double our order on popular music and replace many of the tunes previously shipped."

Many BMI subscribers have probably learned already that ASCAP could not find a station to carry its boomp-a-daisy program from the San Francisco World's Fair, not even KFWB of Los Angeles which has been using up so much magazine space to assert its family loyalty to ASCAP. The program, in a master stroke of tactful arrangement, used Gene Buck's little ditty, "Sally, Won't You Come Back", and George M. Cohan's "Give My Regards to Broadway" to bracket "The Lord's Prayer" as set to music by one Albert Hay Malotte. Apparently ASCAP was getting somewhat hysterical at about that time for it sent out a publicity release which headlined the statement that the Lord's Prayer had been barred from the air.

The head of one of the leading transcription companies last week sent us a copy of this release with the comment, "I'm very sorry that we can't even pray now unless we get Special Permission from ASCAP."

Here are more stations to be welcomed to BMI. If any of these have by chance been previously announced, it will do no harm to welcome them twice. This brings the number of BMI stations to 398.

WOCB—West Yarmouth, Mass.
WSTV—Steubenville, Ohio
WNBF—Binghamton, N. Y.
WIBG—Glenside, Pa.
WHBY—Appleton, Wis.
KGHI—Little Rock, Ark.
WLNH—Laconia, N. H.
WOOD-WASH—Grand Rapids, Mich.
KRLC—Lewiston, Idaho
WSYB—Rutland, Vt.
KTSM—El Paso, Texas
KBND—Bend, Oregon
WHCU—Ithaca, N. Y.
WTAQ—Green Bay, Wis.
KLRA—Little Rock, Ark.
WXYZ—Detroit, Mich.
KUJ—Walla Walla, Wash.
KXL—Portland, Oregon

Labor

FORTY-HOUR WEEK

The forty-hour week for employees covered by the Wage and Hour Act goes into effect the first work-week starting after midnight, October 23.

Most work-weeks in the broadcasting industry will start Sunday, October 27, or Monday, October 28.

Time and one-half must then be paid for all time worked above 40 hours each week. This overtime is based on the employee's regular hourly rate.

In making the change from the current 42-hour week to the 40-hour week, it is all right to reduce the employee's *weekly salary*, but illegal to reduce his *hourly rate*. For instance, an announcer now making \$42 for a 42-hour week can be cut to \$40 for a 40-hour week. But he cannot be cut to \$35 for a 40-hour week, to make up for any additional costs incident to the change.

The minimum wage remains at 30 cents per hour.

Labor contracts calling for a work week of more than 40 hours without overtime are automatically changed as of October 23. The law supersedes contracts.

Shortly after the new definitions of executives, administrative workers, professionals and outside salesmen are issued, the NAB Labor Relations Department will send all member stations a booklet to be entitled, "The Wage and Hour Act: How It Applies to Broadcasting Stations."

An eastern station has been ordered to pay back wages amounting to more than \$2,000 to "student announcers" who were employed without pay. The station could not contest the amount because its records of time worked were incomplete.

The Wage and Hour Division has ruled that employers could give employees training courses for better jobs without pay, provided that:

1. Attendance on the part of the employee is in fact voluntary. No training program shall be considered voluntary if a condition of the employee's continued employment in his present job is attendance at the training program.
2. The employee shall not produce any goods or perform any other productive work during such periods of training.
3. The training course must be given outside of regular working hours.
4. The training course is intended to train the employees to a new, different, or additional skill, and is not intended to make the employee more efficient at doing what he has been doing in his present job.

Col. Philip B. Fleming, Wage and Hour Administrator, is revising and adding to his opinion about the coverage of performers on sustaining programs. A new memorandum will be issued within a few days. It will state that performers and speakers on public service programs, bonafide amateurs, etc., are not employees within the meaning of the act, and therefore need not be paid. A complete analysis of the situation will appear in next week's REPORTS.

CONSCRIPTION

Two firms in the radio field have announced their policy with regard to conscripted employees.

NBC (and all other RCA subsidiaries) will give each employee who is conscripted or who volunteers the difference between his last month's salary and his first month's army pay. The employee's group insurance premiums will be paid by the company.

Western Electric will give conscripted employees their regular pay, less army pay, during their first three months of army service. Insurance payments will be kept up by the company. It might be well for any member who has any doubts about "exemptions" to re-read the article on page 4630 of the NAB REPORTS, September 27, 1940.

FREE SPEECH

The Sixth United States Circuit Court of Appeals (Cincinnati) has upheld the right of the Ford Motor Company to circularize Henry Ford's opinion of labor unions among its employees. The Labor Relations Board had held that distribution of anti-union pamphlets by the company had constituted "coercion" and had constituted violation of the Wagner Act.

"We have previously observed," said the court, "'unless the right of free speech is enjoyed by employers as well as employees the guaranty of the First Amendment is futile, for it is fundamental that the basic right guaranteed by the Constitution belongs equally to every person.'"

FREE PRESS

The American Newspaper Publishers Association has challenged the constitutionality of the Wage and Hour Act, as applying to newspapers, under the First Amendment.

Elisha Hanson, counsel for the association, asked a federal district court in Philadelphia to dismiss a request from the Wage and Hour Administration for an order to require two Easton, Pa., newspapers to produce their employment records for inspection.

The Wage and Hour Administration contended no censorship was involved.

Very likely the case eventually will go to the Supreme Court.

National Defense

CONSCRIPTION PUBLICITY

Below is published a list of Public Relations Officers of the Selective Service Administration who will cooperate with radio stations in coordinating their efforts in publicizing the Conscription Registration date, October 16, when all male citizens of the United States between the ages of 21 and 36 will register under the auspices of 6,500 local conscription authorities.

Public Relations Officer, New York City Selective Service Headquarters, Municipal Building, New York City.

Public Relations Officer, Colorado Selective Service Headquarters, Denver, Colo.

Public Relations Officer, Connecticut Selective Service Headquarters, Hartford, Conn.

Public Relations Officer, Delaware Selective Service Headquarters, Wilmington, Del.

Public Relations Officer, Florida Selective Service Headquarters, St. Augustine, Fla.

Public Relations Officer, Georgia Selective Service Headquarters, Atlanta, Ga.

Public Relations Officer, Idaho Selective Service Headquarters, Boise, Idaho.

Public Relations Officer, Illinois Selective Service Headquarters, Springfield, Ill.

Public Relations Officer, Indiana Selective Service, Indianapolis, Ind.

Public Relations Officer, Iowa Selective Service Headquarters, Des Moines, Iowa.

Public Relations Officer, Kansas Selective Service Headquarters, Topeka, Kans.

Public Relations Officer, Kentucky Selective Service Headquarters, Frankfort, Ky.

Public Relations Officer, Selective Service Headquarters, Jackson Barracks, New Orleans, La.

Public Relations Officer, Maine Selective Service Headquarters, Augusta, Maine.

Public Relations Officer, Maryland Selective Service Headquarters, Fifth Regiment Armory, Baltimore, Md.

Public Relations Officer, Massachusetts Selective Service Headquarters, 347 Commonwealth Ave., Boston, Mass.

Public Relations Officer, Michigan Selective Service Headquarters, Lansing, Mich.

Public Relations Officer, Minnesota Selective Service Headquarters, St. Paul, Minn.

Public Relations Officer, Alabama Selective Service Headquarters, Montgomery, Ala.

Public Relations Officer, Arizona Selective Service Headquarters, Phoenix, Ariz.

Public Relations Officer, Arkansas Selective Service Headquarters, Little Rock, Ark.

Public Relations Officer, California Selective Service Headquarters, Sacramento, Calif.

Public Relations Officer, Nevada Selective Service Headquarters, Carson, Nev.

Public Relations Officer, Oregon Selective Service Headquarters, Salem, Ore.

Public Relations Officer, Washington Selective Service Headquarters, Olympia, Wash.

Public Relations Officer, Montana Selective Service Headquarters, Helena, Mont.

Public Relations Officer, Wyoming Selective Service Headquarters, Casper, Wyo.

Public Relations Officer, Utah Selective Service Headquarters, Salt Lake City, Utah.

Public Relations Officer, New Mexico Selective Service Headquarters, Santa Fe, N. Mex.

Public Relations Officer, North Dakota Selective Service Headquarters, Bismarck, N. Dak.

Public Relations Officer, South Dakota Selective Service Headquarters, Pierre, S. Dak.

Public Relations Officer, Nebraska Selective Service Headquarters, Lincoln, Nebr.

Public Relations Officer, Oklahoma Selective Service Headquarters, Oklahoma City, Okla.

Public Relations Officer, Texas Selective Service Headquarters, Austin, Tex.

Public Relations Officer, Missouri Selective Service Headquarters, Jefferson City, Mo.

Public Relations Officer, Wisconsin Selective Service Headquarters, Madison, Wisc.

Public Relations Officer, Mississippi Selective Service Headquarters, Jackson, Miss.

Public Relations Officer, Tennessee Selective Service Headquarters, Nashville, Tenn.

Public Relations Officer, North Carolina Selective Service Headquarters, Raleigh, N. C.

Public Relations Officer, South Carolina Selective Service Headquarters, Newberry, S. C.

Public Relations Officer, Virginia Selective Service Headquarters, Richmond, Va.

Public Relations Officer, Ohio Selective Service Headquarters, Columbus, Ohio.

Public Relations Officer, Pennsylvania Selective Service Headquarters, Harrisburg, Pa.

Public Relations Officer, West Virginia Selective Service Headquarters, Charleston, W. Va.

Public Relations Officer, New York Selective Service Headquarters, Albany, N. Y.

Public Relations Officer, New Hampshire Selective Service Headquarters, Concord, N. H.

Public Relations Officer, Vermont Selective Service Headquarters, Montpelier, Vt.

Public Relations Officer, Rhode Island Selective Service Headquarters, Providence, R. I.

Public Relations Officer, New Jersey Selective Service Headquarters, Trenton, N. J.

DEFENSE JOBS

Employment of a night clerical force of fifty persons has just been approved by the United States Civil Service Commission to speed up indexing of applications for national defense jobs produced by the nation's broadcasters.

One of the specially pressing needs at the moment is for shipfitters. Almost all naval construction plants are seeking such qualified men. Many vacancies exist in the yards at Boston; Philadelphia; Portsmouth, Va.; Bremerton, Wash.; Charleston, S. C.; Vallejo, Calif.; and Pearl Harbor.

Stations broadcasting Man Power Announcements, heretofore unreported, are: WFMD, Frederick, Md., and WSLs, Roanoke, Va., District 4; KFKU, Lawrence, Kans., District 12; and KFQD, Anchorage, Alaska, District 17.

WSLS is the new station in Roanoke. It began operating October 1 and Man Power Announcements were included in the schedule.

DEFENSE PROGRAM IDEA

G. G. Fletcher, program director, WLAK, Lakeland, Fla., has produced a 15-minute program to accommodate the many genuine national defense announcements he has received. This is in addition to a spot schedule for Man Power Announcements and the like.

His thinking on the demand-for-time problem confronting stations is summarized in the following paragraphs from a letter pledging fullest cooperation:

"Finding itself deluged with request for time for broadcasting announcements for defense projects, WLAK has, in addition to an extensive spot schedule for such announcements as 'Man

Power' request for skilled workers, set up a daily 15-minute program period titled 'America Builds for Defense' at a period of the day when a peak audience is enjoyed.

"Around a theme of patriotic music, script and transcribed announcements, five minute program plugs, such as those released by the council for national defense, are interwoven. Program is being well received by the public. And, at the same time, it is assisting in relieving the tremendous burden of spot plugs that today every service-minded radio station is obligated to assume."

Code

AMERICA FIRST PROGRAM

Last week the America First Committee submitted a script which the Code Committee determined was a public controversial issue and was not in its form as submitted a program subject to classification as a political broadcast available for sponsorship on commercial time.

Following this action, BBD & O, in consultation with Mr. Edgar Bill of the Code Committee and NAB Headquarters, revised the form of the program so as to be classified as a political broadcast and thus be available for booking on a commercial basis as provided for in the Code.

The position of the Code in no way was altered by this action. Rather, by having the introductory copy changed, the program was altered so as to conform to the Code. This was brought about by introductory copy built around the following statement of position:

"The America First Committee, whose slogan 'Defend America First' symbolizes your national safety, is a nonpartisan organization that supports and urges the election of candidates for public office, either Democratic or Republican, who are prepared to advocate these policies and principles detailed in this presentation."

The NAB is most appreciative of the cooperative spirit of the sponsor in revising the program so as to conform to the Code.

Promotion

RADIO'S TWENTIETH BIRTHDAY

Radio's 20th Birthday is to be celebrated nationally—for 20 days, November 11 to 30. A broadside covering the radio celebration was mailed to stations this week from headquarters.

In a letter, which was a part of the piece, Neville Miller outlined the importance of the Anniversary in this fashion:

"In the midst of stress and strain at home and abroad, including a Presidential campaign, National Defense activities, and the start of the football season, let us not forget that, this year, radio is twenty years old.

"It is an important and significant anniversary. It means something to every one of our 132,000,000 fellow citizens. It means something to the church, to the school, to the civic and cultural

life of our communities and of our nation. It means something to business and to labor, to farmer and to city dweller, to young and old. It means something to broadcasters whose pioneering efforts, courage and ability have demonstrated that a free system of privately managed, competitive radio—the American System of Broadcasting—is the finest and greatest in the world. We have reason to be proud.

"This anniversary is important. In the national emergency through which we are now passing, it is important that the public understand and appreciate the blessings of a free radio, parallel to a free press, free worship and free assembly.

"We believe that after the political campaign is over in early November there will be sufficient time cleared which may be conveniently utilized in celebration of radio's twentieth birthday. We have only to remind you and your skilled program builders and promotion experts of the date—November 11-30. We know you will do the rest. This announcement, therefore, is only in the nature of a reminder and a cue sheet."

In a note attached to the broadside, Arthur Stringer wrote:

"Listener loyalty can't be bought, can't be ordered.

"It is given freely when listeners understand and appreciate fully the worth of your daily services.

"Promotion of your interpretation of Radio's Birthday Party will increase such understanding."

LISTEN BEFORE YOU VOTE

Richmond, Va., and surrounding territory is hearing all about "Listen before You Vote" and listeners like it.

J. F. Skinnell, production manager, WMBG, tells it this way:

"In behalf of the promotion Miss Helen Wharton, a very fine dramatic reader, has written a series of scripts entitled 'Listen Before You Vote.' These readings are very interesting, original and dramatic, and I am sure they are serving to stimulate a vast amount of interest. Miss Wharton has been giving one of these readings each week for the past several weeks and will continue to do so until the election.

"The Inter-Club Council of the City of Richmond is also sponsoring a similar program. This club has already furnished a speaker for us on one occasion and we hope to cooperate with them again in this respect prior to election."

The giant size "Listen before You Vote" poster, displayed at the NAB Convention in San Francisco, now graces an F Street window of the Hecht Company, Washington department store. Pictures of candidates are grouped at the base of the poster along with a display of 1941 radio sets.

Sales

BUREAU OF RADIO ADVERTISING

In addition to the "Results from Radio" study on automobile advertising, which is No. 8 in the series now going out to all members, the Bureau of Radio Advertising recommends the following articles and reprints as required reading for station sales personnel:

"Selling Used Cars by Radio"—*Broadcasting*, October 1 (P. 67)

"Radio and Sales"—*Variety Radio Directory* (P. 33)

"Selling Real Estate Advertising"—*Editor & Publisher*, September 28 (P. 43)

"Clothing Sales thru the Air"—*Radio Showmanship*, September (P. 8)

"Human! Handle with Care" is the title of an enlightening and useful booklet on radio advertising, with particular emphasis on commercial copy and its importance to the success of the campaign. Ruthrauff & Ryan, Inc., may be willing to send you a copy.

The first issue of *Radio Showmanship* does a fine job of bringing together, under one cover, many practical program ideas, success stories and miscellaneous facts and figures of a selling nature. Published by Showmanship Publications, Minneapolis, Minn.

FREE OFFERS

The Plymouth Division of Chrysler Corporation, through J. Stirling Getchell, Inc., has offered stations interview scripts in connection with local automobile shows, featuring visiting officials of the Plymouth Company. Although no trade names are used, the scripts are frankly commercial on behalf of the new models generally, and the Bureau of Radio Advertising believes that stations should weigh the news value and civic benefits of their local automobile shows against the above facts before accepting the talks on free time.

AAAA CONFERENCE COMMITTEE

The committee appointed to confer with the American Association of Advertising Agencies on the subjects of the standard order form contract and standard invoice forms is as follows:

Harry C. Wilder, WSYR, Chairman; Dick Mason, WPTF; Frank A. Seitz, WFAS; Dale Taylor, WENY; L. B. Wailes, Westinghouse stations.

Ex officio: Neville Miller, NAB President; Paul F. Peter, NAB Director of Research; Russell Place, NAB Counsel.

In consultation with Fred Gamble, Executive Secretary of the 4A's and member of his staff, Paul Peter, Research Director of NAB has set as a tentative meeting date for the NAB and the 4A Conference Committees, October 30th.

FEDERAL COMMUNICATIONS COMMISSION

BROADCASTERS, COMMISSION STAFF DISCUSS SHORT-WAVE RULES

Round-table discussions of regulations for the more accurate keeping of program records by International Short Wave Broadcasting stations were held at the office of the FCC on Monday, October 7. Presiding was Gerald C. Gross, Head of the International Division, and there were present representatives of all the stations involved, NAB

President Miller and members of the Commission and NAB staffs. The meeting lasted throughout the day and was marked by splendid cooperation between the industry and the Commission staff. Changes and suggestions in the International Short Wave Regulations made on behalf of the licensees are now being submitted to the Commission. It may be stated that there was unanimous agreement among the licensees that complete records of all programs transmitted by International broadcast stations should be kept. Early action by the Commission is expected.

Present at the meeting were:

CBS and WCAB—Harry C. Butcher, Paul Porter.
General Electric—L. D. Coffman, B. J. Rowan, John Sheehan.
NBC and RCA—Philip J. Hennessey, Jr., Frank E. Mason, Frank M. Russell, Oswald T. Schuette.
Westinghouse—F. P. Nelson, J. B. Rock.
WLWO—W. E. Branch, Wilfred Guenther, William C. Koplovitz.
World Wide Broadcasting—Maurice M. Jansky, Walter S. Lemmon.
NAB—Neville Miller, Paul Peter, Russell Place.
FCC—T. L. Bartlett, Gerald C. Gross, Joseph L. Rauh, Jr., Andrew D. Ring, Philip F. Siling, deQuincy V. Sutton, E. M. Webster.

COMMUNICATIONS DEFENSE BOARD MEETS

Communications Defense Board, of which James Lawrence Fly, Chairman of FCC is Chairman, met in executive session Thursday.

While no official announcement was made regarding the meeting it is understood on good authority that the Board continued its discussions of former meetings taking up the whole communications situation. It is reported that representatives of the Army and Navy made a statement of their position. Also there was some discussion regarding the appointment of industry committees as advisors to the board. However, no definite conclusions were reached regarding this. The next meeting of the Board will be on Monday.

FCC QUESTIONNAIRE ON FOREIGN LANGUAGE BROADCASTS

In a press release dated October 8, the FCC announced a questionnaire to be addressed to all stations on the subject of foreign language broadcasts, is now in preparation and will be mailed in a short time.

Upon inquiry, an official of the FCC stated that the purpose of the survey was to gather pertinent information on this subject which assumes great importance in the light of the present day national situation.

It will be recalled that the NAB addressed such a questionnaire to all stations, June 27th of this year. Four hundred five stations replied to the questionnaire, 97 of which were currently carrying foreign language programs. At the request of Chairman Fly of the FCC, the NAB furnished summary information developed from the survey. It is now pointed out that several stations figuring

strongly in foreign language broadcasting had obviously not replied to the NAB questionnaire and also that 405 of the 783 operating stations (June 1, 1940) could not suffice as a sample for the Commission's purpose.

It is obvious that those stations cooperating with the NAB on the subject will be required to resubmit foreign broadcast information for the Commission's record. Cooperation in furnishing the required information on the part of other stations would have prevented this.

FINAL ORDER

FCC has announced adoption of an Order setting aside the Proposed Findings of Fact and Conclusions of June 12, and *granting* the application of Lee E. Mudgett for renewal of license of station KRKO, **Everett, Washington**, for construction permit to move antenna site locally, install new equipment, and vertical radiator, increase power from 50 watts to 100 watts night, 250 watts local sunset, sharing equally with KEEN on frequency **1370 kilocycles**, and for consent to voluntary assignment of station's license to The Everett Broadcasting Company, Inc., except that final action with reference to the application for construction permit in so far as it seeks unlimited time on frequency **1370 kilocycles**, is held in abeyance pending decision upon the application of Evergreen Broadcasting Corporation for construction permit to authorize station KEVR, **Seattle**, to change frequency from **1370 to 1420 kilocycles**.

FCC RULE AMENDED

FCC has amended the instructions pertaining to Part 10, Rules Governing Emergency Radio Services, by deleting present paragraph 17 and substituting in lieu thereof the following, effective immediately:

"17. As the rules indicate, the operation of forestry stations must be strictly limited to the needs of forest protection. In the interest of such protection, as well as in the interest of reduction of interference, the operations of forestry stations in any single geographical area should be coordinated. Therefore, applicants for forestry station facilities, other than State forestry organizations, will be required to include as a part of their applications a statement as to whether the State in which the proposed station is to be located has a department for forest protection, and, if such a department exists, the applicant shall submit a copy of the cooperative agreement between the applicant and the state department concerned, or lacking such agreement, the applicant shall submit copies of the correspondence exchanged between them in an effort to reach a cooperative agreement. One submission on the part of any one applicant of information with regard to any one coordinated plan as specified in this paragraph will suffice, provided that reference thereto is made in all other applications involved in the plan."

PORTER TO PRACTICE LAW

Former Assistant General Counsel George B. Porter, who resigned on July 31st last, terminated his pay-roll status with the FCC on October 7th, and is now engaged in the private practice of law in Washington, D. C.

Since creation of the Commission in 1934, Mr. Porter has been in charge of legal matters affecting broadcasting. Before that time he was Acting General Counsel of the Federal Radio Commission, which he joined in 1931.

FROM THE FCC MAIL BAG

An Ohioan is informed that no Federal license is required for a short wave receiver installed in an automobile. However, his attention is invited to that section of the Communications Act which prohibits unauthorized interception and use of radio communications other than those intended for public use.

The Commission tells a State public service body that it (the Commission) has jurisdiction over radio programs transmitted by wire lines located wholly within a State. The Bell System companies file with the Commission schedules of rates and regulations applicable to such facilities and services.

All radio transmission is interstate commerce, notwithstanding its scope or territorial limits, the Commission reiterates to an inquiring Texan. As such, it is subject to the regulatory powers of Congress or of a delegated authority. Various court decisions are quoted.

A New York State resident wants authority to record certain radio programs as they are broadcast to the public. The Commission replies that this does not come within its jurisdiction, being a matter involving the private rights of the radio station, the artist, and the sponsor of the program.

"What procedure should be followed in the event of the death of a station licensee?" inquires a Chattanooga. In such cases the administrator of the estate should make application to the Commission for an assignment of license to be exercised pending settlement of the estate. When the estate is settled, the administrator should make application for assignment of license to the party who is to carry on station operation.

An Ohio letter-writer objects to certain Berlin broadcasts. The programs in question are not rebroadcast but are received from Berlin direct. The Commission does not, of course, have jurisdiction over alien stations.

A letter from California complains of American stations rebroadcasting Hitler's speech; a New Yorker objects to pro-British utterances on American stations.

A Newark, N. J., man dislikes the rendition of classical music in syncopated style. It is suggested that he communicate his views to the station originating the program he cites.

A New Yorker wants the Commission to require a certain official to retract a statement he made on the air. This is beyond the power of the Commission.

Another New Yorker is advised that there is no statute or regulation making the playing of "America" or the "Star Spangled Banner" obligatory on radio programs.

864 STATIONS

During the month of September, 1940, the FCC issued operating licenses to five stations and granted two permits for the construction of new stations. One station was deleted. A comparative table by months follows:

	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1
Operating	743	751	755	765	769	771	775	779	783	791	799	806	810
Construction	57	58	57	49	48	51	48	47	53	56	58	57	54
	800	809	812	814	817	822	823	826	836	847	857	863	864

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments in broadcast cases are scheduled before the Commission during the week beginning Monday, October 14.

FUTURE HEARINGS

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

October 31

Oral Argument Before the Commission

Report No. B-124:

NEW—Worcester Broadcasting Corp., San Diego, Calif.—C. P., 1420 kc., 250 watts night, 250 watts LS, unlimited time.

November 7

Oral Argument Before the Commission

Report No. B-126:

NEW—J. D. Falvey, Ottumwa, Iowa.—C. P., 1210 kc., 100 watts night, 100 watts LS, unlimited time.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P., 1210 kc., 100 watts night, 250 watts LS, unlimited time.

December 4

NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—C. P., 1500 kc., 250 watts night, 250 watts LS, unlimited time, requests facilities of WSSJ.

December 11

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

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

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

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

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

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted construction permit to increase power from 100 to 250 watts, operating on 1200 kc., unlimited time (B3-P-2688).

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted construction permit to install directional antenna for night use and increase night power from 1 to 5 KW,

operating unlimited time on 780 kc., 5 KW day (B5-P-2701).

WEAN—The Yankee Network, Inc., Providence, R. I.—Granted construction permit to make changes in directional antenna system for nighttime operation and increase night power from 1 to 5 KW, operating unlimited time on 780 kc., 5 KW day (B1-P-2037).

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted construction permit to make changes in directional antenna system for nighttime operation and increase night power from 1 to 5 KW, operating unlimited time on 780 kc., 5 KW day (B2-P-2737).

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted construction permit to install directional antenna for nighttime operation and increase night power from 1 to 5 KW, operating unlimited time on 780 kc., 5 KW day (B5-P-2698).

DESIGNATED FOR HEARING

William H. Amesbury, Minneapolis, Minn.—Application for construction permit for new station to operate on 630 kc., 1 KW, unlimited time, employing directional antenna for both day and nighttime use (different patterns) (B4-P-2746).

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—Application for construction permit to move transmitter to 5½ miles northeast of center of Rochester, change equipment, change frequency from 1210 to 1340 kc., and increase power from 250 watts to 1 KW and install directional antenna for day and night use (B1-P-2924).

Edward J. Doyle, Rochester, N. Y.—Application for construction permit for new broadcast station to operate on 1340 kc., 1 KW, unlimited time, using a directional antenna day and night (B1-P-2031).

WCSC—The Liberty Life Insurance Co. (Assignor), John M. Rivers (Assignee), Charleston, S. C.—Application for authority to transfer control of corporation, 200 shares of common stock, from The Liberty Life Insurance Company to John M. Rivers. Station operates on 1360 kc., 500 watts night, 1 KW day, unlimited time (B3-TC-231).

KRMC—Roberts MacNab Company (Assignors), Jamestown Broadcasting Co., Inc. (Assignee), Jamestown, N. Dak.—Application for consent to voluntary assignment of license of KRMC from Roberts MacNab Company to Jamestown Broadcasting Company, Inc. Station operates on 1370 kc., 250 watts, unlimited time (B4-AL-276).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8 p. m. EST, October 4, 9, and 18, 1940, in order to broadcast political speeches only by Paul A. Dever, Democratic candidate for governor.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 8:45 p. m. CST, on October 3, 1940, in order to permit WGBF to broadcast a political program only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU, in order to broadcast a political program only.

WMAZ—Southeastern Broadcasting Co., Macon, Ga.—Granted special temporary authority to operate from 7:30 p. m. EST to the conclusion of Lanier High School football games on October 4, 10, 18, 24, and from 7 p. m. to the conclusion of football game November 1, 1940, in order to broadcast said games only.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously from 12 noon to 1:30 p. m. PST, October 2, 3, 5, 7, 8, and 9, 1940, in order to broadcast the World Series baseball games only.

WENE—WJIM, Inc. (area of Lansing, Mich.)—Granted construction permit to change type of transmitter, and increase power of relay broadcast station from 15 to 50 watts (B2-PRE-368).

WEPA—Edwin H. Armstrong (area of New York City), Portable mobile.—Granted modification of construction permit as modified for new special relay broadcast station, for extension of completion date from October 4, 1940, to April 20, 1941 (B1-MPRE-48).

KGFI—Eagle Broadcasting Co., Brownsville, Texas.—Scheduled for oral argument on October 24 the Proposed Findings of Fact in re revocation of license of station KGFI (Docket No. 5854) (B-122).

- KGKO Broadcasting Co., Fort Worth, Texas.—Granted special temporary authority to operate relay broadcast stations KEGE and KFAA, licensed to A. H. Belo Corp., in order to relay broadcast State Fair programs to radio station KGKO for the period October 5, 1940, to not later than October 20, 1940.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8 p. m. EST, October 7, 14, 21, 1940, from 10:30 p. m. to 10:45 p. m. November 3 and from 10:30 p. m. to 11 p. m. November 4, 1940, in order to broadcast political programs sponsored by the Massachusetts Independent Voters Committee and Paul Dever, Democratic candidate for Governor as set forth in letter dated September 27, 1940.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m. EST, October 22, 1940, from 9 p. m. to 10 p. m. EST, November 1, 1940, from 9:15 p. m. to 10:15 p. m. November 2, 1940, instead of from 9:30 p. m. to 10 p. m. as authorized September 9, 1940, from 8 p. m. to 9 p. m. EST, November 3, 1940, instead of 8 p. m. to 8:30 p. m. as authorized September 9, 1940, in order to broadcast political programs sponsored by the Massachusetts Republican State Committee only.
- WPKA—Allegheny Kiski Broadcast Co., New Kensington, Pa.—Granted special temporary authority to operate from 6 p. m. to 10 p. m. EST, October 8, 1940, in order to broadcast dedicatory program of Station WKPA only provided program tests authorized in accordance with Section 2.43.
- WMBO—WMBO, Inc., Auburn, N. Y.—Granted extension of special temporary authority to cease operation at 8 p. m. EST (instead of unlimited time as licensed) for the period October 10, 1940, to not later than November 8, 1940, pending arrangement of schedule.
- WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 2 p. m. to 5:30 p. m. EST, October 12, November 2 and 9, 1940, in order to broadcast football games only.
- KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted license to cover construction permit which authorized installation of new equipment and increase in power to 250 watts; **1500 kc.**, unlimited time (B5-L-1238).
- WEGM—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted license to cover construction permit as modified for move of transmitter and addition of A1 emission (B1-LRE-324).
- Evansville on the Air, Inc. (area of Evansville, Ind.).—Granted construction permit for new relay broadcast station, frequencies **30820, 33740, 35820, 37980 kc.**, power 2 watts, A3 emission (B4-PRE-369).
- KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted motion to substitute the KTRB Broadcasting Co., Inc., in lieu of McTammany and Bates as applicant for construction permit to increase power of station KTRB from 250 watts daytime to 1 KW night and day, limited to WSB operating on **740 kc.** (B5-P-2631).
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.; WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.; WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; WJAG—The Norfolk Daily News, Norfolk, Va.; WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted joint petition to postpone hearing date now set for October 14, 1940, to December 11, 1940, in re applications of KFAB for construction permit to operate on **1080 kc.**, 50 KW, unlimited time, directional antenna at night; WBBM for modification of license to change hours of operation; WBT for construction permit to operate on **1080 kc.**, 50 KW, unlimited time, directional antenna at night; WJAG for construction permit to operate on **770 kc.**, 1 KW, daytime; also on Commission's own motion continued hearing on WMBI now scheduled for October 14, 1940, to December 11, 1940, in re application for change in hours of operation.
- Searles G. Deck, individually, and as Chairman, and Thomas J. Clifford, as General Secretary-Treasurer of the Federation of Long Lines Telephone Workers.—Granted petition for dismissal of complaint against American Telephone and Telegraph Co., Southwestern Bell Telephone Co., Southern Bell Telephone Co., North-Western Bell Telephone Co., Michigan Bell Telephone Co., Bell Telephone Co. of Pennsylvania, Ohio Bell Telephone Co. and New York Telephone Co., in re proposed transfer of certain telephone employees from Long Lines Department of the American Telephone and Telegraph Co. to various associated companies.
- WLOK—The Fort Industry Co., Lima, Ohio.—Granted modification of construction permit which authorized installation of new transmitter and increase in power, to install new transmitter and extend commencement date to 30 days after grant and completion date 60 days thereafter; **1210 kc.**, 250 watts, unlimited time (B3-MP-1067).
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m. CST, November 4, 1940, in order to broadcast political program only, consisting of a speech by James E. Burke, candidate for State Attorney of Illinois.
- National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to transmit the World Series programs in the Spanish language for rebroadcast by Cuban Stations CMQ and CMX for the period October 4, 1940 and continuing for the duration of the World Series.
- WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m. EST, for the period October 4, 1940, to not later than October 16, 1940 (Sundays excepted), in order to broadcast special selective service draft information given by Colonel Arthur V. McDermott.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate unlimited time on **1180 kc.**, with 5 KW power day and 1 KW power night, for a period not to exceed one month, in order to broadcast programs of public interest, convenience and necessity, pending the allocation of new facilities.
- WAIN—Peoria Broadcasting Co. (Area of Peoria, Ill.), Portable mobile.—Granted modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRY-26).
- WEKH—Peoria Broadcasting Co. (Area of Peoria, Ill.), Portable-Mobile.—Granted modification of license to change name from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRY-27).
- WCAB—WCAU Broadcasting Co., Newton Square, Pa.—Granted petition for extension of effective date of Sec. 4.45 of the Rules Governing International Broadcast Stations until January 1, 1940.
- WOLF—Civic Broadcasting Corp., Syracuse, N. Y.; WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.; WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Dismissed petitions of these stations filed August 5 for rehearing or reconsideration in re application of the Sentinel Broadcasting Corp. for a new station in Salina, N. Y., to operate on **620 kc.**, with 1 KW power, unlimited time, and denied supplemental petition for reconsideration or rehearing filed August 26th.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Dismissed petition filed August 3 for rehearing in the matter of the grant of the applications of Sentinel Broadcasting Corp., Salina, N. Y., WROL, Knoxville, Tenn., and the Journal Company (WTMJ), Milwaukee, Wis.; denied supplemental petition for rehearing filed August 26, and adopted decision and order on the petition for rehearing.
- WDAH—Tri-State Broadcasting Co., Inc., El Paso, Texas.—Cancelled license and deleted call letters heretofore issued for station WDAH, which formerly operated on **1310 kc.**, 250 watts, sharing with KTSM, because of grant made January 10, 1940, authorizing KTSM to change frequency from **1310 to 1350 kc.**, increase power to 500 watts day and night, and operate unlimited time, subject to the surrender and cancellation of license of WDAH.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (5:45 p. m. EST, October) to 6:15 p. m. EST, October 7, 1940, in order to broadcast Geneva Piano Symphony Orchestra only.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (October 5 p. m. PST) to the conclusion of local high school football games on October 10, 11, 17, 18, 24, and 25, 1940, in order to broadcast said games only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 10, 1940, in order to permit WGBF to broadcast Democratic State Committee program only.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with Station KFRU with power reduced to 250 watts from 8 p. m. to 9 p. m. CST, October 10, 1940, in order to permit KFRU to broadcast Democratic State Committee program only.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 5:45 p. m. to 9:30 p. m. EST, October 10, 1940, in order to broadcast a political rally and speech by Paul V. McNutt only.

KGEI—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to add frequency **9670 kc.** to the present licensed frequencies on a temporary basis for the period November 1, 1940, to not later than November 1, 1941; authority granted on temporary basis only, conditionally.

WCOP—Massachusetts Broadcasting Corp., Boston Mass.—Denied special temporary authority to operate from local sunset (October 5 p. m., EST) to 6:30 p. m., EST, from October 7, 1940, to not later than October 15, 1940, in order to broadcast programs of public interest as described in letter dated September 28, 1940.

Worcester Broadcasting Corp., San Diego, Calif.—Scheduled for oral argument on October 31, 1940, the Proposed Findings in re application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time (B5-P-2458).

J. D. Falvey, Ottumwa, Iowa; L. & M. Broadcasting Co., Ottumwa, Iowa.—Scheduled for oral argument on November 7, 1940, the Proposed Findings in re applications for construction permits for new broadcast stations. Falvey application requests **1210 kc.**, 100 watts, unlimited time (B4-P-2499) L & M Broadcasting Co. application requests **1210 kc.**, 100 watts, 250 watts LS, unlimited time (B4-P-2498).

WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Granted license to cover construction permit as modified which authorized a new broadcast station; **1500 kc.**, 250 watts, unlimited time (B1-L-1235).

WMRC—Textile Broadcasting Co., Greenville, S. C.—Granted license to cover construction permit which authorized new broadcast station; **1500 kc.**, 250 watts, unlimited (B-3L-1241). Also granted authority to determine operating power by direct measurement of antenna input (B3-Z-498).

WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Granted authority to determine operating power by direct measurement of antenna power (B1-Z-486).

WSAR—Doughty & Welch Electric Co., Inc. (Assignor), and The Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—On motion of Commissioner Thompson, seconded by Commissioner Walker, it was voted that the order denying the petition of Assignor and Assignee for reconsideration and grant without hearing the application for consent to assignment of license of station WSAR, be adopted; Commissioners Case and Craven voting "No."

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m. CST, October 8, 1940, in order to broadcast a speech by W. J. Cameron only.

WAGF—John T. Hubbard, Julian C. Smith and Fred C. Mosely, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 6:15 p. m. to 7 p. m. CST, October 19, 26, 28, 31, November 2 and 4, 1940, in order to broadcast speeches by State Democratic Committee only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:15 p. m. to 7:30 p. m. October 9 and 16, 1940 (instead of from 7:45 p. m. to 8 p. m. as authorized by grant of October 2, 1940) and to operate from 7:15 p. m. to 7:30 p. m. October 29 and 31, 1940, in order to broadcast political programs sponsored by Paul A. Dever, Democratic candidate for Governor of Massachusetts only; to operate from 7:15 p. m. to 7:30 p. m. EST, October 30 and November 1, 1940 (instead of from 7:45 p. m. to 8 p. m. as authorized by grant of September 9, 1940), in order to broadcast political programs sponsored by the Massachusetts Democratic State Committee only.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to relay through High Frequency Broadcast Station W2XMN, for a period not to exceed thirty days.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted authority to install new automatic frequency control equipment (B4-F-153).

WDMJ—Lake Superior Broadcasting Co., Marquette, Mich.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-484).

WHAM—M & M Broadcasting Co., Marinette, Wisc.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-502).

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-504).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-478).

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-505).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted modification of construction permit which authorized installation of new transmitter and increase in power, for change in type of transmitter and extension of commencement date to 60 days after grant and completion date to 180 days thereafter (B2-MP-1074).

APPLICATIONS FILED AT FCC

620 Kilocycles

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla.—Authority to determine operating power by direct measurement of antenna power.

660 Kilocycles

KOWH—World Publishing Co., Omaha, Neb.—Authority to determine operating power by direct measurement of antenna power.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit (B3-P-2216) as modified, for new equipment, increase in power, change in hours of operation, make changes in directional antenna system, requesting further changes in directional antenna.

780 Kilocycles

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Modification of construction permit (B2-P-2438) to install new transmitter and increase power, requesting change in type of transmitter, and extend commencement and completion dates from 10-21-40 and 4-21-41 to 60 days after grant and 180 days thereafter.

900 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-P-2843) for increase in power, installation of directional antenna for day and night use, changes in equipment, and move of transmitter, requesting changes in directional antenna, and extend commencement and completion dates from 10-14-40 and 4-14-41 to 60 days after grant and 180 days thereafter respectively.

950 Kilocycles

WHAL—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—Modification of construction permit (B2-P-936) for a new station, requesting approval of antenna and studio and transmitter sites and install new transmitter. Amended to change requested transmitter and studio sites and make changes in antenna.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to change frequency from **950 to 690 kc.**, power from 5 to 50 KW; install new transmitter, new directional antenna for night use, and move transmitter from Kansas City to near Wolcott, Kans. Requests facilities KGGF, WNAD and KFEQ as proposed by N. A. R. Agreement.

1200 Kilocycles

KRLH—Clarence Scharbauer, Midland, Tex.—Construction permit to change frequency from **1420 to 1200 kc.**; increase power from 100 watts to 250 watts; install new vertical radiator; make changes in transmitting equipment; move transmitter

from 2125 W. Wall St., Midland, Tex., to On U. S. Highway 80, 1.35 miles west of Midland, Tex., and move studio from Hotel Scharbauer, 117 W. Wall St., Midland, Tex., to 117 S. Lorraine St., Midland, Tex. Class IV.

WHBY—WHBY, Inc., Appleton, Wis.—Authority to determine operating power by direct measurement of antenna power.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—License to cover construction permit (B4-P-2367) as modified for a new station.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Authority to determine operating power by direct measurement of antenna power.

WAYX—Jack Williams, Waycross, Ga.—Authority to install automatic frequency control equipment.

WDSM—WDSM, Inc., Superior, Wis.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Twp. of Yarmouth, Mass.—License to cover construction permit (B1-P-1140) as modified for a new station.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., Twp. of Yarmouth, Mass.—Authority to determine operating power by direct measurement of antenna power.

WATN—Watertown Broadcasting Corp., Watertown N. Y.—Modification of construction permit (B1-P-809) for a new station, requesting authority to install a new antenna, change location of transmitter from Hoard St. and Starbuck Ave., Watertown, N. Y., to 118 Washington St., Watertown, N. Y.; approval of studio site at 118 Washington St., Watertown, N. Y.; and extension of commencement and completion dates from 9-29-40 and 3-29-41 to 30 days after grant and 180 days thereafter, respectively.

WFOY—Fountain of Youth Broadcasting Co., St. Augustine, Fla.—Authority to determine operating power by direct measurement of antenna power.

1230 Kilocycles

KYA—Hearst Radio, Inc., San Francisco, Calif.—Construction permit to change frequency from 1230 to 560 kc., power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Contingent on granting of KSFO's application for change in frequency from 560 to 740 kc.

1240 Kilocycles

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—License to cover construction permit (B5-P-2946) for reinstatement of construction permit to install new equipment and make changes in equipment.

1290 Kilocycles

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and install directional antenna for night use. Class III-A station. Amended to make changes in directional antenna for night use.

1310 Kilocycles

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Construction permit to erect a synchronous station near intersection Battle Street and Providence Road, Scranton, Pa., with studio at 62 Franklin St., Wilkes-Barre, Pa. (same site as WBRE's studio), to be operated on 1310 kc., 100 watts, unlimited time, to be used in connection with Station WBRE.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Authority to install automatic frequency control equipment.

WDMJ—Lake Superior Broadcasting Co., Marquette, Mich.—Authority to determine operating power by direct measurement of antenna power.

WCLS, Inc., Joliet, Ill.—Modification of license to change hours of operation from specified hours to unlimited time.

WSAV—WSAV, Inc., Savannah, Ga.—Authority to relinquish control of corporation by sale of 32 shares of stock from Arthur Lucas to E. E. Murrey, Sr.

1350 Kilocycles

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas.—License to cover construction permit (B3-P-1871) as modified, for change in frequency, installation of new transmitter, antenna

changes, increase in power and hours of operation, and move transmitter.

1360 Kilocycles

KSLM—Oregon Radio, Inc., Salem, Oregon.—Authority to determine operating power by direct measurement of antenna power.

KCRC—Enid Radiophone Co., Enid, Okla.—Construction permit to move transmitter and studio to a site to be determined, Enid, Okla., make antenna changes, install new transmitter and increase power from 250 watts to 1 KW. Requests Class III-A station. Amended: To give location of transmitter and studio as Willow and Kennedy Sts., Enid, Okla. (present licensed site), and install directional antenna for day and night use.

1370 Kilocycles

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Authority to install new automatic frequency control equipment.

WAGF—John T. Hubbard, Julian C. Smith & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—License to cover construction permit (B3-P-2829) for new antenna and move of transmitter.

WTCM—Midwestern Broadcasting Co., Traverse City, Mich.—Modification of construction permit (B2-P-2565) for a new station, requesting approval of antenna, approval of transmitter site at County Line Road, Elmwood Twp., Mich., and change type of transmitting equipment.

KGKL, Inc., San Angelo, Tex.—Authority to determine operating power by direct measurement of antenna power.

NEW—William D. Hudson and Violet Hutton Hudson, Clarks-ville, Tenn.—Construction permit for a new station to be operated on 1370 kc., 250 watts, unlimited time. Class IV.

1400 Kilocycles

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Authority to determine operating power by direct measurement of antenna power.

1420 Kilocycles

WMVA—William C. Barnes and Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Modification of construction permit (B2-P-2226) as modified, for a new station, requesting authority to make changes in antenna system, and move transmitter from near Martinsville, Va., to Church St., Martinsville, Va., and extend commencement date 30 days after grant and completion date 90 days thereafter.

WMAS—WMAS, Inc., Springfield, Mass.—Authority to determine operating power by direct measurement of antenna power.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Authority to determine operating power by direct measurement of antenna power.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Authority to determine operating power by direct measurement of antenna power.

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Authority to make changes in automatic frequency control equipment.

1500 Kilocycles

WBOC—The Peninsula Broadcasting Co., near Salisbury, Md.—License to cover construction permit (B1-P-2713) as modified, for a new station.

KONB—MSB Broadcast Co., Omaha, Nebr.—Authority to transfer control of corporation from C. J. Malmsten, John K. Morrison, and Arthur Baldwin to Ross C. Glasmann, William W. Glasmann, and Blaine V. Glasmann, 150 shares common stock.

KONB—MSB Broadcast Co., Omaha, Nebr.—Modification of construction permit (B4-P-2697) for a new station, requesting new transmitter, approval of antenna system, and approval of transmitter and studio site at 2027 Dodge St., Omaha, Nebr.

NEW—Batavia Broadcasting Corp., Batavia, N. Y.—Construction permit for a new broadcast station to be operated on 640 kc., 250 watts, daytime. Class II. Amended to change frequency from 640 to 1500 kc. (1490 under N. A. R. Agreement), hours from daytime to unlimited time using 250 watts day and night, make changes in antenna and change location of transmitter. Class IV station.

KBST—The Big Spring Herald Broadcasting Co., Big Spring, Tex.—Authority to determine operating power by direct measurement of antenna power.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—License to cover construction permit (B3-P-2384) as modified for a new station.

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Authority to determine operating power by direct measurement of antenna power.

1530 Kilocycles

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—Construction permit for a new station to be operated on 920 kc., 500 watts night, 1 KW day, unlimited time. Class III-B. Amended to change requested frequency from 920 kc. to 1530 kc., 1590 kc. under the North American Regional Agreement, power from 500 watts night, 1 KW day, to 1 KW day and night, and make changes in antenna.

FM APPLICATION

NEW—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 44300 kc.; coverage, 10,300 square miles; population, 11,800,000.

TELEVISION APPLICATION

W2XWV—Allen B. DeMont Laboratories, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-30, as modified for a new television broadcast station) to make changes in both visual and aural transmitters.

MISCELLANEOUS

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Modification of license to change frequencies from 11730, 11790, 15130, 15250 and 25600 kc. to 11730, 11790, 15130, 15350, 25600 and 17750 kc.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Modification of license to change frequencies from 6040, 11730, 11790, 15130, 15250 and 21460 kc. to 6040, 11730, 11790, 15130, 15350, 21460 and 17750 kc.

WGBH—Onondaga Radio Broadcasting Corp., area of Syracuse, N. Y.—License to cover construction permit (B1-PRY-225) for a new relay broadcast station.

NEW—KGKO Broadcasting Co., Portable-Mobile.—License for a new relay broadcast station to be operated on 31220, 35620, 39260, 37020 kc., 2 watts, A3 emission. (Equipment now licensed to A. H. Belo Corp., KEGE.)

NEW—KGKO Broadcasting Co., Portable-Mobile.—License for a new relay broadcast station on 1622, 2058, 2150, 2790 kc., 75 watts, A-3 emission. (Equipment now licensed to A. H. Belo Corp., Station KFAA.)

WENJ—WJW, Inc., area of Akron, Ohio.—License to cover construction permit (B2-PRE-351) for a new transmitter.

NEW—Royal Miller (area of Sacramento, Calif.)—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 10 watts, A-3 emission.

NEW—Royal Miller (area of Sacramento, Calif.)—License to cover above construction permit.

NEW—Amarillo Broadcasting Corp. (area of Amarillo, Tex.)—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150 and 2790 kc., 21 watts, A-3 emission.

NEW—WJR, The Goodwill Station, Detroit, Mich.—Construction permit for a new relay broadcast station to be operated on 156075, 157575, 159975, 161925 kc., 100 watts, A-3 emission.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc.; coverage, 1,370 square miles; population 2,253,392.

will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bell Yarn Company—Charging misrepresentation in the sale of knitting yarns, a complaint has been issued against Philip Jablon, trading as Bell Yarn Company and as Wonoco Yarn Company 371 Grand St., New York.

The complaint alleges that in catalogues, sample books, and on tags, labels and other forms, the respondent describes yarns not composed entirely of fiber made from the hair of the Cashmere goat as "Cashmere Sport" and "Imported Cashmere Blend"; the last-named yarn, while containing some of such fiber, being composed principally of other wool or of a mixture of wool and other material.

The complaint further alleges that the respondent employs the words "Sporting Angora" and "Angoray" to designate yarns not composed of fiber made from the hair of the Angora goat but of fiber made from other wool, and the terms "Zephyr Tweed Deluxe" and "Bermuda Tweed" to describe yarns not composed wholly of wool; the yarn designated "Zephyr Tweed Deluxe" being made of equal parts of wool and rayon, and "Bermuda Tweed" containing no wool but being a mixture of cotton and rayon.

The term "Genuine Camel Hair," according to the complaint, is employed by the respondent to designate a yarn containing practically no camel hair but consisting almost entirely of other materials; the term "Luster Wool" to describe a yarn not composed entirely of wool but of approximately equal quantities of wool and rayon, and the legends "Crepe Velvete" and "Mystic Tweed Crepe" to describe yarns containing no silk but being composed of a mixture of wool and rayon.

According to the complaint, the respondent sells and distributes, among others, yarns designated as "Zephyr Tweed Deluxe," and "Bermuda Tweed," "Luster Wool," "Pompador Zephyr" and "Snow Flake," without disclosing their rayon content. They are alleged to contain a substantial percentage of rayon which has been manufactured so as to simulate wool or a mixture of silk and wool, and the products have the appearance of such.

Through use of the legends "Scotch Tweed," "Luster Shetland," "Bermuda Tweed," "French Zephyr," and "Imported Cashmere Blend," the respondent, according to the complaint, has represented that the yarns so designated are made respectively in Scotland, the Shetland Islands, Bermuda, and France, and that "Imported Cashmere Blend" is not of domestic origin, when in fact all of these yarns are manufactured in the United States.

Through use of the legend "Importers of D.M.C.-French-Angora-Wool-Cottons" in connection with his trade name, the respondent, according to the complaint, represents that he is an importer when in fact he obtains all of his products from domestic manufacturers or dealers. (4326)

Civil Employees Training Service—Alleging misrepresentation in the sale of correspondence courses intended to prepare students for Civil Service examinations for positions under the United States Government, a complaint has been issued against Harold S. Banks, trading as Civil Employees Training Service, 612 Andrus Building, Minneapolis.

The complaint alleges that the respondent, directly or through agents, has represented, in some instances, that his school has been recommended by the Federal Government, or by some Governmental agency such as the United States Civil Service Commission; that his sales agents are in the employ of and represent the Government, or some of its agencies, and that his school is connected with the United States Civil Service Commission or the Government, when such are not the facts.

The complaint also charges the respondent with representing that he will notify his students of dates and places of civil service examinations; that a prospective student solicited has been specially selected to take the courses offered because of his qualifications or his standing in his community; that the respondent has connections in Washington, D. C., by which he obtains advance and inside information regarding appointments and examinations, and that the respondent's school is incorporated, employs a greater personnel than is actually the fact, and has operated successfully for many years.

The facts are, according to the complaint, that the respondent does not as a regular practice notify students as to dates and places of civil service examinations; makes no special selection because of a person's qualifications, and has no connections in

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition against the following firms. The respondents

Washington for obtaining special information; and that his school is unincorporated; has been in operation a comparatively short time, and is not different from any other civil service school.

The complaint alleges that the completion of the respondent's courses would not of itself qualify a person to pass a civil service examination; that the passing of such examination does not necessarily assure appointment; and that classified civil service positions under the United States Government with reference to which the respondent has offered training have not been open and available in the instances and at the times such representations to that effect have been made. (4333)

Clover Farms Store Corp.—Alleging violation of the brokerage provision of the Robinson-Patman Act, a complaint has been issued against Clover Farm Stores Corporation and its wholly owned subsidiary, The Lane-Lease Company, both of 4300 Euclid Ave., Cleveland.

Clover Farm Stores Corporation, according to the complaint, furnishes certain beneficial services to groups of wholesale grocers and groups of retail grocers sponsored by the wholesalers, all of its stock being owned by some 32 wholesale grocers located in 16 States. The Lane-Lease Company, according to the complaint, is a merchandise broker engaging in the negotiation of sales of food and grocery products to the stock-owning wholesalers of the Clover Farm Stores Corporation group by manufacturers, canners and other sellers.

The complaint alleges that The Lane-Lease Company customarily receives and accepts from such sellers, upon all sales to members of the wholesale group made through or negotiated by it, compensation in the form of brokerage fees or commissions in violation of the brokerage provision of the Robinson-Patman Act. The gross receipts of The Lane-Lease Company from this source in 1937 amounted to \$126,700, representing sales of approximately \$4,000,000 worth of merchandise, according to the complaint.

The same practices are alleged to have been engaged in by the Clover Farm Stores Corporation acting through its wholly owned subsidiary The Lane-Lease Company. The wholesalers, owning all the stock of Clover Farm Stores Corporation, control that respondent, and, through it, The Lane-Lease Company, according to the complaint. (4334)

Gland Estemeter Company—Alleging misrepresentation in the sale of a device which had been advertised as useful in diagnosing ailments and conditions of the body, a complaint has been issued against Gland Estemeter Corporation and William Estep, its president. The respondents formerly maintained a place of business at 201 East 12th St., Kansas City, Mo., but their address is now c/o American Health Food Association, 30 North LaSalle St., Chicago.

The complaint alleges that prior to October 31, 1939, the respondents sold and distributed a device known as "Gland Estemeter"; that in circular literature and in advertising matter sent through the mails they represented that all ailments and diseases result from improper or abnormal functioning of the glands; that the respondents' device would detect such improper functioning, reveal any vitamin deficiency, or whether the condition of the body was acid or alkaline, and disclose the condition of the blood with respect to energy and activity and analyze and disclose any impairment of the mental processes.

The complaint alleges that many diseases are not caused by improper functioning of the glands; that even in those cases where there may be such improper functioning, the respondents' device, an ordinary electric battery arrangement, would be incapable of detecting or disclosing such condition; and that use of the device will not accomplish the other results claimed. (4328)

E. B. Hall, trading as E. W. Hall, 3679 Olive St., St. Louis, according to the complaint, disseminates by mail and through newspaper, periodical and circular advertising matter and by radio continuities, representations to the effect that his product, "Texas Wonder," constitutes a cure or remedy for, and possesses substantial therapeutic value in the treatment of, kidney and bladder disorders, including inflammation of the bladder and kidneys, stones in the kidneys and tuberculosis of the kidneys, diabetes, rheumatism, swollen joints, weak and lame back, pains in the back and lumbago.

The complaint alleges that use of the respondent's product does not produce the results claimed, and that the preparation does

not have therapeutic value in the treatment of the ailments mentioned in excess of such slight symptomatic relief as it may afford in cases of swollen joints and pains in the back, by reason of its properties as a mild diuretic. (4330)

Healthaids, Inc., 404-14 Tonnelle Ave., Jersey City, N. J., according to the complaint, sells and distributes "Serutan," a medicinal preparation, and The Journal of Living Publishing Corporation, 1819 Broadway, New York, disseminates a publication known as "The Journal of Living," which is used, among other things, for the advertisement of "Serutan."

The Commission complaint charges these corporate respondents and Victor H. Lindlahr, editor of the publication, with representing, through newspaper, periodical, circular and radio advertisements, that "Serutan" has substantial therapeutic value in restoring and maintaining natural elimination; that it stimulates and strengthens, and promotes normal and regular action on the part of, the digestive and eliminative organs and muscles, and that it constitutes a cure or remedy for, and possesses substantial therapeutic value in the treatment of, constipation.

The complaint alleges that the preparation "Serutan" has no therapeutic value with respect to restoring or maintaining natural elimination; that it is not capable of accomplishing the results claimed; that it possesses no therapeutic value in the treatment of constipation except insofar as its laxative properties may assist in the temporary evacuation of the intestinal tract; that the active ingredient of the preparation consists of the mucilaginous portion of psyllium seed, and that the presence of this ingredient serves to give the preparation the properties of a mild laxative, aside from which properties the product is wholly without therapeutic value. (4332)

Journal of Living Publishing Corp.—See Healthaids, Inc.

Lane-Lease Company—See Clover Farms Store Corp.

Motor Tire Retread Company, Inc.—Misrepresentation in the sale of used tires which have been retreaded or recapped, is alleged in a complaint issued against Motor Tire Retread Company, Inc., 2441 South Indiana Ave., Chicago, and Benjamin Duchon, Lillian Hollowich, and John M. Weiner, its officers and directors. According to the complaint, the respondents also trade under the names Nation Wide Tire Company, Central Tire and Retreading Exchange, Standard Brand Retread Tire Company, Zephyr Tire Company, and Retread Tire Distributors.

Among the respondents' representations, made, according to the complaint, by means of printed and written matter and orally by sales agents, are that tires purchased will be identical to samples displayed by agents, and free from boots and patches; that carcasses used in retreaded or recapped tires are less than a year old; that tires will be shipped to the purchaser from a point in his own vicinity, thereby saving substantial freight charge, and that the respondents' tires are sold under a warranty that they will replace defective passenger tires in six months or defective truck tires in three months, at half the prevailing price. However, the complaint alleges that in fact the respondents ship tires inferior to samples, and, in many instances, tires older than represented and containing boots and patches; that tires are not shipped from points in the buyer's vicinity, except in the vicinity of Chicago, and the freight rate is often much higher than represented, and that in many cases the respondents fail and refuse to make good their warranty.

The complaint alleges that a further misleading and deceptive practice is the use of various trade names and purported addresses, in order that the respondents may be able to obtain, under certain of such names, orders from persons who have had previous unsatisfactory experience with the respondents under other of such names.

In order to obtain salesmen, the complaint alleges, the respondents, through newspaper advertisements and their representatives designated "crew managers," represent, among other things, that the respondents will pay for the oil and gasoline to operate the salesmen's automobiles, provided their sales total a certain amount; will credit salesmen with a five per cent bonus on each order paid for by the purchaser, and will pay salesmen, on each order they place, a 10 per cent commission which amount the salesman is to collect from the purchaser as a de-

posit when the order is taken. However, the complaint alleges that the respondents do not pay for oil and gas even when the salesman's weekly sales aggregate the minimum amount required; do not pay the bonus in many cases, and only pay the 10 per cent commission when the purchaser of an order pays the balance due after making the initial deposit, the amount of the deposit being deducted from the salesman's future earnings in instances where the balance is not paid by the purchaser. (4325)

Puritan Uniform Company—See White Swan Uniforms, Inc.

ReVigator Corporation, 1630 Hanna Building, Cleveland, and E. O. Loeber, individually and as president of the corporation, are charged with misrepresentation in the sale of a hair treating device and preparations, in a complaint.

The complaint alleges that the respondents sell a "pressure cap" device, along with preparations designated "ReVigator Liquid Home Treatment for Scalp and Hair" and "ReVigator Liquid Shampoo," and a pair of circular combs, which constitute what is designated by the respondents as "The ReVigator System of Home Treatment for the Scalp and Hair."

In advertisements distributed through the mails and by other means, the respondents, according to the complaint, represent that the use of their device, the "ReVigator Automatic Pressure Cap," provides a cure or remedy and competent or effective treatment for falling hair, fading hair, thinning hair, dandruff and baldness, and that its use will cause new hair to grow.

The complaint alleges that in fact the use of the respondents' device, either alone or in combination with the preparations sold by the respondents, does not constitute a cure or remedy for falling hair, fading hair, thinning hair or dandruff, and has no therapeutic value in the treatment of such conditions, in excess of cleansing the hair and scalp and temporarily removing accumulated dandruff scales, or in the treatment of baldness; and will not cause new hair to grow. (4329)

Somersville Manufacturing Company—Misrepresentation in the sale of fabrics is alleged in a complaint issued against Somersville Manufacturing Company, Somersville, Conn., a manufacturer of fabrics, and J. J. O'Donnell and Clinton Ellis, trading as O'Donnell and Ellis, 450 Seventh Ave., New York, sales agents for Somersville Manufacturing Company.

The complaint alleges that the respondents have falsely represented the constituent fibers or materials of which certain of their fabrics are made, such representations being accomplished by means of labels supplied by the respondents to purchasers of their fabrics who manufacture coats and other garments. The labels, according to the complaint, are supplied in order that they may be attached by such manufacturers to the garments made from the respondents' fabrics.

Among and typical of the labels so supplied by the respondents and affixed to such coats and other garments, according to the complaint, are: "Genuine Camel's Hair Somersville Fabric," "Camel's Hair Somersville Fabric," and "King Camel Somersville Fabric," the words "King Camel" in the last mentioned label being followed by a pictorial representation of a camel and some palm trees.

Through the use of the label, the complaint alleges, the respondents represent that the fabrics and the garments manufactured therefrom are composed entirely of fiber made from camel's hair, when in fact none of the fabrics bearing the designated labels are composed entirely of camel's hair, but all of them contain substantial percentages of wool, mohair or other material. (4324)

Clara Stanton, trading as Clara Stanton, Druggist to Women, 313 Fourteenth St., Denver, Colo., engaged in preparing and distributing a preparation containing drugs designated "Anti-Fat Tablets," is charged, in a complaint with misrepresentation.

The complaint charges that by means of advertisements, and through use of the name "Anti-Fat Tablets," the respondent represents that the preparation is a cure or remedy for obesity; is a competent and effective treatment therefor, and that use of the preparation will reduce excess fat gradually and safely and will prevent obesity. The complaint alleges that these representations are misleading and untrue; that the preparation is not a cure or remedy for obesity and has no therapeutic value in the treatment of such condition.

The complaint charges further that the advertisements disseminated by the respondent constitute false advertisements in failing

to reveal that the use of the preparation, which contains potassium iodide, under conditions prescribed in the advertisements or under such conditions as are customary or usual, may result in serious and irreparable injury to health in that the advertisements do not contain any cautionary statement to the effect that the preparation should not be used by persons suffering from goiter or pulmonary tuberculosis in either the active or quiescent state. (4327)

Watch-My-Turn Signal Company—Charging misrepresentation in the sale of an electric signalling device for automobiles, a complaint has been issued against L. B. Patterson, trading as Watch-My-Turn Signal Company, Walnut Building, Des Moines, Iowa.

The respondent device, according to the complaint, consists of two metal discs for attachment at each side of the rear window of an automobile, each disc being equipped with the design of an arrow which may be illuminated by turning a switch on the steering column. When properly installed and illuminated the arrows are intended to signal, to the driver of a car approaching from the rear, the direction in which the automobile is about to turn.

In advertising his device by means of newspaper, periodical, circular and other matter sent through the mails, the respondent, according to the complaint, represents that his signalling device and switch work automatically; that the arrow design is the only design which will not blur at a distance; that the laws of all the States and of the District of Columbia require that automobiles be equipped with electrical turn signals of this or similar type, and that salesmen handling the respondent's signalling device can and do make a profit of \$2.45 on each sale and a profit of 264 per cent under normal conditions and in the usual course of business.

The complaint alleges, however, that neither the signalling device nor the controlling switch work automatically but that the switch must be turned on or off manually by an occupant of the car in which they are installed; that it is not true that the arrow design will not blur at a distance; that neither all nor a majority of the State laws, nor those of the District of Columbia, require that automobiles be equipped with electrical turn signals, and that salesmen ordinarily do not make the profits represented. (4331)

White Swan Uniforms Inc.—Violation of the Robinson-Patman Act in the furnishing of compensation for advertising to some customers but not to all other competing customers is alleged in a complaint issued against White Swan Uniforms, Inc., and Leo M. Cooper, its president and treasurer, who also trades as Puritan Uniform Company and as York Uniform Company, all of 21 St. Casimir Ave., Yonkers, N. Y. According to the complaint, the respondents sell and distribute uniforms of the type worn by nurses, maids, waitresses and others.

The complaint alleges that the respondents are now contracting to pay and paying to some of their customers one-half of the cost of newspaper advertisements inserted by and for the benefit of such customers without making the payments available on proportionally equal terms to others of their customers competing with such favored customers in the distribution of the uniforms.

Typical of the practices complained of, the complaint alleges, is a situation in New Brunswick, N. J., where three stores engage in the resale of "White Swan Uniforms." The complaint alleges that White Swan Uniforms, Inc., has granted and paid to one of the stores, which also owns a store in White Plains, N. Y., selling White Swan Uniforms, one-half the cost of advertising which features the name of White Swan Uniforms. According to the complaint, the respondent, through a salesman, early this year, persuaded another of the three New Brunswick stores, which was selling competing lines of uniforms, to handle the White Swan Uniform by allowing this store one-half the cost of newspaper advertisements featuring the brand name of White Swan Uniforms.

The complaint alleges that the third mentioned New Brunswick store about two years ago requested White Swan Uniforms, Inc., to make some allowance for advertising the White Swan Uniforms but was refused any allowance and informed that it was not the policy of the company to offer such.

The granting to some but not to all customers competitively engaged in the sale of the uniforms, of valuable considerations for the benefit of such customers as compensation for advertising expenditures, is, according to the complaint, in violation of Section 2 (d) of the Robinson-Patman Act. (4335)

Wonoco Yarn Company—See Bell Yarn Company.

York Uniform Company—See White Swan Uniforms, Inc.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Boyd Scott Company, Inc.—A motion of Advertisers Exchange, Inc., 381 Fourth Ave., New York, has been granted for dismissal of a complaint recently issued against that corporation and also against Boyd Scott Company, Inc., McTee & Company, Inc., Van Tine Features Syndicate, Inc., Carr & Lewis, Inc., Clare & Foster, Inc., Hargrace Company, Inc., Namron Advertising, Inc., and John Smithson Company, Inc., all of 381 Fourth Ave., New York, and Bais, Inc., 79 Madison Ave., New York, all of which, along with 9 additional corporate respondents and one individual, had been charged with violation of the Federal Trade Commission Act in the sale of ready-made advertising materials.

The motion for dismissal was granted in the case of Advertisers Exchange, Inc., because that corporation is not engaged in the type of advertising business alleged and has not used the practices and methods as alleged in the complaint, and because the respondent John H. Ryder, alleged to control and manage the group, has not exercised any control or direction over Advertisers Exchange, Inc., since long prior to issuance of the complaint.

The motion for dismissal was granted in the cases of Boyd Scott Company, Inc., McTee & Company, Inc., Van Tine Features Syndicate, Inc., Carr & Lewis, Inc., Clare & Foster, Inc., Hargrace Company, Inc., Namron Advertising, Inc., John Smithson Company, Inc., and Bais, Inc., because these corporations have been dissolved. (4302)

A. S. Butler & Company—An order has been issued requiring Minnin Shapiro and Jack Winkler, trading as A. S. Butler & Co., 667 North Clark St., Chicago, to cease and desist from misrepresentation in the sale of second-hand fruit jars.

The order directs that the respondents cease selling or distributing used or second-hand fruit jars, unless there is firmly attached to each of such jars, and to each carton or container in which such jars are packed, a conspicuous label or other marking clearly disclosing that such jars are used or second-hand jars.

Commission findings are that the respondents had bought second-hand or discarded fruit jars from junk dealers; cleaned them and attached new rubber bands and caps, and placed them in new cardboard containers each holding 12 jars, so that they had the appearance of new jars, there being no designation to show that they were old or used jars.

The cost to the respondents of obtaining, cleaning, refitting and packing such second-hand fruit jars, the findings continue, has been much less than the cost to manufacturers and wholesale dealers of manufacturing and packing or of obtaining and packing new fruit jars, and the respondents thereby have been enabled to sell such second-hand jars to retailers, and through them to the purchasing public, at prices substantially lower than those at which new jars can be sold. (4192)

House of Crane, 124 South Meridian St., Indianapolis, has been ordered to cease and desist from the use of lottery methods in the sale of candy or other merchandise. The respondent sells cigars, tobacco products, candy and other articles to dealers.

The Commission order directs the respondent to cease selling or distributing candy or any other merchandise so packed and assembled that sales may be made by means of a lottery; supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling such candy or merchandise to the public, or selling any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4080)

Electrolysis Associates, Inc., and Louis Zinberg, an officer of the corporation, trading as Beautiderm Company, 1451 Broadway, New York, have been ordered to cease and desist from misrepresentations in the sale of "Beautiderm Midget", a device recommended for use in the electrolytic removal of hair.

Commission findings are that in newspapers, circular and other advertising matter the respondents represented their device as being an effective, efficient, safe and scientific apparatus for electrolytic removal of excess hair by individual self-application in the home. They were also found to have advertised that removal of such

hair is permanent, and that use of the device is painless and harmless, and will have no ill effects.

Use of the device by the unskilled lay public, however, according to findings, and under conditions prescribed in the advertisements or under such conditions as are customary or usual, by persons without instruction in the technique or removing superfluous hair, is not safe or harmless and may result in injury to health.

The Commission order directs that the respondents cease disseminating advertisements which represent that their device or apparatus is safe or harmless when used in the electrolytic removal of superfluous hair by individual self-application in the home, or when used by the unskilled lay public or by persons not trained in the technique of hair removal by electrolysis.

The order also prohibits the dissemination of advertisements which fail to reveal that use of the device or apparatus by such untrained persons may result in injury to health.

Upon petition of the Commission, the U. S. District Court for the Southern District of New York had issued an order restraining the respondents from further dissemination of certain false advertisements of their product pending issuance and final disposition of the Commission's complaint. (4144)

Adolph Kastor & Bros., Inc., New York, cutlery manufacturer, has been served with an order requiring it to cease and desist from certain practices tending to produce the erroneous impression that a line of knives it sells has been authorized or approved by the Boy Scouts of America.

Commission findings are that since 1911 the Boy Scouts of America, to maintain supervision of equipment used by its members, has contracted with manufacturers for production of a safe and suitable pocket knife, specifications for which have been approved by the organization, and has licensed the contractees to mark the knife so as to identify it as the approved "Scout" knife.

According to findings, although the respondent has not been so licensed, it has manufactured and distributed knives similar in appearance to that adopted by the organization, and has marked and advertised them in various ways by use of the words "Boy Scout", "Boy Scouts of America", "Scout", "Scouting", and "Standard Scout", with and without emblems, or simulation of emblems, of the Boy Scouts of America, and with and without pictures of boys in scout uniforms and scenes of outdoor activity suggesting the Boy Scouts of America and their activities.

The Commission order requires the respondent to cease and desist from marking or labeling such knives, or their containers, or display cards, with the words "Scout", "Boy Scout", or "Scouting", or with any emblem or symbol adopted and used by the Boy Scouts of America to designate or symbolize that organization or its members' activities, and from using pictorial representations of outdoor life in which there appear boys in Boy Scout uniform or in uniforms simulating that uniform, and from using in any manner, any mark, symbol or emblem adopted and used by the Boy Scouts of America to represent or identify that organization or its members' activities. (3466)

Kraft Cheese Company—Five corporations purchasing for resale approximately 75 per cent of the Swiss and Limburger cheese produced in Wisconsin, have been ordered to cease and desist from an agreement or combination to fix and maintain the prices paid the producers for such cheese.

Respondents are Kraft Cheese Company, Chicago, and its subsidiary and agent, Badger-Brodhead Cheese Company, Monroe, Wis.; The Borden Company, New York, and J. S. Hoffman Company, Chicago, and its subsidiary and agent, Triangle Cheese Company, Monroe, Wis., which, according to findings, purchase the output of approximately 200 of the 250 cheese factories in the Monroe, Wisconsin area, most of which plants are cooperatively owned by farmer-producers; have no substantial storing facilities; have no marketing facilities other than through dealers, and little or no financial reserves.

In August, 1938, the findings continue, as a result of an appeal by Wisconsin farmer-producers for relief from low prices for Swiss and Limburger cheese, the Wisconsin State Department of Agriculture called conferences which were attended by its representatives and those of the producers and dealers. The producers' representatives suggested that monthly meetings be held under the department's sponsorship between representatives of the cheese factories and the dealers, at which attempts would be made to agree on fair prices for the dealers to pay for cheese produced by the factories. The request was acquiesced in by the dealer repre-

sentatives, according to findings, and the Badger-Brodhead Cheese Company, Triangle Cheese Company, and The Borden Company joined other dealers in sending representatives to the meetings at which market information was exchanged and discussed and prices agreed upon.

Pursuant to their agreement, understanding and combination, the findings continue, the respondents, along with representatives of other dealers and of the Monroe producers, fixed the prices to be paid the cheese factories for the two types of cheese, the representatives of the Badger-Brodhead, Borden and Triangle companies, with the other dealers' representatives, acting as a unit in offering to representatives of the cheese factories the prices which the dealers would pay for cheese. Prior to their meetings with the producer representatives, the findings continue, the representatives of the respondents and other dealers held separate meetings among themselves at which they agreed upon the initial prices they would offer the producers' representatives, and during the meetings with the producers' representatives, also held separate meetings among themselves at which they set the upper limits as to the prices they would agree to pay the factories.

In very few instances, the findings continue, did the dealers' representatives, including those of the Badger-Brodhead, Borden and Triangle companies, accede to the request of the producers' representatives for increased prices, the producers' representatives, in most instances, being required to accept the lower prices offered by the dealers' representatives or receive the same prices paid the preceding month.

The Commission's order directs that the respondents, in connection with the purchase of Swiss or Limburger cheese sold or offered for sale by the producers or manufacturers thereof, cease and desist from fixing or maintaining, or attempting to fix and maintain, pursuant to agreement, understanding or combination, the prices offered to be paid, or paid, for such cheese.

The Commission closed, without prejudice to its right to reopen and resume proceedings should future facts so warrant, the case growing out of its complaint in this proceeding as to National Dairy Products Corporation, New York (of which Kraft Cheese Company is a solely owned subsidiary), which was found not to have engaged in the acts or practices of the other respondents as found. (4071)

Michigan Merchandising Company—An order has been issued requiring Charles D. Brown, trading as Michigan Merchandising Company, 31 Allison Street, Pontiac, Mich., to cease and desist from misrepresentations in the sale of electric water heaters.

Commission findings are that the respondent, in seeking to sell his "Wonder Electric Water Heater," inserted "Help Wanted" advertisements in newspapers, typical of which was the following: "Man to look after deliveries. \$25 salary and share in profits. References required. Give phone if possible. Must have \$100 cash to pay for first consignment of goods. Box —."

Such advertisements, the Commission finds, are misleading and deceptive and the business as conducted by the respondent is a fraudulent scheme to extract money from persons in need of employment by falsely representing to them the character of the work to be performed, the purpose of an initial payment of \$100 by the applicant for work, the terms of employment, the salary to be paid, the price for which the heater is regularly sold, and the extent and nature of the guaranty.

Under the scheme, as operated by the respondent and his representatives, the findings continue, the so-called "distributor" becomes a mere purchaser of the heaters without adequate outlets for their disposal.

The Commission order directs the respondent to cease and desist from representing that the only services required of distributors are to make deliveries of, and collections for, the heaters, or that no selling is required; that dealers in any number have been or will be established by the respondent or his field agents in any city or territory, when no such dealers have been established and their establishment is not contemplated; that the initial payment required of each distributor is in the nature of, or in lieu of, a temporary bond, and that it will be refunded; that the initial payment represents anything other than the payment for a certain number of the respondent's heaters; that the respondent will pay to the distributor \$25 weekly salary or any other amount either with or without commissions; that the respondent's heater is manufactured and guaranteed by the Jenner Manufacturing Company (Pontiac, Mich.), or that it is guaranteed forever, and that the price at which it is customarily offered for sale is an introductory price, or a special price, or is anything other than the regular retail price at which the heater is sold. (4217)

Dr. Pierre Chemical Co., 162 North Franklin St., Chicago, engaged in the manufacture and distribution of medicinal preparations known as "Dr. Pierre's Boro-Pheno-Form Vaginal Suppositories" and "Dr. Pierre's Boro-Pheno-Form Vaginal Creme," has been ordered to cease and desist from misrepresentation of its products.

The Commission finds that in advertisements in newspapers, periodicals, and in other ways, the respondent represented that its products are competent and effective preventives of conception; competent and effective germicides; that they possess substantial therapeutic agents which heal irritated tissues and membranes, and that the products have been approved and are recommended by a substantial number of reputable physicians.

The Commission also finds that the products possess antiseptic ingredients of low toxicity, and are not competent or effective germicides generally, and that no substantial number of reputable physicians have approved or recommended the products.

The respondents are ordered to cease and desist from disseminating or causing to be disseminated any advertisement in commerce which represents that the products are generally or in the majority of cases competent or effective preventives of conception; that they are competent and effective germicides generally; that they contain any substantial therapeutic agents or properties which will serve to heal irritated tissues or membranes, or that they have been approved or recommended by any substantial number of reputable physicians. (4005)

STIPULATIONS

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

Artercraft Monogram Company—Irving Gould, trading as The Artercraft Monogram Company, 1220 Broadway, New York, engaged in the sale and distribution of machines and equipment under the trade name "Maderagram," for the monogramming of letters and insignia on shirts, handkerchiefs, pillow cases and other fabrics, has entered into a stipulation in which he agrees to cease and desist from representing that the Maderagram machine or device of similar construction, is equipped with patented attachments, or that the transparent stencils or other unpatented commodities sold by him are patented, or, by use of words or expressions of similar import, representing that an article of commerce has protection, characteristics, or qualities which it does not, in fact, possess. (2936)

J. Busch, Inc., 26 West 23d St., New York, engaged in the wholesale distribution of silverware, flatware and cutlery, has agreed to cease and desist from selling or distributing plated products which are marked, stamped, branded or labeled with the words "Silver Plate" or with other words of similar implication, when in fact the products actually are not plated with silver. The respondent has also agreed to cease and desist from use of the words "Silver Plate" in any way as descriptive of its plated products so as to import or imply to purchasers that the products are silver plated or plated with silver, when in fact they are not so plated. (2934)

Diamond Silver Company, Lambertville, N. J., manufacturers of silverware, cutlery and novelty flatware, have agreed to cease and desist from the use of the words "Silver Plate" as a mark, stamp, brand or otherwise to purportedly describe its plated products, when in fact the products actually are not plated with silver; and from the use of the words "Silver Plate" in any way so as to import or imply to purchasers or prospective purchasers that the products are silver plated or plated with silver, when in fact they are not so plated. (2933)

J. H. Dornheggen Medicine Company—Trading as J. H. Dornheggen Medicine Company, J. H. Dornheggen, 3530-32 Eastern Ave., Cincinnati, has entered into a stipulation in which he agrees to cease and desist from certain representations in the sale of "Peerless Rheumatism Remedy."

The respondent agrees to cease representing, by use of the word "Remedy" or other words of similar import in the trade name

of the preparation or in any other manner, that the product is a competent remedy or an effective treatment for rheumatism or has any therapeutic value in such treatment in excess of affording temporary relief for the symptoms in cases of rheumatoid arthritis.

Other representations which the respondent agrees to discontinue are that his preparation is a competent remedy or affective treatment for arthritis, neuritis, sciatica, lumbago, neuralgia, or "Rheumatic Pains of the Kidneys"; that it has any therapeutic value in the treatment of these ailments in excess of affording temporary symptomatic relief; that it prevents relapses or recurrences of rheumatic pains, or that the preparation is a discovery. (02642)

Manuel Feldman, 295 Fifth Ave., New York, importer of hooked rugs, and engaged in the sale and distribution of certain of the rugs under the names "Province" and "Acadia," has entered into a stipulation with the Federal Trade Commission in which he agrees to discontinue use of the words "All Wool" in advertisements and advertising matter, on labels, or otherwise, as descriptive of the products not composed wholly of wool, and from the use of the word "Wool" either alone or in connection with the word "All" or other words, the effect of which tends to confuse, mislead or deceive purchasers with respect to the wool content of the products. The stipulation provides that if the rug is faced wholly or in substantial part with wool but is backed with fabric or material other than wool, and the word "Wool" is used to refer only to the wool content of the rug face, then in that case the word "Wool" shall be immediately accompanied by some other word or words printed in equally conspicuous type so as to indicate clearly that the rug is not composed wholly of wool. (2938)

Gem Corrugated Box Corporation, 118 West 22nd St., New York, engaged in the sale and distribution, as jobbers, of fiber boxes, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease and desist from marking, stamping or branding its products with its corporate or trade name together with the words "Certificate of Box Maker" or the word "Maker" or any words of similar meaning, which tend to convey the belief to purchasers or others that the corporation makes or manufactures the products, or that it actually owns and operates or directly and absolutely controls the plant or factory in which the products are made or manufactured. (2937)

Goldfarb Novelty Company—Samuel Goldfarb, Saul Goldfarb and Philip Goldfarb, trading as Goldfarb Novelty Company, 20 West 23rd St., New York, engaged in operating a wholesale novelty house, have agreed, in the sale of their merchandise, to cease and desist from selling or distributing in commerce plated products which are marked, stamped, branded or labelled with the words "Silver Plate" or with any other words of similar implication when the products actually are not plated with silver, and also have agreed to cease and desist from use of the words "Silver Plate" in any way as descriptive of plated products so as to impart or imply to purchasers or prospective purchasers that the products are silver plated or plated with silver, when in fact they are not so plated. (2935)

Honeymead Products Company, Cedar Rapids, Iowa, a manufacturer of prepared livestock and poultry feeds, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of its products.

The respondent agrees to discontinue representations implying that livestock fed with its products command top market prices or sell at prices greater than are received for livestock of comparable quality or breed fed with rations containing equal or superior nutritional values or protein supplements, and statements which misrepresent or unduly exaggerate the importance or value of dextrose or corn sugar molasses as an animal or poultry ration.

Among further representations which the respondent agrees to discontinue are statements to the effect that its "Special Hybrid Hog Supplement" is a sensational new finding in the hog feeding industry; representations that "Honeymead Milkmeal" is a competent supplement or substitute for milk or keeps pigs healthy, and statements implying that vitamins A, B, D, E and G are indicated as a supplement to the diet of farm livestock or poultry, unless it is clearly stated that the benefits claimed will obtain

only when there is a deficiency or suboptimal supply of such vitamins in the feed or ration ordinarily provided such animals or poultry. (2943)

House of Charm Cosmetic Company—Clarence D. and Kenneth Herron, trading as House of Charm Cosmetic Company, 352 East 75th St., Chicago, has entered into a stipulation in which the respondents agree to cease and desist from certain representations in the sale of cosmetics.

Under their stipulation, the respondents agree to cease certain misrepresentations of price, such as the use on containers of fictitious or misleading prices which are in excess of the customary prices; the representation that an offered or purported retail selling price is special or limited, when in fact it is the customary price, and the representation that the amount asked for any of the respondents' products covers only the packaging and handling costs, when in fact such amount offers them a profit in excess of such cost.

Other practices which the respondents agree to discontinue are the representation that the manufacturer of a product offered for sale by them is backed by manufacturing experience extending over a period of time in excess of what is actually the fact, and the use on containers of their products or in advertising matter of the word "London", either alone or in connection with other words, so as to imply that the respondent co-partners have an office or business establishment in London, England. (2941)

Imperial Chemical Company, Shenandoah, Iowa, has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of insecticides.

Among representations which the respondent agrees to discontinue are that its product "Bug-Dust-O-Cide" is an "all purpose" insecticide constituting "dependable" or adequate protection for gardens, flowers, shrubs or plants against damage by insects generally; that it can be depended upon to prevent plant disease, or that it is superior to or more powerful than various comparable competitive products.

The respondent also agrees to cease representing by statements such as "Rotenone is thirty-eight times stronger than lead arsenate as a stomach poison to bugs and insects", that its product generally is more efficacious than lead arsenate as an insecticide, or that it is a stomach poison for all bugs or insects. "Rotenone" was advertised as an ingredient of "Bug-Dust-O-Cide", according to the stipulation.

The respondent further agrees to cease making unqualified representations that Bug-Dust-O-Cide neither stunts, injures nor retards the growth or development of plant life or has any injurious effect thereon, and to discontinue stating that this product or other insecticide containing nicotine or other toxic ingredient in sufficient quantity to cause injury, when taken into the human or animal system, is non-poisonous to humans or domestic animals. (2940)

Lucone, Inc., 217 Seventh Ave., New York, distributor of "Lucone Herb Tonic," has entered into a stipulation in which it agrees to cease and desist from using the word "Herb" as part of the trade name of its product, and from representing its product as a herb tonic containing no greasy substances and capable of promoting or assuring a robust or abundant growth of hair; as preventing baldness or dandruff, saving the hair or stopping hair loss, and keeping the hair roots active. The respondent also agrees to cease advertising that its product is of aid in correcting unhealthy scalp conditions, keeps the hair free of infection, or preserves the scalp. (02643)

Maywood Publishing Company—Nathan Gilbert, trading as Maywood Publishing Company, 1107 Broadway, New York, has entered into a stipulation in which he agrees to cease and desist from certain representations in the sale of a publication designated "20th Century Business Encyclopedia."

The respondent agrees to cease using the word "Encyclopedia" in the title of or as descriptive of the publication he sells or of any other publication which is not in fact a comprehensive summary of knowledge or of a certain branch of knowledge. He also stipulates that he will cease representing that the contents of any publication or pamphlet offered for sale are "secret," "amazing," or otherwise undiscovered, unknown, astonishing or bewildering.

Under his stipulation, the respondent also agrees to cease several representations having to do with the price or value of his publication. (2939)

Missouri Mausoleum Company, Inc., 310 North Osage St., Independence, Mo., manufacturer and distributor of mausoleums, vaults and sectional concrete burial boxes, has entered into a stipulation in which it agrees to cease and desist from use of the words "Asphalt-Lined" as descriptive of such of its products as are not in fact lined with asphalt, and from use of the words in any way to imply to purchasers that the lining of the products to which the words refer is composed wholly of asphalt.

The stipulation provides that if the lining is composed in substantial part of asphalt and in part of other material, and the word "Asphalt" is used as descriptive of such asphalt content, then the word "Asphalt" shall be immediately accompanied by some other word or words printed in equally conspicuous type so as to indicate clearly that the lining is not composed wholly of asphalt, but is composed in part of material other than asphalt. (2942)

Picture Ring Company, Butler Building, Cincinnati, vendor-advertiser engaged in selling novelty jewelry designated "Picture Ring," "Portrait Ring," "Photo Gem Ring," "Charm Bracelet," "Portrait Crucifix," "Portrait Tie Clasp," "Fountain Pen," "Portrait Bracelet," "Cross Ring," and "Birthstone Ring," has entered into a stipulation in which it agrees to cease and desist from representing that the regular price or value of any of its products is in excess of the price at which they are regularly sold; that the products or the pictures applied thereto will last a lifetime and that the pictures will never fade, rub, wash or wear off; that the process by which the pictures are applied to these products is secret or special; that the products contain precious jewels or gems; that the Charm Bracelet is heavily plated with gold or has a gold setting or gold design; that the Portrait Tie Clasp is silver or has a silver design; that the Fountain Pen sold by the respondent has a genuine iridium-tip point; that the Portrait Bracelet is heavily gold-plated; or that prospective agents, salesmen or distributors can make ten or twenty sales each day or dozens of sales each day, or any number of sales within any specified period of time, which are in excess of the average number of sales which have theretofore been consistently made in like periods of time by the respondent's agents, salesmen or distributors in the ordinary and usual course of business and under normal conditions and circumstances.

The respondent further agrees to cease and desist from using the terms "free" or "without cost" or other terms of similar import to refer to merchandise offered as compensation for distributing its merchandise unless all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate conjunction or connection with the terms "free" or "without cost." (02640)

Rilling-Arno Company, 607 Fifth Ave., South, Minneapolis, has entered into a stipulation to cease and desist from certain representations in the sale of its "Rilling Koolerwave," a hair waving device of the machineless type, and "Rilling Concentrator," a hair dryer.

The respondent corporation agrees to cease advertising that a permanent wave given with Rilling Koolerwave equipment starts at the scalp or is one-half inch closer or closer by any definite measurement, than any other method; that all methods of permanent waving other than the Rilling Koolerwave injure the hair; that this equipment or the results represented as attainable by its use, or the features represented as attributable to it, are guaranteed, unless the true nature and extent of such guarantee are clearly and adequately disclosed; and that tests of all hair dryers on the market have demonstrated that the Rilling Concentrator costs less to operate, dries heads at less cost, or dries hair faster than any other hair dryer. (02639)

Albert H. Singer Fur Company—Albert H. Singer, trading as Albert H. Singer Fur Company, 228 West 29th St., New York, engaged in the purchase and sale of raw furs, has entered into a stipulation in which he agrees to cease and desist from quoting or otherwise holding forth any fictitious or exorbitant price or prices which trappers or fur dealers may expect to receive from him for their furs; quoting prices which he has not, in fact, paid in the usual course of business, or quoting prices which might be applicable to furs of a grade or quality not produced in, or which are exceptions in, the section or territory circularized; representing that he pays higher prices for furs than do other fur buyers, or that trappers or dealers in furs will realize a greater return by selling their furs to him than would be obtainable by selling such furs to other fur dealers or through brokers; use of the word "Guarantee" or any words of similar meaning, unless, whenever used, clear and unequivocal disclosure be made in direct connection therewith, of exactly what is offered by way of security, or representing that prices quoted are guaranteed, unless the respondent actually pays the prices quoted during the full period of time for which such price lists are effective or in force. (2944)

Victoria Chemical Company, 887 Broad St., Newark, N. J., has entered into a stipulation in which it agrees to desist from representing that its drug products "Bilaphen Tablets" will enable one to say goodbye to a distressed feeling resulting from an upset stomach, or that it will be of aid in relieving an upset stomach unless this representation is limited to relieving that condition when due to constipation. The respondent also agrees to cease advertising that its preparation will cause the liver to return to normal functioning or will keep it functioning normally; that the product will cause normal or natural movements, and that the respondent manufactures its product or maintains a laboratory. (02644)

FTC CASE CLOSED

The Federal Trade Commission has closed its case against I. Schneierson & Sons, Inc., 1350 Broadway, New York, manufacturer of women's and children's underwear, without prejudice to its right to resume proceedings should future facts so warrant. Further investigation indicated that the respondent had brought its practices into compliance with the Commission rules. The respondent company had been charged with violation of the Federal Trade Commission Act in the sale of its products.