



THE WEEK IN WASHINGTON

The Wage and Hour Administration announced the adoption of new definitions effective October 24 which should provide substantial relief for employers and employees alike. (p. 4685.)

Colonel Thad H. Brown, former member of the Federal Communications Commission, this week asked the Chief Executive to withdraw his name so that he might enter private law practice in Washington. (p. 4687.)

Additional information on the status of Communist candidates in eight states is contained in this issue. (p. 4688.)

On October 15 the FCC adopted a new set of regulations affecting international broadcasting stations. (p. 4688.)

In New York, Neville Miller and a committee of broadcasters met with bandleaders headed by Fred Waring. BMI music continues to climb in popularity and sheet music sales of BMI hit songs have had substantial gains. (p. 4687.)

The BMI Board of Directors met in New York for the regular meeting. The present officers of the corporation were unanimously reelected and Julius P. Witmark, Jr., was elected to the position of Assistant Secretary. The stockholders also voted to change the certificate of the corporation so as to change the number of directors from seven to not less than seven and not more than eight. Theodore C. Streibert, vice president of the Mutual Broadcasting System, was slated to become a director of BMI as soon as the certificate providing for the increase in the number of Directors is filed with the Secretary of State. (p. 4688.)

The Research Department reports that 125 stations have sent in September business reports for use in the "Unit Measurement of Broadcast Advertising." (p. 4692.)

Mark Ethridge will address the annual meeting of the Association of National Advertisers at White Sulphur Springs. Paul Peter, NAB Director of Research, will also attend the meeting. (p. 4693.)

Captain Ernest M. Culligan, public relations officer of Selective Service Headquarters, publicly thanked the radio industry for the success of the registration on October 16. (p. 4693.)

Enthusiasm for the celebration of radio's twentieth birthday continues to rise. (p. 4694.)

NAB announces the addition of seven stations to the membership, which is nearing the 500 mark. The present membership is the highest in the history of the Association. (p. 4695.)

In this week's issue we publish a partial list of phonograph records of M. M. Cole Publishing Company publications, which are available for broadcasting immediately to those stations having SESAC licenses. After January 1, 1941, they will be available to all stations having BMI licenses. (p. 4690.)

Meetings of the Defense Communications Board were held this week, under the chairmanship of James Lawrence Fly. (4696.)

Wage and Hour Act

DEFINITIONS REVISED

The NAB's long fight for revision of the definitions of exempt classes of employees under the Wage and Hour Act bore fruit this week. The Wage and Hour Administration announced the adoption of new definitions, effective October 24, which should provide substantial relief to employers and employees alike.

Those exempt from any restriction on their hours are executives, administrative employees, professional employees and outside salesmen.

An *executive* is defined as follows:

"Sec. 541.1—Executive

"The term 'employee employed in a bona fide executive * * * capacity' in section 13(a)(1) of the Act shall mean any employee

"(A) whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, and

"(B) who customarily and regularly directs the work of other employees therein, and

"(C) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight, and

"(D) who customarily and regularly exercises discretionary powers, and

"(E) who is compensated for his services on a salary basis at not less than \$30 per week (exclusive of board, lodging, or other facilities), and

(Continued on page 4686)

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

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

DEFINITIONS REVISED

(Continued from page 4685)

"(F) whose hours of work of the same nature as that performed by non-exempt employees do not exceed twenty per cent of the number of hours worked in the work-week by the non-exempt employees under his direction; provided that this subsection (F) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment."

The greatest difference between this definition and the old one is the *definite* restriction placed on the amount of work the executive can perform of the same nature as that performed by non-exempt employees. In the old definition, it was "no substantial amount." In the new one, it is: "whose hours of work of the same nature as that performed by non-exempt employees do not exceed 20 per cent of the number of hours worked in the work-week by the non-exempt employees . . ."

In other words, the chief engineer at a station which operates 126 hours a week could stand watch 25.2 hours a week without losing his executive status, provided he measured up to the other requirements for an executive. The same figures would fit a production director who did some routine announcing.

An *administrative* employee is defined as follows:

"Sec. 541.2—Administrative

"The term 'employee employed in a bona fide * * * administrative * * * capacity' in section 13(a)(1) of the Act shall mean any employee

"(A) who is compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities), and

"(B) (1) who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is non-manual in nature and requires the exercise of discretion and independent judgment; or

"(2) who performs under only general supervision, responsible non-manual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

"(3) whose work involves the execution under only general supervision of special non-manual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment."

This new classification is meant to apply to employees who have jobs which require more than ordinary training and call for the exercise of more than ordinary discretion and judgment—yet who are not bona fide executives. This definition appears to be quite broad.

A *professional* employee is defined as follows:

"Sec. 541.3—Professional

"The term 'employee employed in a bona fide * * * professional * * * capacity' in section 13(a)(1) of the Act shall mean any employee who is

"(A) engaged in work

"(1) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and

"(2) requiring the consistent exercise of discretion and judgment in its performance, and

"(3) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

"(4) whose hours of work of the same nature as that performed by non-exempt employees do not exceed twenty per cent of the hours worked in the work-week by the non-exempt employees; provided that where such non-professional work is an essential part of and necessarily incident to work of a professional nature, such essential and incidental work shall not be counted as non-exempt work; and

"(5) (a) requiring knowledge of an advance type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine, mental, manual, or physical processes; or

"(b) predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination or talent of the employee, and

"(B) who is compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities); provided that this subsection (B) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof."

Section A(5)(b) is the most important part of this definition for broadcasting. It appears to exempt not only actors, singers, and musicians who make \$200 or more a month, but also *creative* writers and announcers who are paid \$200 or more a month (46.15 a week).

Outside salesmen are defined as follows:

"Section 541.5—Outside Salesman.

"The term 'employee employed * * * in the capacity of outside salesman' in section 13(a) (1) of the Act shall mean any employee

"(A) who is employed for the purpose of and who is customarily and regularly engaged away from his employer's place or places of business in

"(1) making sales within the meaning of section 3(k) of the Act; or

"(2) obtaining orders or contracts for the use of facilities for which a consideration will be paid by the client or customer, and

"(B) whose hours of work of the same nature as that performed by non-exempt employees do not exceed twenty per cent of the number of hours worked in the work-week by such non-exempt employees; provided that work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as non-exempt work."

As can be readily seen, Section (A)(2) clearly exempts radio time salesmen. What is more, a salesman-announcer, under (B) can do an unlimited amount of announcing on programs he has sold or announce 20 per cent of the time on any programs, without overtime payments.

Of course, numerous questions will arise under these definitions. Members are urged to send any questions they have to the NAB Labor Relations Director.

SUSTAINING TALENT

The Wage and Hour Administration this week issued the following press release:

Voluntary public participants in civic educational programs, "man on the street" and "quiz game" broadcasts are not the employees of the radio stations within the meaning of the Wage and Hour Act, Colonel Philip B. Fleming, Administrator, informed the Division's regional directors this week.

The instructions were sent as a supplement to the press release issued on September 16, 1940 (NAB REPORTS, p. 4612), on the subject of sustaining radio programs because of a misunderstanding of the scope of the original and the receipt by the Division of a large number of inquiries.

The instructions released by Colonel Fleming are as follows:

"In releasing instructions on the subject of sustaining radio programs on September 16, 1940, the Division did not intend to give a blanket ruling that all performers on sustaining programs are employees of the radio stations. The factual situation involved in the instructions quoted in the September 16 release was as follows: The performers in question performed at the establishment of the radio station and rendered a service which was a functional part of the business of the station. The radio station obtained a distinct benefit from the services performed. Furthermore, the work was performed under the direction and control of the radio station.

"Since the issuance of the September 16 press release, the Division has received many inquiries as to the applicability of the ruling that certain performers on sustaining programs are employees of the radio station in the following cases: Members of high school and college glee clubs, orchestras, bands, dramatic clubs, etc.; members of community or 'civic' bands, orchestras, glee clubs, dramatic clubs, etc.; members of American Legion and other fraternal organization bands, orchestras, glee clubs, dramatic clubs, etc.; children performing on 'Saturday morning' programs; public voluntary participants in 'man-on-the-street' programs; public voluntary participants in 'quiz' programs, etc.; public speakers in 'forum' programs; entertainers voluntarily contributing their services to public service programs such as Community Chest programs, Red Cross drives, etc.; members of church choirs, church organists, ministers, etc.; public officials and other speakers on public service programs; members of boy scout troops performing on boy scout programs; performers on National Youth Administration-sponsored and United States Employment Service-sponsored programs and other governmental-sponsored public service programs.

"In the case of the above enumerated programs, certain distinctive factors exist which distinguish them from those situations in which the Division is of the opinion that performers on sustaining programs are employees of the radio stations. In the enumerated cases the interest of the civic organization sponsoring the program and of the listening public in the public service features of the broadcast far outweigh the material interest of the radio station in obtaining radio performers for broadcast purposes. While the radio station may exercise a slight degree of control over the manner in which the performances are given, such control is not sufficient to create the employer-employee relationship between the radio station and the individual performers. Accordingly, you are instructed not to consider as employees of radio stations those performers engaged in bona fide broadcasts of the nature described above. You should also consider as within this instruction other cases which present similar factual situations as those enumerated above."

This appears to clean up most of the questions that have arisen from the original memorandum.

It appears that hill billies, orchestras, etc., who are "professionals" in the common meaning of the word, must be paid when they appear on the air from the studio. There is nothing in the law to prevent stations from charging these hill billies, orchestras, etc., for dance engagement plugs, however.

Any member having any doubt as to the status of an

individual performer, orchestra or other talent should send in the facts to the NAB for an opinion.

BANDLEADERS MEET WITH BROADCASTERS

A meeting was held between the orchestra leaders' committee and representatives of the broadcasting industry at the office of Fred Waring, 1697 Broadway, New York City, on October 16, 1940. Present on behalf of the broadcasters were Neville Miller, president of the NAB; John Elmer, a member of the NAB Board of Directors; and Sydney Kaye, NAB copyright counsel. On behalf of the bandleaders, Fred Waring, Meyer Davis, Ben Cutter, Johnny Green, Nat Shilkret, Eddie Duchin, and John O'Conner. The meeting discussed at length the problems which the broadcasters and bandleaders found themselves confronted with and there was an interchange of views of the best possible solution of those problems. The meeting may be followed by further meetings between the same parties.

BROWN'S NAME WITHDRAWN

Col. Thad H. Brown, former member of the Federal Communications Commission, who was renominated to succeed himself when the President sent his name to the Senate on June 5, this week asked the Chief Executive to withdraw his name so that he might enter private law practice in Washington. His confirmation has been opposed by Senator Tobey of New Hampshire. The name has been withdrawn by the President.

In his letter to the President asking for the withdrawal of his name Colonel said:

"May I express to you my deep appreciation of the trust and confidence you reposed in me in reappointing me on June 5 as a member of the Federal Communications Commission. Events which have transpired since then make it necessary for me to request at this time that my nomination be withdrawn and the appointment terminated immediately.

"As you will recall, during the early spring and before you appointed me a member of the Commission for another term, I had seriously contemplated entering the private practice of law. The opportunity which presented itself at that time is still available to me, and, in justice to my family and myself, I feel that it is my duty to carry out this original plan."

Answering this the President said:

"The terms of the request in your letter of October fourteenth seem to leave me no alternative but to accede. It is, however, with reluctance and with very real regret that I withdraw your nomination as a member of the Federal Communications Commission, and in further acquiescence in your request permit termination of your services as a member of the Commission, effective as of this date.

"In taking this action, however, I desire to express my appreciation of your work and my confidence in your ability to carry on—a confidence which was reflected in my action in tendering you a reappointment last June.

"I have long known of your desire to return to private life and I desire to wish you happiness and all success in the practice of the law."

Colonel Brown has announced that Corwin R. Lockwood, recently with the law department of the Federal

Communications Commission, will engage in private law practice with him. In connection with Federal tax, Federal Trade and antitrust matters they will be associated with the firm of Brewster & Steiwer.

Former Secretary of State of Ohio, Colonel Brown became general counsel of the old Federal Radio Commission in 1929 and in 1932 was named by President Hoover as a member of the commission. He became vice chairman of the commission in 1933 before its reorganization and was on the broadcast division before it was abolished in the shake-up effected by Frank R. McNinch, former chairman.

Communist Candidates

Supplementing the information contained in last week's NAB REPORTS, we list below the changes in the status of Communist candidates which have occurred this past week.

Arkansas	—Court barred Communist candidates from the ballot.
Delaware	—No Communist candidates qualified.
Indiana	—Court barred Communist candidates from the ballot.
Maryland	—Court ordered Communist candidates for Presidential and Vice-Presidential electors and United States Senator certified for ballot.
New Hampshire	—Ballot Law Commission barred Communist candidates from the ballot.
New York	—Communist candidates for Presidential and Vice-Presidential electors, United States Senator and Congressman-at-Large (2) filed.
Missouri	—Court barred Communist candidates from the ballot.
Washington	—Court ordered Communist candidates certified for the ballot.

The situation in the other states remains, so far as we have been able to learn, as set forth in NAB REPORTS of October 11, page 4665. Members will be promptly notified of any further changes.

International Short-wave

The FCC on October 15 adopted the following new section 4.43(f) affecting international broadcast stations:

(1) Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(2) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of two years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(3) If the broadcast is in a language other than English the licensee shall furnish to the Commission upon request such record and scripts together with complete translations in English.

These rules are in conformity with the views expressed by the licensees in the round-table discussions with the Commission staff on October 7. (See NAB REPORTS, October 11, page 4671.)

BMI Developments

BMI FEATURE TUNES

October 21-28

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

The record of BMI music as to popularity, performance, and sales continues about what it was last week. *There I go, Practice makes Perfect, Same Old Story, I Give You My Word, and We could make Such Beautiful Music* all show up on the "sheet." *Practice* and *Story* are on the best seller lists and Vaughn Monroe's record of *There I Go* appears for the first time among the best selling retail records, making its bow on the regional list for the west coast.

The regular meeting of BMI's Board of Directors was held at the Hotel Roosevelt, New York City, on October 15th in the morning. In the afternoon, the meeting of the stockholders was held at the office of the corporation, 580 Fifth Avenue, New York. At the stockholders meeting, the present officers of the corporation were unanimously re-elected and Mr. Julius P. Witmark, Jr., was also elected to the position of Assistant Secretary. The stockholders also voted to change the certificate of incorporation so as to increase the number of directors from seven to not less than seven and not more than eight.

Immediately following the meeting of the stockholders, another meeting of the Board of Directors was held at 580 Fifth Avenue. The directors voted that, as soon as the certificate providing for the increase of directors be filed with the Secretary of State, Mr. Theodore Streibert, Vice-President of Mutual Broadcasting System, should be elected a Director of BMI.

A meeting was held between the orchestra leaders committee and representatives of the broadcasting industry

at the office of Fred Waring, 1697 Broadway, N. Y., October 16, 1940. Present on behalf of the broadcasters were Messrs. Neville Miller, President of the NAB, John Elmer, a member of the Board of Directors of the NAB, Mr. Sydney Kaye, Copyright Counsel of the NAB; on behalf of the band leaders: Mr. Fred Waring, Mr. Meyer Davis, Mr. Ben Cutler, Mr. Johnny Greene, Mr. Nat Schilkret, Mr. Eddie Duchin, Mr. John O'Conner. The meeting discussed at length the problem which the broadcasters and band leaders found themselves confronted with and there was an interchange of views of the best possible solution of those problems. The meeting may be followed by further meetings between the same parties.

Two more stations bring the BMI tally to exactly 400. We welcome WKPA, New Kensington, Penna., and WISE of Asheville, North Carolina. Around the time when hansom cabs, red plush portiers and Ward McAllister ruled New York society, the latter was supposed to have said that after all there were only four hundred people worth knowing in New York. Since that time the FOUR HUNDRED has meant the very top cream, or the collar on the beer, if you will. The difference between the BMI four hundred and the cake-and-cotillion coterie of the late Mr. McAllister is that, while BMI members certainly represent the tops, they are not at all exclusive and look forward with delight to the time when they will become the six hundred or the eight hundred.

Preston Pumphrey joins the BMI staff as advertising agency contact man. Immediately before joining the BMI staff, Mr. Pumphrey was Radio Director of the Warwick and Legler Agency.

Mr. Pumphrey's whole experience has given him a useful background for his new work with BMI. In radio work since 1929, he has been Radio Director also of Fuller, Smith and Ross, and a member of the production staff of NBC and also Benton and Bowles.

He was Chairman of the New York AAAA Radio Committee at the time the standard radio spot agency contract was drafted. He produced the second largest transcription order of the country for the "Uncle Willard" program, of the Willard Storage Battery Company and he also produced such other shows as Westinghouse Salutes, Fred Allen's Town Hall Tonight, the Warden Lawes' program, Metropolitan Auditions Of The Air, and the Eddie Duchin programs.

Before entering the radio field, Mr. Pumphrey had taught English at Ohio-Wesleyan while he was taking his M. A. degree and had later spent five years in the Sales Promotion Department of the American Rolling Mills Co.

Jimmy Cairns, our Chicago representative, now has a business address in the Woods Theatre Building, 54 West Randolph Street, Room 304.

Gene Buck, returning from the ASCAP show at the San Francisco World's Fair, issued a statement to the newspapers in which he is quoted as saying:

"The fact that the fair was able to draw such a crowd for a special event without a bit of help from radio is proof that anyone with an important message to put across to the public can still do it exclusively through the press. *It shows that, in contacting the public, newspapers still come first.*"

Everybody living in 1940 knows that both newspaper and radio are necessary to the modern world, and that neither one can be placed before the other in a glittering generality but that their merits must be considered in reference to specific situations.

Mr. Buck knows this as well as anyone. When he makes derogatory remarks about the importance of radio in the activity from which the broadcaster derives his income, he is very carefully aiming a thoroughly foul blow.

Five new BMI records are announced for future release:

OKEH (Columbia)

<i>So You're The One</i>	Dolly Dawn	Okeh 5842
	Not before November 1st.	

DECCA

<i>There I Go</i>	Woody Herman	Decca 3454
	Not before November 14th.	

BLUEBIRD (Victor)

<i>May I Never Love Again</i>	Bob Chester	B-10904
	Not before November 1st.	

So You're The One

Vaughn Monroe	B-10901
Not before November 1st.	

You Walk By

Blue Barron	B-10894
Not before October 25th.	

Previously announced:

COLUMBIA

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

OKEH (Columbia)

<i>I Give You My Word</i>	Al Kavelin	Okeh 5734
<i>Madame Will Drop Her Shawl</i>	Al Donahue	Okeh 5704
<i>Practice Makes Perfect</i>	Al Kavelin	Okeh 5746

Practice Makes Perfect and

<i>The Same Old Story</i>	Billie Holliday	Okeh 5806
<i>The Same Old Story</i>	Frankie Masters	Okeh 5716
<i>There I Go</i>	Tommy Tucker	Okeh 5789
<i>What Good's The Moon</i>	Ray Herbeck	Okeh 5659

DECCA

<i>Practice Makes Perfect</i>	Terry Shand	Decca 3399
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BLUEBIRD (Victor)

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

Records for Cole Catalogue Available for Broadcasting

Partial list of Phonograph Records of M. M. Cole Publishing Company publications available for broadcast-
ing *January 1, 1941* to all stations having BMI licenses,
available immediately to all stations having SESAC li-
censes.

A		
Title	Company	Number
Alone With My Sorrows	Decca	5353-B
Answer To The Prisoner's Dream (Song)	Victor	207411
	"	2074112
	"	507469
	"	5074691
	Decca	5468-B
Atlanta Bound	Varsity (U.S. Record)	5015
Answer To Red River Valley (Gene Autry)	Vocalion	03101
Arizona Yodeler (The)	Columbia	C9253-A
	"	V04616-A
	Brunswick	V04616-A
B		
Big Bass Viol (The)	Decca	2206-B
Bringing Home The Bacon	Decca	5334-B
Bring Your Roses To Her Now	Columbia	C9181-B
	American Record	C9181-B
	Brunswick	V4724-B
By A Window At The End Of The Lane	Decca	5515-B
C		
Convict's Dream (The) (Gene Autry)	Vocalion	03229
Cowboy's Heaven	U.S. Record	5004
D		
Don't Waste Your Tears On Me (Gene Autry)	Vocalion	03070
Down The Lane Of Memory	Columbia	V05002-B
Down The Trail	Columbia	V04011-A
	Brunswick	V04011-A
E		
End Of My Round-Up Days (Gene Autry)	Vocalion	04146
	Columbia	V04146-B
	"	C8946-B
F		
Faded Love Letters Of Mine	Victor	206259
	"	2062592
	"	504803
Fetch Me Down My Trusty No. 45	Columbia	V04092-A
	"	C9024-A
	Brunswick	V04092-A
	American Record	C9024-A
Flowers Blooming In The Wild- wood	Columbia	C9231-B
	"	V04659-A
	Brunswick	V04659-A
G		
Girl In The Blue Velvet Band	Decca	5403-B
	"	8027-B
Goin' Back to Old Montana	Columbia	C8827-B
	American Record	P70252-B
	"	C8827-B
	Brunswick	M70252-B

Title	Company	Number
Golden River	Columbia	V04976-A
Great Speckled Bird (The)	Decca	5555-A
	Imp'l. Industrial	7174
Guitar Blues	Columbia	V04704-A
	"	V04704-B
	"	C9252-B
	Brunswick	V04704-B
H		
Hiding All My Cares	Decca	B8284-A
Hillbilly Wedding in June (A)	Decca	5008-B
	American Record	P12980-A
	"	9182-A
	"	C8192-A
Hillbilly Wedding	Brunswick	M12931-A
I		
I Am Just What I Am	Decca	5588-B
I Hate To Say Goodbye To The Prairie (Gene Autry)	Vocalion	03262
I Lost My Love in the Ohio Flood	Decca	5332-A
	"	8010-A
I Only Want A Buddy	Victor	205666
	"	2056661
	"	205777
	Decca	5352-A
	"	2807-A
	American Record	P70552-A
	"	P70854-A
	"	R70854-A
	"	C8844-A
	"	C8893-A
	Columbia	V05271-A
	"	V03292-A
	"	V03493-A
	"	V5235-B
	"	C8844-A
	"	C8893-A
	Brunswick	V2719-A
	"	V03493-A
	"	V03292-A
	"	M70854-A
	Imp'l Industrial	7176
I'm A-Ridin' Up The Old Kentucky Mountains	Columbia	V04742-B
	"	C9118-B
	Brunswick	V04742-B
	Columbia	V05081-A
I'm Goin' West To Texas	Decca	5312-A
I'm Here To Get My Baby Out Of Jail	"	5409-B
	"	8011-A
I'm Just Here To Get My Baby Out Of Jail	Victor	206621
	"	2066212
	"	206691
	"	2066911
	"	507017
	"	5070172
	"	507089
	"	5070891
I Want A Pardon For Daddy (Gene Autry)	Vocalion	04146
	Columbia	V04146-B
	"	C8933-A
	Brunswick	V04146-B
	American Record	C8933-A
	Imp'l. Industrial	7176
I Want To Be A Real Cowboy Girl	Victor	504802
	"	5048021
	"	206164
	"	2061641
	Columbia	C9010-A
	"	V04234-A
	Brunswick	V04234-A
	American Record	C9010-A
	"	C8988-A
	"	P80454-A
	"	R80454-A

Title	Company	Number
I Wish I'd Never Learned To Love You	Columbia	V04986-B
It's Time To Say Aloha	Decca	5003-B
J		
Just An Evening At Home	Decca	5167-B
K		
Keep A Light In Your Window	Decca	5003-A
	"	45074-A
Keep A Light In Your Window Tonight	Columbia	V03538-B
	Brunswick	V03538-B
L		
Last Letter (The)	Decca	17051-A
	"	5383-A
	"	5726-A
	Imp'l Industrial	7182
Little Girl Dressed In Blue	Decca	5008-A
	"	5428-B
Little Old Rag Doll	Decca	5329-B
	"	5329-A
Little Ranch House On The Old Circle	Vocalion	04998
(Gene Autry)	Decca	5450-B
Little Sweetheart Of The Ozarks	Columbia	V04023-A
	Brunswick	V04023-A
	American Record	C8981-A
	Imp'l Industrial	6718
Lorena	Columbia	V04313-A
	Brunswick	V04313-A
	American Record	C9117-A
Louisiana Moon	Vocalion	04375
(Gene Autry)		
M		
Me and My Burro	Decca	5129-A
	"	5128-A
Mellow Mountain Moon	Columbia	V04049-B
	Decca	5004-B
	Brunswick	V04049-B
Mexicali Rose		
(See below)		
Mississippi Valley Blues	Vocalion	02991
(Gene Autry)		
Mother Came to Get Her Boy	Victor	504718
	"	206383
	"	2063831
	"	5047182
My Dear Old Arizona Home	Victor	507861
	"	206255
	Columbia	V04247-A
	"	C8979-B
	American Record	C8979-B
	Brunswick	V04247-A
	Vocalion	04274
My Old Pal Of Yesterday		
(See O's) (Gene Autry)		
My Little Cowpony and I	American Record	C9011-A
Mexicali Rose (Rosa de Mexicali)	Victor	2064591
	"	206459
	"	2100071
	"	210007
	"	5072561
	"	507256
	"	5050341
	"	505034
	"	261362
	"	26136
	"	900035
	"	202963
	"	507970
	Decca	792-B
	"	1039-A
	"	10188-A
	"	10190-A
	"	5200-A
	"	2001-A
	"	2235-B
	"	2779-A

Title	Company	Number
Mexicali Rose—Continued (Gene Autry)	Vocalion	03097
	Columbia	B4426-B
	"	B8424-B
	"	V03086-B
	"	V03097-A
	"	V4479-A
	"	C8629-B
	"	C9169-A
	American Record	P60559-A
	"	C8629-B
	"	B4426-B
	"	C9169-A
	Brunswick	V03086-B
	"	V03097-A
	"	V4479-A
	"	M60559-A
	"	B4426-B
	Imp'l. Industrial	6329
O		
Old Buckaroo Goodbye	American Record	R71260-A
	"	P71260-A
	"	C8882-A
	Brunswick	M71260-A
	"	V03291-A
	Columbia	C8882-A
	"	V03291-A
(Gene Autry)	Vocalion	03291
Old Corral (The)	Decca	5258-B
Old Missouri Moon	Vocalion	03007
(Gene Autry)		
Old Pal of Yesterday	Victor	205427
(see My Old Pal of Yesterday)	"	2054271
Old Shep	Decca	3389
P		
Pal That Is Always True (The)	American Record	C8748-A
Please Don't Leave Me Now	Decca	B8248-A
Pretty Quadron	Decca	5084-A
	"	45074-B
	Imp'l. Industrial	5812
Prisoner's Dream (A)	Victor	507468
	"	207411
	"	2074111
	"	5074681
	Decca	5381-A
R		
Ridge Runnin' Roan	Decca	5302-A
Rock Me to Sleep in My Rocky Mountains	Decca	5006-B
Rosa de Mexicali		
(See Mexicali Rose)		
Royal Telephone	American Record	B60555-A
	"	O60555-A
	"	P60555-A
	"	R60555-A
	Brunswick	V04251-A
	"	M60555-A
	Columbia	V04251-A
S		
Seven More Days	Decca	8027-A
	"	5403-A
Some Day in Wyoming	Vocalion	04415
(Gene Autry)		
Song for Mother (A)	Decca	8010-B
	"	5332-B
Strawberry Roan (The)	Columbia	V04482-A
	"	C9118-A
	Victor	504778
	"	205667
	"	5047782
	"	2056672
	"	205392
	Brunswick	V04482-A
	American Record	C9118-A

DISTRICT 6

ARKANSAS
KFPW—Fort Smith
KARK—Little Rock
LOUISIANA
KTBS—Shreveport
KWKH—Shreveport
MISSISSIPPI
TENNESSEE
WOPI—Bristol
WAPO—Chattanooga
WLAC—Nashville

DISTRICT 7

KENTUCKY
WCMI—Ashland
WLBK—Bowling Green
WAVE—Louisville
OHIO
WCKY—Cincinnati
WGAR—Cleveland
WTAM—Cleveland
WBNS—Columbus
WCOR—Columbus
WHIO—Dayton
WLOK—Lima

DISTRICT 8

INDIANA
WIBC—Indianapolis
WFAM—South Bend
WSBT—South Bend
MICHIGAN
WJR—Detroit
WWJ—Detroit
WKZO—Kalamazoo

DISTRICT 9

ILLINOIS
WENR—Chicago
WMAQ—Chicago
WTMV—East St. Louis
WJPF—Herrin
WTAD—Quincy
WDZ—Tuscola
WISCONSIN
WTAQ—Green Bay
WCLO—Janesville
WIBA—Madison
WTMJ—Milwaukee
WRJN—Racine
WSAU—Wausau

DISTRICT 10

IOWA
KRNT—Des Moines
KSO—Des Moines
WKBB—Dubuque
MISSOURI
KFRU—Columbia
WDAF—Kansas City
NEBRASKA
KMMJ—Grand Island
KGFV—Kearney

OREGON BROADCASTERS ORGANIZE

At a meeting of the Oregon broadcasters in Portland last week, a state association was organized and elected Lee Bishop of KMED, Medford, as president, and Frank Loggan of KBND, Bend, as secretary-treasurer.

The formation of the state association followed a full day's meeting attended by practically all broadcasters in Oregon.

Harry Spence of KXRO, Aberdeen, Washington, NAB Director, was a guest.

DISTRICT 11

MINNESOTA
WCCO—Minneapolis
WTCN—Minneapolis
KSTP—St. Paul
NORTH DAKOTA
WDAY—Fargo
SOUTH DAKOTA
KABR—Aberdeen

DISTRICT 12

KANSAS
KSAL—Salina
KFBI—Wichita
OKLAHOMA
KVSO—Ardmore
KTOK—Oklahoma City

DISTRICT 13

TEXAS
KFDA—Amarillo
KRIS—Corpus Christi
KGKO—Fort Worth
WBAP—Fort Worth
KPDN—Pampa
KPAC—Port Arthur
KONO—San Antonio

DISTRICT 14

COLORADO
KIUP—Durango
IDAHO
KRLL—Lewiston
MONTANA
KFBB—Great Falls
KGVO—Missoula
UTAH
KDYL—Salt Lake City
WYOMING

DISTRICT 15

CALIFORNIA
KWG—Stockton
HAWAII
NEVADA

DISTRICT 16

ARIZONA
NEW MEXICO
CALIFORNIA

DISTRICT 17

ALASKA
OREGON
KAST—Astoria
KALE—Portland
KOIN—Portland
KWJJ—Portland
KSLM—Salem
WASHINGTON
KGA—Spokane
KHQ—Spokane

ETHRIDGE TO ADDRESS ANA CONVENTION

Radio will be officially represented at the forthcoming convention of the Association of National Advertisers by Mark Ethridge, WHAS, Louisville and Paul Peter, NAB Director of Research. The ANA's annual meeting is scheduled for White Sulphur Springs, W. Va., October 24th to 26th.

Mr. Ethridge will address the convention on Thursday afternoon, October 24, when leading representatives of the four major media will acquaint the national advertisers with present day problems and developments in their respective fields. Other media will be represented by Grove Patterson, Vice-President and Editor, Toledo Blade; Roy Larsen, President of Time, Inc.; and former Senator George Wharton Pepper, of Pennsylvania, who is counsel to the outdoor industry.

Mr. Peter will be on hand to observe in addition to the media session the latest trends in product standardization, the consumer movement, national defense and its effect on manufacturing and marketing processes, and other developments affecting radio, as they will be brought forth at the convention.

Invited representatives of the networks and many individual stations are also expected to attend.

National Defense**RADIO AND PRESS PRAISES**

Commendation for the Nation's newspapers, press services and radio broadcasting facilities for their outstanding assistance in disseminating information concerning the Selective Service Act and all phases of its operation was broadcast yesterday by Captain Ernest M. Culligan, public relations officer at the National Selective Service Headquarters.

In a nation-wide broadcast over NBC, Captain Culligan, speaking of plans for the registration of more than 16,000,000 men under the Selective Service Act, declared:

"The American people understand Selective Service only because the American press and radio news agencies continue to maintain their high tradition and unequalled efficiency in promoting a public understanding of national affairs and stimulating a public consciousness of national problems.

"The success of this registration owes much to our press and radio news agencies.

"The splendid public service they have rendered in publicizing Selective Service is a demonstration of the importance of a free and uncensored press and radio in a free and democratic country."

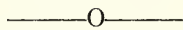
RECRUITING

How effectively radio interests applicants for enlistment in the regular army is evident by the experience of WROK, Rockford, Ill., reported by William R. Traum, promotion director.

During September the Rockford recruiting office received fifty-seven applications. These were the result of eight different means of contact and publicity employed by the Army.

In a letter to WROK, Lieutenant A. C. Johansson reported that the Army's check indicated that one-fifth of the applicants were motivated in seeking enlistment by hearing programs and spot announcements over WROK.

"Inasmuch as we have used eight different means of contact and publicity," wrote Lieutenant Johansson, "we believe that this 20 per cent is very substantial and that it shows excellent results for radio."



WCAU, Philadelphia, gave a big lift to the national defense program recently when it broadcast the story of the building of a battleship. The program was one in the station's "Philadelphia Prepares" series.

Portable recording equipment was taken to the Philadelphia Navy Yard. Program started in the drafting room and moved to the mold loft where patterns are cut for every piece that goes into ship. The huge structural steel shop, where steel is cut to fit the moldings, was next; followed by pickups at the way where the keel of the 45,000-ton New Jersey is being laid. The next stop was on the bridge deck of the U. S. S. Washington, 35,000 tonner, launched last June and now nearing completion in dry dock.

There were interviews with officers, workmen and supervisors in the yard and sound effects ran rampant throughout the broadcast. Admiral A. E. Watson opened the show with a two-minute talk.

Joseph T. Connolly, WCAU promotion director, advises that scripts of this show and recordings are available to any interested member station.

CIVIL SERVICE RESULTS

Forty thousand additional points of contact for skilled workers who want the national defense jobs being promoted by American broadcasters will soon be established. They will be located in all of the third and fourth class post offices of the United States.

This constructive move is expected to add impetus to the task of recruiting the second hundred thousand skilled workers.

Visual identification for these national defense information bureaus will be colored posters, entirely different from the one now placed in the 5,000 first and second class post offices and in police stations. Its design has

just been approved and printing will begin almost immediately.

KWLM, Willmar, Minn., which has just started operation, is including the Man Power announcements in its daily schedule according to information from Edgar Parsons. Including KWLM the number of stations which have notified NAB headquarters of their cooperation totals 646.

Julien Smith, Jr., general manager, WHBB, Selma, Ala., has evolved a single daily program to carry such things as Man Power announcements and other national defense items.

It is called, "Uncle Sam on the Air." In addition to announcements there are patriotic transcribed selections and march tunes.

It was evolved in order that more time and more emphasis might be given to promotion of national defense. He reports that the program is well received by listeners.

Soon to go on the air, WSTV, Steubenville, Ohio, has arranged to broadcast Man Power announcements with the very first program. So reports John L. Merdian, program director.

Advice from the various national defense agencies, relayed to NAB by the United States Civil Service Commission, indicates that this important task of recruiting man power, which the industry has undertaken, is proceeding with eminent satisfaction.

Promotion

TWENTIETH BIRTHDAY CELEBRATION

Now that everybody has counted the candles on the cake on "Let's Celebrate Radio's 20th Birthday" broadcast—

Now that station managers have approved the idea—

Now that program, promotion and publicity manager, special events men, salesmen and engineers are preparing suggestions, there can be no doubt that radio is in for a first class promotion next November 11-30.

The 20th anniversary of broadcasting is also receiving recognition from the RMA.

Bond Geddes, executive vice president, contracted the entire Board of Directors at the recent New York City meeting. And, on October 11, his remarks were supplemented in a bulletin to all members. The headline reads:

"GET IN AND HELP PROMOTE
"RADIO'S 'BIRTHDAY' CELEBRATION"

In the body of the letter he urged the set makers to tie in various ways including the purchase of time.

A particular paragraph follows:

"RMA members also are urged to supply their advertising agencies with details of the 'radio birthday' campaign and to rec-

commend placement of advertisements with local broadcast stations, through cooperative advertising allowances or otherwise. It is also requested that RMA members supply their distributors with advertising material, such as forms of spot announcements, continuity, etc., for use by broadcast stations, similar to the advertising matter furnished to distributors for newspaper use."

The October 16 issue of **RADIO WEEKLY**, widely circulated throughout the manufacturing and distributing units of radio, gave a strong support to the efforts of RMA.

In addition to a two column, page one, editorial, "Twenty Years Old," there was a bold face paragraph on celebration on nearly every page.

You may have noticed that important daily papers have started a black and white campaign to sell readers on the newspapers' contribution to the progress and well being of the community and nation. This is a constructive step as proven by the radio industry over a period of years.

Probably a great many more than the reported 250 newspapers already engaged in the promotion will follow suit.

Radio's 20th Birthday Celebration is the current example of this type of promotion in broadcasting. Others were National Radio Festival, Curtain Raiser and Open House, to mention a few.

Aside from content, the outstanding difference between the promotion by the newspapers and by the broadcast stations is in the method of communication.

With the former it's silent type.

With radio, it's a warm, vibrant voice which cuts across time and space to reach all ages, all races and creeds, people of all walks of life, simultaneously.

Radio and newspaper supplement each other. Maybe it would be a good idea to get the newspaper men over to your station. Invite him to relate the newspaper's contribution in building America over the air.

"LISTEN BEFORE YOU VOTE"

From cities 3,000 miles apart, and in between, special reports have been received at headquarters of the productiveness of "Listen before You Vote" promotion.

From Washington state comes the news that the "Listen before You Vote" campaign is continuing with reasonable success. Informant is Peter Lyman, public relations director, KOMO and KJR.

These stations are also conducting a campaign to get out registration and voters for the November 5 election. "Like the 'Listen before You Vote' campaign, this activity," says Mr. Lyman, "has been well received and enjoys the backing of civic and political groups throughout the area."

"Along the same line, we cooperated with some twenty-two Seattle Service Clubs in a Town Meeting of Washington program last Friday evening (Oct. 11). The audience totaled over a thousand, and met in one of our local high school auditoriums. They listened to impartial discussions of the six initiatives and referendums to be voted on, followed by a question and answer discussion

by the audience and leading pro and con representatives on each measure.

"The program was fed to Spokane and Wenatchee on the east side of the mountains, and was listened to by groups throughout the state, organized through clubs associated with those in Seattle who sponsored the program. The reaction to this program has been excellent, and it looks like the forerunner of a possible series on civic and state affairs."

WBAB, under direction of Norman Reed, managing director, has "Listen before You Vote" in full swing in Atlantic City.

Part of his promotion consists of a series of appropriate 68 lines x 2 column ads in the *Atlantic City Press* and the *Atlantic City Evening Union*.

Headline of a recent ad reads "LISTEN to station WBAB, before You Vote." Then, in part, the following:

"The whole process of national and local elections has been broadened and deepened in its significance by the tremendous part that radio plays in it.

"The National Association of Broadcasters has adopted the theme, 'Listen Before You Vote,' believing that the strength of a democracy is through an informed, alert citizenry.

"Radio brings its listeners directly in touch with rival candidates and rival policies in the same close and intimate style that characterized the days of town meetings and of platform debates between candidates."

Cuts of NAB Seals Still Available

Many stations have been supplied with the one inch and 5/8 inch cuts of the NAB seal and are making effective use of it on their stationery and publicity. We still have a supply on hand and invite your order. There is no charge. (For sample of cut, see **REPORTS** of September 20, p. 4616.)

Headquarters is gratified with the increase in the number of stations who are making daily announcements in connection with station identification, calling attention to the fact that station — is a member of the National Association of Broadcasters.

As the NAB becomes better known to the general public its ability to do a better job for the industry will increase.

NEW MEMBERS Let's Make it 500

Since the last report on the subject of new members (**NAB REPORTS**, September 13, 1940, Page 4597) we are pleased to welcome to membership the following stations which have joined in the last month.

KFBC—Cheyenne, Wyoming
KYA—San Francisco, California
WAKR—Akron, Ohio
WCBI—Columbus, Mississippi
WESX—Salem, Massachusetts
WORD—Spartanburg, South Carolina
WOSU—Columbus, Ohio
WSPA—Spartanburg, South Carolina

This raises the total membership to 484. We urge members to pass up no opportunity to bring in the stations still on the outside. We would like to make that membership 500 by the first of the year. We ask your cooperation.

Members will be interested in articles appearing in two current publications. *Harper's Magazine* for October carries an article entitled "The Battle of Tin Pan Alley," by Leonard Allen. In the October issue of *Saturday Evening Post*, there is an article on James C. Petrillo, president of the American Federation of Musicians, entitled "He Was Always Good at Arithmetic," by Bruce Dennis.

COMMUNICATIONS DEFENSE BOARD MEETS

Meeting was held early this week of the Defense Communications Board and further meeting will be held on Friday.

James Lawrence Fly, Chairman of the Board, stated that at its Monday meeting it made progress in shaping up its organization and studying the whole problem. Mr. Fly said that the Communications Board has taken up the matter of Advisory Committees, but that no conclusions have been reached. He said that there had been some discussion as to the number of committees or sub-committees to be appointed, as well as how many people would be on each, but that no final decision has yet been reached.

NO FURTHER EXTENSION

The promptness and cooperative efforts of the amateur and commercial radio operators in filing satisfactory proof of their citizenship and identification as required by Order No. 75 has been very gratifying to the FCC. In order to avoid any unnecessary hardship to the operators, the filing date for the responses to that Order has twice been extended by one month periods from the original date of August 15. Under the provisions of the Order as amended the responses are due on or before October 15, 1940. It is apparent that there has been an honest attempt on the part of the large majority of the operators to meet that filing date.

There will be no further extension granted. However, the Commission realizes that certain individuals and groups of operators will be unable to secure the necessary documentary proof of citizenship within the time provided by the Order due to factors beyond their control. Accordingly, the Commission is disposed to accept without further action such responses as may be tardily filed provided they are accompanied by satisfactory explanation of the reasons which prevented prompt compliance with the Order. At the same time it is desired

to emphasize that arbitrary failure to submit the response in accordance with the Order, or to offer a reasonable explanation of the factors necessitating late filing, may be considered just cause for further action on the part of the Commission.

CHAIN BROADCAST ARGUMENT SET

FCC on Thursday announced that oral argument in connection with its investigation of chain broadcasting would be held on December 2 and 3. The subject matter for argument will be limited to the issues of fact and policy raised by the report of the chain broadcasting committee dated June 12.

It was further announced that at the request of interested parties the final date for the filing of briefs would be extended to November 11.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDER

FCC has announced the adoption of Statement of Facts, Grounds for Decision, and Order GRANTING the applications for renewal of licenses for station WLTH, The Voice of Brooklyn, Inc., and WARD, United States Broadcasting Corp., and DENIED application for modification of license by WBBC, Brooklyn Broadcasting Corp., in so far, only as the facilities of WARD and WLTH are requested. All stations operate on the frequency 1400 kilocycles with 500 watts power, sharing time equally, each station serving the Brooklyn, N. Y., area.

In 1932 four Brooklyn stations (WLTH, WARD, WBBC and WVFW), filed applications for increase of operating time, which if granted, would have required the deletion of one or more of the other stations. A hearing was held before an examiner in August and September, 1933. During this hearing and subsequent thereto a number of applications were filed by other parties seeking fulltime use of the 1400 kilocycle frequency. Also, the licensees amended their applications as to operating time requested. Therefore, the Commission ordered a further hearing to include these subsequent applications, which was held in December, 1934, and the Commission rendered its decision on December 17, 1935. Thereafter upon consideration of petitions for rehearing the Commission on February 5, 1936, ordered a hearing *de novo* to be held before it upon all the applications then pending and involving the use of the 1400 kilocycle frequency in Brooklyn, including renewal applications of the licensees. This hearing was held in March and April, 1937. On June 29, 1937, the Commission entered its order (1) granting the applications of WBBC for renewal

of license and for renewal of auxiliary transmitter license, and granting in part, the application for modification of license, subject to compliance with Rule 131, in so far as that application requested the facilities of stations WARD and WLTH, and denying the application in so far as it requested the facilities of WVFW; (2) granting the applications of WVFW for construction permit to make equipment changes and for renewal of license, and (3) denying all other applications involved in the proceeding.

Thereafter WLTH and WARD each filed notice of appeal in the U. S. Court of Appeals for the District of Columbia from the Commission's decision of June 29, 1937, denying their applications for renewal of licenses. Appeals were also taken by the Brooklyn Daily Eagle Broadcasting Co. Inc. and the Debs Memorial Radio Fund, Inc., from the same decision which denied their applications for the operating time of WBBC, WLTH, WARD and WVFW. Later the appeals of Debs Memorial Radio Fund, Inc. and the Brooklyn Daily Eagle Broadcasting Co. Inc. were withdrawn.

On September 30, 1937, the Court of Appeals, on petitions filed by WLTH and WARD stayed the effectiveness of the Commission's order of June 29, 1937, in so far as it terminated the service of WLTH and WARD and assigned the operating time of said stations to WBBC. Pursuant to a motion filed by the Commission the Court of Appeals on October 13, 1939, remanded back to the Commission for further proceedings the cases which were the subject of the above appeals taken by WLTH and WARD with the stipulation that "The Commission and the other parties in interest agree that the status quo will remain until the Commission has acted on the remand."

Based upon the foregoing the Commission on October 27, 1938, ordered temporary licenses be issued to WLTH and WARD for their continued operation, and on the same date set aside its order of June 29, 1937, in so far only as the same denied the applications of WLTH and WARD for renewal of licenses and granted in part the application of WBBC for modification of license to utilize the time of WLTH and WARD. The Commission's order of October 27, 1938, also set aside the Statement of Facts and Decision of June 29, 1937, in so far as the same denied the renewal applications of WLTH and WARD and granted the application of WBBC for the operating time of WLTH and WARD. The Commission's reconsideration of this record has been limited to the evidence which relates to the applications of WLTH, WARD and WBBC.

In its grounds for decision the Commission concludes:

1. The broadcasting service rendered the public by Stations WLTH and WARD has been of the same general character and quality as the service rendered by Station WBBC and there is, in fact, no substantial distinction in the merits of the services of these three stations.

2. The licensees of Stations WLTH and WARD are qualified legally, technically, financially, and otherwise to operate their respective stations on the limited basis of a time-sharing station.

3. The granting of the application of WBBC for modification of license in so far as said application request authority to operate

during the hours used by WLTH and the hours used by WARD would not serve public interest, convenience and necessity.

The order in this case will become effective October 22.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings and oral arguments are scheduled before the Commission for the week beginning, Monday, October 21. They are subject to change.

Monday, October 21

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

Thursday, October 24

Oral Argument Before the Commission

Report No. B-122:

KGFI—Eagle Broadcasting Company, Inc., Brownsville, Tex.—In re: Revocation of Station License of KGFI.

FUTURE HEARINGS

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

November 22

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

December 6

WLAJ—J. P. Marchant, D. J. Carey, and Melvin Meyer (Transferees), and Florida West Coast Broadcasting Co., Inc. (Transferee), Lakeland, Florida.—Transfer of control of station WLAJ, operating on 1310 kc., 250 watts, unlimited.

December 9

WSAR—Doughty & Welch Electric Co., Inc. (Assignor), Fall River Broadcasting Co., Inc. (Assignee), Fall River, Mass.—Voluntary assignment of license; operating on 1450 kc., 1 KW, unlimited-DA.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Hampden-Hampshire Corp., Holyoke, Mass.—Granted construction permit for new station to operate on 1370 kc., with 250 watts, unlimited time (B1-P-1701).

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Granted modification of license to increase night power from 500 watts to 1 KW, operating on 880 kc., sharing with KPOF, Denver (B5-ML-941).

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted construction permit to install directional antenna for night use; increase hours of operation from daytime only to unlimited; move transmitter to 2.5 miles northwest of center of Spartanburg, Saxon Mill, S. C., and operate with 1 KW on 920 kc. (B3-P-2901).

KVIC—Radio Enterprises, Inc., Victoria, Tex.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on **1310 kc.** (B3-ML-975).

WGOV—E. G. Rivers, Valdosta, Ga.—Granted modification of license to increase night power to 250 watts, operating unlimited time on **1420 kc.** (B3-ML-1022).

WWJ—The Evening News Assn., Detroit, Mich.—Granted construction permit to make changes in transmitting equipment, increase night power from 1 to 5 KW, and install directional antenna for night use, operating unlimited time on **920 kc.**, with 5 KW day (B2-P-2680).

WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted modification of international broadcast station license authorizing unlimited time operation on frequency **9590 kc.** and addition of **11710** and **15250 kc.** and deletion of **11870 kc.** (B2-MLIB-39).

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of international broadcast station license authorizing deletion of frequency **15250 kc.** and addition of **15350** and **17750 kc.** (B1-MLIB-41).

WRUW—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of international broadcast station license authorizing deletion of frequency **15250 kc.** and addition of **15350** and **17750 kc.** (B1-MLIB-42). The use of frequency **15130 kc.** authorized to WRUL-WRUW is subject to termination without advance notice or hearing pursuant to Executive Orders regarding assignment of this frequency.

KAQV—Central States Broadcasting Co. (Portable-Mobile), area of Omaha, Nebr.—Granted modification of relay broadcast station license for the period October 1, 1940, to October 1, 1941, deleting frequency **2022 kc.** heretofore assigned station and substituting frequency **2074 kc.**, subject to condition that no interference is caused to government stations on adjacent channels.

KAQY—The Farmers & Bankers Broadcasting Corp., Portable-Mobile, area of Wichita, Kans.—Granted modification of relay broadcast station license for the period October 1, 1940, to October 1, 1941, deleting frequency **2022 kc.** heretofore assigned station and substituting frequency **2074 kc.**, subject to condition that no interference is caused to government stations on adjacent channels.

MISCELLANEOUS

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 9 to 10 p. m., October 16, in order to broadcast program sponsored by Willie Democratic Clubs only (B2-5-855).

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7:30 p. m. to midnight, EST, October 11, in order to broadcast a football game between Manhattan College and Boston University only (B1-S-211).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Nov. 5 p. m., EST), November 5, to 4 a. m., November 6, in order to broadcast election returns only (B2-S-984).

W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on the frequencies **60000-86000 kc.**, at 515 Madison Avenue, New York City, for the period October 11 to November 9, in order to conduct field tests.

W9XA—Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to operate high frequency broadcast station W9XA on frequency **26300 kc.**, using maximum power of 1000 watts, special emission (FM), in cooperation with the licensee of high frequency broadcast station W2XJL, for a period not to exceed 30 days, to conduct and determine the extent of mutual skywave interference existing between two stations operating with 1 KW on **26300 kc.**, employing frequency modulation, and to determine to what field strength contour of the desired station the interfering station whose transmissions are received via skywave will interfere with program reception of the desired station in its own coverage area.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted special temporary authority to operate a Type No. 50 UTX F.M. Link transmitter on the band **60 to 66 mc.**, 50 watts, A3 emission, and Type No. 25 UBX F.M. Link transmitter, 50 watts power as aural unit, in order to conduct site survey in Chicago area in connection with construction permit granted August 2, 1940, not to exceed 30 days.

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted authority to change the name of the licensee of station KTKC, Visalia, Calif., from Tulare-Kings Counties Radio Associates—Charles A. Whitmore, President, to J. E. Richmond, Percy M. Whiteside, Homer W. Wood, and Visalia Publishing Company, d/b as Tulare-Kings Counties Radio Associated (B5-ML-1019).

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted motion to continue for 30 days the hearing now scheduled for October 23, in re application for construction permit to operate unlimited time with 1 KW power on **620 kc.** (DA-N* instead of daytime with 250 watts).

World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif.—Denied motion to accept proposed findings filed late in the matter of the application for construction permit for a new station in Oakland, Calif., to operate on **1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc.**, 10 watts, unlimited time.

KWLC—Luther College, Decorah, Iowa.—Withdrew motion to extend time within which to file exceptions to Commission's Proposed Findings No. B-120.

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 8 p. m., PST, to the conclusion of football games described in letter dated October 1, 1940, on October 18, 25, November 1 and 8, 1940, in order to broadcast said games only.

WABL—American Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft transmitter, call letters KHAAG, NC-14279, on frequency **2790 kc.**, from 2 p. m. to 2:15 p. m., October 10, 1940, in order to relay broadcast Fire Preventive Week program to Radio Station WSAI.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (October 5:45 p. m., EST) to midnight, EST, October 25, 1940, in order to broadcast the second anniversary of the opening of Radio Station WPIC.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted license to cover construction permit which authorized installation of new equipment and changes in authorized equipment; **1240 kc.**, 1 KW, unlimited time (B5-L-1288).

WAYX—Jack Williams, Waycross, Ga.—Granted authority to install new automatic frequency control equipment (B3-F-152).

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to transmit an address by the President on October 12 to radio station CMCK, Havana, Cuba, via RCA, Inc., only.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with station WFAS from 4 p. m. to 5 p. m., EST, November 2, 9, 16 and 23, 1940, and from 1:45 p. m. to 4:30 p. m., EST, November 21, 1940, in order to broadcast football games only.

WGEO—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority to conduct two-way communications with stations KRTA, KRTC and KRTK of the Byrd Antarctic Expedition between 12 midnight and 2 a. m. EST, for the period beginning November 1, 1940, to not later than February 1, 1941.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate from 8:30 p. m. to 10:30 p. m., CST, October 18, 25, November 1, 1940, in order to broadcast football games only; to operate from 9:30 p. m., November 5, to 1:30 a. m., CST, November 6, 1940, in order to broadcast election returns only.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 10:45 p. m., October 18, 1940, and from 2 p. m. to 5:30 p. m., MST, November 1, 1940, in order to broadcast football games only.

WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 11 a. m. to 12 noon, EST, October 25, 1940, in order to broadcast the inauguration ceremonies of President Howard L. Bevis of Ohio State University only (provided WKBN remains silent).

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts, from 7 p. m. to 7:30 p. m., CST, October 11, 1940, in order to permit WGBF to broadcast a Republican National Committee program with Wendell Willkie speaking 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 Republican National Committee program with Wendell Willkie speaking only.
- W1XSO**—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted special temporary authority to operate high frequency station W1XSO on frequency **43.7 mc.** instead of **43.2 mc.**, for the period not to exceed 30 days, in order to eliminate certain interference.
- KODL**—Western Radio Corp., The Dalles, Ore.—Granted modification of construction permit as modified which authorized construction of a new broadcast station, for change in type of transmitter; **1200 kc.**, 100 watts, 25 KW LS, unlimited time (B5-MP-1082).
- KFQD**—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted special temporary authority to operate from 2 p. m. to 6 p. m. LST, October 13, 20, 27, November 3, 1940, in order to broadcast Army football games only.
- WCAB**—WCAU Broadcasting Co., Newton Square, Pa.—Granted petition authorizing extension of effective date of Sec. 4.45 of the Rules Governing International Broadcast Stations until January 1, 1941.
- WQAM**—Miami Broadcasting Co., Miami, Fla.—Dismissed petition of applicant requesting classification of station WQAM as a Class III-A station, licensee to notify the Commission whether it desires its application for 5 KW power to be given further consideration.
- WHCU**—Cornell University, Ithaca, N. Y.—Granted petition to reconsider and grant without hearing the application of WHCU for renewal of license, and ordered that hearing on the application be cancelled and renewal granted to operate on **850 kc.**, with 1 KW power, daytime only.
- WTNJ**—WOAX, Inc., Trenton, N. J.—Adopted order cancelling construction permit granted on September 27, 1939, authorizing installation of auxiliary transmitter for emergency use only. This construction permit expired by its own terms on May 27, 1940, and no request for extension or for a license to cover same has been filed.
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:30 p. m. to 8:45 p. m., October 14, 1940, in order to broadcast an address by Claude Wickard, Secretary of Agriculture only, from 8:30 p. m. to 9 p. m., October 28, and from 9:30 p. m. to 10 p. m., EST, October 31 1940, in order to broadcast addresses by Henry A. Wallace only.
- W2XBS**—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate television station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for the National Television Standards Committee and the National Broadcasting Co., Inc., for the period October 14, 1940, to not later than January 1, 1941.
- WSBT**—The South Bend Tribune, South Bend, Ind.—Amended minute entry regarding grant of construction permit authorized on October 1, 1940, to show time of operation as unlimited instead of sharing with WGES.
- WLWO**—The Crosley Corp., Cincinnati, Ohio.—Granted petition for reconsideration of the Commission's action of August 21, 1940, granting the application of Columbia Broadcasting System, Inc., for a new international station at Brentwood, N. Y.; ordered that the grant of August 21st be set aside, the application removed from hearing docket, and the application granted except as to use of frequency **9590 kc.**; that the construction permit for the new Brentwood station shall authorize the use of frequency **15,270 kc.** shared only with WCBX, Wayne, N. J., and WCAB, Newton Square, Pa., instead of with station WLWO as requested in application, and the grant of the Columbia Broadcasting System's application is made subject to condition that permittee shall file an application for modification of construction permit within 2 months after date of grant specifying dimensions and expected directional characteristics of proposed antenna systems, said antenna system to comply with Sec. 4.43 of the Commission's rules; and permittee shall install frequency control equipment capable of maintaining the operating frequency within 0.005% of assigned frequency in accordance with Secs. 4.41 and 4.47 of the Commission's rules.
- WTBO**—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m. EST, October 15, 1940, in order to broadcast a political speech by Lewis Douglas only.
- WKEU**—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate from local sunset (October, 5 p. m. CST) to 9 p. m. CST, October 16, 23, and 30, 1940, in order to broadcast program sponsored by the Chamber of Commerce only.
- WKAR**—Michigan State College, East Lansing, Mich.—Granted special temporary authority to operate from 6 p. m. CST to the conclusion of the Michigan State-Temple football game on October 18, 1940, in order to broadcast said game only.
- WTAU**—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with station WJBO from 9:30 to 11 p. m. CST, October 19, 1940, in order to broadcast program in connection with Corps Dance of A. and M. College only.
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:30 p. m. to 6:45 p. m. October 15, 1940, in order to broadcast program sponsored by the Democratic National Committee; from 6:30 p. m. to 6:45 p. m. October 16, 1940, in order to broadcast program sponsored by the Republican State Committee of Massachusetts; from 7:45 p. m. to 8 p. m. October 18, 1940, in order to broadcast program sponsored by the Massachusetts Independent Voters; from 9 p. m. to 10 p. m. EST, November 4, 1940, in order to broadcast program sponsored by the Massachusetts Republican Committee.
- KGGF**—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 1:30 p. m. to 2:30 p. m. instead of from 2 to 3 p. m. CST, October 17, 1940, as outlined in agreement of September 9, 1940, in order to broadcast a political address by Senator McNary only (provided WNAD remains silent).
- WNAD**—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 1:30 to 2:30 p. m. only instead of from 2 to 3 p. m. CST, October 17, 1940, as outlined in agreement of September 9, 1940, in order to permit KGGF to broadcast a political address by Senator McNary only.
- WBAX**—John H. Stenger, Jr., Wilkes-Barre, Pa.—Scheduled for oral argument on November 21, 1940, the Proposed Findings (B-115) in re application for renewal of license of station WBAX.
- WIND**—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted construction permit to increase night power from 1 KW to 5 KW and make changes in directional antenna system for day and night use; **560 kc.**, 5 KW LS, unlimited time, directional antenna (B4-P-1990).
- WIS**—The Liberty Life Insurance Co., Columbia, S. C.—Granted construction permit to make changes in directional antenna for nighttime use and increase night power from 1 KW to 5 KW; **560 kc.**, 5 KW LS, directional antenna night (B3-P-2870).
- Columbia Broadcasting System, Inc., New York, N. Y.—Denied without prejudice application for construction permit for new experimental Class II point-to-point telephone station in the fixed service; frequency **156525 kc.**, 50 watts power, special emission for frequency modulation (T1-PE-3905).
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8 p. m. to 8:30 p. m. October 18, 1940, and from 10 p. m. to 10:30 p. m. November 4, 1940, in order to broadcast program sponsored by the Democratic National Committee; to operate from 10:30 p. m. to 11 p. m. October 28 and from 9:30 p. m. to 10 p. m. EST, October 30, 1940, in order to broadcast speeches by President Roosevelt only.
- KFRU**—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF from 8:30 p. m. to 10 p. m. October 15, 1940; from 8:30 p. m. to 9 p. m. October 22 and 29, from 8 p. m. to 9 p. m. October 18, 21, and November 1, from 8:30 p. m. to 10 p. m. CST, October 19, 26, and November 2, 1940, with power reduced to 250 watts, in order to broadcast Democratic political programs only.
- WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above except simultaneously with KFRU in order to permit KFRU to broadcast Democratic political programs only.
- WFMD**—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:30 p. m. to 9 p. m. October 15, 1940, in order to broadcast a speech by Lewis Douglas and from 8 p. m. to 9 p. m. EST, October 18, 1940, in order to broadcast a speech by

Representative Johnson and others only, using power of 100 watts.

WNYC—City of New York, Municipal Broadcasting System.—Granted special temporary authority to operate from 6:45 p. m. to 7:30 p. m. EST, October 15 and from 6:45 to 10 p. m. EST, October 16, 1940, in order to broadcast official information relative to Selective Service announcements and fill-in programs only.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 7:30 p. m. to midnight EST, October 18, 1940, in order to broadcast the Manhattan-Detroit University football game only (broadcast sustaining music from sign-off to game time).

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 8:30 p. m. CST, October 16, 1940, in order to permit WGBF to broadcast a Democratic National Committee program only.

WGY & auxiliary—General Electric Co., Schenectady, N. Y.—Granted in part motion for continuance until after January 1, 1941, of hearing now set for October 21, 1940, to continue to November 7, 1940, only, in re application for renewal of license of station WGY and auxiliary; **790 kc.**, 50 KW, unlimited time (B1-R-264).

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Changed date of oral argument on Proposed Findings (B-115) in re application for renewal of license of station WBAX from November 21, 1940 to November 12, 1940.

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 Democratic National Committee program only.

APPLICATIONS FILED AT FCC

620 Kilocycles

WSUN—City of St. Petersburg, Florida, St. Petersburg, Fla.—License to cover construction permit (B3-P-2681) for increase in power and changes in directional antenna system (night use only). (Sec. 5a thru 5h, 5i, 5m, 9 & 10c.)

920 Kilocycles

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Modification of license to change day power from 500 watts to 1 KW.

940 Kilocycles

WDAY—WDAY, Inc., Fargo, N. D.—Authority to install automatic frequency control equipment.

970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—License to cover construction permit (B2-P-2645) as modified, for new transmitter, increase in power, and change in hours of operation.

1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Construction permit to install new transmitter, change frequency from **1040 to 1340 kc.**, increase power from 250 watts to 500 watts night, 1 KW day, and change hours of operation from daytime to unlimited time. Amended: To change requested power from 500 watts night, 1 KW day to 1 KW day and night, install directional antenna for day and night use, and omit request for contingency on KOY going to another frequency.

1120 Kilocycles

WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—License to cover construction permit (B2-P-2770) as modified, for a new station.

WKPA—Allegheny Kiski Broadcasting Co., New Kensington, Pa.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

KODL—Western Radio Corp., The Dalles, Ore.—Modification of construction permit (B5-P-2838) as modified, for change in type of transmitter.

1210 Kilocycles

WBIR—J. W. Birdwell, Knoxville, Tenn.—Modification of construction permit (B3-P-2840) for a new station, requesting increase in power from 100 watts night, 250 watts day to 250 watts day and night, approval of antenna, approval of studio site at Chamber of Commerce Bldg., 618 S. Gay St., Knoxville, Tenn., and transmitter site at 300 feet north on Wilder Place from junction of Wilder Place and Brooks Ave., Knoxville, Tenn.

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. C.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1210 to 1220 kc.**, increase power from 250 watts to 1 KW and move transmitter. Class III-B station.

NEW—Western Gateway Broadcasting Corp., Schenectady, N. Y.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited hours. Amended: Re antenna system and to specify transmitter site.

1220 Kilocycles

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Construction permit to install directional antenna for day and night use and move transmitter from south of Tonganoxie, Kans., to southwest of Kansas City, Kans., and move studio from Lawrence, Kans., to Kansas City, Mo. Amended to make changes in directional antenna and change power from 1 KW night, 5 KW day, to 5 KW day and night, using directional antenna.

1270 Kilocycles

WWNY—The Brockway Company, Watertown, N. Y.—Modification of construction permit (B1-P-937) for a new station, requesting authority to install new transmitter, approval of antenna, approval of studio site at Woodruff Hotel, 49 Public Square, Watertown, N. Y., and transmitter site at Outer Holcomb St., Watertown, N. Y.

1310 Kilocycles

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—License to cover construction permit (B4-P-2370) as modified for a new station.

KWLM—Lakeland Broadcasting Co., Willmar, Minn.—Authority to determine operating power by direct measurement of antenna power.

1370 Kilocycles

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Construction permit to change frequency from **1370 kc.** to **1060 kc.** (under N. A. Regional Agreement); change power from 250 watts to 500 watts night, 1 KW day; install new transmitter and antenna.

WCBI—Birney Imes, Columbus, Miss.—License to cover construction permit (B3-P-2675) as modified for a new station.

WCBI—Birney Imes, Columbus, Miss.—Authority to determine operating power by direct measurement of antenna power.

WCBI—Birney Imes, Columbus, Miss.—Modification of construction permit (B3-P-2675) as modified to change type of transmitting equipment.

1380 Kilocycles

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—License to cover construction permit (B5-P-2278) as modified for change of frequency, power, move of transmitter and studio, install new equipment and vertical antenna.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Authority to determine operating power by direct measurement of antenna power.

1420 Kilocycles

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—License to cover construction permit (B3-P-2646) for changes in equipment, increase in power, and move of transmitter and studio (Sec. 10c and Studio site).

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

1 KW, requesting authority to make change in directional antenna, install new transmitter, and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts.

NEW—Findlay Radio Co., Findlay, Ohio.—Construction permit for a new station to be operated on **1500 kc.**, 250 watts, unlimited time. Class IV station. Amended to request **1420 kc.**

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—Voluntary assignment of license from Chester Howarth and Clarence Berger to Silver Broadcasting Co.

1490 Kilocycles

NEW—Western Massachusetts Broadcasting Co., Pittsfield, Mass.—Construction permit for a new station to be operated on **1500 kc.** (**1490 kc.** under North American Regional Agreement), 100 watts, unlimited time.

1500 Kilocycles

NEW—P. K. Ewing, Kosciusko, Miss.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time (no reply to Commission letters).

WLSL—Roanoke Broadcasting Corp., Roanoke, Va.—Authority to determine operating power by direct measurement of antenna power.

WLSL—Roanoke Broadcasting Corp., Roanoke, Va.—License to cover construction permit (B2-P-2879) as modified, for a new broadcast station.

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Authority to transfer control of corporation from Owensboro Publishing Co. to L. W. Hager, 77 shares, W. B. Hager, 77 shares and George M. Fuqua, 37 shares. (Jurat Part I, Sec. 4(a) Part II.)

TELEVISION APPLICATION

W2XD—General Electric Co., Schenectady, N. Y.—Modification of construction permit (B1-PVB-55) as modified, for a new television station, requesting extension of completion date from 11-12-40 to 1-1-41.

MISCELLANEOUS

W2XOY—General Electric Co., New Scotland, N. Y.—Modification of license to increase power from 1000 watts to 2500 watts.

W2XOY—General Electric Co., New Scotland, N. Y.—License to cover construction permit (B1-PHB-112) for increase in power and move of transmitter.

W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-PVB-58) for a new Class II television broadcast station, requesting approval of antenna and approval of transmitter site.

WEIC—General Electric Co., Portable-Mobile.—License to cover construction permit (B1-PRE-346) for increase in power and installation of new transmitter.

NEW—Racine Broadcasting Corp., Racine, Wis.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.**, 10 watts, A-3 emission. Amended re antenna.

WEND—WHP, Inc., Portable-Mobile.—Construction permit to change frequencies from **33380, 35020, 37620, 39820 kc.** to **1696, 2022, 2102, 2750 kc.**, and make changes in equipment, increase power from 0.5 watt to 2 watts. Amended to request frequencies **1606, 2074, 2102, 2758 kc.**

KEHS—WDAY, Inc., Portable-Mobile.—Construction permit to change frequencies from **133030, 134850, 136810, 138630 kc.** to **156750, 158400, 159300, 161100 kc.**, increase power from 1 watt to 5 watts, and install new equipment.

NEW—Loyola University, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 100 watts, Emission A-3.

WOEG—General Electric Company (Area of Schenectady, N. Y.).—License to cover construction permit (B1-PRY-216) for a new transmitter.

KEHO—Intermountain Broadcasting Corp., Portable-Mobile (area of Salt Lake City, Utah).—Modification of license to change frequencies from **132260, 134080, 135480, 135760 kc.** to

156075, 157575, 159975, 161925 kc., in accordance with new Group H frequencies.

W2XOR—Bamberger Broadcasting Service, Inc., New York, N. Y.—License to cover construction permit (B1-PHB-281) to install new transmitter, antenna changes and move of transmitter.

WEIE—Havens & Martin, Inc., Portable-Mobile (area of Richmond, Va.).—Construction permit to change type of transmitter and decrease power from 25 watts to 2 watts.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

Capital Drug Company—See Rex Drug Company.

Carlton Mills Company, Inc.—A complaint has been issued charging Carlton Mills Co., Inc., 241 West Wyoming Ave., Philadelphia, fabric manufacturer, with misrepresentation.

The complaint alleges that through labels supplied by the respondent to manufacturers and retailers for attachment to coats and other garments manufactured from its fabrics, the respondent company represents that its fabrics and the garments made therefrom are manufactured from the peltries of Persian lambs, Karakuls and Caraculs, or from wool taken from such animals. However, the complaint alleges, the respondent's products and the garments made therefrom are composed of ordinary wool and cotton, or ordinary wool and rayon, or cotton and rayon.

The complaint alleges that on its labels supplied to garment manufacturers and retailers the respondent uses names such as "Genuine Babelamm", "Karagora", "Pelkara", "Bashkara Lamm", and "Kosva-Lam", together with picturizations or figures of lambs. Other labels used by the respondent, according to the complaint, bear the names "Pershian Royal", "Rivalamm", "Volgalam", "Persialaine", "Lam Kurl Persian", "Aristo Kurl", "Russkara", "Kurl Kohvar", and "Galykurl". (4321)

Cutter Laboratories—A complaint has been issued against Cutter Laboratories, Berkeley, Calif., alleging misrepresentation in the sale of a product for treating cattle. The respondent corporation has depots and branch offices in Los Angeles, Chicago, San Antonio, Seattle, Denver, Boise, Fort Worth, El Paso and New Orleans.

According to the complaint, the respondent advertised a vaccine preparation designated "Blacklegol", recommending its use as a means of rendering cattle immune to the ailment "Blackleg". Through advertising matter disseminated by mail and by other means in various States, the respondent, according to the complaint, has represented that its preparation is 100 per cent effective and that the immunization effect from the use of the product is invariably unailing or permanent, when such are not the facts, and there have been deaths from blackleg of animals treated with the respondent's preparation.

The complaint further alleges that the respondent has misleadingly and unfairly disparaged "bacterin" and "aggressin" preparations of competitors by publishing the false assertion that immunity obtainable from such competitive preparations is only one-half that of the respondent's product; that the respondent's preparation assures immunity even to the last drop after it is injected into the animal's tissues, and that competitors' preparations do not produce such immunity, when in fact there is no scientific basis for the respondent's claims. (4348)

Franklin Institute—John L. Keenan, trading as Franklin Institute, 550 East Main St., Rochester, N. Y., is charged with making misleading representations in the sale of correspondence courses intended for preparing students for United States Civil Service examinations in a complaint.

In advertisements circulated in various States, the respondent, according to the complaint, represents or implies that he has positions to offer under the United States Government; that examinations for Government positions will be held within a short time in certain localities; that starting salaries are greater than they are in fact; that promotions are automatic and regular; that full time employment is furnished railway postal clerks at the start, and that the classification of file clerk and clerk are currently used for examinations by the United States Civil Service Commission.

According to the complaint, the respondent is not connected with the Federal Government or the United States Civil Service Commission; has no Government positions at his disposal and cannot assist students in respect to such positions other than to give them instruction in preparation for examinations. The complaint alleges that, contrary to the respondent's representations or implications, no examinations were held or were to be held at the time and places indicated; that regular examinations for file clerks and clerks have not been held for many years by the Civil Service Commission; that railway postal clerks are required to serve as temporary employees before they are eligible for regular employment, and that the respondent's representations with respect to starting salaries and promotions are inaccurate and misleading.

The complaint alleges that through his agents the respondent represents that positions are immediately available or guaranteed upon a student's passing an examination, and that the respondent, by use of so-called "blind" advertisements in which only a post office box is given as a reply address, conceals the fact that the advertisements are those of a correspondence school, and thereby represents that the advertiser is in a position to offer employment.

The complaint alleges that the respondent uses the fictitious name "International Creditors Protective Association" solely to intimidate purchasers and compel them to pay for the courses even when purchased as a result of the mistaken belief engendered by the respondent's deceptive practices as alleged. (4347)

Monarch Printers & Binders—Ora R. Yates and Charles W. Miller, trading as Monarch Printers and Binders, 812 Hunt St., Adrian, Mich., engaged in the sale and distribution of sales promotion cards and other merchandise to wholesale dealers, jobbers and retail dealers, are charged in a complaint with placing in the hands of dealers the means for conducting lotteries, and with misrepresentation.

The complaint charges that the respondents sell cards so designed and arranged as to involve the use of games of chance, gift enterprises or lottery schemes when used by dealers in promoting and increasing sales of their merchandise to the consuming public. The respondents are also charged with having caused display cards, letterheads and sales promotion cards to be distributed through the States, containing thereon the firm name of the respondents, "Monarch Printers and Binders," when in truth, the complaint continues, the respondents do not own, operate or control a plant for the printing and binding of sales promotion cards and other merchandise. (4339)

Parker Pen Company, Janesville, Wis., is charged with making misleading representations in the sale of fountain pens in a complaint.

The complaint alleges that the Parker Company advertises its "Blue Diamond Vacumatic" pens as being of such superior quality and durability that they will last a lifetime and as being guaranteed for life, when in fact the respondent's pens are not such that they will last a lifetime, and the respondent's purported lifetime guarantee is in no sense such a guarantee but only a contract whereby the respondent agrees for the life span of the purchaser to make necessary repairs and adjustments at a flat rate of 35 cents each time a pen is sent to it for such service.

The Parker company, according to the complaint, in the sale of its "Vacumatic" pens, advertises that "its sacless filler abolishes 14 old-style parts," and that its pens are equipped with points which make them absolutely scratchproof.

The complaint alleges that the respondent's "Vacumatic" pens do not have any fewer parts than a number of other self-filling fountain pens; that the respondent has not eliminated the rubber sac or any other parts but merely changed their size, shape or

function; that the respondent's fountain pens are subject to the same trouble as other self-filling fountain pens with rubber sacs; and that its pen points designated "Scratch-proof" possess no novel, exclusive features which make it impossible for them to scratch under all conditions. (4338)

Patent Specialty Company—In a complaint, George W. Brenner and John M. Kurtz, doing business as Patent Specialties Company, 1060 Julia St., Teaneck, N. J., are charged with misrepresentation.

The complaint alleges that the respondents are engaged in the manufacture and sale of two devices known as the "Magic Wand Welder" and the "Super Magic Wand Welder", designed to be used in welding different kinds of metals, using electric current as the heating agency.

Through advertisements in trade publications and circulars, according to the complaint, the respondents have represented, among other things, that the Magic Wand Welder is a genuine heavy duty device which will, when connected with an ordinary automobile storage battery, weld all base metals in any form; that the Super Magic Wand Welder is useful for heavy duty in welding base metals of all kinds, and that it is a safe and efficient device to use in obtaining a "sun tan" on the skin.

The complaint alleges that in truth both devices are of light and flimsy construction; that the Magic Wand Welder will not, when connected to an automobile storage battery, generate sufficient heat, when used according to instructions, to prepare any metal for proper welding; that the Super Magic Wand Welder does not generate heat sufficient to do a good job of welding except on extremely thin metals; that it is dangerous, both to the user and to the wiring of any ordinary house circuit; and that the flame produced by the carbon arc, if employed by a novice in the use of violet-ray, might result in severe injury to the eyes and skin. (4336)

Rex Drug Company—Complaints alleging misrepresentation in the sale of medicinal preparations have been issued against Rex Drug Company and Louis Podrofski, its president, trading as Rex Drug Company, 201 East 35th St., Chicago; Max Caplan, trading as Capital Drug Company, 18 East Campbell Ave., Roanoke, Va., and Sherry's Cut Rate Drug Company, Inc., 406 Federal St., Bluefield, W. Va.

The complaint against Rex Drug Company and the respondent Podrofski alleges that they disseminate advertisements through the mails and by other means in which they represent directly or through inference that their product "Rex Perio Pills" constitutes a competent and effective treatment for delayed and painful menstruation, and that the preparation is safe and harmless. (4342)

The complaints against Capital Drug Company and Sherry's Cut Rate Drug Company, Inc., charge the respondents with disseminating advertisements in which they represent directly and by implication that the preparation designated as "Mrs. Bee Femo Caps" constitutes a safe, competent and effective treatment for delayed menstruation; that there is no risk in its use; that it does not cause the user discomfort or inconvenience, and that it is harmless and effective in suppressed cases. (4343 and 4345)

According to the complaints, the products sold by each respondent are not competent or effective treatments for delayed menstruation and are not safe or harmless in that they contain certain drugs in quantities sufficient to cause serious and irreparable injury to health, if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The complaints further charge that the advertisements disseminated by the respondents constitute false advertisements in that they fail to reveal that use of their preparations under such conditions may result in serious injury.

The Capital Drug Company and Sherry's Cut Rate Drug Company, Inc., last month were restrained by United States District Courts, on petition of the Federal Trade Commission, from further dissemination of advertisements containing representations similar to those charged in the Commission complaints, pending issuance of the complaints and their final disposition.

W. A. Sheaffer Pen Company, Fort Madison, Iowa, is charged in a complaint with making misleading representations in the sale of fountain pens.

According to the complaint, the Sheaffer company advertises that its "Lifetime" fountain pens are of such superior quality and

durability that they will last a lifetime without repair or adjustment; that only the respondent manufactures a fountain pen of such quality and that its "Lifetime" pens are guaranteed for life and are the only fountain pens so guaranteed.

The complaint alleges that the quality and durability of the respondent's pens are not such that they will last a lifetime without repair or adjustment; that the designation "Lifetime" is not warranted and that the respondent's purported lifetime guarantee is in no sense such a guarantee but only a contract whereby the respondent agrees for the life span of the purchaser to make necessary repairs and adjustments at a flat rate of 35 cents each time a pen is sent to it for such service. (4337)

Sherry's Cut Rate Drug Co., Inc.—See Rex Drug Company.

William Silver & Company—Violation of the brokerage provision of the Robinson-Patman Act is alleged in a complaint issued against William E. Francis S. Silver, trading as William Silver & Co., Aberdeen, Md. The respondents, according to the complaint, are engaged in the business of field brokers, and while so engaged act as agents of the sellers in transactions of sale and purchase of canned fruits and vegetables between sellers thereof and jobbers, wholesalers, retail chain stores and other purchasers.

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

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

The complaint charges that the respondents have violated section 2 (c) of the Clayton Act, as amended by the Robinson-Patman Act, by receiving and accepting and by granting and allowing the brokerage fees and commissions or allowances and discounts in lieu thereof, as alleged. (4340)

Vonnegut Hardware Company—Alleging price discrimination in violation of the Robinson-Patman Act, a complaint has been issued against Vonnegut Hardware Company, 120 East Washington St., Indianapolis, operator of retail hardware stores in Indianapolis and manufacturer of self-releasing fire exit devices. The manufacturing part of the respondent's business is conducted under the name "Von Duprin."

The complaint alleges that the respondent discriminates in price between different purchasers buying its Von Duprin products of like grade and quality by selling such products to some purchasers at a 40 per cent discount from uniform list prices while selling similar products to other customers at a 50 per cent discount, such customers being competitively engaged one with the other.

The effect of the alleged discrimination, according to the complaint, has been and may be substantially to injure, destroy or prevent competition with the respondent and also with those purchasers receiving the benefit of the discriminatory prices. (4344)

Walton Training Bureau—Alleging misrepresentation in the sale of correspondence courses intended to prepare students for United States Civil Service examinations a complaint has been issued against Milton S. Long, trading as Walton Training Bureau, 121 Ellison St., Paterson, N. J.

In advertising matter circulated in various States, the respondent is alleged to represent or imply that United States Government positions are immediately available; that the respondent can obtain positions for students; that examinations will be held frequently; that the starting salaries are greater than they are in fact; that the respondent obtains information from the United States Civil Service Commission with respect to examinations being held which is not available to students, and that qualified instructors grade and mark examination papers. Among positions advertised, according to the complaint, are railway postal clerk, city mail carrier, post office clerk, and rural mail carrier.

The complaint alleges that in fact no positions are immediately available in the United States Postal Service; that the respondent is not connected with the United States Civil Service Commission and has no control over any appointments to Government positions, and that with respect to positions named in his advertisements, there have been extended periods during which no examinations were held, and only residents of the districts in which they may be held at some future date are eligible to take the examinations.

According to the complaint, the respondent does not employ qualified instructors; he has had no experience in preparing applicants for Civil Service examinations in the subjects offered, and has no information with respect to dates and locations of such examinations which is not available to the public generally. (4346)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

Jno. O. Flautt Manufacturing Company, Inc., Jno. O. Flautt and John M. O'Connor, who formerly traded under the name O'Connor-Flautt Company, all of 1219 California St., Denver, have entered into a stipulation with the Federal Trade Commission in which they agree to cease certain representations in the sale of "Lifeguard" life preservers or buoyancy belts. The respondents agree to cease representing, directly or inferentially, that their products afford complete protection from drowning; that purchasers and users of "Lifeguard" belts are insured by Lloyds of London, or that purchasers are insured against drowning in the sum of \$1,000 or any other amount, unless, in direct connection with such representations, all limitations or qualifications are clearly stated. The respondents also agree to cease using statements concerning their product such as "When needed, it inflates itself into a man-size life preserver," implying that the inflating mechanism in "Lifeguard" belts is completely automatic, and to desist from use of the word "guarantee" or words of similar meaning, unless whenever used clear disclosure is made of exactly what is offered by way of security. (2951)

Moto-Sway Corporation of America, 430 South Green St., Chicago, manufacturer of pneumatic automobile jacks, which sway or rock automobiles during the greasing or servicing operations, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease representing, directly or inferentially, that automobile shock absorbers cannot be examined or refilled without the use of "Moto-Sway" automobile jacks; that enclosed springs of automobiles cannot be lubricated without the use of such appliances; that the use of the respondent's appliances results in the removal of all oils and sediment from crank-cases or in the elimination of repair bills, or in any other manner implying that the respondent's equipment is essential for the lubrication or other servicing of automobiles.

Myc-Lac Mineral Yeast Company, Inc., 121 North Fourth St., Atchison, Kans., has entered into a stipulation in which it agrees to cease and desist from certain representations in the sale of "Myc-Lac Mineral Yeast," a livestock and poultry food or food supplement.

Among various representations which the respondent agrees to discontinue are that a product composed of 32 pounds of oats and one-third pound of "Myc-Lac" is equal in feeding value to 56 pounds of corn, and, directly or inferentially, that its product is superior to all competing products for increasing weight, stimulating appetite, rounding out cattle for market or for any other purpose.

CEASE AND DESIST ORDERS

The respondent also agrees to cease making representations which imply that "Myco-Lac" is a prophylactic, an effective treatment or a competent remedy for any malady, disease or ailment to which farm livestock or poultry are subject; that it builds up the resistance of livestock, or is an insurance against disease or a safeguard for health. The respondent also agrees to desist from representing, directly or inferentially, that the product, when used or fed as directed, provides sufficient protein for livestock or poultry; is a potent or adequate source of yeast, cod liver oil or Vitamins A, B, D and G for livestock deficient in vitamins; is adequate as a supplement to rations lacking in vitamins, or will produce miraculous or almost miraculous results. (2945)

Overall Paint & Lead Company, Inc., 6318 Kinsman Road, Cleveland, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease representing that its liquid roof coating conforms to Federal Government specifications for that product, and to desist from using the letters "WPA" in a manner tending to convey the impression that its product has been sponsored or approved by the Work Projects Administration or any Federal Government agency. The respondent, according to the stipulation, also operates under the trade names Nu-Ruf Roofing & Manufacturing Company, Fibre-Oil Roofing & Manufacturing Company, Western Products Company, Top-All Roofing & Manufacturing Company, and Crescent Products Company. (2947)

Roxborough Knitting Mills, Inc., Maple Shade, N. J., engaged as a wholesaler in the selling and distribution of hosiery, has agreed to cease and desist from use of the words "Union Made" or of any mark or insignia resembling or simulating the Union Label upon or in connection with products not made by workmen affiliated with the American Federation of Labor or with any labor union organization, and from use of the words "Knitting Mills" as part of its corporate or trade name, and from use of either the word "Knitting" or "Mills" in any way so as to import or imply that the Roxborough Knitting Mills, Inc., actually owns and operates or directly and absolutely controls the plant or factory in which its products are knitted or manufactured. (2948)

Seneca Textile Corporation, 91 Franklin St., New York, manufacturer of textiles, including vat-dyed prints and cretonnes used as furniture covering material, has entered into a stipulation with the Commission in which it agrees to desist from the use of either the word "Sunfast", "Tubfast" or "Faskolor", or of any other words of similar meaning, as descriptive of fabrics the appearance or color of which is changed or affected when the fabrics are laundered or exposed to light; and from the use of such words as descriptive of fabrics so as to imply that their coloring is unfadable or proof against fading, as when the fabrics are exposed to light or are laundered. (2950)

Springfield Dyeing Company, Inc., Bordentown, N. J., engaged in the dyeing and finishing of hosiery furnished it in the grey, for the owners of such products, agrees in connection with the dyeing and finishing and subsequent sale of the products to cease and desist from marking, stamping, branding or labeling the products with the words "Union Made" or with any mark or insignia resembling or simulating the Union Label, when in fact the products are not made by workmen affiliated with the American Federation of Labor or with any labor union organization. (2949)

Stock-Gro, Inc., 612 North Michigan Ave., Chicago, has made a stipulation in which it agrees to cease representing that its product "Stock-Gro" or any product of similar composition, is a competent treatment or effective remedy for, or prevents, or "corrects" necro enteritis, blackhead, coccidiosis, round worm, scours or any other livestock or poultry disease.

The respondent also agrees to cease representing, directly or inferentially, that its preparation possesses any therapeutic properties or is efficacious as a food conditioner beyond any nutritive properties which it may possess.

Other representations which the respondent agrees to discontinue are that lactic acid is "a most excellent antiseptic", aids the growth of animal tissue, or has any beneficial effect in preventing or treating round worm infestation, intestinal disturbances or other diseases of animals, and that "Stock-Gro" will cut the cost of milk feeding 40 per cent. (2946)

Commission has issued the following cease and desist orders:

Ralph Corn Underwear, Inc.—An order has been issued directing Ralph Corn Underwear, Inc., 36 East 31st St., New York, to cease and desist from making misleading representations in the sale of women's wearing apparel.

Commission findings are that through the mails, and on labels and letterheads, the respondent corporation represented the character and quality of its garments by the following, among other, representations:

"Ralph Corn Underwear, Inc., the king of Satins, Satin and Pigment Crepe Slips, Gowns and Man-Tailored Pajamas. Pigment Back Silk Satin Slip. Pigment Crepe Heavy Quality Satin Striped Gown. Multifilament Crepe Gowns."

However, the findings continue, none of the garments sold by the respondent were made entirely of silk, but of rayon or other non-silk material, or a mixture of rayon and silk.

According to findings, the respondent further used in its advertising material and on letterheads the words "Manufacturers of Silk Undergarments", thereby representing itself to be the manufacturer of the garments it sells, when in fact its method of production does not constitute the respondent a manufacturer, and the respondent does not own, operate or control a manufacturing plant.

The Commission order directs the respondent corporation to cease and desist from using the unqualified terms "Satin" or "Crepe" or other descriptive terms indicative of silk to describe any garment or fabric not composed wholly of silk; provided, however, that when these terms are truthfully used to describe the type of weave, construction or finish they should be qualified by use, in immediate connection therewith, in letters of equal conspicuousness, of words accurately describing the constituent fibers.

The order also prohibits use of the unqualified term "Silk", or other terms of similar meaning, to describe a garment or fabric not composed wholly of silk; provided, however, that in case of a garment or fabric made in part of silk and in part of other materials such terms may be used as descriptive of the silk content when immediately accompanied by other words of equal conspicuousness accurately designating such other materials in the order of their predominance by weight, beginning with the largest single constituent.

The order further prohibits the advertising or sale of garments or fabrics composed in whole or in part of rayon, without clearly disclosing the rayon content. When such garments or fabrics are composed in part of rayon and in part of other materials, such other materials, including the rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order. (4017)

Parker T. Frey Company—An order has been issued directing Parker T. Frey, trading as Parker T. Frey Company and Nearby Sales Company, 8 South Front St., Philadelphia, to cease and desist from violations of the brokerage provision of the Robinson-Patman Act. The respondent is a broker in the sale of food products, particularly canned sea food and vegetables.

In buying such food products for his own account for resale, the Commission findings relate, the respondent Frey, trading in his own behalf principally under the name of Nearby Sales Company and often under the name of Parker T. Frey Company, receives and accepts from numerous sellers a brokerage fee or an allowance or discount in lieu of it.

The Commission order directs that the respondent cease and desist from accepting from sellers, directly or indirectly, on purchases of commodities made for the respondent's own account any brokerage and any allowances and discounts in lieu of brokerage, and from accepting from sellers anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon purchases of commodities made for the respondent's own account. (4290)

Interwoven Stocking Company has been served with an order directing it to cease and desist from misleading representations in the sale of men's hosiery.

Pointing out that many purchasers prefer foreign-made hosiery, especially that made in England, the Commission's findings are that the respondent's manner of branding and labeling certain

of its hosiery products gives the impression that they are machine made and imported from England. The findings continue that the presence of the English Crown superimposed above an oval portion of the respondent's stamping or printing followed by the words "Genuine 6x3 Ribbed" thereunder further implies that the hose were "Imported from England" but "Made on Machinery." Originally, the findings continue, 6x3 ribbed hose were made only in England, although later machinery therefor was imported into the United States from England and other countries, and American machinery was later devised for the manufacture of 6x3 ribbed hose.

The respondent's use of the word "Genuine" before "6x3 Ribbed" according to the findings, gives the further impression and effect that the hose are imported from England, inasmuch as England was originally the only source through which a "6x3 Ribbed" hose could be obtained.

The Commission order directs the respondent, in connection with the sale of hosiery, to cease and desist from using the term "Imported from England," either alone or in connection with any other term indicative of English or other foreign manufacture, to describe hosiery manufactured in the United States, and the term "Made on Machinery Imported from England" to describe hosiery made in the United States on machinery imported from England, unless, in each instance, the words "Made on Machinery" appear in immediate connection with the words "Imported from England" in letters and type of equal prominence and conspicuousness.

The order also directs the respondent to discontinue the use of a facsimile of the English crown, or any other symbol indicative of England, alone or in connection with the words "Genuine 6 x 3 Ribbed", or in any other manner, so as to imply that hosiery manufactured in the United States is imported from England, and the representation, in any manner, that hosiery made in the United States is imported from England or any other foreign country. (4179)

M & M Bag & Suit Case Company—Meyer Brodie and Morris White, trading as M & M Bag and Suitcase Company, 26 Exchange Place, Jersey City, N. J., engaged in the sale and distribution of leather luggage, have been ordered to cease and desist from misrepresentation of their products.

Findings of the Commission are that the respondents have represented that traveling bags, suitcases and other luggage sold by them are "Made of Genuine Buffalo Walrus Leather", when in fact these products are not made of walrus leather but of buffalo leather.

The respondents are ordered to cease and desist from representing that traveling bags, suitcases or other articles of luggage made of buffalo leather are made of walrus leather, or representing that any traveling bag, suitcase or other article of luggage is made of any specified material, when such traveling bag, suitcase or other article of luggage is not, in fact, made of the material specified. (4046)

Nearby Sales Company—See Parker T. Frey Company.

Siegal-Kahn Company, Inc.—An order has been issued directing Siegal-Kahn Company, Inc., trading as Manshire Mills and as Snugintucks Mills, 93 Worth St., New York, to cease and desist from making misleading representations in the sale of women's undergarments.

Commission findings are that the respondent company represented that its products designated "Snugintucks" contained 30 and 15 per cent wool, respectively, when in fact the actual fiber content of each product was 88 per cent cotton, 9 per cent rayon, and 3 per cent wool.

Through use of the word "Woolywarms" in the name of its product "Dr. Ames Treat Yourself Woolywarms Multi-Ply Crotch, Full Combed", unaccompanied by any specific designation of the fiber content, the respondent, according to findings, represented that this product contained a substantial percentage of wool, when in fact it was composed entirely of cotton.

The Commission order directs the respondent to cease and desist from misrepresenting the wool or other fiber content of its products, and from using the term "Woolywarms" or other terms containing the word wool to designate garments or fabrics not composed entirely of wool, provided, however, that such terms may be used to describe garments of fabrics composed of wool and other materials when the true wool percentage is adequately disclosed.

The order further directs the respondent to cease advertising or selling garments or fabrics composed in whole or in part of rayon, without clearly disclosing the rayon composition. In cases where such products are made in part of rayon and in part of other fibers, such fibers or materials, including rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order.

Use of the word "Doctor" or "Dr." to designate a garment or fabric not designed or approved by physicians, and of the word "Mills" as a part of the respondent's trade name or otherwise to represent that it manufactures the products it sells, also are prohibited in the order (4204).

Snugintucks Mills—See Siegal-Kahn Company, Inc.

Spors Company—Frank Spors, trading as The Spors Company, Le Center, Minn., a dealer in medicinal products, household accessories and other articles, has been ordered to cease and desist from making misleading representations in the sale of certain of his products.

Commission findings are that the respondent has represented that a medicinal preparation known as "Super-Pure Laxative Bromide Quinine Tablets" constitute a cure or remedy for colds; that a water heater designated "Electro Heat-Kwik" is capable of heating substantial quantities of water for family uses, is entirely safe for use, and has been approved by the Underwriters' Laboratories; that a product described as "Savarip" is of substantial value in the prevention of runs, snags and breaks in silk and rayon hosiery and lingerie; that fountain pens described "Elgin Stylo Pointed Pens" are comparable with fountain pens retailing for sums up to \$5 each, and that salesmen or agents reselling such pens are enabled to make a profit of 300 per cent.

According to findings, the quinine tablets, while possibly affording temporary relief for cold symptoms, do not constitute a cure or remedy for colds and the other products will not accomplish the results claimed. Commission findings are further that the respondent's hot water heater is not entirely safe for use, and that while the cord attached to it may have been approved by the Underwriters' Laboratories, the heater itself has not been so approved.

The Commission order directs the respondent to cease and desist from disseminating advertisements representing, directly or through inference, that "Super-Pure Laxative Bromide Quinine Tablets" are a cure or remedy for colds; to cease representing that the products "Savarip," "Elgin Stylo Pointed Pens" and "Electro Heat-Kwik" will accomplish the results claimed, and that the heater has been approved by the Underwriters' Laboratories, and to discontinue representing that the heater is entirely safe for use, through failure to reveal that a user coming in contact with any grounded metal object may suffer severe shock (4246).

Jordan Stevens Company—An order has been issued directing Jordan Stevens Company, 200 Third Ave., North, Minneapolis, to cease and desist from the use of lottery methods in the sale of coffee.

The order prohibits the respondent from selling or distributing coffee 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 coffee or other merchandise, or separately, which devices may be used in selling such coffee or other merchandise to the public; or selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme. (4269)

FTC CASES CLOSED

Federal Trade Commission has dismissed a complaint charging Shaw's Jewelry Company and Shaw's, 1618 Main St., Dallas, Tex., with violation of the Commission Act in the sale of jewelry and silverware. The respondent corporations are no longer engaged in business and have been legally dissolved.

The Commission has also closed its case against Reading Batteries, Inc., Temple, Pa., and others, without prejudice to its right to resume proceedings should future facts so warrant. Other respondents include Bowers Battery Manufacturing Company, Inc., Reading, Pa.; Royal Battery Corporation, New Brunswick, N. J.; Price Battery Corporation, Philadelphia, and Perrine Quality Products Corporation, Waltham, Mass. The respondents had been charged with unfair methods of competition in the sale of automobile storage batteries.