

THE WEEK IN WASHINGTON

Stanley E. Hubbard, President and General Manager of Station KSTP, St. Paul, announced this week that he was recommending to his Board that the station join the BMI. Gene O'Fallon, KFEL, Denver, told ASCAP why an ASCAP number sometimes was heard on his station although it was station policy not to use ASCAP music on local programs. BMI tunes were 2, 3 and 4 on the "Variety" sheet this week. Independent broadcasters endorsed BMI at a New York meeting. (p. 4707.)

Broadcasters who have given the meat industry free advertising for many years should note that the industry passed up radio in its current \$2,000,000 campaign. (p. 4710.)

The 40-hour week under the Wage and Hour Act is now in effect. Members having questions about exemptions should write to the NAB Labor Relations Department. (p. 4710.)

Plans for radio's Twentieth Birthday Celebration, November 11-30, are being made all over the country. (p. 4712.)

Results of the draft drawing can be broadcast; it is not a "lottery". Utah was the only state to report a change in the status of the Communist Party this week. (p. 4712.)

Oregon and California broadcasters held meetings. (p. 4713.)

Better broadcasting was the theme of the University of Iowa's first annual conference on applied radio. (p. 4714.)

Broadcasters are urged to prepare for handling the news of conscription drawings. (p. 4716.)

Short-wave broadcasters will meet in New York City, Tuesday, October 29, to discuss the new FCC rules. (p. 4716.)

A partial list of phonograph records of the Peer International Corporation Publications available for broadcasting is included in this issue. It supplements a list of Cole publications records published in last week's issue. (p. 4718.)

BMI Developments

STANLEY HUBBARD JOINS

Stanley E. Hubbard, president and general manager of Station KSTP, St. Paul, announced this week that he was recommending to his board that the station join BMI. Mr. Hubbard issued the following statement:

Stanley E. Hubbard, President and General Manager of KSTP, which has the largest musical library of any independent station in the United States, announced today that he was recommending to the Board of Directors that his station, KSTP, join Broadcast Music, Inc. Mr. Hubbard's decision was reached after an investigation of BMI.

"For several months I have been investigating the music situation as its availability would affect the future programming of broadcast stations. This study was undertaken and carried on by me without the knowledge of any other broadcaster for the purpose of ascertaining in the most thorough and independent way possible what the facts were before reaching a conclusion as to what position we should take with reference to Broadcast Music, Inc. I investigated BMI, its facilities, its library and its production schedule, and after giving careful consideration to all the facts involved I have decided that BMI will not only take care of all the musical needs of the broadcasters, but that BMI offers the best service that has been known to American music in my time in making possible a hearing for music produced by independent composers, and in making its music available to orchestra leaders and musicians in general without any strings tied to it. I was very much impressed with the practical arrangements which BMI is making of the world's greatest music by which orchestras, both large and small, and independent radio stations will be able for the first time to meet the growing demand of the public for good music. We have discovered that a large percentage of our audience wants the music of great masters, such as Stephen Foster, and BMI will give it to them.

"Because I knew from experience that BMI could not succeed, even though it possessed all the facilities and advantages mentioned, unless the major networks gave their sincere and unqualified support to it, during the course of my investigation I took occasion to ascertain what the attitude of the networks would be toward BMI. I found that the networks were doing all they could to insure its success and I went so far, after being convinced that BMI was otherwise worthy of support, as to secure the unqualified and absolute assurance from executives of the major networks that they would stand behind BMI and give it their wholehearted support. I also secured like assurances from them that the networks would continue to fight along side and with the independent broad-

(Continued on page 4708)

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*

STANLEY HUBBARD JOINS (Continued from page 4707)

casters in their efforts to build and maintain a responsible and adequate source of interesting and high class music and to make it available for broadcasting.

"With these facts disclosed through an independent study and investigation and on the basis of the unqualified assurances given me by network executives, I am convinced that BMI is definitely over the hump and that it is assured of success. I am just as completely convinced that BMI has broken the strangle-hold which has bound music for the past twenty years.

"In 1925 in my early days of radio I put Olsen and Johnson on the air for the first time and naturally have been interested in their success ever since. I have had an understanding with Olsen and Johnson and J. Levison regarding the music from their show, *Hell Z' Poppin'*, now a musical hit on Broadway and which has already broken all records for musical comedies. From time to time we have discussed what to do with the musical numbers from this show, and because of my deep-seated interest in their success I have withheld by advice until I could complete the investigation of BMI. Being convinced that the success of BMI is assured, I have released all my rights to these numbers and have advised Olsen and Johnson to go in BMI with all their present and future show hits, which they have done. KSTP, too, is joining BMI and will be on board the new band wagon of American music."

Upon learning of Mr. Hubbard's action, Neville Miller issued this statement:

"We are naturally delighted with the action of Stanley E. Hubbard, president and general manager of KSTP. The fact that he approved of BMI only after a thorough investigation should be convincing evidence to those who have hesitated until now to join.

"His action in securing the Olsen and Johnson music is especially appreciated. I have heard two of the numbers and they are just what we want—real hits.

"I heartily second Mr. Hubbard's statement that BMI is definitely over the hump and it is assured of success."

GENE O'FALLON, KFEL, ELIMINATES PRACTICALLY ALL ASCAP MUSIC

Gene O'Fallon, KFEL, Denver, has sent the following letter to ASCAP:

October 15th
 1940—Our 18th Year

Mr. Herman Greenberg
 American Society of Composers,
 Authors and Publishers
 Thirty Rockefeller Plaza
 New York, N. Y.

DEAR MR. GREENBERG:

Information has reached us that you and your Associates may be using certain information regarding the musical content of pro-

grams originated by KFEL in your contact with other stations. We would like to clarify our position so that such stations will have full facts available in considering the value of your information.

Frankly, the information we have is that ASCAP is supposed to be circulating a check sheet on our program originations showing that we are performing certain music copyrighted by ASCAP.

We assume that this is being used in your sales talk to offset the effect of our announced policy of restricting the use of ASCAP music since the latter part of last July. So that you and any stations to whom such information is presented may have all of the facts let it be understood that for the duration of our existing ASCAP license period, i.e., until December 31st of this year, we shall make whatever use we desire of ASCAP music in conformity with our license—we have been doing so and will continue to do so until December 31st. In addition we are performing other copyrighted music for which we are licensed by SESAC, Associated Music Publishers and the various catalogs which have been acquired by BMI.

The plain facts of the case are that we have eliminated practically all ASCAP music from our local program originations since last July 25th, but there have been some instances where it was to our advantage to occasionally perform an ASCAP composition. Where it has suited our convenience, we have made such performances of ASCAP music which we have a perfect right to do under the terms of our license—a typical instance is on a commercial program for a roller skating rink in which we have permitted the Agency to select the musical compositions—the fact that this rink employs an organist who has been in the past, and perhaps may be at present, employed as an ASCAP spotter for infringements may have something to do with the selection of certain ASCAP compositions for its programs.

We should like to go further and explain that we have two purposes in mind in concentrating upon non-ASCAP music in our program originations. In the first place, we have been informed repeatedly by your organization that the performance of your music by radio broadcasting has been injurious to your music—specifically, that radio has "killed your tunes". We still do not acknowledge this effect but we certainly have no desire to injure your compositions.

In the second place, our policy is giving us the opportunity of acquainting our listeners with music other than that controlled by your Society so that they may become familiar with it prior to the expiration of our ASCAP license, which we do not intend to renew because your Society has consistently refused to permit us to purchase any portion of your service without requiring us to pay for the use of your entire catalog. Probably you have the right to dictate the terms upon which we can use your product, but we don't see how you can force us to use it if we don't like your terms.

It has been your contention that radio performances have ruined your music and it has been our contention that radio performances have built it up. To support our contention we have invested in a music corporation to give us another source of supply. We feel it will be best for all concerned to prove once and for all which contention is right. We have always acknowledged and do not now deny that your Society controls some desirable music for radio broadcasting, but we feel our industry has progressed to the point where it can no longer be dependent upon a single source of supply for music, any more than for other broadcasting material, such as news, sports, special events, drama, quizzes and forums, which are supplementing musical programs in ever increasing numbers.

We hope you will keep these facts in mind in any information you release regarding the musical performances by KFEL.

Cordially yours,

GENE O'FALLON, KFEL.

BMI FEATURE TUNES

October 21-November 4

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 BMI big three, *Practice*, *Story*, and *There I Go*, stand in second, third and fourth places on the "sheet" this week. *I Give You My Word* is climbing up toward them, and *We Could Make Such Beautiful Music* appears for the fifteenth week. Last week, *Practice* and *There I Go* were numbers two and ten respectively on the Hit Parade.

On every one of the best seller lists, both for sheet music and for phonograph records, *Practice Makes Perfect* appears, and two different records of it appear in sixth and eighth places on the list for the Midwest. The recording by Bob Chester is the sixth in line of the biggest money makers in the automatic phonographs.

National Independent Broadcasters, an association composed wholly of independently owned broadcasting stations, voted Tuesday, October 22, 1940, at their Convention at the Waldorf-Astoria to support Broadcast Music, Inc., radio's new source of music supply. The resolution which was passed during the morning reads: "Resolved that National Independent Broadcasters support Broadcast Music, Inc., in its effort to create a permanent and adequate supply of music for broadcasting and urge that all independent stations immediately cooperate with Broadcast Music, Inc., to the best of their ability."

This places the radio industry unanimously on record in favor of the BMI plan to create an open and competitive market for music by means of which other licensing agencies may compete with ASCAP (American Society of Composers, Authors and Publishers).

The present "blanket licensing" by ASCAP was condemned as contrary to just and equitable business practice and the association went on record as favoring a "per-program" basis of payment which would require payment only on those programs using ASCAP music.

At the end of the Monday afternoon session of the NIB Convention, BMI entertained the delegates in the Perroquet Suite of the Waldorf. Carl Haverlin, BMI's

Station Relations Director, spoke briefly to the guests and they were given an opportunity to question him and other representatives of BMI who were present.

We add three more to our previous 400 stations. BMI welcomes the following new members:

WIBX, Utica, N. Y.
WKPT, Kingsport, Tenn.
WSLS, Roanoke, Va.

At the end of last week, BMI moved into enlarged quarters. At the present time the offices occupy nearly the entire fifth floor of 580 Fifth Avenue. The new quarters add about 5,600 square feet, which somewhat more than doubles the floor space. Earlier this month, the Arranging and Production Departments took over another floor at 23 West 47th Street. BMI now occupies with all its forces about 18,000 square feet of office space and in addition keeps nine or ten independent printing companies working full time or over time to turn out the music with which it fills five Railway Express truck loads a week.

This week, there will be shipped 40,000 regular orchestration, 16,000 dance orchestrations, 22,000 professional and sheet music copies of popular music, 4,000 copies of standard music, 15,000 re-prints from the Hinds, Hayden and Eldridge catalogue—a total of 97,000 units.

A somewhat natural confusion seems to have arisen as to the music covered by BMI's contract with G. Ricordi and Company of Milan, Italy. The confusion is caused by the fact that there is a G. Ricordi, Inc., of New York, originally a branch of the old Milan company but now operating as an American publishing house and a member of ASCAP. Naturally, the music of the New York house is not covered by the contract with BMI. The music of the New York house may be distinguished from that of the Milan house by the "Inc." after the name. Where the "Inc." appears, the music is not covered by the arrangements with BMI.

Harry Engel has been engaged to head the BMI office in Los Angeles.

Mr. Engel has had a noteworthy career in the music industry, having spent approximately 18 years during which he became familiar with every phase of the business. His first years were spent with Jack Robbins, later becoming a member of the firm under the name of Robbins Engel, Inc. During his association with Robbins over a period of ten years, he acted as the business executive of the company, spending a great deal of his time contacting the music dealers and in general professional contact throughout the country.

In 1928 Engel replaced Bobby Crawford as sales manager of the Irving Berlin Company at the time Bobby Crawford formed De Sylva, Brown, Henderson publishing firm. Engel remained with Irving Berlin for eight and one-half years after which he formed his own publishing company known as Davis-Coots, and Engel, Inc.; Davis and Coots being the well-known popular writers, Benny Davis and J. Fred Coots. This firm enjoyed the reputation of being one of the fastest producers of hit songs publishers in the industry. They started out immediately with the musical comedy success "SONS O' GUNS." Amongst the songs published by the firm the first couple of years were such numbers as "WHY," "I STILL GET A THRILL," "DREAM A LITTLE DREAM," "FAREWELL TO ARMS," "WE JUST COULDN'T SAY GOODBYE," "AS YOU DESIRE ME," and a score of others, equally well-known.

In 1934, approximately, Engel affiliated his company with the National Broadcasting Company of which Leo Feist, Inc., and Carl Fisher, Inc., were the other two companies in the group of publishers controlled by Radio Music Corp. At the time Radio Music Corp. went out of existence, Engel bought his interest back from Radio Music and operated the business under the firm name of Harry Engel, Inc. About three years ago he sold his company to Fred Waring, Guy Lombardo, and Paul Whiteman.

Recently he has been affiliated with Fanchon and Marco, in charge of the motion picture division. During this time he has placed numerous people under picture contracts, including Judy Canova. His work in the past three years has kept him in close contact with the entire amusement industry.

Free Offers

"IT'S YOUR MOVE, NOW!"

"Meat Makes Its Move" is the title of a recent Printers' Ink article (Sept. 13) reporting on the current promotion campaign of the American Meat Institute. Designed as a cooperative effort to increase meat consumption, which has fallen off per capita considerably in the past twenty years, the \$2,000,000 campaign broke in 16 general magazines and some 150 newspapers throughout the country. Radio was not on the list, and many members have written the Bureau of Radio Advertising asking why.

Here is a perfect example of the evils resulting from the free offer problem. Why isn't radio getting a fair share of the \$2,000,000? Because it is the American Meat Institute's firm conviction (based on their own experience and that of others) that radio can be depended on for plenty of free time. In its handling of

free offers and in its contacts with individual time-chiselers, the Bureau has had considerable correspondence with the National Live Stock and Meat Board, the Institute of American Meat Packers, and other groups represented in the current campaign, on the subject of radio advertising. Admitting that many individual advertisers in this field have been and are regular users of paid time, the extent to which radio is being bled still appears as the chief reason for its being shut out of the present campaign.

Every broadcaster is familiar with the flood of publicity scripts, recipes, menu suggestions, booklet offers and other so-called "news for housewives" which these same groups have constantly sought to place on women's programs and domestic science hours throughout the country. Such efforts are not new or surprising. The regrettable fact remains that far too many stations have either been too receptive to such offers, or too lax in their supervision of scripts where such commercialism is hidden. The problem is a very real and complicated one. But when the meat packing industry, which has warded off radio's sales solicitations for years with the excuse "No funds for advertising", invests \$2,000,000 in printed media (while still seeking and expecting free time on the air) it may well be that the time has come for radio to "make its move".

A firm and united stand—that is all that is needed to solve the free offer problem. Many courageous and far-sighted station managers are constantly battling in this cause. In the NAB's opinion, it is a worthy cause, deserving of industry-wide support. No better proof of that can be found than the American Meat Institute campaign. \$2,000,000 is a lot of money. Even half of it would buy time for a respectable campaign on every member station, and though it may be too late, so far as this particular account is concerned, there will be others. Radio cannot afford to and must not play the sucker, if it is to share equally with other major media in cooperative campaigns and industry promotion efforts of the future. If it is to protect itself from the chiselers, it will have to take a firm stand and present a united front in refusing to accept free offers. There is no other solution. It's our move now.

Labor

WAGE AND HOUR ACT

A great many broadcasters have written to the NAB during the past week about the redefinitions of executive, administrative, and professional employees, and outside salesmen under the Wage and Hour Act. The Act exempts employees in these categories from its wage and

hour provisions. No overtime, therefore, needs to be paid to employees in these categories.

In last week's **REPORTS**, page 4686, the NAB expressed the opinion that an executive of a department which was in operation, for instance, for 126 hours a week could do the same type of work as those under him 25.2 hours a week without losing his executive status. This opinion has been challenged. Some contend that Section F of the new definition of an executive refers to the hours of individuals under him and not to the aggregate number of hours worked by those under him. Until this question is cleared up it would perhaps be best for executives not to do more than 20 per cent of the same type of work performed by the individuals under him, to retain their executive status. That is, a "chief engineer" should do no more than 8 hours at the controls each week if the technicians under him normally work 40 hours per week.

There appears to be a little confusion as to what employees can be classed as administrative. The report from the Wage and Hour Administration accompanying the new definitions includes the following paragraph which may be helpful:

"Here, as in the other instances, the differentiation between the clerk and the person with true administrative responsibility is to be found, first, in the exercising of discretion and independent judgment, and, second, in the receipt of an appropriate salary."

The Administration found that "an appropriate salary" was \$200 or more a month. The same report also indicated that no administrative worker could do any substantial amount of manual labor and retain his administrative status. It said:

"... The performance of some incidental manual work, in a technical sense, should not serve as a bar to exemption. For example, if otherwise qualified, the incidental performance of stenographic work by an executive secretary or the incidental operation of a machine by a machine demonstrator would not disqualify them from the exemption."

The NAB again urges stations who have any doubt about the status of individual employees to send in a complete description of their duties. If the NAB is unable to give an opinion as to their status, an official opinion from the Wage and Hour Administration will be secured.

RATHBORNE RESIGNS

Mervyn Rathborne, president of the American Communications Association (CIO), has resigned. Ill health was given as the reason. Joseph P. Selly, vice-president, has been named acting president.

PAYMENTS TO DRAFTEES

Under a ruling of the Bureau of Internal Revenue sums paid to employees absent in the military service or serving the Government in other ways at a nominal compensation during the present emergency will be deductible from gross income for Federal income tax purposes.

The ruling, in response to several inquiries by business organizations, pointed out that a similar practice was followed in 1917 and 1918.

Test of the ruling is as follows:

"Advice is requested whether the M Company, which intends to make payments of salaries to employees who are called for military service, may deduct amounts so paid from gross income for Federal income tax purposes. In 1917 and 1918 many employers adopted the practice of making such payments. At that time the question arose whether employers could deduct the amounts so paid from their gross income. It was held that salaries paid by employers to employees who were absent in the military or naval service or were serving their government in other ways at a nominal compensation but who intended to return at the conclusion of such services were allowable deductions from income. The same rule will apply to salaries paid during the present emergency."

CONSCRIPTION

For the information of member stations who will be called from time to time by various people, including employees, seeking information about the rights of men drawn into selective service training, we publish herewith a statement from the Selective Service Headquarters in Washington:

Four important provisions for the protection of the civil rights of men in Selective Service training, or in the armed forces of the Nation that are given by The Soldiers' and Sailors' Civil Relief Act of 1940, are emphasized by National Headquarters, Selective Service System, in a summary of the Act.

The major provision, it is pointed out, is the wide discretionary power given to all courts in the country with regard to the enforcement of the judgments as well as for the protection of defendants when suits are entered and heard. Important specific general provisions of the Act are:

1. No default judgment can be obtained against any man of military age unless the court first is informed by affidavit of his military status. The penalty prescribed for making a false affidavit is imprisonment for one year or a fine of not more than \$1,000, or both.

2. Generally, no judgment can be collected against any man in military service unless a bond is posted to indemnify him should the judgment be reversed after he has finished military service.

3. The court may extend the time for payment of a judgment not exceeding three months after completion of military service, or may arrange for its payment in instalments over a longer period.

4. No man in military service may be sued unless he is represented in court. If he is not represented by his own attorney, the court will appoint an attorney to act for him—but he is not bound by the action of an attorney so appointed.

The summary of the Act reads:

General Relief: Persons in the military service are granted an extension of time to apply to any court which has entered certain judgments against them, while they were in service. Other relief in connection with legal proceedings is also provided.

Rent, Installment Contracts and Mortgages: The courts are allowed to be more lenient in certain cases of nonpayment of rent for the dwelling place occupied by the wife, children or other dependents of a person in military service. Where an automobile, tractor, clothing, furniture or other personal property has been purchased under an installment or deferred payment contract, prior to October 18, 1940, and the purchaser has entered the military service and thereby becomes unable to make the payments, the property cannot be repossessed by the seller without a court order. The court may stay the proceedings as provided in the Act, or may make such other disposition of the cases as may be equitable to conserve the interests of all parties to the contract. The court may order all or any part of the deposit or installment payments to be refunded to the purchaser before the seller can resume possession of the property, or the court may adjust the payments to the financial ability of the person in military service, or it may arrange for the payments to be completed after the period of military service.

The Act provides that the purchaser and seller can change or cancel the contract on such terms as they mutually agree upon in writing or they can make a new contract if they so desire. Similar relief is provided for real estate contracts and mortgages.

Life Insurance: Persons in or entering the military service may secure through the military and naval authorities information as to how they may apply to the Veterans' Administration for the benefits of the Act to safeguard their life insurance. Premiums for not more than \$5000 worth of life insurance in one or more policies on the legal reserve plan, under certain conditions will be advanced in full or in part by the government. The amount of premiums paid by the government remain as a lien against the policies unless the individual pays the company within one year after he has left the military service.

Taxes: The payment of any taxes or assessments, general or special, falling due during the period of military service in respect to real property owned and occupied for dwelling, agricultural or business purposes by a person in military service or his dependents may be postponed until six months after the termination of the period of military service, by filing the prescribed affidavit with the collector of taxes. If the property has been sold or forfeited for taxes it may be redeemed within six months after the termination of military service, by the payment of the amount of back taxes together with 6 per cent interest. Other penalties are to be waived.

Public Lands: The Act provides for the protection of rights and allows certain credits to persons in the military service who have made application for homestead entry, desert-land entry, or are claimants of mining locations under permit or lease.

The purpose of the law is to protect the civil rights of persons in the military or naval service, and is clearly stated in the law as follows: " * * * to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of Civil liabilities, in certain cases, of persons in the military service of the United States * * *, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified * * *."

Promotion

RADIO'S TWENTIETH BIRTHDAY

Early as it is broadcasters are at work making plans for taking a hand in celebrating Radio's 20th Birthday next November 11-30.

Robert Greenberg, promotion manager, WHK-WCLE, Cleveland, has tied-up a string of prominent store windows, of a nationally known chain, for a portion of the participation of his stations.

From Boston, New York, Philadelphia, Baltimore, Pittsburgh, the Middle West and Seattle have come rumblings of big things to happen.

Dave Finn, advertising manager of RCA Manufacturing, has sent all of RCA dealers a folio containing a series of commercials which tie-in with Radio's Birthday.

Three birthday programs and one pre-birthday show are set for 7:30 p. m. EST, Fridays, over WJZ and NBC—Blue, according to word from Dr. O. H. Caldwell, editor, *Radio Today*.

A synopsis of these four programs follows:

"TWENTY YEARS OF RADIO PROGRESS"

Nov. 8—"RADIO'S MILLIONS." Somebody Buys a Receiving Set Every Two Seconds—a Radio Tube Every Quarter Second. Fifty Million Sets in Use. Homes with Radio. Cars with Sets. Billions Invested in Receivers. Radio Stations. Statistics of the

New Art. Spending Half-a-Million a Day—and All Free to You!

Nov. 15—I. "TWENTY YEARS OF RADIO." Milestones of Discovery and Invention that Led up to the Beginnings of Broadcasting. Pioneers Who Blazed the Way. Forward Steps along Radio's Pathway, 1920-1940. Locations in New York City Which Made Radio History, as Viewed from a Plane, from Which the Broadcast Will Be Conducted.

Nov. 22—II. "FROM CRYSTAL SET TO SUPERHET." The Story of Home Receivers. Building Always toward Better Reception and Greater Convenience for the Listener. Improvements in Tubes and Speakers. Modern Fidelity and Lifelike Reproduction. How to Get the Most Out of Your Radio Receiver.

Nov. 29—III. "RADIO'S EFFECTS ON HOME LIFE." What It Does for Us from Dawn 'til Bedtime. Time, Weather, News, Music, Drama, Education of the Masses. Creating New Alertness and Awareness throughout the Nation. Family IQ's and Listening Hours.

LISTEN BEFORE YOU VOTE

This week's burst of political oratory over the airways by members of both major parties caused a fresh demand for "Listen Before You Vote" posters. But no more posters were available.

The increased broadcasting tempo, however, is demonstrating to everybody that radio has become the modern counterpart of the old New England town meeting.

Whichever way the election goes, recognition of the unsurpassed effectiveness of radio as a medium to reach people will penetrate to the remote corners of these United States.

RADIO GETS DEFENSE JOBS

Radio has sold 23,000 individual jobs to skilled workers in the last thirty days to October 15. In all 123,000 men have been put to work in national defense agencies since June of this year. Recruiting of the great majority has occurred since the broadcasting industry took over this job at the request of the United States Civil Service Commission.

The addition of two more stations to the list of known cooperators brings the total to 649. It is assumed that many other stations are likewise helping to recruit workers. Hearing from stations which have not previously reported their assistance will be appreciated.

WLOF, Orlando, Fla., and KRKO, Everett, Wash., are the two new additions to the list.

George A. Hazlewood, president, wrote that WLOF would take the air the week of October 21 and that Man Power Announcements would have a place on the schedule from the first day's operation.

Legal

DRAFT A "LOTTERY"?

The question has been raised as to whether the Selective Training and Service "lottery" to be held October 29 is a lottery within the meaning of Section 316 of the

Communications Act so as to bar the broadcasting of information concerning it. NAB Counsel is of the opinion that it is not such a lottery, and upon taking the question up with the FCC, received authorization to state that the Commission concurs in that view.

COMMUNISTS IN UTAH

Further supplementing the information contained in the NAB REPORTS of October 11 (page 4665) and October 18 (page 4688), we set out below the only change in the status of Communist candidates which has occurred this past week:

UTAH: Court ordered Communist candidates certified for the ballot. Communist candidate for Governor withdrew after the court order was issued, so there will appear on the ballot only the names of the four Presidential and Vice-Presidential electors under the title of the Communist Party of Utah.

COURT UPHOLDS STATION

The Communist Party of Rochester and Monroe County, New York, was denied a mandatory injunction by the New York Supreme Court last week to require Station WSAY, Rochester, to complete performance of a contract for thirteen broadcasts. The decision was based on WSAY's contractual right to cancel. The opinion of Justice Van Voorhis follows:

The complaint and the moving papers set forth that plaintiff is a voluntary unincorporated political association of Rochester, New York, affiliated with a state party unit of another unincorporated political association known as the Communist Party of the United States of America, of New York City; that the defendant is the owner and operator of a commercial radio broadcasting station known as radio station WSAY, at Rochester, New York, engaged in the business of selling broadcasting time and facilities for advertising purposes; that on June 25, 1940, plaintiff and defendant entered into a written agreement for the use of said broadcasting facilities "for the promotion of plaintiff's political party and campaign interest; preliminary to the fall elections of 1940, by thirteen weekly Sunday afternoon broadcasts beginning July 14, 1940, and ending November 3, 1940"; that six of said Sunday afternoon broadcasts have been made commencing July 14, 1940, but that on September 20, 1940, prior to the seventh broadcast scheduled to occur on September 22, 1940, defendant notified plaintiff that the station management had cancelled the broadcasting contract with the plaintiff and that no further broadcasts provided for by the said contract would be permitted; and the prayer for relief is that a mandatory injunction issue commanding the defendant to permit the plaintiff to conduct the remaining broadcasts for which it contracted. The temporary injunction applied for is to secure the same relief during the pendency of the action.

In opposition defendant sets forth that the programs were not submitted ten days in advance of the broadcast, as required by the terms of the contract, that the material to be given out on September 22nd contained defamatory matter which plaintiff's agent refused to alter notwithstanding that it might subject the defendant to actions for slander or libel, and that for these and other reasons, including the general character of the broadcasts, the defendant elected to end the contract under clauses providing that all program material is subject to the approval of the station management and that the contract may be terminated by either party upon two weeks' notice to the other. The contract on which the action is based is upon a printed form consisting of an order sheet with terms and conditions stated upon the reverse side. In such terms it is written that "this agreement may be terminated by either party by giving the other party two weeks' notice, unless otherwise stipulated on the face of this order." No stipulation to the contrary is stated on the face of the order. There is a statement that "the station reserves the right to cancel this

contract if any legal enactment makes such program illegal." But this refers to immediate cancellation upon the happening of the contingency mentioned and does not negative the general right to cancel on two weeks' notice. It was to be in addition to the latter. The intention was evidently that if broadcast by the Communist Party should be outlawed by legal enactment, then the contract would be ended before the two weeks' notice of cancellation otherwise provided for could be given. Nothing indicates that the immediate termination of the relationship of the parties if the law intervened was meant to be a substitute for the right of cancellation upon two weeks' notice. Where the station exercises the right of cancellation upon two weeks' notice and the parties fail to agree upon some other time for the broadcasts, it is expressly provided that the sponsor shall pay for the broadcasts that have been conducted at the same rate as though there were to be the larger number originally contemplated, but that otherwise the parties' obligations to each other shall be concluded.

By notifying plaintiff on September 20, 1940, that no further broadcasts would be permitted, defendant relieved itself of any obligation to conduct them after two weeks from that date, viz., October 4th. It is immaterial to the present motion whether defendant had a right to withhold its facilities from plaintiff for the broadcasts scheduled for September 22nd and 29th, inasmuch as those dates were already past when the motion was made. That is to say, defendant's cancellation applied in any event to the Sunday afternoon broadcast of October 6th and to those scheduled to occur thereafter. This motion was returnable October 7th, with the result that when it came before the Court, the question had already become academic.

Churchill Evangelical Ass'n. Inc. vs. Columbia Broadcasting System, Inc. (142 Misc. 210, Aff'd 236 App. Div. 624) like the present action, was brought for the specific performance of a contract to require a defendant to broadcast a radio program, but relief was denied for the reason that the contract if it were to be held that any had been entered into, permitted cancellation at the option of either party. For the same reason, the application for a temporary injunction in this action must be denied.

Neither the complaint nor the moving affidavits contain allegations bringing the action within 48 Stat. 1088, providing that if any licensed broadcasting station shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, it shall afford equal opportunities to all other such candidates for that office in the use of such station. No decision is made concerning whether any portions of plaintiff's programs were, in fact, misleading or defamatory, nor is the question raised by the papers before the Court whether a radio station can be compelled (other than as required by 48 Stat. 1088, supra, or by contract) to supply radio time to sponsors against its will. It has been generally understood, thus far, that except insofar as it shall bind itself by contract a radio broadcasting station has the right to select what programs it will transmit and to reject such as it chooses provided that 48 Stat. 1088 be not violated (*Sta.-Shine Products Company, Inc. vs. Station WGBB*, 188 I.C.C. 271; *Summit Hotel Co. vs. National Broadcasting Co.* (Sup. Ct. of Pa.) 8 Atl 2nd 302; Dill; Radio Law, pp. 104-5).

It has been argued in defendant's behalf that public interest, convenience and necessity requires the exclusion of Communists from the air. Plaintiff, on the other hand, asserts that it has been denied its fair share of publicity over the radio and in newspapers. No such questions are now before the Court, which is asked to grant the relief applied for solely upon the ground of contract right. That relief must, as has been stated, be denied.

Dated: October 16, 1940.

District Meetings

OREGON BROADCASTERS MEET

The broadcasters of Oregon met at Portland on October 11 to form the Oregon State Association of Broadcasters. At this meeting Lee Bishop of KMED was selected as president of the Association and Frank Loggan of KBND was appointed secretary and treasure. Mr. Bishop will appoint a committee to draft by-laws and

another meeting will be held in the very near future to complete the organization.

This is the first time an Oregon broadcasters association has been organized, and from the enthusiasm displayed at the meeting, it was the consensus of opinion it will be a very successful move.

Judge John C. Kendall, representing several of the northwest stations, talked on the music situation as it affects broadcasting stations. Also Harry Spence of KXRO, Aberdeen, drove down to be one of the principal speakers on the subject, "What NAB Has to Offer the Independent Stations". Marie Hornbeck, director of women's activities of the Oregonian, spoke on "What Women Desire in a Home Economics Program". Mr. Mac Wilkins of Mac Wilkins & Cole Advertising Agency, who is one of the eight directors of the radio committee appointed at a recent meeting of the AAAA, spoke at the luncheon meeting on "What an Advertising Agency Expects from a Radio Station" directing his remarks particularly to those stations outside the metropolitan areas. Also, Harry Singleton, chief engineer of KGW-KEX addressed the group on FM Broadcasting and general engineering problems. A visitor at the meeting was Ralph Wentworth of Long-Worth. He gave a very enlightening dissertation on BMI music as it affects transcription companies.

The late afternoon hours were given over to a cocktail party to which advertising executives were invited.

The committee organizing the meeting consisted of Chuck Myers, KOIN; Carey Jennings, KGW; Lee Bishop, KMED; and Frank Loggan, KBND.

Those in attendance were:

James C. Wallace, KAST, Astoria; Harry Spence, KXRO, Aberdeen; Ben E. Stone, KOOS, Marshfield; Don Parker, KWJJ, Portland; J. G. Bauriedell, KUIN, Grants Pass; Judge John C. Kendall, Portland; George Kincaid, KFJL, Klamath Falls; Mac Wilkins, Portland; Lee Bishop, KMED, Medford; Marie Hornbeck, Portland; R. C. Wentworth, Lang-Worth Co., New York; Paul Connet, KGW-KEX, Portland; Harry Read, KSLM, Salem; W. Carey Jennings, KGW-KEX, Portland; M. H. Pengra, KRMR, Roseburg; Bob Prigmore, KGW-KEX, Portland; Frank Loggan, KBND, Bend; Joe Messme, KGW-KEX, Portland; C. G. Phillips, KIDO-KORE, Boise; Chet Blomsness, KGW-KEX, Portland; Frank L. Hill, KORE-KIDO, Eugene; H. Q. Cox, KGW-KEX, Portland; James Mount, KGW-KEX, Portland; C. Roy Hunt, KOIN-KALE, Portland; C. W. Myers, KOIN-KALE, Portland; H. M. Swartwood, KOIN-KALE, Portland; Charles Couch, KOIN-KALE, Portland; Henry Buckendahl, KOIN-KALE, Portland; Ted Kooreman, KOIN-KALE, Portland.

DISTRICT 15

Twenty-two broadcasters representing 19 stations in District 15 and the Northern California Broadcasters Association held a joint meeting Wednesday in San Francisco. The music situation, the daylight saving proposal on the California ballot and foreign language broadcasts were among the subjects discussed. Howard Lane, district director, reported that it was an excellent meeting.

Miscellaneous

IOWA EDUCATIONAL CONFERENCE

Opening the State University of Iowa's First Annual Conference on Applied Radio, in Iowa City, October 17, Dr. James Rowland Angell, Educational Counselor for the National Broadcasting Company and former president of Yale University, spoke on "The Place and Function of Radio in a Democracy," pointing out that democracy must recognize radio as a major instrument for meeting the revolutionary changes which are facing America today.

"It is repelling to think that we must adopt totalitarian methods," Dr. Angell said. "If a crisis comes to this country, radio is likely to be one of the first mediums of influence to be taken over. Radio must be kept clear, it must not become a tool of government."

Dr. C. A. Siepmann of Harvard University, former Program Director of the British Broadcasting Corporation, set the keynote for the Educational Directors' session with the statement, "The business of education is to make people free."

"The magnificent function of the broadcaster is to put up signposts, give direction to people's thoughts and hopes. Radio must get across to a mass audience the feeling of belonging, of being, not alone, but part of a great nation. This must be done by utilizing the immense resources of the radio industry, adapted to the longings, experience, and limitations of that great audience. The educator should not be ashamed to use the techniques of radio which are already successfully exploited by the entertainer," he said.

Miss Harriett Edwards, Director of Educational Programs, KMOX, St. Louis, showed various ways of getting over to the listener the educational offerings of radio, through adequate merchandising which will reach all classes of listeners.

That a serious responsibility falls on the station to set up standards and to determine what meets the listeners' needs was pointed out by Miss Harriett Hester, Educational Director, WLS, Chicago. Kenneth Graham, Director of Education at KMBC, Kansas City, supplemented this with the explanation that network programs alone will not solve the problems of educational radio, but that the programs to fit community needs must be built locally.

Mrs. Lavinia Schwartz, Educational Director, Midwest Division, Columbia Broadcasting System, stated that all the success of educational programs eventually is based on their content. "We cannot get lost in our objective, for fundamentally the job is to give good programs."

Continuing on this subject, Harold W. Kent, Director of the Radio Council of the Chicago Public Schools, stated that local programs should be of the same quality as network offerings, with the same authenticity and standards, supplementing the network show by meeting the local educational need.

Miss Judith Waller, Educational Director, Central Division, National Broadcasting Company, was chairman of the session. She summarized the contributions and pointed out the relations between the respective tasks of the network and local stations.

Conducted by Thomas D. Rishworth, Educational Director of KSTP, St. Paul, the panel on Organization programs set up five standards for desirable organization programs.

These were: (1) To find programs of general listener interest and mass appeal. (2) To solve production difficulties through the formation of Radio Councils and the establishments of budgets by the organizations desiring programs. (3) To cooperate with university stations for the writing and production of better scripts. (4) To merchandise programs both to and through the members of the organizations. (5) To develop interest on the part of organ-

izations in listening and analyzing programs and assisting stations in evaluating them rather than in producing their own programs.

Those participating in the discussion were Mrs. Wilma Briggs, President of the Iowa Department of the American Legion Auxiliary; F. C. Eighmey, Manager, KGLO, Mason City, Iowa; W. I. Griffith, Director of Radio, Iowa State College, Ames, Iowa; Mrs. George B. Palmer, Radio Chairman of the Minnesota Federation of Women's Clubs; Miss Agnes Samuelson, Executive Secretary, Iowa State Teachers' Association and Chairman of the Department of Education, General Federation of Women's Clubs; Woody Woods, Educational Director, WHO, Des Moines.

Lively discussion of what makes a good script was part of the session on Scripts for School Use directed by Geraldine Elliott, Dramatic Director, WJR, Detroit.

The panel consisted of Burton Byers, Franklin High School, Cedar Rapids, Iowa; Clara Krefting, Bradley Polytechnic Institute, Peoria, Ill.; Thomas D. Rishworth, Educational Director, KSTP, St. Paul; Wilbur Schramm, Department of English, State University of Iowa; and Luther Weaver, Luther Weaver and Associates, St. Paul.

Farm Broadcasting

"Farmers aren't dumb," said Ray Anderson of the Cedar Rapids (Iowa) Gazette in opening the discussion of what the farm audience is. "The farmer is keen, intelligent and can spot insincerity in a radio broadcast just as quickly as he can in print. This can be explained perhaps in the light of his position as the 'hub' of the nation. Political campaigns are directed at him, and he is a member of the largest single occupational group in America—as such he is industry's greatest potential customer. Farm audiences, then, have seen the necessity of analyzing all information and opinions which come their way. Then, too, a farmer has time to think. As he rides a tractor or cultivator, he is by himself and depends upon his own judgment in deciding what is right and just. His trips to town are infrequent during the harvest season and contact with outside opinions usually is made by radio. Hence broadcasters have a real responsibility in serving the farm population."

"Farmers like music, drama, news, and all the other features that the average Americans like—but he likes markets, it may be a matter of profit or loss to him if he is late in knowing the markets," Anderson continues.

In closing his remarks, Anderson said that the Agricultural Adjustment Administration perhaps had made a mistake in not allowing the farmer to make the program its own. "The farmer hates dictation—he won't have things stuffed down his throat. The A.A.A. local committees have had difficulty in some cases in 'selling' the idea in their own community, because members of the state committees have power to dictate the policies."

At this point, Charles Stookey, CBS farm program director, expressed the opinion that a local A.A.A. committeeman who was a member of the farmer's own community could do a better job of leading the farmer to accept new ideas than could an extension worker who might be considered an outsider.

Discussion after Mr. Anderson's speech and those that followed was led by Ed Mason, WLW's dynamic farm program director and an Iowa University graduate.

Charles Worcester, WNAX, Yankton, South Dakota, farm service director, spoke second on the subject, "How technical can a farm program be?" Worcester pointed out that the program must be planned with the needs and general education of the listeners in mind. He expressed the general view that the program should employ non-technical language and be simple, entertaining and practical.

Discussion and sharp difference of opinion was immediately voiced by panel members, and Mrs. Harriet Rinehart of Winterset, Iowa, said that if the farmer didn't know what 'parity payments'

and other terms that have come into common use, meant, then radio had missed a good bet—it was radio's job to tell them.

J. O. Maland, vice president of the Central Broadcasting Company, Des Moines, said in defense of radio—"WHO has been explaining those terms, and the government program for seven years, in the best way we know how, many of our listeners have undoubtedly become familiar with most of the phases of the program, while just as surely others have not."

"The Farm Program of the Small Station in a Farming Community" was explained as it applied to WDJ, Tuscola, Illinois, by the station director, Clair Hull. "In our community, the farm program starts in the morning and finishes at the sign off. We have found the policy of inciting the farmer into action over an issue the most effective," said Mr. Hull.

He went on to explain that the farmers in the WDJ community hated orders, but if an opinion was expressed over the station which was unpopular, a flood of letters were received from the opposition.

"If Rural Electrification, for example, is not of interest to our community, we would have a man speak who was against the plan—immediately those who believe in REA and its program, will organize and present their arguments in a way which will be to the best interests of the program. Get the farmer to champion his own cause, then, is the duty of the farm program of the small station," Mr. Hull concluded.

Arthur Page, veteran WLS Farm Program director, said on the topic, "Composition of the Regular Farm Program," "We find at WLS that the noon hour, which is an excellent time for farm listeners, is also an hour which attracts city and suburb listeners, so we must remember that the needs of both groups must be served. The programs must be interesting and combine service with entertainment.

"City listeners are interested in the farmer and his problems," said Phil Evans of KMBC, Kansas City, in discussing "Build Farm Shows Without Regard to Urban Listeners?" Mr. Evans explained that a study of audiences by KMBC showed no appreciable drop in number of city listeners when a farm broadcast was on the air. Also, the farmer only wants to know whether oats, wheat, hogs, or other products are up or down—long explanations and complicated trends are for farm readers, not the listener, in Mr. Evans' opinion.

Herb Plambeck, Farm Editor of WHO, Des Moines, discussed "Radio News," and praised much of the United States Department of Agriculture releases and stressed the importance of personal contacts with farmers. Plambeck averages 25,000 miles a year in this latter phase of the work. WHO's public relations plan includes bringing the farmer to the station, not only as contributors to farm broadcasts but also that they may understand the job radio does.

"The Ideal Program for Farm Women," was the subject discussed by Mrs. Elizabeth Wherry, Wyoming, Iowa. Mrs. Wherry explained that through the work of county agents, home demonstration work and farm bureau activities the woman on the farm today is conscious of modern improvements, is cultured, appreciates good music and welcomes it over the air. The popular folk-music should be replaced by music of a higher type, which, according to Mrs. Wherry, the average farm woman is now educated to appreciate.

Mr. J. O. Maland of WHO was ready with statistics to show that folk music well played and interpreted is what most people listen to and a discussion of the relative merits of the two types brought the session to a close.

Building the Radio Audience

Describing the present radio picture as a "Dr. Jekyll and Mr. Hyde" situation, J. Oren Weaver, Director of Public Affairs

for the Midwest Division of the Columbia Broadcasting System, opened the session on "Building the radio audience." "The voice of radio is one big eighteen hour program and its personality is represented by the combined efforts of that voice." Mr. Weaver charged that the sustaining features did not stand up to the commercial programs, and that until this was remedied, no station could hope to hold its audience throughout the day. Speaker Weaver also cited the problems of program duplication, perfect balance in programming, and "news-tailoring" for the individual markets.

As might be expected the "soap opera" question was brought up for considerable discussion. Ed Smith, radio program manager of General Mills, upheld the daytime dramas, claiming that the sponsors were putting out what the women want to hear, and will continue to do so until such time comes when it is proven the audience wants another type of entertainment. "Radio advertising is too costly to experiment with," added Mr. Smith.

Getting away from script shows, J. C. Rapp, manager of KMA, Shenandoah, pointed out that a tremendous audience could be built by adopting a "friendly attitude" toward the listener, not one of intellectual superiority. Robert DeHaven, program director for WTCN, Minneapolis, presented the possibilities of building a daytime audience with music and good comedy, using the NBC-Blue net and its "Breakfast Club" and "Club Matinee" programs as illustrations. Luther Weaver of Luther Weaver and Associates, Minneapolis, pointed out that the audience must be educated to like what is good, if the "soap operas" are to be replaced.

Both Mr. Oren Weaver and Mr. Smith expressed interest in the question of whether "premium build the audience." William Quarton, commercial manager of WMT, Cedar Rapids, insisted that it was up to the sponsor to sell his product, not a gadget. The rebuttal to this statement by Ted Enns, sales manager of the Cowles Stations, was the use of premiums as an audience or station check.

Luther Hill, vice-president of the Iowa Broadcasting Company, was chairman of the meeting.

CONSCRIPTION DRAWING

The order in which each of America's approximately 17,000,000 registrants for Selective Service will be called to qualify for military training, to be determined by the National Lottery in the National Capital next Tuesday, will be a matter of immediate permanent record as well as of instantaneous, oral and visual announcement.

Each number, as it is drawn from the historic goldfish bowl that was used in the 1917-1918 drafts, will be announced over a loudspeaker system, displayed on a blackboard, and electrically photographed for the National archives. The slips of light cardboard bearing the numbers also will be strung by needle and thread in the sequence they are drawn and constitute another carefully protected record.

In announcing the arrangements for the national lottery, C. A. Dykstra, director of Selective Service, emphasized that they had been planned so that the press, radio and photo agencies could give as complete a story as possible to the registrants, their families and friends. It is hoped, he said, that everyone in the country will feel that he or she is an actual spectator at this historic event.

For the millions of registrants beyond the range of the loud-speaker systems within and immediately outside the Departmental Auditorium, where the historic ceremony will be staged, virtually as instantaneous information of its results will be given by the most intensive and extensive news coverage ever arranged.

Some ten thousand capsules, each containing an individual number, will be placed in the famous goldfish bowl at high noon next Tuesday. Secretary Stimson will draw the first number. All

major networks will broadcast the drawing ceremonies. It is estimated that fifteen hours will be necessary to complete the lottery because each capsule will be opened individually.

The news services serving radio stations will carry the numbers drawn so that individual radio stations will be able to broadcast the numbers periodically throughout the afternoon and night of October 29, and also the morning of Wednesday, October 30, when it is estimated that the drawing will be completed. Each person who has registered has received a number which will correspond to those drawn in Washington. Therefore, every station has a certain number of families in its listening area who are concerned with the order in which the numbers are drawn, because it is this order which will be followed by the local draft boards in summoning before them those subject to military training. In other words, if serial number 29 is the first one drawn, then those people who have been given serial number 29 become the first ones considered for selective compulsory military training by their local draft boards, and so on through the list. It is estimated that not more than 7,500 people have registered at any one registration point. However, in order to make certain that an adequate supply of numbers will be drawn, 10,000 numbers will be drawn from the bowl on October 29.

Those stations having display points on the street or in their studios might find it helpful to publish these numbers as they come over the wire after they have been broadcast. Many stations will be subject to telephone inquiries for verification of numbers read out, and NAB suggests that telephone operators be supplied with a list. The most extreme care is necessary in handling these numbers, both in clear enunciation over the air and in correct reference by station employees upon inquiry from the public. Newspapers, it is understood, will have some similar set-up for the information of the general public.

LIBRARY OF CONGRESS HELP

Archibald MacLeish, the Librarian of Congress, has announced that the Rockefeller Foundation has placed at the disposition of the Library of Congress the services of two Fellows in Radio Research whose first duty will be to survey those resources of the Library which might be of service to educational broadcasting groups.

University broadcasting stations and other educational stations throughout the country may apply to the Fellows by mail or wire for their assistance in planning programs, in supplying background material, and in suggesting bibliographic and other supplementary material. It is believed that the Fellows will be of particular use in connection with programs drawing upon the rich resources of the Library of Congress in the fields of American History and of American Folk Music and Folk Tales.

The Library's Fellows in Radio Research are Philip H. Cohen, former production director of the Office of Education radio division and associate director of the New York University Radio Workshop, and Charles T. Harrell, Program Director of station WLB, on leave from the University of Minnesota station.

FEDERAL COMMUNICATIONS COMMISSION

SHORT-WAVE MEETING

A meeting has been called by NAB for the purpose of discussing the new FCC rules concerning international

short-wave broadcasting stations. The meeting will be held in New York City, Tuesday, October 29. The following short-wave broadcasters have been invited to attend: Columbia Broadcasting System, Crosley Corporation, General Electric, Mutual Broadcasting System, National Broadcasting Company, WCAU Broadcasting Company, Westinghouse Electric and Manufacturing Company and World Wide Broadcasting Corporation. Mr. Arney and Mr. Smeby will attend on behalf of NAB.

REHEARING FOR WGAN GRANT DENIED

International as well as domestic considerations figured in denial by the FCC of two petitions for rehearing of its grant, on July 16, to the Portland Broadcasting System, Inc., of a construction permit to change the frequency of radio station WGAN at Portland, Me., from 640 to 560 kilocycles, and to increase power from 500 watts limited time to 5 kilowatts unlimited time.

Rehearing was sought by two petitioners each of whom has an application pending for the use of 560 kilocycles. They are Community Broadcasting Service, Inc., licensee of WABI, at Bangor, which has applied to change its frequency from 1200 kilocycles to 560 kilocycles and to increase its power from 250 watts to 1 kilowatt; and William H. Rines, who has applied for a construction permit to erect a new station at Portland to operate on 560 kilocycles, with power of 5 kilowatts day and 1 kilowatt night. The three applications are mutually exclusive.

The Commission points out that before WGAN filed its present application, it had filed an application (later withdrawn) for unlimited time on 640 kilocycles. Shortly thereafter the government of Newfoundland advised the Commission that the 640 frequency was assigned to it by the North American Regional Broadcasting Agreement and that station VONF, which operates on this frequency, is in many instances the only effective means of keeping the Newfoundland public informed as to weather reports, government decreases, and other news. Newfoundland pointed out that even as then operated WGAN caused serious interference to the secondary service area of VONF and that the grant of the application would increase the interference. Newfoundland proposed that if the Commission would not assign 640 kilocycles to any station in the United States which would cause interference to VONF's secondary service area, Newfoundland would relinquish in favor of the United States all claims to the frequency 560 kilocycles also assigned to Newfoundland. These terms are mutually agreeable to both countries.

The Commission found that WGAN and WABI were both qualified to operate stations as proposed in their applications. Between these two stations the question narrowed as to whether the public would be better served

by location of new facilities in Portland (WGAN) or in Bangor (WABI).

It was found that WGAN would provide a greater service than WABI. Further it appeared that there is greater need in Portland for the radio service requested than in Bangor. Portland, Maine's largest city, is served both day and night by only one local station as compared to two stations serving Bangor, with less than half Portland's population.

In the case of the Rines application, the Commission determined that public interest, convenience or necessity would be better served by the WGAN grant. WGAN offered more adequate coverage. The WGAN grant did not involve objectionable interference to any station, whereas the proposed Rines service would interfere with CJKL at Dane, Ontario, in violation of the North American Regional Broadcasting Agreement. The WGAN equipment is satisfactory but part of the proposed Rines installation is not. The licensee of WGAN is better qualified and has had more radio experience than Rines. Competition between radio stations in Portland will be keener under the WGAN grant, for the Rines family is interested in Portland's other station—WCHS—as well as WRDO, Augusta, and WFEA, Manchester, N. H.

PROCEDURE FOR EXAMINATION OF APPLICATIONS REVISED

The Federal Communications Commission announced that its procedure for examination of standard broadcast applications by the staff departments has been revised with a view to more orderly and expeditious handling. Provision has been made for the consideration of these applications simultaneously, as far as possible, by the technical departments. The methods of operation of each of the individual units responsible for the review of applications is also being studied with a view to speeding up the work.

The Secretary of the Commission has been directed not to regard applications as formally filed with the Commission until they are in his hands, duly executed, and complete with respect to the answering of all required questions. Under the new procedure, an acknowledgment card will be sent to the applicant immediately upon receipt of the application. If it is necessary to return the application for the correction of formal defects or to enter into correspondence with the applicant with regard to correcting his application in respect of any matters of form, the applicant will be notified that his application is not in form for consideration by the Commission and that the application will not be shown on the records of the Commission as officially filed until the formal defects specified in the letter of notification have been corrected. Upon the return of the application in proper form, a file number will be assigned and the application will take its place in the regular order for consideration.

BROADCAST MEASUREMENTS

During September the FCC measured 696 broadcast stations, leaving 160 not measured.

Of this number, 635 stations had a maximum deviation within 0-10 cycles; 56 stations a maximum deviation within 11-25 cycles; 3 stations with a maximum deviation within 26-50 cycles; and 2 stations with a maximum deviation of over 50 cycles.

Records for Peer Catalogue Available for Broadcasting

Partial list of Phonograph Records of the PEER INTERNATIONAL CORPORATION publications available for broadcasting January 1, 1941, to all stations having BMI licenses, available immediately and until December 31, 1940, to all stations licensed by ASCAP.

The performing rights are now held by Southern Music Publishing Company, Inc. (an ASCAP member), and these rights are being transferred to the PEER INTERNATIONAL CORPORATION and to BMI on January 1, 1941.

Title	A	Company	Number
Abandono		Brunswick	41576
A de Diego		Victor	46060
Adios		Victor	22963
		"	T-17
		Decca	455
Adios A Gardel		Victor	32537
Adios Borinquen		Brunswick	15002
Adios del Emigrante		Victor	46686
Adios Ingrata Mujer		Victor	46598
Adios Mariquita Linda		Victor	26542
		"	26248
		Decca	10380
Adios Mi Chaparrita		Victor	32245
		"	32140
		"	75570
		"	32393
		"	2214
		"	5582
		"	4861
Adrede		Victor	3078
		"	82215
		Decca	10283
		"	10309
Advertencia-Habanera		Victor	46497
Africa		Victor	32372
		"	32390
Aguacate, Aguacatito		Victor	46768
Aguinaldo de Puerto Rico		Victor	30142
Ahora Seremos Felices		Victor	3329
		"	82621
		"	82679
		"	82815
		Decca	10419
		Columbia	5749
Alborada		Brunswick	41613
Alegre Conga		Victor	10679
		"	82273
		"	82101
		"	82084
		"	75982
		Columbia	5590
		Decca	18000
Alegre En El Canaveral		Victor	32924
Alejado De Este Mundo		Victor	46431

Title	Company	Number
Alguna Vez	Victor	30309
Alice	Victor	30552
Alla Va	Victor	30840
Alma de Mujer	Victor	2915
	"	7120
	Columbia	5439
Alma de Roca	Victor	32719
Alma Mia	Victor	30490
	Columbia	17192
Almendra	Victor	83028
	"	82768
Altiva	Victor	30412
Amar	Victor	82263
Ambiciosa	Victor	46845
Ame Una Joven	Victor	46899
Amor De Ciego	Brunswick	41532
Amor Del Chano	Victor	46473
Amor de Mi Bohio (El)	Victor	82910
	"	82992
	"	82683
	"	82812
	"	76214
	Columbia	5927
	Decca	21062
Amor Fingido	Victor	30065
Amor Perdido	Decca	21004
Amor y Duda	Victor	46436
Anoche En Tus Brazos	Victor	46958
A Poco No	Victor	75687
	Brunswick	9114
	Decca	10259
Aquello Ojos Verdes	Victor	30397
	"	30186
	"	37447
	"	37054
	"	22729
	Decca	10360
	"	10242
Aquinaldo De Navidad	Victor	30141
Arlequin	Victor	46887
Arriba La Conga	Victor	82876
Arroyito	Victor	32081
Asi So You	Victor	30988
A Tus Pies	Victor	1564
	"	4242
A Una Muneca Como Tu	Victor	32220
Aun Viven Tus Recuerdos	Brunswick	41547
Automobil Gris (El)	Victor	46614
Aventurera	Victor	30271
Ay Que Chulo Es Guarajato	Victor	46473
Ay Que Mujer	Victor	75766
Ay, Simon	Victor	32398
	B	
Babalu	Victor	82634
Bajo El Cielo Azul	Decca	21097
Bamba, La	Victor	32937
	"	32868
	"	3907
	Columbia	5748
	Brunswick	9836
Barandales del Puente (Los)	Victor	46614
Bendito Amor	Victor	32218
Besa	Victor	30704
	"	30753
Beso Diabolico	Victor	32616
Beso Indeleble	Victor	46685
Boca Loca	Victor	46377
Bonitos Ojitos	Victor	46878
Borinquen	Brunswick	7463
	Columbia	5293
Borinquen Bella	Victor	30706
Borracha, La	Victor	3317
	"	75968
	Columbia	5890
	Brunswick	9221
	Decca	10446
Borrachita, (La)	Victor	3117

NOTE: LA, LAS, EL and LOS are articles. Look under list for second word in title. The same applies to UN, UNA and UNO when they mean "a", but not when they mean the numeral "one."

Title	Company	Number	Title	Company	Number
Botijona, (La)	Victor	2908	Capullito De Aleli— <i>Continued</i>	Brunswick	41464
	"	2906		"	41509
	"	32896		Decca	18014
	"	75314		Columbia	5038
	Brunswick	8839		"	4730
	"	8874		"	4160
Boton De Rosa	Victor	30779		"	5034
Bruca Manigua	Victor	25770	Capullito de Azucena	Victor	30813
	"	82403	Caramelero, El	Victor	30785
	"	82114		"	30746
	Decca	10313		"	624
	"	1688		Brunswick	41521
	Columbia	5641		"	41480
Brujeria	Victor	30661		"	12756
Buche y Pluma	Victor	30454	Carino Perdido	Brunswick	41633
	Decca	18013	Carita De Virgen	Victor	75173
			Cataplum	Victor	30849
			Cautiva	Victor	30414
			Celia	Victor	46954
			Celos	Victor	32363
				Brunswick	41507
				Victor	30718
			Cementerio Virginal	Victor	32357
			Chamaquita	Victor	75939
			Chiapas	Victor	32977
			Chan Li Po	Victor	75624
			Chin, Chum, Chao	Victor	30936
			Clara	"	39772
				"	6001
			Claudia	Brunswick	41612
			Claveles	Brunswick	41619
			Clavel Sevillano	Victor	46970
			Coas Viejas	Victor	30863
			Cobarde	Victor	46876
			Colombina	Victor	46779
			Colorin Colorao	Victor	75696
			Columbia, Columbia	Victor	30065
			Como Dos Pinales	Victor	30320
			Comparsa De Los Congos	Victor	30746
				Brunswick	6762
			Conga, Gonguita	Victor	75246
			Condénala, Señor	Victor	30574
			Congoja	Victor	82105
				"	32920
				Brunswick	9060
				Columbia	5569
				"	5686
				Decca	10265
			Conque Ese Era Tu Amor	Victor	46884
			Consagración	Brunswick	41532
			Contraste	Victor	30339
			Coqueta	Victor	46756
			Corrido De Texas, El	Victor	46616
			Cortesana	Victor	30322
				Brunswick	30247
			Cruel Tormento	Victor	82262
				Columbia	5641
			Cuando Me Vaya	Victor	4233
				"	1565
				"	5003
				"	4001
				Columbia	1565
			Cuando Las Mujeres Quieren A Los		
			Hombres	Victor	46299
			Cuando Te acuerdes De Mi	Victor	82683
			Cuando Tu Me Querias	Victor	32795
				"	32963
				Columbia	5445
			Cuartito Sagrado	Victor	30847
				"	32746
			Cuatro Vidas	Victor	83064
				"	76118
				Decca	10390
			Cubanacan	Victor	30848
				"	32062
				Columbia	5730
				"	352
				Brunswick	7875
			Cuidadito Compay Gallo	Victor	32885
				"	32976
				"	32978
				"	82083

Title	Company	Number	Title	Company	Number
Cuidadita Company Gallo— <i>Continued</i>	Columbia	5514	Es Tu Amor	Victor	46778
Culembo Toca La Corneta	Victor	30863		Brunswick	8421
Cumbancha, La	Victor	2339	Expiacion	Victor	82247
	"	32169		Brunswick	41522
	"	32629		"	41461
D			F		
Decimas De Amor	Victor	30141	Falsa	Brunswick	9270
Dejame Que Te Bese	Brunswick	4167		Victor	76040
Dejame Solo Con Mi Vida Loca	Columbia	5874		"	8605
Desde el Destierro	Victor	30633	Fidelidad	Victor	76178
Desolacion	Victor	30224	Flauta y Saxofon	Victor	32347
Despierta Holgazan	Victor	30956	Flor de fuego	Victor	32848
Desvelo de Amor	Victor	82452		"	32704
	"	32333		"	32758
	"	75438	Florecita, Margarita	Victor	46876
	"	30898	Flores Negras	Victor	3052
	Brunswick	8889		"	75457
Devuelveme los Besos	Victor	46336		"	82154
Dia Sone, Un	Victor	82042		"	82589
	"	75308		Brunswick	9019
	"	7253		"	9049
Dichosa Suegra, La	Victor	32014		Columbia	5655
Dime por Dios	Victor	46459		"	5662
	"	46338		Decca	10272
	"	3382	Flor Silvestre	Columbia	5340
Dime, Por Que	Victor	30666	Frenesi	Victor	76160
Divina	Victor	32728		"	26542
Divina Mujer	Victor	30271		"	76162
	"	30321		"	76163
	Columbia	3428		"	76161
Dolor Cobarde	Victor	82114		Decca	21035
Do-re-mi-do-re-mi	Victor	30466		Columbia	5962
Dos Almas	Columbia	5739	Fufunando	Victor	82343
Dos Corazones	Brunswick	8947		Decca	10326
Dos Mendigos	Brunswick	5335		G	
Duerme	Victor	82542	Gata de Wenceslao	Victor	32366
	"	82365	Gavilan, El	Victor	46584
	"	75743	Gavilan, Gavilancito	Victor	46389
	"	82112	Gentil Princesita	Victor	46778
	Brunswick	8936	Gotas de Amor	Victor	30413
	Decca	21023		Columbia	704041
	Columbia	5717	Guadalajara	Victor	3173
Duerme Princesa	Victor	32004		"	82587
Dulce Serenidad	Victor	82123		"	75238
	"	82108		"	75409
Dulce Veneno, El	Victor	30054		"	3501
Dulzura	Victor	75309		Decca	10253
	Brunswick	8942		Brunswick	9008
				Columbia	5665
E			Guantanamo, La	Victor	30054
Echale Cinco Al Piano	Victor	82955	Guarapero, El	Victor	30324
	"	82767	Guitarras y Flores	Victor	46939
	"	75904		H	
	"	75747	Haciendo El Bongo	Victor	32493
	Decca	10286	Hasta El Cepillo	Victor	75412
Echa Un Pie En La Congas	Columbia	5899		Brunswick	8969
Ella Dijo Asi	Victor	30027		"	8961
Enamorada	Victor	30712		Columbia	5608
Enamorado De Ti	Victor	75304		Victor	3001
En El Silencio de La Noche	Victor	2357		"	3082
	Brunswick	41523	Hasta La Tumba	Columbia	5340
Enlutada, La	Victor	30018	Heroismo Boricua	Victor	30771
Ensonacion	Victor	82968	Hollywood Ciudad De Ensueno	Victor	30553
Entre Tu y Yo	Victor	82189	Hombres Son Siverguenzas, Los	Victor	32658
	"	75668		Columbia	6315
	"	82423	Huateque, El	Victor	46541
En Vano Sufro	Victor	46789	Hubo Una Noche	Victor	46687
Eres Tu	Victor	1646		I	
Errante	Victor	75417	Ilusion China	Victor	32053
	"	2203		"	30619
	Decca	10163		"	32112
Eso Es Mentira	Victor	46389	Incertidumbre	Victor	8594
	"	30495		"	83034
Espana	Victor	46322		"	76110
	"	30492		"	82661
Espejito	Victor	82448		"	3379
	"	82840		"	82868
	"	25693		Brunswick	9285
	Brunswick	9101		Decca	21039
	Columbia	5726		"	21065
	Decca	10335		Columbia	6962
Esther	Victor	30130		"	5967
Estoy Enamorado	Victor	75763			

Title	Company	Number	Title	Company	Number
India Bella	Victor	82348	Maria Elena—Continued	Decca	10003
Infel	Victor	46442		"	10011
Ingrata	Victor	32052	Ma Rosenda	Columbia	5659
Inspiracion	Victor	82831	Masabi	Victor	32142
	Columbia	5810		"	30880
				"	32353
J				Brunswick	7443
Jaibera, La	Victor	32867	Mendigo	Brunswick	8779
	"	75237		Columbia	5410
Julita	Victor	42850	Me Dejaste	Victor	75450
Justina	Victor	30767		"	75183
				Victor	82331
L			Melcochero, El	Victor	30728
Lagrima	Victor	75166	Mentirosa	Victor	30821
Lagrimas Negras	Victor	24449	Merce	Victor	30328
	"	30509	Mercedes	Victor	82161
	Brunswick	12657	Mi Cancion	"	32104
Lagrimas y Besos	Victor	30404		Victor	82553
Lamento Borincano	Victor	30787	Mi Desesperacion	"	3184
	"	X-5		Brunswick	8934
	"	24249	Mi Islita	Victor	41607
	"	30735	Mi Pensamiento	Columbia	5949
	"	30804		"	5981
	"	32514		Brunswick	9270
	"	2240		Victor	76064
	"	30638	Mi Pesame	Columbia	5335
	"	30008	Mi Ramon	Victor	46592
	Brunswick	41521	Mi Ranchito	Victor	3241
	"	41479		"	75818
	"	12576	Mi Secreto	Victor	46800
	Columbia	5095	Misma Estrella, La	Columbia	5776
	Decca	20465		"	5805
Lamento Cubano	Victor	30830	Modelando el Amor	Victor	32351
	"	30751	Monisima	Brunswick	46807
Lamento Esclavo	Victor	25043	Montuno O Pantaleon	Victor	30983
	"	32061	Morena	Victor	32565
	Decca	10242		"	2432
Lamento Gitano	Victor	46922		"	37712
	"	30931		"	37705
	Decca	10165		"	2369
Languidez	Brunswick	41598		"	30486
	Victor	30969	Morena Linda	Brunswick	9221
	Brunswick	8630		Columbia	5890
Lejos de Mi Tierra	Victor	82541		Victor	8591
	Columbia	5790		"	82754
Lejos de Ti	Victor	82919		"	75790
Lejos de Tu Querer	Victor	82319	Muchacha	Victor	46740
Le Pido a Dios	Victor	46585		"	46736
Libertad	Columbia	5804	Muchacha Tropical	Victor	75178
Linda Amapola	Victor	30707	Mujer	Victor	37068
Llorar Llorar	Victor	46857		"	30802
Luisa	Columbia	5374		"	30245
Lulu	Columbia	5327		"	30025
Luna Amiga	Victor	76133	Mujer de Antonio, La	Victor	46402
Luna de Plata	Victor	76163	Mujer del Paraiso, La	Victor	46846
Lydia	Brunswick	41600	Mujer Rejega	Victor	75691
			Munequita de mi Vida	Victor	30864
M			Murmullo	Victor	82108
Madre	Victor	04308		Decca	1753
	"	30522		"	10304
Mamauca	Victor	75624	Musme	Victor	30896
Manojo de Rosas	Victor	30647			
Maracas de Cuba, Las	Victor	32190	Nada	N	75176
	"	30936	Nadie Sabe Lo Que Tiene	Victor	32028
	"	18-6001	Naufragio	Victor	83026
Maraqueando	Victor	7526		"	82747
	Decca	455		"	76074
Mariachi, El	Victor	75266		Columbia	5967
Maria Elena	Victor	2207		Decca	10298
	"	30972		"	21026
	"	2202		Brunswick	9285
	"	32010	Negra Ingrata	Victor	46789
	"	2216	Negra Linda	Victor	82707
	"	32325	Negrita	Victor	30853
	"	24464		"	30419
	"	32723	Negro Bembon	Victor	30821
	"	37913	Negro Bengue	Victor	82847
	Brunswick	9108	Nicolasa, La	Victor	46570
	"	41614	Nina del Cine, La	Victor	32356
	"	41642	Nina de Los Ojos Azules	Victor	30492
	"	41603	Ninfa de Amor	Victor	30008
	"	8497	Noche de Amor	Victor	30706
	Columbia	5525			
	"	5698			

Title	Company	Number	Title	Company	Number
Noche de Comparsa	Victor	82125	Para Ti	Victor	46613
No Es Igual	Columbia	5705	"	"	30638
	Brunswick	8888		Columbia	5929
	Victor	75420		"	30638
No Me Celes Mas	Victor	30677		Brunswick	9245
No Me Culpes	Brunswick	41596	Patron, El	Brunswick	8985
No Pienses Mas	Victor	32658	Pecador	Columbia	5681
Norma	Brunswick	41599	Pedacito de Sol	Victor	3274
Nostalgia	Victor	75491	"	"	75694
	"	75162	"	"	76981
	"	82460		"	8314
	"	3166		Decca	10334
No Seas Tonta	Victor	46663	Pedro El Pelu	Victor	75245
Novillero	Victor	75196	Penas	Victor	46371
	"	75167	Penas de Pierrot, Las	Victor	30677
	"	38214	Pense Que Valerias	Victor	32728
	"	38137	Perdone Por Dios	Victor	46442
	"	75261	Perfidia	Victor	75940
	"	2481		"	75939
	"	2901		"	76074
	"	32937		"	75939
	"	32865		"	82682
	"	32792		"	10626
	"	32780		"	75940
	"	32792		"	26334
Nuestro Son	Victor	82948		"	7674
Nunca Te Olvidare	Victor	46740		"	82690
	"	4153		"	38849
Nupcial	Victor	46756		Columbia	5881
				"	5887
	O			"	5898
Odio	Decca	21068		Brunswick	9220
	"	21064		Decca	21002
Ojos Malvados	Victor	82109		"	21032
Oprobios	Victor	30595	Perfil	Victor	75178
Orgullo Mexicana, El	Victor	30129	Perfume de Gardenia	Victor	32602
Otra Vez	Victor	3102		Decca	10265
	"	72304		Victor	37641
Oyeme Dulce Amor	Brunswick	41547	Perlas de Tu Boca, La	"	32188
	P			"	30769
				Victor	30323
Paginas Rotas	Victor	46980	Pervertida	Victor	75309
Pajarita, La	Victor	32039	Petate, El	"	2909
Pajarito Borinqueno	Victor	46538		"	2906
Palmera	Victor	32093		"	32978
	"	32094		"	75474
Palomita, La	Victor	3059		"	32702
	"	82172		Columbia	5520
	"	82151		Brunswick	8863
	"	708		"	8876
	"	3046	Piedrecita Del Camino	Victor	46541
	"	75490	Pin Pon	Victor	32366
	Columbia	5608	Piripiti	Victor	82269
	Decca	10275		"	82123
	Brunswick	8961		Columbia	5628
Palomita Palomita	Victor	46920	Piruli	Victor	32617
Palomita Ranchera	Victor	32083		Columbia	5429
Palomitas, Las	Victor	82623		Decca	10360
	Columbia	5821		"	1120
Palo Verde	Victor	81398		"	10159
Panchita, La	Victor	3059	Pobre Lola	Victor	30875
	"	82242	Poco A Poquito	Victor	46899
	"	82382		Brunswick	9089
	"	82172		Decca	10279
	"	7410	Por Ahi Dicen	Brunswick	9089
	"	3050		Decca	10271
	"	75497	Porque Regresas Tu	Victor	82677
	Decca	10260	Porque Tus Ojos	Victor	82329
	Columbia	5629	Por Si No Te Vuelvo A Ver	Victor	30078
	Brunswick	9030	Portenita Mia	Victor	3290
	"	9004		"	75955
	"	8989	Por Ti Aprendi A Querer	Victor	32103
Panguelero, El	Victor	30735		"	32859
	"	30805		Brunswick	8906
	Brunswick	41523		Columbia	5544
Pa Que Me Buscas	Victor	32004	Por Tu Amor Mi Vida Diero	Brunswick	41627
Para no Darne Cuenta	Victor	46585	Por Ultima Vez	Victor	74509
Pa Ran Pan Pan	Victor	26565	Pregon de Las Flores	Victor	46300
	"	82685	Pregunta	Victor	3386
	"	76056		"	82869
	"	76152		"	76115
	Columbia	5879		Columbia	5957

Title	Company	Number	Title	Company	Number
Pregunta—Continued	Decca	21034	Rizos de Oro	Victor	30717
	Brunswick	9275	Romance	Victor	82649
Prenda Del Alma			"	"	82982
(Prenda De Mi Vida)	Columbia	46738	"	"	32066
Presagio	Victor	82887	Columbia	5945	
Presidente Ortiz Rubio	Victor	46718	Decca	21036	
	"	46706	"	21072	
Pretenciosa	Victor	46958	Rosa	Victor	37068
	"	46470	"	"	46922
Primavera	Victor	30849	Rosa Oriental, La	Victor	30143
Princesa	Victor	24632	Rumba en el Cacique, La	Victor	30718
Prisionero, El	Victor	46712			
	Columbia	5514			
Puerquito Pinto	Victor	46878	Salambo	Victor	82328
Punal, Un	Victor	32181	"	"	25785
Punalada	Victor	3009	"	"	161
	"	82068	Santa	Victor	30700
	"	75060	"	Columbia	5038
	"	75168	"	Victor	30328
Purissima	Victor	82623	Sara		
	Columbia	5900	Se Acabo El Platanar Tormento		
Pu Ru Pu Pu Ru	Victor	32399	Guajiro	Victor	30899
			Se Bastanta	Victor	82977
Que Felicidad	Victor	32076	Se Fue La Comparsa	Victor	32430
Que Le Den	Victor	30666		Decca	18003
Que Me Importa	Victor	75488	Seis Jibaro	Victor	30142
	Brunswick	8987	Senora Tentacion	Victor	32746
	Decca	10386	"	"	30712
	"	10397		Brunswick	41467
	Columbia	5673	Senorita	Columbia	5035
Que Orgullo Tiene	Victor	46845	Serenata	Victor	30699
Que Puntada	Victor	76211	Se Rompio La Batea	Victor	32052
Que Sera	Victor	75470	Serpentina	Victor	32020
	"	75436	Se Te Ve	Victor	30990
	Brunswick	8928	Shunca, La	Victor	30988
	Columbia	5669		Victor	82448
Que Te Importa	Victor	3306		"	3229
	"	82970		"	82480
	"	75662		"	75693
	"	75989		Brunswick	9101
	"	8590		Columbia	5726
	"	75671		Decca	10334
	Brunswick	9181	Siempre Fuerte	Victor	32149
	"	9063	Siempre Lloro	Victor	46769
	Columbia	5714	Silencio	Victor	30720
	"	5894		"	32100
Quien	Victor	33073		"	32137
Quiereme	Victor	32018		"	2436
Quiero Besar Tu Boca	Victor	30707	Sin Ella	Victor	76114
Quiero Decirte	Victor	82678	Si Supieras	Victor	32234
	"	75950		Columbia	5683
	"	46588	Sitiera, La	Victor	32861
	Columbia	5888		"	32319
Quimbamba	Victor	26302		"	30884
	"	75169		Columbia	5403
	"	32591	Si Yo Fuera Un Marino	Columbia	5342
	Decca	1102	Si Yo Pudiera	Victor	46980
	"	11059	Sola Y Triste	Victor	82466
	Columbia	5354		"	32616
Quimbera	Victor	32594	Solo Tu	Columbia	5399
Quisiera Estar En Casa	Brunswick	41613		Victor	46682
Quisiera Olvidar Tus Ojos	Victor	1646	Songoro Cosongo	Columbia	46682
Quisiera Ser	Columbia	5727	Soy Para Ti	Victor	30830
			Sucedio	Victor	76134
Rachel	Victor	30771	Sueno Guajiro	Victor	82229
Rebambaramba	Victor	82229		Victor	82849
	"	3080		"	76179
Recien Casado, El	Victor	46788	Sueno, Un	Victor	46970
Recuerdos	Brunswick	41618	Suspiro, Un	Victor	76174
Recuerdo Andaluz	Victor	46300		Decca	21049
Recuerdos de Borinquen	Victor	30750			
Redencion	Victor	82340	Taboga	Victor	82121
	"	32985		"	32876
	"	2956	Tabu	Victor	75206
Reina	Columbia	5582		"	24631
Reina Mora	Brunswick	41602		"	24840
Reloj, El	Victor	76053		"	32115
Rifle, El	Victor	82520		Brunswick	7490
	"	82580		Columbia	5296
Rincon Mexicano	Brunswick	9086		"	5293
	Columbia	5703		Decca	2070
Rita	Victor	30871		"	10243
				"	10361

Title	Company	Number	Title	Company	Number
Talisman	Victor	82815	Tu Ya No Soplas— <i>Continued</i>	Victor	82151
	"	3329		"	82219
	"	8601		"	82222
	"	30660		"	82097
Tanto y Tanto	Victor	32398		"	75490
Tapatia	Victor	32345		Brunswick	9003
	"	102		"	9031
	"	32345		"	8989
Tehuana	Victor	46832		"	8939
Tehuantepec	Victor	82779		Decca	10284
	Decca	10335		"	10238
Temporal	Victor	46237		Columbia	5607
Tengo Fe En Ti	Victor	30767		"	5629
Te Quiero Mas Que A Mi Vida	Victor	46611	Tu y Yo	Columbia	5327
Te Quiero Dijiste	Victor	30078		U	
	"	32711	Ultimo Adios	Columbia	704108
	"	30861	Una Vez Mas	Victor	3063
	Columbia	30078		Brunswick	9072
	Brunswick	41625		Decca	10283
Three Nine Eight (398)	Victor	32041		Columbia	5722
Tierra Brava	Victor	75746		"	5751
Tierra Divina	Victor	32419	Uno Dos Tres	Victor	82550
Todo Depende De Ti	Victor	30871		"	83014
Todo Para Ti	Victor	82158		Decca	21003
	"	82110		"	18001
	"	75450		V	
	"	32699	Valencia	Victor	75182
	Brunswick	9027		"	32860
	Columbia	5571		"	75182
Toro Coquito, El	Victor	75492	Valor me Sobra	Victor	46788
	"	3083	Vano Empeno	Brunswick	41576
	Brunswick	8986	Ven Aca	Victor	83062
	Columbia	5621	Venenosa	Victor	46172
	Decca	10254		Brunswick	46610
Tortitas	Columbia	5423	Ven Junto A mi	Decca	21008
Traicion	Victor	32920		Columbia	5742
	"	82112	Viajera	Victor	3078
	Columbia	5566		"	75206
	Brunswick	9034		"	82153
	Decca	10263	Vida Es Sonar, La	Victor	32018
Traidores Labios Rojos	Victor	30923	Vida Mia	Columbia	5330
Tras La Tempestad	Victor	30840	Virate Tu	Victor	30997
Triguenita	Victor	30785	Viva el Presidente Gil	Victor	46706
	"	24449	Volo	Victor	32039
	Decca	10244	Volveras	Decca	21071
Tu Me Haces Falta	Victor	2948		"	21085
	"	82014	Vuelve	Brunswick	9027
	"	32585		"	41618
	Columbia	5346		Victor	75210
Tu No Comprendes	Brunswick	8713		Decca	10330
	Victor	76059		X	
	"	82696	Xochimilco	Victor	75313
	"	82990		Columbia	5521
	"	82724		Y	
	"	82772	Ya Lo Ves	Victor	76205
	Columbia	5852	Yanina	Brunswick	41627
	"	5957	Ya No Alumbra Tu Estrella	Victor	82084
	Decca	21011		Columbia	5489
	"	21004	Ya No Te Quiero	Brunswick	9032
	Brunswick	9275		"	9049
Tu No Yo Si	Victor	32191		"	9060
Tu Partida	Brunswick	8877		Victor	82227
	Victor	32886		"	75578
	"	75172		Columbia	5654
Tu Sourisa	Victor	46850		Decca	10296
Tus Pupilas	Victor	30705	Y Le Dije Asi	Victor	30324
	"	30924	Yo Quiero A Mi Islita	Victor	30997
Tu Traicion	Columbia	5342	Yo Ta Cansa	Victor	32976
Tu Ya Es Mi Vida	Victor	30779	Y Que Noche Aquella	Columbia	5659
Tu Ya No Soplas	Victor	3067	Ysabel	Victor	46957
	"	82266	Yumuri	Victor	32303
	"	82988		Z	
	"	3046	Zafiro	Victor	32595
	"	7406	Zuni Zuni	Victor	82268
	"	82518			

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral argument in a broadcast case will be held before the Commission during the week beginning Monday, October 28. It is subject to change.

Thursday, October 31

Oral Argument Before the Commission

Report No. B-124:

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

FUTURE HEARINGS

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

December 2 and 3

Oral Argument Before the Commission

In the Matter of the Investigation of Chain Broadcasting.—Limited to issues of fact and policy raised by the report of the Chain Broadcasting Committee.

December 12

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts night, 100 watts LS, unlimited time.

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

December 16

NEW—Harbenito Broadcasting Company, Harlingen, Tex.—C. P., 1420 kc., 250 watts night, 250 watts day, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WJAR—The Outlet Company, Providence, R. I.—Granted construction permit to increase night power from 1 to 5 KW; move transmitter from Rumford, E. Providence, to Wampanoag Trail, E. Providence, five miles southeast of center of Providence; install new directional antenna with different adjustments for day and night use; 890 kc., 5 KW day, unlimited time (B1-P-2192).

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted construction permit to increase night power from 1 to 5 KW, and make changes in directional antenna; 890 kc., 5 KW day, unlimited time (B3-P-2570).

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted construction permit to increase night power from 1 to 5 KW, and make changes in directional antenna; 890 kc., 5 KW day, unlimited time (B2-P-2913).

WBAA—Purdue University, W. Lafayette, Ind.—Granted construction permit to increase power from 1 KW day, 500 watts night, to 1 KW night, 5 KW until local sunset, operating on 890 kc.; increase hours of operation from specified

to unlimited; move transmitter to 5 miles south of Lafayette, and install directional antenna for night use (B4-P-2604).

WBRY—American Republican, Inc., Waterbury, Conn.—Granted construction permit to install new transmitter, change directional antenna system, and increase power from 1 to 5 KW, operating unlimited time on 1530 kc. (B1-P-2756).

KFUN—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Granted modification of construction permit (B4-P-2374) for increase in night power from 100 to 250 watts, approval of new transmitter, antenna and site at Charleston Blvd., 1.8 miles east-southeast of center of Las Vegas; 1420 kc., 250 watts day, unlimited time (construction permit only) (B5-MP-1037).

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted construction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW unlimited; 920 kc. (B5-P-2848).

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted construction permit to move transmitter locally, install new transmitting equipment, install directional antenna for night use, and increase power from 1 KW night, 5 KW day, to 5 KW, unlimited time; 1320 kc. (B4-P-2726).

KENO—Nevada Broadcasting Co., Las Vegas, Nev.—Granted modification of construction permit (B5-P-2355) for approval of transmitter location and antenna, change in type of transmitter, and increase in night power from 100 to 250 watts; 1370 kc., 250 watts day, unlimited time (construction permit only) (B5-MP-1023).

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted construction permit to increase power from 250 watts to 1 KW, change frequency from 1310 to 1360 kc., and install new transmitter and directional antenna for night use (B3-P-2525).

KLPM—John B. Cooley, Minot, N. Dak.—Granted modification of license to increase nighttime power from 500 watts to 1 KW, upon compliance with Rule 3.45; 1360 kc., 1 KW day, unlimited time (B4-ML-651).

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Granted modification of construction permit as modified for move of transmitter, antenna changes, and increase in night power from 100 to 250 watts; 1210 kc., 250 watts day, unlimited time (B4-MP-1019).

KPRC—Houston Printing Corp., Houston, Tex.—Granted construction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW unlimited; 920 kc. (B3-P-2791).

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted construction permit to install new transmitter, increase power from 500 watts day to 1 KW day, and extend commencement and completion dates 60 days after grant and 180 days thereafter; 1120 kc., specified hours (B3-MP-1006).

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted construction permit to increase power from 1 KW to 5 KW day and night, install new transmitter and directional antenna for day and night use; 920 kc. (B5-P-2577).

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted construction permit to install new transmitter and increase power from 1 KW to 5 KW, using directional antenna at night; 920 kc., unlimited (B2-P-2658).

SCHEDULED FOR HEARING

KOWH—World Publishing Co., Omaha, Nebr.—Application for construction permit to change frequency from 660 kc. to 890 kc.; increase power from 500 watts to 5 KW; increase hours of operation from day only to unlimited; move transmitter site; install new transmitter, and directional antenna for night use; requests facilities of KUSD and KFNF (B4-P-2728).

KUSD—University of South Dakota, Vermillion, S. Dak.—Application for construction permit to install new vertical antenna; change frequency from 890 kc. to 660 kc.; change hours of operation from 500 watts night and day to 500 watts daytime, shares KFNF; to be heard jointly with above application of KOWH and application for renewal of license of KFNF, Shenandoah, Iowa (B4-P-2724).

WNAX—South Dakota Broadcasting Corp., transferor, Iowa Broadcasting Co., transferee, Yankton, S. Dak.—Application for consent to transfer of control of Station WNAX from South Dakota Broadcasting Corp. to Iowa Broadcasting Co.; 570 kc., 1 KW night, 5 KW day, unlimited time (B4-TC-223).

RENEWAL OF LICENSES

- WJHP**—The Metropolis Co., Jacksonville, Fla.—Present license further extended upon a temporary basis only, pending receipt of and determination upon application for renewal, for the period November 1 to December 1, 1940 (B3-S-1083).
- WDAK**—Valley Broadcasting Co., West Point, Ga.—Present license extended for the period November 1, 1940, to March 29, 1941, pending further consideration on application for renewal (B3-S-1081).
- WSOO**—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Present license extended for the period November 1, 1940, to March 29, 1941, pending further consideration on application for renewal (B3-S-1071).

The following relay stations were granted renewal of licenses for the regular period:

WADA, Charleston, W. Va.; WASJ, WYNK, WNYL, WNYN, WNYO, New York City; WEHL, Bangor, Me.; KBQB, Juneau, Alaska; WMVB, Dayton, Ohio; KABF, Sacramento, Cal.; WAID, Syracuse, N. Y.; WAUQ, WGBE, Syracuse, N. Y.; KNEB, Tacoma, Wash.; KNEC, Tacoma, Wash.; WATS, Akron, Ohio; WATD, South Bend, Ind.; WAEB, Macon, Ga.; WAIN, Peoria, Ill.; WEKH, Peoria, Ill.

Renewal of licenses for the following Relay Stations were granted in part, for the period ending October 1, 1941, deleting the frequency 2022 kilocycles, heretofore assigned said stations and substituting the frequency 2074, subject to condition that no interference is caused to Government stations on adjacent channels:

KIEO, San Diego, Cal.; WAAS, WENM, Detroit, Mich., and KALO, Salt Lake City, Utah.

MISCELLANEOUS

- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 to 8 p. m., October 17, in order to broadcast Paul Dever for Governor program only (B1-S-886). Also to operate from 9:30 to 10 p. m., EST, October 18, in order to broadcast a speech by Mayor La Guardia on behalf of President Roosevelt only.
- WRMO**—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (October, 5:15 p. m., CST) to 11 p. m., CST, on October 21, in order to broadcast dedicatory program of the new street lights and pavement in the City of Aurora (B4-S-995).
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 6:15 to 6:30 p. m., EST, October 21, 28, Nov. 2, 3, 4, 1940, in order to broadcast political programs sponsored by Rep. Charles R. Clason only (B1-S-886).
- KFRU**—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF from 7:30 to 8 p. m., October 16, in order to permit WGBF to broadcast a speech by Wendell Willkie, and from 8:30 to 9 p. m., CST, October 16, in order to permit WGBF to broadcast a speech by Thomas Dewey only, with power reduced to 250 watts (B4-S-624).
- WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted same as above, except simultaneously with KFRU in order to broadcast above speeches (B4-S-490).
- WCSC**—So. Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted petition for dismissal without prejudice of application for construction permit to operate on 1360 kc., 1 KW, unlimited time (B3-P-2252).
- Thomas J. Watson, Endicott N. Y.—Granted petition to accept amendment to application for construction permit to change frequency from 1240 to 1420 kc. (B1-P-1679).
- WWL**—Loyola University, New Orleans, La.—Granted petition for postponement of hearing for period of 30 days from November 12, on application for renewal of license (B3-R-447).
- WWJ**—The Evening News Assn., Detroit, Mich.—Granted construction permit to make changes in transmitting equipment, increase night power from 1 to 5 kilowatts, install directional antenna for night use limiting the inverse distance field intensity at one mile from the antenna on the bearing 172.5° true to 207 mv/m when referred to an 0.311 wavelength antenna; antenna specifications subject to approval of the Commission.
- WGY**—General Electric Co., Schenectady, N. Y.—Granted petition for reconsideration and grant without hearing the application for renewal of license and auxiliary; the hearing on application cancelled, and application for renewal granted.
- Findlay Radio Company**, Findlay, Ohio.—Dismissed the protest and request for rehearing filed August 5, 1940, requesting the Commission to reconsider its action of July 16, 1940, granting the application of Marion Broadcasting Co., for a construction permit for a new local broadcast station on frequency 1500 kc.
- WCLS**—WCLS, Inc., Joliet, Ill.—Dismissed the petition requesting a waiver of the provisions of Sec. 1,368 of the Commission's Rules and application for modification of license (B4-ML-1033); ordered that the application of WCLS for modification of construction permit (B4-MP-824), be granted, insofar as it requests unlimited time operation on 1310 kc., without prejudice to the later consideration of the remainder of the request contained therein; and the license of WCLS modified to authorize station to operate on its presently assigned frequency (1310 kc.), with 100 watts, unlimited time.
- WARM**—Union Broadcasting Co., Inc., Scranton Pa.—Designated for hearing the pending application for license for new station to operate on 1370 kc., with 250 watts, unlimited time; construction permit for the new station was authorized January 26, 1940. Program tests to continue pending hearing.
- WEAU**—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from sign-off (October, 5:45 p. m. and November, 5:15 p. m., CST) to 8 p. m., CST, for the period ending not later than November 3, 1940, in order to broadcast political speeches only.
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m. October 25, 1940, and from 8:30 p. m. to 9 p. m., EST, October 21, 1940, in order to broadcast programs sponsored by the National Democratic Committee only.
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 p. m. to 8 p. m., October 25, 9:30 p. m. to 10 p. m. October 28, 7:45 p. m. to 8 p. m. October 31, 9 p. m. to 9:30 p. m. October 31, 10:15 p. m. to 11 p. m. November 1, 6:45 p. m. to 7 p. m., EST November 4, 1940, in order to broadcast political programs only as described in letter dated October 11, 1940.
- Pan-American Broadcasting System, Inc.**, Hollywood, Fla.; Keys Broadcasting Co., Key West, Fla.; Atlantic Broadcasting Corp., Miami, Fla.; Central Broadcasting Corp., Sanford, Fla.; Seaboard Broadcasting Corp., Tampa, Fla.; Atlantic Broadcasting Corp., West Palm Beach, Fla.; Carl Sholtz, Miami, Fla.—Designated for hearing the applications to establish seven new standard radiobroadcast stations in the State of Florida, contemplating the construction and operation of three regional and four local stations; the three regional stations to be located at Tampa, West Palm Beach and Miami; the four local stations at Key West, Hollywood, Ft. Pierce and Sanford.
- WABI**—Community Broadcasting Service, Inc., Bangor, Me.; William H. Rines, Portland, Me.—Denied petition for reconsideration and hearing of WABI, and the petition for hearing or rehearing of William H. Rines, in re the grant of a construction permit to Portland Broadcasting System, Inc. (WGAN), Portland, Maine, to change frequency from 640 to 560 kc., increase power from 500 watts to 5 KW, using a directional antenna at night, and increase hours of operation from limited to unlimited, which was granted without a hearing on July 16, 1940; and ordered that the application of WABI to change its frequency from 1200 to 560 kc., and increase power from 250 watts to 1 KW, and the application of William H. Rines for construction permit to erect a new station in Portland, Me., to operate on 560 kc., 5 KW day, 1 KW night, using directional antenna at night, be designated for hearing and further hearing respectively.
- KFDY**—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 p. m. to 4:30 p. m., CST, October 26, 1940, and from 7:45 p. m. to 10:30 p. m., CST, November 1, 1940, in order to broadcast university football games only.
- WNBI**—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to change frequency from 11820 to 11890 kc., subject to the condi-

- tion that no interference is caused to any other international broadcast station having priority of registration on same or adjacent frequencies, for the period November 1, 1940, to not later than February 1, 1941.
- WNYC**—City of New York Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from 6:30 p. m. to 7 p. m., EST, for the period beginning October 18, 1940, to not later than October 31, 1940, in order to broadcast program relative to information regarding the draft (B1-S-241).
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10:30 p. m. to 11 p. m., EST, October 18, 1940, in order to broadcast an address by Secretary Ickes only.
- KFIO**—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:30 p. m., EST, to the conclusion of a high school football game on October 18, 1940, in order to broadcast football game only.
- WPIC**—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied 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.
- Jewell Lee Noble, Earl Harris and Harry Bell, d/b as No-Bel Radio Burglar Alarm**—Amended Commission Order of October 11, 1940, directing the taking of depositions of witnesses named therein on its own behalf, to include the witness from the Alameda County Sheriff's Office, and to show the facts about which he will testify.
- WJHP**—The Metropolis Company, Jacksonville, Fla.—Ordered that the request of WJHP for additional time within which to answer the petition for rehearing filed by Florida Broadcasting Co. (WMBR) be granted, and the time within which WJHP may file its answer to said petition was extended to and including October 25, 1940.
- WOAI**—Southland Industries, Inc., San Antonio, Tex.—Denied petition for rehearing directed against the action of the Commission, September 4, 1940, granting the application of Amarillo Broadcasting Corp. (KFDA), Amarillo, Texas, for modification of license to change frequency from 1500 to 1200 ke.
- WPRA**—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.; WSSJ, Puerto Rico Advertising Co., San Juan, P. R.; Puerto Rico Advertising Co., Arecibo, P. R.—Designated for hearing the application of WPRA for renewal of license; reconsidered and designated for hearing the application for permit to construct station WSSJ at San Juan, and designated for hearing the application of Puerto Rico Advertising Co., Inc., for construction permit to erect a new station at Arecibo, P. R.
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:30 p. m. to 9:30 p. m. October 22, from 9:30 p. m. to 10 p. m. October 23, 29 (in order to broadcast Pennsylvania Republican State Committee program instead of program sponsored by the Massachusetts Republican State Committee as authorized by grant of September 9, 1940), from 8:30 p. m. to 9 p. m. October 29, from 8 p. m. to 9 p. m. November 1, from 12 to 1 a. m., EST, November 4, 1940, in order to broadcast political programs as described in letter dated October 17, 1940, only.
- WSPR**—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9:30 p. m. to 10 p. m. October 22 (in order to broadcast a speech by Wendell Willkie instead of Republican State Committee of Massachusetts program as authorized by grant of October 3, 1940), from 9 p. m. to 9:30 p. m. October 22, 23, 25, from 10 p. m. to 10:45 p. m., EST, November 1, 1940 (in order to broadcast Republican Committee program instead of Massachusetts Democratic State Committee program originally scheduled for 10:15 to 11 p. m. as requested in letter dated October 11, 1940), in order to broadcast political programs as described in letter dated October 16, 1940, only.
- KFRU**—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with power reduced to 250 watts from 7:30 p. m. to 8 p. m., CST, October 25, 1940, in order to permit WGBF to broadcast a speech by Wendell Willkie only.
- WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above in order to broadcast speech by Wendell Willkie only.
- WPIC**—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied 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.
- KFRU**—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with station WGBF with power reduced to 250 watts from 8:45 p. m. to 9:30 p. m. October 24, from 7:30 p. m. to 8 p. m. October 25, 8 to 8:30 p. m., CST, October 28, 1940, in order to permit WGBF to broadcast political speeches as described in telegram received October 18, 1940, and from 9 to 10 p. m. October 22, 7:30 p. m. to 8 p. m. October 24, and 9 to 10 p. m., CST, October 29, 1940, in order to broadcast Republican State political programs only.
- KWLC**—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 5 p. m. to 5:30 p. m. CST, October 27, 1940, in order to broadcast a special Rally-Day program by the Norwegian Lutheran Church of America only.
- KWLC**—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 1:45 p. m. to 2:30 p. m., and from 3:30 p. m. to 4:30 p. m. CST, October 26, 1940, in order to broadcast football game only (provided KGCA remains silent).
- KYOS**—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 7:30 p. m. to 10:30 p. m. PST, October 25, November 1, 11, and 21, 1940, in order to broadcast football games as described in letter dated October 7, 1940, only.
- WMAM**—M & M Broadcasting Co., Marinette, Wisc.—Granted special temporary authority to operate from local sunset (November, 4:30 p. m. CST), to 10 p. m. CST, October 23, November 3 and 4, 1940, in order to broadcast political programs only and from local sunset November 5, 1940, to local sunrise (November, 6:45 a. m. CST), November 6, 1940, in order to broadcast election returns only.
- W1XPW**—WDRC, Inc., Hartford, Conn.—Granted special temporary authority to operate on a frequency of 44.1 mc. instead of 43.4 mc., in order to continue experiments in rebroadcasting high frequency broadcast station W2XMH emissions which are to be rebroadcast by W1XOJ, for a period not to exceed 30 days.
- WSVA**—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from local sunset (November, 5 p. m. EST), to 6 p. m. EST, November 2, 9, 16, and 23, 1940, in order to broadcast football games only.
- KFBI**—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate with 1 KW power from 9:30 p. m. to 10 p. m., October 28, 1940, and from 8:30 p. m. to 9 p. m., October 30, and from 9 p. m. to 11 p. m., CST, November 4, 1940, in order to broadcast speeches by President Roosevelt and other Democratic leaders only.
- WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate as above on October 24, 25, 28, except in order to broadcast political speeches as described in telegram received, and on October 22, 24, 29, in order to permit KFRU to broadcast Republican State political programs only.
- WKBN**—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 a. m. to 11 a. m. and from 1 p. m. to 3 p. m., EST, November 21, 1940, in order to broadcast the annual football game and other programs of a holiday character (provided WOSU remains silent).

APPLICATIONS FILED AT FCC

550 Kilocycles

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

570 Kilocycles

- WMCA**—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit for reinstatement of construction per-

mit (B1-P-2601) to install new transmitter, make changes in directional antenna system, increase power, and move transmitter.

610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Construction permit to make changes in directional antenna system.

NEW—West Publishers, Inc., Houston, Tex.—Construction permit for a new broadcast station to be operated on **610 kc.**, 1 KW, unlimited time, directional antenna for night use, Class III-B station. Amended re corporate structure.

620 Kilocycles

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—License to cover construction permit (B3-P-2715) for changes in directional antenna system, and increase in power.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Authority to determine operating power by direct measurement of antenna power.

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).

NEW—Frequency Broadcasting Corp., Borough of Brooklyn, N. Y., N. Y.—Construction permit for a new broadcast station to be operated on **620 kc.**, 500 watts, daytime.

660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-P-2339) as modified for move of transmitter and installation of directional antenna for day and night use, requesting extension of completion date from 11-6-40 to 12-6-40.

880 Kilocycles

WRNL—Richmond Radio Corp., Richmond, Va.—Construction permit to install new transmitter, make changes in directional antenna for night use, and increase power from 1 KW to 5 KW.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for change in power and installation of directional antenna for night use, requesting extension of completion date from 11-5-40 to 12-5-40.

1200 Kilocycles

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Modification of construction permit (B2-P-2871) as modified for a new station, requesting change in type of transmitter.

WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Modification of construction permit (B3-P-2775) for a new station, requesting change in type of transmitting equipment.

1210 Kilocycles

WLOK—The Fort Industry Co., Lima, Ohio.—License to cover construction permit (B2-P-2506) as modified for increase in power and installation of new transmitter.

1230 Kilocycles

WALB—The Herald Publishing Co., Albany, Ga.—Modification of construction permit (B3-P-2774) for a new station, requesting change in frequency from **1230 to 1530 kc.** (1590 kc. under N.A.R.A.); change hours of operation from daytime to unlimited time, using 1 KW power; make changes in equipment; install directional antenna for night use; change studio site to same as transmitter; extend commencement and completion dates from 8-25-40 and 2-25-41 to 30 days after grant and 90 days thereafter, respectively.

1310 Kilocycles

NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Construction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts night, 250 watts day, unlimited time. Amended to change studio site to site to be determined and antenna to be determined, also change type of transmitting equipment.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Authority to determine operating power by direct measurement of antenna power.

1340 Kilocycles

NEW—Tropical Broadcasting Co., DeLand, Fla.—Construction permit for a new broadcast station to be operated on **1310 kc.** (1340 kc. under N.A.R.A.) (Class IV station), 250 watts, unlimited time.

1370 Kilocycles

KUJ—KUJ, Inc., Walla Walla, Wash.—Modification of construction permit (B5-P-2610) for change in frequency, increase in power; move of transmitter; new antenna and transmitter, further requesting authority to install new transmitter, approval of antenna system, and approval of transmitter site.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, unlimited time, Class IV station. Amended re correct geographic location.

WAGF—John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Authority to determine operating power by direct measurement of antenna power.

NEW—Martin Anderson, Macon, Ga.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time.

NEW—Radio Corporation of Orlando, Orlando, Fla.—Construction permit for a new station to be operated on **1370 kc.**, 250 watts, unlimited time, Class IV station. Amended to give transmitter site as site to be determined, Orlando, Fla.

1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit (B3-P-2572) for increase in power and installation of directional antenna for night use.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

1420 Kilocycles

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—License to cover construction permit (B3-P-2858) as modified for a new station.

WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Authority to determine operating power by direct measurement of antenna power.

NEW—Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 250 watts, unlimited time.

1500 Kilocycles

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Modification of construction permit (B2-P-2251) for a new station, requesting approval of antenna, approval of transmitter and studio sites and installation of new transmitter.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Authority to determine operating power by direct measurement of antenna power.

NEW—James Freeman Holmes, Valdosta, Ga.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time. Amended to make antenna changes.

1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—License to cover construction permit (B2-PSB-14 as modified for a new station).

WAKR—Summit Radio Corp., Akron, Ohio.—Authority to determine operating power by direct measurement of antenna power.

1550 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit (B1-PSB-13) as modified for increase in power, move of transmitter, and new equipment, requesting further changes in equipment; installation of directional antenna for day and night use, increase power from 5 to 10 KW, change frequency from **1550 to 1560 kc.**; Class I-B, in accordance with N.A.R.A.;

extend commencement date and completion date from 8-5-40 and 2-5-41 to 30 days after grant and 180 days thereafter, respectively.

FM APPLICATIONS

NEW—Frequency Broadcasting Corp., Borough of Brooklyn, N. Y., N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43,700 kc.** Coverage: 14,400 square miles. Population: 11,900,000.

TELEVISION APPLICATION

W2XBB—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-42) for a new television broadcast station, requesting approval of antenna and approval of transmitter site at 444 Madison Ave., New York, N. Y.

MISCELLANEOUS

WEHX—United Broadcasting Co., Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as with Standard Broadcast Station WHK, Cleveland, Ohio.

WEHU—United Broadcasting Co., Portable-Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as Standard Broadcast Station WHK, Cleveland, Ohio.

WEHV—United Broadcasting Co., Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as Standard Broadcast Station WHK, Cleveland, Ohio.

WRPM—United Broadcasting Co., Portable-Mobile.—Modification of license to operate in connection with Standard Broadcast Station WCLE, Cleveland, Ohio, as well as Standard Broadcast Station WHK, Cleveland, Ohio.

WEJP—National Broadcasting Co., Inc., Portable-Mobile.—Modification of license to operate with power of 50 watts on all frequencies.

W9XC—Central Broadcasting Co., near Mitchellville, Iowa.—Construction permit to install new transmitter and increase power from 1 KW to 150 KW.

WCRC—Columbia Broadcasting System, Inc., Brentwood, N. Y.—Modification of construction permit (B1-PIB-26) for a new international broadcast station, requesting approval of directional antenna system, add **9650 kc.** and operate unlimited time on **21520 kc.**, share time on **9650 kc.** with Station WCBX.

WCBX—Columbia Broadcasting System, Inc., near Wayne, N. J.—Modification of construction permit (B1-PIB-27) for move of transmitter, increase in power and new transmitter, requesting approval of directional antenna system and change time of operation from sharing time on **15270 kc.** with Stations WLWO and WCAB to sharing time on **15270 kc.** with Station WCAB.

W2XI—General Electric Co., New Scotland, N. Y.—Modification of license to change frequencies from **156000-162000 kc.** to **162000-168000 kc.** (Channel No. 8).

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

Organization Service Corp.—Charging a combination and conspiracy to fix and maintain prices and prevent competition in the sale of pins, paper clips and fasteners used as office supplies, a complaint has been issued against Organization Service Corpora-

tion, 74 Trinity Place, New York; Herbert S. Blake, its president and counsel; Thomas B. Jordan, its vice president, and five member manufacturing companies: Scovill Manufacturing Company, Waterbury, Conn., operating as one of its divisions The Oakville Company, Oakville, Conn.; Noesting Pin Ticket Company, Inc., New York; Vail Manufacturing Company, Chicago; F. Kelly Company, Derby, Conn., and William Prym, Inc., Long Island City, N. Y.

The complaint alleges that Thomas B. Jordan is also secretary of the Metal Paper Fastener Institute and the Pin Manufacturers' Institute of the Organization Service Corporation; that the five manufacturing companies, while not constituting the entire membership of the two institutes, are the largest manufacturer members thereof, and that they, in conjunction with the respondents Blake and Jordan, control the institute's affairs.

Members of the two institutes, the complaint continues, represent approximately 100 per cent of all the pin manufacturers in the United States, 90 per cent of the fastener manufacturers, and 70 per cent of the paper clip manufacturers.

The complaint alleges that the respondents, acting between and among themselves, or through the two institutes of the respondent Organization Service Corporation, have, pursuant to their understanding, combination and conspiracy (1) fixed and maintained uniform prices for the sale of the products manufactured by the respondent member manufacturers; (2) maintained identical price lists on comparable products manufactured by the respondent members; (3) simultaneously changed the prices at which comparable products manufactured by the respondent members are sold either by themselves directly or as undisclosed principals through their respective distributing agents, and (4) submitted, as undisclosed principals acting through their respective distributing agents, or by other means or methods, identical or uniform bids for the sale of their products to various governmental purchasing agencies, including those of the United States Government.

The complaint further alleges that in order to make their understanding, combination and conspiracy effective, and to require observance thereof by all respondent members, by other members of the two institutes, and by other competitive manufacturers, the respondents have (1) investigated and consulted (with each other, with other institute members and with competitive manufacturers, through and by means of the service corporation, the two institutes and the respondent Jordan) with the result that they have determined the prices charged by the member manufacturers (acting either directly or as undisclosed principals of their distributing agents), by the other members and other competing manufacturers for products made by the respondent members and their competitors; (2) interchanged through the service corporation and institutes and the respondent Jordan, monthly statistics showing the value of shipments of products manufactured by members of the institutes; (3) supervised, through the same agencies, the activities of members of the institutes and competing manufacturers for the purpose and with the effect of obtaining adherence by the respondent members and their competitors to prices, terms and conditions of sale agreed upon by the respondent members, and more particularly to prevent and prohibit the quotation by the respondent members or their competitors (regardless of whether or not they are members of the institutes) of lower competitive prices for the sale of their products, and (4) offered uniform bids to governmental agencies, including those of the United States Government, and to other prospective purchasers, either directly or as undisclosed principals through and by means of their distributing agents. (4351)

Reliance Jacket Company—Louis Greenberg, trading as Reliance Jacket Company, 306 South 7th St., Minneapolis, has been served with a complaint alleging the sale of sports jackets and other merchandise by means of devices and plans involving the operation of lottery methods when sold and distributed to the consuming public.

Use of the respondent's sales methods, the complaint charges, is a practice contrary to an established public policy of the Federal Government and in violation of criminal laws, and is an unfair method of competition and an unfair or deceptive act or practice under the Federal Trade Commission Act. (4349)

Spencer System—A complaint has been issued against Spencer System, and John L. Shea, William J. Hagerty, Jean G. Mitchie and Glenda S. Hills, its trustees, 55 Belvidere St., Boston, alleging misleading representation in the sale of instruction courses in the

design and fabrication of arch supports and foot exercisers, and in a system of foot correction and culture.

Through circulars and pamphlets distributed in various States, the respondents, according to the complaint, directly or indirectly represent, among other things, that the structure of the foot is simple; that anyone of ordinary intelligence who can read and write can readily master the courses in arch support making and foot culture; that by reason of such mastery and the use of the respondents' system of foot culture and arch supports, the student will be able to determine whether or not a person requires arch supports; to prescribe, design and fabricate the proper supports; to diagnose as surgical or non-surgical all foot ailments or conditions, and to correct, overcome and cure all foot troubles other than those requiring operative surgery.

The complaint alleges that in fact the adequate correction of arch troubles and ailments of the feet, and the proper designing of arch supports require, as a preliminary, a diagnosis which can be properly made only by one familiar not only with the structure and physiology of the feet, but of the rest of the body. The complaint further alleges that the knowledge necessary for the proper diagnosis of all foot troubles as surgical or non-surgical, and the application of adequate corrective or curative methods to non-surgical conditions by arch supports, exercises, or otherwise, cannot be imparted by mail in the short time indicated by the respondents, to the ordinary literate person, and cannot be acquired from the respondents' courses of instruction. (4350)

Zone Company—A complaint has been issued against Harry S. Benham, 620 Orleans St., Chicago, alleging misrepresentation in the sale of medicinal preparations and devices. In the sale of these products the respondent, according to the complaint, trades under the names The Zone Company, Active Merchandisers, Active Medicine, Nu-Mode Company, and American Medicine Company.

The complaint alleges that the respondent, in advertising matter distributed in various States, represents, directly and through implication, that his preparations, "Nu-Mode Vaginal Jelly", "A. M. Vaginal Jelly", "Nu-Mode Hygiene Tablets", "Vaginal Suppositories", and "Speed Nu-Mode Hygiene Douche Tablets" form safe, competent and effective preventives against conception and provide a guaranteed method of preventing pregnancy, due to their antiseptic and powerful germ-destroying properties; that their use prevents disease, and that they are effective as prophylactics, when in fact the respondent's preparations, although they may possess antiseptic properties, are not powerful germicides and do not accomplish all the results claimed.

The complaint alleges that the respondent represents the "Nu-Mode Ladies' Womb Supporters" as being comfortable, efficient and sanitary, when in fact the use of this device as advertised disregards gynecological principles.

Further misrepresentations have been made by the respondent, according to the complaint, in connection with the sale of "A. M. Athlete's Foot Salve" and "A. M. Wonder Salve" for skin irritations and ailments. (4352)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

New Method File Grinders, Inc., trading as Automobile Body Supply Company, 5120 South Halsted St., Chicago, has been ordered to cease and desist from making misleading representations in the sale and distribution of used and reconditioned filing tools.

Commission findings are that the respondent has purchased used and second-hand files from automobile manufacturers, garages, automobile body repair establishments and from other sources; has reconditioned or sharpened them, and, in some of its advertisements, has represented to purchasers that some of its files are water-damaged or have been through fire and damaged by water, but are otherwise new and unused.

According to findings, some of the files represented by the respondent as being water-damaged but otherwise new and unused, are files which actually have been used by mechanics and other operators, and purchased by the respondent for reconditioning and sale.

The Commission order directs the respondent to cease and desist from representing, directly or indirectly, that used and reconditioned files are new files, or are new files which have been damaged in some way, or are anything other than used files which have been reconditioned. (4020)

Progressive Medical Company—An order has been issued directing Blanche Kaplan, trading as Progressive Medical Company, Progressive Laboratories, Ladies Aid Company, Ladies Aid, and Ladies Aid Products, 330 South Wells St., Chicago, to cease and desist from misrepresentations in the sale of several medicinal preparations.

The order directs the respondent to cease disseminating advertisements which represent, directly or through inference, that the product "Ladies Aid No. 1 H.Y.G. Tablets" is an effective prophylactic or dependable contraceptive; that "Ladies Aid No. 4" possesses therapeutic value in the treatment of certain ailments of women beyond its use as an accessory; that "Promeco Cod Liver Oil Compound Tablets" is a new scientific discovery and constitutes an effective remedy for every condition for which physicians might prescribe cod liver oil; that "Ladies Aid Reducing Tablets" is an amazing new scientific discovery, or that it is safe and harmless, or that by its use one can reduce 5 pounds a week, or any other appreciable amount.

The order also prohibits the dissemination of advertisements with respect to "Ladies Aid Reducing Tablets" which fail to reveal that use of this product may result in skin eruptions and excessive irritation of the bowels. (4261)

Reed's Cut Rate Drug Store—Lenard and Sarah Gotlieb, trading as Reed's Cut Rate Store and Fountain Cut-Rate Stores, Clarksburg, W. Va., have been ordered to cease and desist from disseminating false advertisements in the sale of a medicinal preparation.

Commission findings are that in the sale of a preparation designated "Prescription Female Capsules" and as "Lady Lydia Female Capsules", the respondents disseminated in various States newspaper and other advertising matter in which they represented, directly or by implication, that their preparation is a competent and efficient treatment for delayed menstruation and is safe and harmless.

According to findings, the respondents' preparation is neither competent nor efficient in treating this ailment and is not safe or harmless, in that it contains certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondents are further found to have engaged in false advertising in that their advertisements fail to reveal that use of the preparation under such conditions may result in injury to health.

The Commission order directs the respondents to cease disseminating advertisements which represent, directly or through inference, that their preparation is a competent or effective treatment for delayed menstruation, and that it is safe or harmless; or which advertisements fail to reveal that use of the preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in the case of pregnancy, may cause uterine infection and blood poisoning.

Upon petition of the Commission, the respondents were recently restrained by a U. S. District Court from disseminating certain advertisements relative to their preparation pending issuance of the Commission's complaint and its final disposition. (4211)

C. H. Stallman & Son, Inc., 31 West Philadelphia St., York, Pa., has been ordered to cease and desist from the use of lottery methods in the sale of candy, cigars or other merchandise.

The order prohibits the respondent from selling and distributing such products so packed and assembled that sales may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of such merchandise or separately, which devices may be used in selling or distributing such merchandise to the public, and selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4096)

STIPULATIONS

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

Advance Spectacle Company—Michael M. Engel, trading as Advance Spectacle Company, 537 South Dearborn St., Chicago, has entered into a stipulation with the Federal Trade Commission in which he agrees to desist from certain representations in the sale of eyeglasses. The respondent stipulates that he will cease advertising, directly or by implication, that the saving accomplished in purchasing his glasses is any amount or percentage in excess of the actual amount saved; that his glasses will enable one to read, sew or see better in every way; that the method used in testing the eyes and in purchasing his glasses is the same as used by anyone else, and that he guarantees that the glasses will fit. The respondent also stipulates that he will cease representing that the ordinary or regular selling price of the glasses is any amount in excess of the actual amount at which they are ordinarily sold, or that the regular price is a special price. (02647)

Ethyl Tire & Rubber Company, Inc., and Harry and Samuel Mufson, its officers, also trading as Fordham Tire Company, 545 East Fordham Road, New York, have entered into a stipulation in which they agree to cease and desist from certain representations in the sale of automobile tires.

The respondents agree to cease using a figure five medallion or the words "Heavy Duty" as descriptive of a four-ply automobile tire; or representing directly or indirectly, by means of letters, blotters, words, figures, price lists, tire wrappings, markings, insignia or brands appearing on their tires or in any other way, that the tires they sell contain more plies in their construction than they actually contain. (2960)

Federated Container Co., Inc., 3 Washington Place, New York, a corporation engaged in the sale and distribution of corrugated fiber shipping boxes, has agreed that it will cease and desist from stamping or marking its boxes or causing them to be stamped with the purported certification of a box maker or manufacturer, together with such use of its corporate or trade name "Federated Container Co., Inc.", as may tend to create the impression that it is the maker of the boxes. The corporation also agrees to discontinue use of the word "Maker" or words of similar meaning to imply that the corporation actually owns and operates or directly and absolutely controls the plant or factory in which the products are made or manufactured. (2954)

Frank H. Fleer Corporation, Philadelphia, engaged in selling a brand of chewing gum designated "Fleers Dubble Bubble Chewing Gum," has entered into a stipulation in which it agrees to discontinue representing that the gum will do away with the gray or dingy condition of teeth; clean them thoroughly; force its way into crevices in teeth that an ordinary tooth brush won't or can't reach; that food particles left between the teeth are the principal cause of bad breath; that chewing the gum will rid one of unpleasant breath or will beautify teeth; that merely chewing the respondent's gum will enable a person to remain or keep awake or alert during drives; that the gum is rich in dextrose or that the dextros content will help relieve a person of fatigue, give pep or animation, contribute any appreciable energy to a person, or increase vitality or strength in men, women and children; that the gum will be of material benefit in developing well arranged teeth in children; that the exercise provided by chewing the respondent's gum will enable the teeth of boys or girls to grow straight or strong; that the exercise of the facial muscles provided by chewing the gum constitutes a beauty treatment; that the exercise provided by chewing the gum will bring, give, or in any way impart youth to a person's face or facial muscles or keep the facial muscles young, or that chewing the respondent advertiser's gum is a competent aid or treatment for a great variety of oral disorders or dental diseases or gingivitis, gingival recession or alveolar atrophy, or acute and chronic Vincent's infection, or periodontoclasia (pyorrhea). The Frank H. Fleer Corporation further agrees not to make any unwarranted claims concerning the relative toughness or elasticity of its gum. (02648)

Fordham Tire Company—See Ethyl Tire & Rubber Company, Inc.

James C. Gordon Fur Company—Otto P. Barth, sole trader as Jas. C. Gordon Fur Company and as Victor Fur Company, 204 North 4th St., St. Louis, agrees to cease quoting or otherwise holding forth any extravagant or exorbitant prices which trappers or fur dealers may expect to receive from him for their furs; quoting price ranges which include amounts seldom paid, or quoting such extraordinary prices in any other manner tending to convey the impression that they are frequently paid, or quoting prices which might be applicable to furs of a grade or quality not usually produced in the territory circularized. The respondent also stipulates that he will cease representing, directly or inferentially, that he pays higher prices for furs than do all other fur buyers, and that trappers or dealers will realize a greater return by selling their furs to him than would be obtainable by selling to other fur buyers or through brokers. (2953)

W. Irving Herskovits Fur Company, Inc., 333 7th Ave., New York, stipulates that it will cease quoting or otherwise holding forth any fictitious or exorbitant prices which trappers or fur dealers may expect to receive from it for their furs; quoting prices which it has not in fact paid or quoting prices which might be applicable to furs of a quality not ordinarily produced in the territory circularized; and agrees that it will cease representing, directly or inferentially, that it pays higher prices for furs than do all other buyers, and that trappers or dealers can realize a greater return by selling to the respondent than to other buyers or through brokers. The respondent also agrees to cease using the word "Guarantee" or other words of similar meaning unless clear disclosure is made of exactly what is offered by way of security. (2959)

Kenjol Pharmacal Company—Oman E. Johnston, trading as Kenjol Pharmacal Company, Fremont, Ohio, engaged in the sale of a product known as "Native Herb Medicine," has entered into a stipulation in which he agrees to cease and desist from representing that his product will relieve or cure ailments such as biliousness or colds, or rid the system of lumbago or rheumatism; that it is a competent remedy for functional diseases such as hardening of the arteries, diseased kidneys, and other ailments; that the product possesses any direct remedial value or has medicinal properties other than that of a laxative, or that the product is "Standard \$1.00 Size" or that its regular retail price is \$1, when in fact such amount is fictitious and in excess of the price for which the product is customarily sold in the usual course of retail trade. (2957)

Photo Developing, Inc., trading as Posto-Photo, Camden, N. J., a seller of finished photographs produced from exposed, undeveloped film rolls supplied by subscribers, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease certain representations in the sale of these products.

The respondent agrees to cease misrepresenting, directly or by failure to disclose accurately any extra charges to be made, the price at which it sells and distributes its finished photographs produced from exposed, undeveloped films, and to desist from representing that it will sell and distribute finished photographs produced from any exposed, undeveloped roll of film, for 25 cents, when, in fact, it charges more for finished photographs produced from certain kinds of film without plainly and accurately disclosing the amount of the extra charge. (02645)

Beatrice Mabie, Inc., 510 Culver Way, St. Louis, a corporation engaged in selling a cosmetic designated "Beatrice Mabie's Pore Cream," has entered into a stipulation in which it agrees to cease and desist from representing that the preparation will clear the skin of blackheads or banish blackheads, or by any other terminology that it will remove blackheads permanently, or that it has any effect upon blackheads beyond tending to soften temporarily the sebum in the pores; that the product will reduce or contract enlarged pores or is a competent treatment for enlarged pores; that it was "created by one of America's five most expensive beauty experts"; that it has any special ingredients or acts in a way different from competing products; that a single application will remove dust, dirt or make-up embedded in the pores for days or

weeks, or that blackheads or enlarged pores are due to faulty diet or to a skin condition requiring daily correction.

Beatrice Mabie, Inc., further agrees to cease and desist from representing, directly or indirectly, that it owns, operates or controls a laboratory. (02650)

Merit Container Company—Samuel Goldstein and Abraham Goldstein, co-partners, trading as Merit Container Co., 345 West 36th St., New York, engaged in the sale of fiber board packing boxes, have agreed to cease and desist from stamping or marking their products or causing them to be stamped or marked with the purported certification of a box maker or manufacturer, together with such use of their trade name "Merit Container Co." as may tend to create the impression that they manufacture the boxes. They also agree to cease and desist from use of the word "Maker" or other words of similar meaning which may tend to convey the belief to purchasers that they actually own and operate or directly and absolutely control the plant or factory in which the products are made or manufactured. (2955)

Nasal Inhaler Company—Harry D. Mayhugh, trading as Nasal Inhaler Company, Walton, Ky., has entered into a stipulation in which he agrees to cease certain representations in the sale of "Mayhugh's Oil Solution" and "Mayhugh's Nasal Inhaler", comprising a treatment for hay fever, asthma, and colds.

The respondent stipulates that he will desist from representing that use of his preparation and device affords a competent treatment or effective remedy for hay fever, rose fever, asthma, colds and other inhalant ailments; affords freedom from congestions in the head; assures daytime relief or restful slumber at night, and rest for children as well as adults. The respondent further agrees to cease representing that physicians recognize in "Mayhugh's Nasal Inhaler" a device for properly treating inhalant ailments; that the inhaler filters the pollens of flowering plants from the air, purifies the air entering the nostrils or removes the cause of hay fever and asthma due to pollen or dust, and that it filters the germs from the air inhaled, relieving congestion of the nostrils during a cold. (02646)

Carolyn Nilson System—Carolyn Nilson Dietrich, trading as Carolyn Nilson System of Beauty Culture, Book-Cadillac Hotel, Detroit, has entered into a stipulation in which the respondent agrees to cease making certain representations in the sale of cosmetic preparations sold in conjunction with a massage and gymnastics course.

The respondent stipulates that she will cease making representations which imply that her preparations have been endorsed or approved by either physicians, Hollywood stars, or leaders everywhere; that her hair tonic preparation or an eyelash preparation will stimulate or in any way cause the hair to grow and that use of a so-called "Bust Developing Cream" and of a so-called "Reducing Lotion" are effective. (2956)

Stewart & Company, Inc., Howard & Lexington Sts., Baltimore, a corporation engaged in the sale and distribution of mattresses and other household furnishings, has entered into a stipulation in which it agrees to cease and desist, directly or inferentially, from quoting or representing as the customary or regular price or value of its merchandise, prices or values which are in fact fictitious and in excess of the prices at which such merchandise customarily is offered for sale and sold in the normal course of business. (2958)

Tampax, Inc., 155 East 44th St., New York, a corporation engaged in selling a tampon designated "Tampax," has stipulated to discontinue representations that there is a consensus among gynecologists to the effect that there is no comparison between "Tampax" and the external sanitary napkin from a hygienic standpoint; that the American Medical Association has examined and accepted "Tampax" for advertising, or that physicians as a group have endorsed the product. (02649)

Victor Fur Company—See James C. Gordon Fur Company.

Vitamins Plus, Incorporated, 370 Lexington Ave., New York, has entered into a stipulation in which it agrees to cease certain representations in the sale of a vitamin concentrate supplement designated "Vitamins Plus."

The respondent agrees to cease representing, directly or by implication, that cloudy or lusterless eyes or lack of whiteness of the teeth are generally due to Vitamin A deficiency; that vitamins are of significance in determining the duration of time hair stays in curl, or make-up remains on the skin surface, or nail polish adheres to the nails; that Vitamin B will maintain or nourish brain tissue, or will remove lactic acid from the blood stream and thereby eliminate fatigue, or is of value in cases of constipation or nervous disorders, except where and to the extent that such cases may be due to insufficient Vitamin B; or that foods customarily consumed have but a negligible amount of Vitamin B.

Other representations which the respondent agrees to discontinue are that Vitamin E is known to be capable of preventing sterility or promoting mental or physical vigor; that by use of "Vitamins Plus," a person may expect to have sparkling eyes, or gleaming or lustrous hair, or a lovely complexion, or that one may become active, gay, beautiful or charming, or live without a "let-up" or "let-down." (02652)

FTC CLOSES CASE

Federal Trade Commission has closed, without prejudice to its right to resume proceedings, should future facts so warrant, a complaint issued against Lawrence A. Huffman, formerly trading as Plant N-R-G Company, and Plant Energy, Inc., 71 Sixth St., Logansport, Ind., engaged in the manufacture and sale of compounds for use in stimulating the growth of legume and non-legume plants. The complaint had alleged violation of Section 5 of the Federal Trade Commission Act.