



THE WEEK IN WASHINGTON

Radio's 20th Birthday Party starts Monday, November 11. Stations throughout the country are making plans for a gala celebration. (p. 4757.)

BMI bonus transcriptions have gone out to all member stations. Full use should be made of them. Advertising contracts entered into between now and January 1 should be revised to take care of a change in the music situation. BMI tunes grow more and more popular. (p. 4759.)

Sustaining performers need not be paid under the Wage and Hour Act under certain conditions. The Wage and Hour Division's latest opinion on this matter takes care of the hill billy situation. (p. 4766.)

Miss Harriet Elliott in charge of the Consumer Protection Division of the National Defense Advisory Commission praised radio in a recent speech over station WBIG. (p. 4767.)

A new "Results From Radio" study is going out to all members. The canned pea industry is attempting to obtain free time for advertising. The Advertising Federation of America launches an offensive against attacks on advertising. (p. 4768.)

The NAB has assembled a great deal of information on the cost and operating expense of recording equipment required by the FCC for international short-wave broadcasters. Other broadcasters may be interested. The NAB Insurance Committee has sent out a questionnaire to facilitate its work. Broadcasters of the Eleventh District will meet in Minneapolis, Friday, November 15. (p. 4769.)

The FCC says that more than 27,000,000 persons will be in the potential audience of the 15 FM stations now authorized to go on a full commercial basis as soon as practicable. (p. 4770.)

Radio's Birthday

For 20 days beginning with next Monday, November 11, the radio industry will celebrate its twenty years existence.

Thirteen stations now in operation have reported that

they were broadcasting to the public twenty years ago . . . that each was on the air at that time transmitting voice communication by radio for public consumption.

There may have been additional stations, not in existence today, which were in operation then. We don't know. The important thing is that there is no argument that in the year 1920, there were a sufficient number of stations operating to justify marking that year as the beginning of broadcasting.

These thirteen stations, arranged alphabetically by cities, are:

- 1—Albuquerque—KOB
- 2—Dallas—WRR
- 3—Denver—KLZ
- 4—Detroit—WWJ
- 5—Madison, Wis.—WHA
- 6—Northfield, Minn.—WCAL
- 7—Oklahoma City—WKY
- 8—Pittsburgh—KDKA
- 9—Pittsburgh—KQV
- 10—San Jose—KQW
- 11—Spokane—KHQ
- 12—Tuscola, Ill.—WDZ
- 13—West Lafayette, Ind.—WBAA

As of October 1, 1940, there were 810 broadcasting stations in operation in the United States. Construction permits numbered 54.

We sincerely believe that the promotion which you put back of Radio Birthday will be repaid many fold. Here's to your success and some birthday news:

Kansas City Plans

Kansas City, Mo., is going to celebrate Radio's 20th Birthday.

Jerry Weston, veteran secretary-manager, The Electric Association of Kansas City, is carrying the torch for this promotion.

His first bulletin, Nov. 1, addressed to local radio distributors said in part:

"Are you in on the local cooperative program to tie-in with the big national activity sponsored by the National Association of Broadcasters? It's 20 days for Radio's 20th Birthday.

"The local program, as worked out by a committee of broadcasters, dealers and distributors is outlined on a sheet enclosed."

Bulletin No. 2, on Nov. 4, announced "Friday's Radio Rally," Nov. 8, at the Hotel President. This also stated that window posters were being printed and that addi-

(Continued on page 4758)

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*

RADIO'S BIRTHDAY

(Continued from page 4757)

tional letters had gone to the trade and broadcasters in the Missouri-Kansas territory.

On the same date a bulletin went to every dealer selling radios in greater Kansas City. "You and all of your salesmen who sell radios", it stated, "are urged to attend the FREE RADIO RALLY."

"This is the first big Radio Rally ever called in Kansas City—a call for all broadcasters, distributors, dealers and radio salesmen to pool their efforts in a common radio celebration."

The plan was printed on one sheet and attached to the several bulletins. It is reproduced below because of its excellence and in the hope that it may inspire similar activities.

Jerry Weston is a past master at this sort of promotion and the plan will deliver:

Radio's Birthday Party, November 11-30, 1940 Greater Kansas City Celebration

POSTER—A window poster will be given to every dealer by his distributor. Enough posters will be made for distribution by distributors to their territorial dealers.

WINDOW CONTEST—For Greater K.C. dealers, with cash prizes of \$25, \$15, and \$10, for best illustrating the 20 years' progress of radio. Originality and simplicity will count heavily, so small dealers have as good a chance to win as large dealers. The window poster must be used with the window display. The old vs. new might be the dominant theme in the display, and perhaps an invitation to come in and hear the difference.

OPENING MEETING—FRIDAY, NOVEMBER 8, 8 P. M., Hotel President. Lip-smacking refreshments FREE to radio salesmen, dealers, distributors, and broadcasters. The one and only TOM COLLINS as principal speaker—one of the best humorous speakers anywhere—in demand all over the middle-west. Cash attendance prizes.

FOLLOW-UP MEETING—FRIDAY, NOVEMBER —, 8 P. M. Free refreshments. Speaker, Dr. G. W. Allison of New York City—one of the best inspirational speakers anywhere—in demand from coast to coast.

ADVERTISING—Every ad, radio or newspaper, by a distributor or dealer, should call attention to Radio's 20th Birthday—celebrating 20 years' radio progress the American way, or words to that effect.

RADIO ADS—There'll be some big national radio programs, etc., telling the public about Radio's 20th Birthday Party. Greater K.C. broadcasters will cooperate, too, so there should be plenty on the air.

PUBLICITY—It is hoped to have some newspaper publicity, as the public is interested in radio and its progress the past 20 years under the American system of broadcasting.

SPONSOR—The Electric Association of K.C., HA 5737, is sponsoring the local activity, but all dealers, salesmen, broadcasters, and distributors in Greater K.C., whether they are members or not, are urged to pitch in and cooperate to the limit, in every way possible.

Prizes, printing and mailing costs were assumed by the cooperating distributors through The Electric Association.

"Radio Today" Helps

When O. H. Caldwell, editor, *Radio Today*, said that he would give the industry a hand in the promotion of Radio's 20th Birthday, we counted on the good Doctor to come up with something extra special. And he did.

Dr. Caldwell got under way last Monday, November 4, over NBC-Blue, at 7:15 with some radio magic figures that are well worth repeating over any station. Other Radio Birthday broadcasts will be featured on successive Fridays at 7:30 p. m., beginning November 15. Here are several quotes from the script:

"If the 7,000,000 automobiles now equipped with radios, were to form an auto parade, bumper to bumper, it would extend 30,000 miles, and stretch around the world with a couple of continents to spare. To accommodate such a display of autos would require ten Lincoln Highways, reaching from coast to coast."

"The 350,000 wage earners on radio's payroll equal the total number of wage earners in a city the size of Detroit or Cleveland. A whole city the size of Los Angeles derives its support from radio."

"If all 80,000,000 radios built during the past 20 years were to come off a single production line, that line would be 60,000 miles long, reaching twice around the globe and twice across the North American continent. Piled on top of each other, those 80,000,000 sets would reach upwards 30,000 miles—or 200 times as high as the Heaviside-Kennelly radio reflecting layer of the upper atmosphere."

"Modern radios cost about \$1.50 per pound, on the average. This is about equal to the 'price per pound' of fine candy,—or average books or novels."

"All radio broadcasts that have been put on the air during the past 20 years are still traveling out through the ether in the direction of the stars, at a velocity of 186,000 miles per second. But so far, these programs haven't gotten very far, as inter-stellar distances go,—only about 20 light-years, which means that only a few nearby stars like Alpha Centauri, Sirius, 31 Cygni and other comparatively near neighbors of our sun, yet know that any such thing as broadcasting exists here on earth."

"With 1200 different new radio-receivers models being offered by the radio manufacturers of America, in their 1941 lines, a tremendous variety of choice is made available for retail buyers, just as the most important listening season in all radio's history opens up.

"Looked at as a vast 'radio show,' these 1200 radio-set offerings would fill the largest exposition building erected at either of the recent World's Fairs. Allowing

four feet to a model, some 4,800 ft. of aisle displays would be taken up, nearly a mile of continuous, unduplicated displays!

"And for the radio buyer who undertook to inspect this tremendous array of radio sets, if he allowed only two minutes for the study and scrutiny of each model, he would have to plan on 2,400 minutes or 40 hours of unremitting seeing! Taken in a succession of evenings say from 8 to 10:30 p. m., he would need two full weeks of radio-show going to make the rounds!"

WCHS Promotion

Howard L. Chernoff, managing director, WCHS, Charleston, W. Va., has already started the promotion of Radio's 20th Birthday. While being interviewed by a station announcer on election eve he referred to the 1916 fiasco as being well-nigh impossible to happen today because of radio. This referred to the fact that candidate Hughes retired for the night believing he had won the election. He awoke to find that late returns overcame his lead and brought Mr. Wilson to the Presidency.

Defense Transcriptions

Public recognition of the work radio is performing in recruiting skilled workers for National Defense will be made in a special Radio Birthday transcription to be mailed all stations late next week.

Be on the lookout for it! It's suitable for broadcast at any time up to the final day of the Radio Birthday observance on November 30. Chances are, you'll decide the tribute to you and the industry warrants repeating.

Short remarks by Harry B. Mitchell, president, United States Civil Service Commission, are preceded and followed by music of the U. S. Army Band.

Prize Winner Participates

The American system of radio won't be forgotten during the Radio Birthday celebration. Neal Blake, Hartford, Conn., winner of the NAB essay contest on "The American System of Broadcasting—Why It Is Best for Americans", will be heard on WJZ-Blue network, Sunday, November 17, at 5:30 p. m. during "Behind the Mike" program.

The prize winning essay, an excellent exposition of American radio, was first presented publicly, in full, early this fall, over WTIC, the station which received the Blake entry. Award of the hundred dollar prize was made at that time.

BMI

BONUS TRANSCRIPTIONS

BMI's transcription Bonus still seems to be the cause of some uncertainty in a few broadcasting stations. It

is important that all misunderstanding should be cleared away so that stations may use these transcriptions freely and get full benefit from them. Here is the whole story of the "Bonus" transcriptions:

Some months ago the BMI Board of Directors voted to distribute to all BMI member stations, entirely free of charge, 500 electrically transcribed titles that are not subject to ASCAP control. The directors charged the BMI officers with responsibility for preparing these transcriptions and delivering them to the member stations.

Every BMI station is entitled to use every one of these 500 numbers immediately upon receipt and will continue to be entitled to such use on and after January 1, 1941, for as long as the station remains a BMI licensee.

These transcriptions are prepared by six different transcription companies under an arrangement between them and BMI. The six companies are Associated Music Publishers, C. P. MacGregor, Lang Worth feature programs, Standard Radio, Thesaurus and World Broadcasting System.

The arrangement between these companies and BMI is as follows: BMI selects the pieces to be recorded and pays the cost of pressing the transcriptions and pays the musicians who perform the music for the recording. The transcription companies contribute their recording facilities.

Each transcription company, after it makes any of these BMI transcriptions, delivers them itself to all BMI members who subscribe to the library service of that transcription company. The BMI "Bonus" transcriptions are in addition to the number furnished under the contract of the transcription company with the station. For example, if a BMI member station has a contract with one of the transcription companies by which it is entitled to receive a total of 40 transcriptions by the end of 1940, and if that company makes 8 of the BMI "Bonus" transcriptions, then the BMI member station will receive 48 transcriptions from that transcription company.

The transcriptions made by companies with which the station does not have contracts will be delivered to the station by BMI.

Up to the present time 184 recorded titles have been shipped out as a part of this BMI bonus of 500. They are free of charge. They are available for use immediately by all BMI subscribers.

Some broadcasters have mistaken these bonus transcriptions as "samples", or not understanding the plan have failed to make full use of them. Check your library and your files to make sure that you have received all the "bonus" transcriptions shipped to date, and arrange to make full use of them. If you desire

any further information concerning the "bonus" transcriptions write direct to Broadcast Music, Inc.

CONTRACTS

The NAB-4A Conference Committee in its deliberations on the Standard Order Blank Contract agreed that Section 6-c of the standard conditions must be revised because of its specific mention of "musical compositions . . . licensed by ASCAP." Chairman Harry C. Wilder has suggested that all stations not planning to take a new ASCAP license should revise any contracts entered into between now and January 1st on national spot and local business by rubber stamp or write-in provision to the following effect:

"Notice—This station does not expect to have a license from ASCAP after December 31, 1940. Advertisers should bear this in mind in the preparation of transcriptions for use on this station after that date."

The present wording of Section 6-c of the standard conditions probably does not imply that a station must have an ASCAP license. Also, Section 6-d provides that all program material be approved by the station. In spite of there being no apparent legal question involved, it is advisable to put all advertisers on notice to avoid any misunderstanding.

In addition to changing the provisions of Section 6-c on new contracts drawn between now and January 1st, stations are advised to communicate to advertising agencies and advertisers placing business directly with the station of their position with regard to music available for broadcast after December 31, 1940. NAB is advising transcription companies and station representatives of the situation as it applies to the building of transcribed programs for production after December 31.

An effort is being made to revise the entire Standard Order Contract at an early date.

BMI FEATURE TUNES

November 10-18

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. I HEAR A RHAPSODY
6. YOU WALK BY
7. IT ALL COMES BACK TO ME NOW
8. COME DOWN TO EARTH MY ANGEL

Practice Makes Perfect has been handling itself now for several weeks without further assistance from BMI's professional staff. Left all by itself, it still stands number

one on the list of most played tunes in three papers and in third place in a fourth paper. It is a national best seller, both in sheet music and phonograph records, and fifth among the biggest money makers in the automatic phonographs.

There I Go comes close behind it and has now joined it on the list of best sellers and coin machine money makers.

Other BMI numbers appearing on the "sheet" are, *I Give You My Word*, *So You're the One*, *The Same Old Story*, *I Hear a Rhapsody*, and *We Could Make Such Beautiful Music*.

On the Hit Parade survey last week *Practice* stood second and *There I Go* was number nine. This makes the eleventh week for *Practice* among the nation's leading hits.

We welcome to the BMI list of subscribers the following stations:

KFRU Columbia, Missouri
WBLJ Dalton, Georgia
WHKY Hickory, N. C.

BMI now has a new Broadway show in the works. It has acquired the publishing and radio rights to the songs from the new Leonard Sillman production, *All In Fun*, which is scheduled to open in New York at the Majestic Theater during Christmas week. *All In Fun* will star Phil Baker and Bill Robinson, supported by Imogene Coca, Jerry Lester, Pert Kelton, Betzie Beaton, and other top notch performers. The music is by Baldwin Bergersen, Irvin Graham, Will Irwin and John Rox, lyrics by June Sillman, Irvin Graham and John Rox, the book by Virginia Faulkner and Everett Marcy. The songs in the show are: *My Memory Started With You*, *Where Can I Go From You*, *It's a Big, Wide, Wonderful World*, *Quittin' Time*, *Love and I*, *Life With Father*, *Lazy Boy*, *Macumba*, *Before With Love*, and *I've Grown Up*. The show is already in rehearsal.

BMI is also publishing the music of the Princeton University Triangle Club show, *Many a Slip*. The Triangle Club is an undergraduate organization which writes and produces a musical comedy each year. During the Christmas vacation of the University, the club takes a trip during which the show is presented in leading cities across the country. Many members from Triangle Club shows have become nation-wide hits, such as *East of the Sun and West of the Moon*, *Love and a Dime*, *Ships That Pass in the Night*, and *Just One Hour More*.

The first performance of *Many a Slip* is scheduled for November 15th, the night before the Princeton-Yale football game. The music will be ready to go on sale at that time, and copies of the score will be sent to BMI stations.

Executive Director Thomas D. Green has issued from the American Hotel Association headquarters a plan prepared by Harry P. Somerville, Chairman of the A.H.A. Legislative Committee, to acquaint hotelmen with the program of BMI. This procedure follows the adoption of a resolution presented by Mr. Somerville at the Seattle convention authorizing President Franklin Moore to appoint a committee "to make a careful study of sources of music supply other than the ASCAP" and "to cooperate with any group or organization formed for the purpose of relieving users of copyrighted musical works from the imposition of such arbitrary 'fees'."

The communication which has been mailed to all the officers of the A.H.A., including State Secretaries, carries, in addition to a copy of Mr. Somerville's resolution adopted at the Seattle convention, a copy of a letter written to the A.H.A. Legislative Chairman by Neville Miller, President of the NAB.

Mr. Somerville suggests that Secretaries of each State or Regional Association act as a clearing house for their members as a means of acquainting the hotels that use music with the plan of BMI. On request, BMI will send all details of the plan to State or Regional Secretaries so that they in turn may pass along this information to their members.

Mr. Somerville has made the following statement:

"I am not recommending to the A.H.A. membership that they drop ASCAP licenses at this time. I do, however, recommend that they use BMI music as much as possible and then each individual hotel can determine whether or not they can get along without ASCAP music.

"I, personally, do not feel that this is the setting up of another monopoly, but rather that it will be a direct competitor with ASCAP and should be the medium of getting ASCAP to make more reasonable license fees. If they fail to do so, the probabilities are that a hotel could get along without ASCAP music, by simply using BMI.

"What their rates will be to the hotels when they finally adopt a commercial basis, I do not know. I do

feel, however, that they will be perfectly willing to make a very moderate charge compared to ASCAP's fees. At any rate, they will be willing to sit down and discuss the matter from a plain practical business standpoint."

Victor Arden, noted conductor, heard with his orchestra on many commercial programs, is making transcriptions for release to BMI subscribers. Mr. M. E. Tompkins, BMI's General Manager, has received the following telegram from him:

ACCEPT MY SINCERE THANKS IN APPRECIATION FOR YOUR MOST GRATIFYING AND ENJOYABLE RECORDING ASSIGNMENT. CONGRATULATIONS UPON THE SPLENDID ARRANGEMENTS BMI HAS MADE OF SO MANY INTERESTING SELECTIONS. CORDIAL WISHES. VICTOR ARDEN.

NAB CATALOGUE

BMI this week sent out the following letter to its members:

Many of our member stations have inquired as to lyrics in English of various tunes which are in public domain.

As a partial solution of this problem and for your assistance immediately, we refer you to the work accomplished by Mr. Fitzgerald of NAB some years ago. All of the material distributed to broadcasters by NAB at that time had been very carefully checked and most of our stations received this music.

Under separate cover we are sending out sets, which may duplicate those you already have in your libraries, for whatever purpose this material may serve.

Attached is a list of this music alphabetically arranged by title which we will call LIST NO. 3 (NAB). Part 1 is music with lyrics and Part 2, music only. In many instances the lyrics mentioned can be used by your singers with the orchestrations that have already been distributed.

From time to time we shall send out other English translations, and as time permits we shall issue new lyrics to replace those that were distributed by NAB.

The music without lyrics may prove of service to stations utilizing organists and pianists for fill-in, mood, background and stand-by music.

LIST NO. 3

PART 1, NAB

* means "Copyright 1937"

For titles beginning with a, the, le, la, der, die, etc., see second word.

Title	Composer	Author	Arranger	NAB No.
*Abide With Me	Monk	Lyte	Fitzgerald	77
Ach Du Lieber Augustin	(Folk Song)			24
A Csap Utczan Vegig, Vegig				400
Adeste Fideles	See "Come All Ye Faithful"			418
All A Malom				248
*All Hail The Power Of Jesus Name	Holden	Perronat	Armington	240
*All Through The Night	(Old Welsh Air)		Fitzgerald	13
*Aloha Oe	Liliuokalani	Fitzgerald		25
Am I not Fondly Thine Own	(Du Du Liegst Mir Im Herzen) (German)	Smith	Wickett	140
America		Blamire		310
And Ye Shall Walk In Silk Attire		Douglass		142
Annie Laurie	Scott			

Title	Composer	Author	Arranger	NAB No.
Auf Wiederseh'n	Pinsuti	Weatherly		407
Auld Lang Syne				144
Ave Maria	Bach-Gounod			10
Ave Maria	Schubert			90
Az Egri Menes				417
Azert Csillag, Hogy Ragyogjon				396
*Barbara Allen		Fitzgerald		159
Banbury Cross	Wellings	Oxenford		337
*Barcarolle (Tales of Hoffman)	Offenbach	Barbier (Fr.) Fitzgerald (Eng.)	Fontaine	181
Beautiful Dreamer (Serenade)	Foster			3
Bedouin Love Song	Pinsuti			315
*Believe Me If All Those Endearing Young Charms	Moore		Fitzgerald	18
Billy Boy				158
*Blessed Be The Tie That Binds	Naegeli	Fawcett	Armington	217
*Blue Evenings	Fitzgerald & Fontaine			98
Bohemian Girl	See "Then You'll Remember Me"			
Bonnie Banks Of Loch Lomon', The	(Old Melody) Words from about 1746			151
Bridal Chorus (Lohengrin)	Wagner	Oxenford		79
*Buffalo Girls			Fitzgerald	157
Camptown Races	Foster			97
Carmen	See "Habanera"			
*Carry Me Back To Old Virginny	Bland		Fitzgerald	71
*Ciribiribin	Pestalozza	Fitzgerald	Fitzgerald	96
Clare De Kitchen	Rice			401
Cleaning House				328
*Columbia The Gem Of The Ocean	Shaw	Becket	Fontaine	143
Come Back To Erin	Barnard			34
Come, Come, Come (Kommt Heran)	(Folk Song)			177
*Comin' Thru' The Rye			Wickett	291
Come Where My Love Lies Dreaming	Foster			66
Comrades	McGlennon	McGlennon		325
Cradle Song	Brahms (Copyright 1936)		Fitzgerald	109
*Crow Song, The			Wickett	266
Cserebogár, Sarga Cserebogár				392
Csillag Ragygó, Holdvilág Van				397
*Dark Eyes (Orche Tchoria)		Fitzgerald	Tarnovsky	14
*Darling Nellie Gray	Hanby		Fitzgerald	20
*Deep River	Fitzgerald—revised words and music			15
De Ole Ark A-Moberin' Along				253
*Dixie Land	Emmett		Fitzgerald	206
Doxology	See "Praise God"			
*Drink To Me Only With Thine Eyes (Old English Air)		Ben Johnson	Fitzgerald	41
Du Du Liegst Mir Im Herzen	See "Am I Not Fondly Thine Own"			
Edes Anyam, Ha Bejon Egerbe	Laszlo			438
Edes Anyam Is Volt Nekem	Notaja			415
Eg A Kunyho Ropog A Nad	Laszlo			399
*Elegy	Massenet	Fitzgerald		65
Evening Star (Tannhauser)	Wagner			107
Faluvegi Csarda				385
Farewell Dear Love	See "Auf Wiederseh'n"			
Faust	See "Soldier's Chorus"			
*Flow Gently Sweet Afton	Spilman	Burns	Fitzgerald	272
Flying Trapeze, The				100
Foreigner With His Clarinet, The	Thorpe			351
Four Little Girls Went Sweeping				327
Fritz and Spitz				220
*Frog He Would A-Wooing Go (A)			Armington	222
*From Greenland's Icy Mountains	Mason	Heber	Armington	243
Girl I Left Behind Me, The	"Brighton Camp" 1760?			136
*God Be With You Till We Meet Again	Tomer	Rankin	Fitzgerald	127
*Go Down Moses	(Negro Spiritual)		Fitzgerald	27
Go In And Out The Window	See "Cleaning House"			
*God Rest You Merry Gentlemen	(Old Carol)		Fitzgerald	50
Golondrina, La	Serradel			105
Good Bye!	Tosti	Whyte-Melville		311
Good Bye, Liza Jane				363
Dood News De Chariot's Comin' (Negro Spiritual)				31
*Good Night Ladies			Wickett	205
*Go 'Way Old Man	McHenry		Wickett	405
*Grandfather's Clock	Work		Fitzgerald	39
*Guard My Journey Home	Dvorak	Fitzgerald	Fontaine	63
(Largo from the New World Symphony Op. 95, No. 5)				

Title	Composer	Author	Arranger	NAB No.
Habanera*(Carmen)	Bizet			164
Hail Columbia		Hopkinson		313
Hallelujah Chorus (Messiah)	Handel			128.65
Hamis Az En Babam Lelke				416
Hannah Boil Dat Cabbage Down	Lucas			404
*Harp That Once Thro' Tara's Halls, The		Moore	Fitzgerald	342
Has Sorrow Thy Young Days Shaded		Moore		216
Hey Diddle Diddle				331
Hickory Hickory Dock				330
Hullamzo Balaton Tetjen				393
Humpty Dumpty				23
I Cannot Sing The Old Songs	Claribel	Claribel		146
Ich Liebe Dich (I Love Thee)	Grieg	Gray		82
I Dreamt I Dwelt In Marble Halls	Balfe	(Bohemian Girl)		45
*I-Eel			Fontaine	204
I'll Take You Home Again Kathleen	Westendorf (Copyright 1936)		Fitzgerald	84
I Love To Tell The Story	Fischer	Hankey		49
I Love You So	Lehar	Ross		102
*Inching Along			Wickett	255
In Dat Great Gittin' Up Mornin'	Towe			28
I Need Thee Every Hour	Lowry	Hawkes		249
Ingle Side, The	Wiesenthal	Ainslie		273
In Old Madrid	Trotere	Bingham		198
*In The Evening By The Moonlight	Bland		Fitzgerald	38
*In The Gloaming	Harrison	Orred	Fitzgerald	85
*It's A Way We Have At Old Harvard			Fontaine	202
*Jesus, Lover Of My Soul	Marsh	Wesley (?)	Armington	247
Jim Along Josey				402
*Jingle Bells	Pierpont		Fitzgerald	137
*John Peel (Old English Hunting Song)			Fitzgerald	36
*Juanita (Spanish Melody)		Norton		74
Kaka Toven Kolt A Rucza				419
Kathleen Mavourneen (Ballad)	Crouch			138
Keep In De Middle Ob De Road	Hays	Hays		259
Keep Me From Sinking Down				254
Kerry Dance, The	Molloy			108
Kis Madar Dalol Az Agon	(Mar en nem beszelek nagyon)			394
Kitettek A Holttestet Az Udvarra				414
*Kol Nidre (O Day of God)		Fitzgerald	Fitzgerald	94
Last Rose of Summer, The (Old Irish Air)		Moore		73
Lead Kindly Light	Dykes	Newman		53
Little Annie Rooney	Nolan			316
*Little Brown Church, The	Pitts		Wickett	336
Little Brown Jug				17
Little Jack Horner				21
Little Old Cabin In The Lane	Hays	Hays		154
Lohengrin	See "Bridal Chorus"			
London Bridge				22
*Londonderry Air (Old Irish Air)		Fitzgerald	Fitzgerald	75
*Long Long Ago	Bayly		Fitzgerald	55
Lost Chord, The	Sullivan	Proctor		62
*Love's Lullaby	Scotland	Fitzgerald	Fontaine	269
Love's Old Sweet Song	Molloy	Bingham		112
Lullaby	Emmet			304
Lyuk, Lyuk, Lyuk				411
Maros Vize Folyik Csendeszen				384
Mary and Martha				251
Merry Widow Waltz				
Mikado	See "I Love You So and Vilia"			
Minstrel Boy, The	See "Wandering Minstrel, A"			
*My Faith Looks Up To Thee	Moore (?)	Moore		215
My Heart At Thy Sweet Voice	Mason	Palmer	Armington	250
My Lord What A Morning (Negro Spiritual)	Saint-Saens	(Samson and Delilah)		67
My Old Kentucky Home				32
My Sweetheart's The Man In The Moon	Foster			8
	Thornton	Thornton		343
Nancy Lee	Adams	Weatherly		129
*Nearer My God To Thee	Adams		Wickett	246
Nem Loptom En Eletembe				395
Ninety and Nine	Sankey	Clephane		48
Nobody Knows The Trouble I've Seen (Negro Spiritual)				29
*None But The Lonely Heart	Tschaikowsky	Fitzgerald		93
(Nur Wer Die Sehnsucht Kennt) (Op. 6, No. 6)				
Not E'En Angels—Nicht Mit Engeln	Rubinstein	Stigand		87
(German Lyrics by F. Bodenstedt—from Persian by Mirza-Schaffy)				

Title	Composer	Author	Arranger	NAB No.
*O Come All Ye Faithful	Reading	Oakley	Fitzgerald	52
O Day of God	See "Kol Nidre"			
*O Dem Golden Slippers		Bland	Fitzgerald	207
Oh, Susanna	Foster			5
Oh, Wasn't Dat A Wide Riber				257
Old Black Joe	Foster			64
Old Dan Tucker				403
*Old English Round			Fontaine	4
Old Folks At Home	Foster			6
Old King Cole				11
Old Oaken Bucket, The	Kiallmark			135
One Sweetly Solemn Thought	Ambrose	Carey		51
On The Banks Of The Old Raritan				359
Onward Christian Soldiers	Sullivan (1872)			141
On Wings Of Song	Mendelssohn			72
Pagliacci	See "Vesti La Giubba"			
Palms, The	Faure			340
*Paloma, La	Yradler	Fitzgerald—revised lyrics		165
*Polly Wolly Doodle			Fitzgerald	169
Pop Goes The Weasel				99
*Praise God From Whom All Blessings Flow	Bourgeois	Ken	Fitzgerald	145
Queja, La (Il Lamento)	Vilanova			317
Reuben and Rachel	Gooch	Biech		262
Rigjag Jigjag				261
Ring, Ring De Banjo!	Foster			131
Rock'd In The Cradle Of The Deep	Knight			324
Rock of Ages	Hastings	Toplady		35
Roll, Jordan Roll				256
*Rose Of The Valley, The			Fontaine	152
Samson And Delilah	See "My Heart At Thy Sweet Voice"			
Santa Lucia (Neapolitan Song)				110
Schnick Schnack	Reinecke			211
See The Cook				329
Serenade	Schubert			56
Shew Fly	Campbell	Reeves		267
Silver Threads Among The Gold	Danks	Rexford		270
Sing A Song Of Six-Pence	Elliott			264
Sleep Baby Sleep				103
Sleep, Darling, Sleep (Schlaf, Kindlein, Schlaf)				406
Softly Now The Light Of Day	von Weber	Doane		42
Soldiers' Chorus (Faust)	Gounod			126.66
Solveig's Song	Grieg			111
Songs My Mother Taught Me	Dvorak			12
*Son Of A Gambolier			Fontaine	203
Spanish Cavalier	Hendrickson			263
Star Spangled Banner	Smith	Key	Fitzgerald	120
Steal Away (Spiritual)				30
Still As The Night	Bohm			68
Sweet and Low	Barnby	Tennyson		170
Sweet Evelina				268
*Swing Low Sweet Chariot (Spiritual)			Fitzgerald	33
Tar's Farewell, The	Adams	Burnand		37
This Old Time Religion				258
Temetoben Lattalak Meg				383
Ten Little Injuns	Winner			353
Then You'll Remember Me	Balfe	(Bohemian Girl)		69
*There's A Letter In The Candle	Coote	Clarke	Wickett	295
*There's Music In The Air			Armington	455
*Tooriletoo			Wickett	294
Turn Back Pharoah's Army				252
Uncle Ned	Foster			7
Upidee				148
*Valley Lay Smiling Before Me	Moore		Fontaine	139
Air—The Pretty Girl Milking Her Cow				
Vesti La Giubba (Pagliacci)	Leoncavallo			301
Vilia	Lehar			70
*Vive L'Amour			Fontaine	352
Wait Till The Clouds Roll By		Fulmer	Wood	339
Wandering Minstrel, A (The Mikado)		Gilbert and Sullivan		83
When You And I Were Young, Maggie	Butterfield-Johnson			106
Where Did You Get That Hat?	Sullivan (Joseph)			260
Where Has My Little Dog Gone	(Lauterbach)			26
Whispering Hope	Hawthorne	(Vocal Duet)		54.58

Title	Composer	Author	Arranger	NAB No.
*Yankee Doodle			Fitzgerald	133
*Yield Not To Temptation	Palmer		Wickett	228

LIST NO. 3
PART 2, NAB

Title	Composer	Arranger	NAB No.
Aida	See "Triumphal March"		
*Amelia Waltz		Fontaine	104.28
Angel's Serenade	Braga		235.26
Anitra's Dance (Peer Gynt Suite)	Grieg		116.28
Apache Dance	Offenbach		171.28
*Arkansas Traveler		Fitzgerald	156.28
Artist's Life (Op. 313)	Strauss		166.28
Ase's Death (Peer Gynt Suite) (Op. 46, No. 2)	Grieg		115.28
Ave Maria—Intermezzo (Cavalleria Rusticana)	Mascagni		119.28
Beautiful Blue Danube (On The) (Op. 314)	Strauss		9.28
*Berceuse	Godard	Wickett	76.28
The Campbells Are Coming			161.28
Cavalleria Rusticana (Melodramma in un Atto)	Mascagni		300.
Cavalleria Rusticana	See "Ave Maria"		
Cavatina (Op. 85, No. 3) (Violin & Piano)	Raff		309.26
Consolation (Songs without Words)	Mendelssohn		306.28
Coronation March (Le Prophete)	Meyerbeer		125.28
Devel's Dream			153.28
Du Und Du—You And You (Op. 367) (Die Fledermaus)	Strauss		121.28
Entr'acte Gavotte (Mignon)	Thomas		323.28
Estudiantina (Waltzes)	Waldteufel		149.28
Fisher's Hornpipe—Sailor's Hornpipe			134.28
Fledermaus, Die	See "Du und Du—You and You"		
*Flight Of The Bumble Bee (Tsar Saltan)	Rimsky-Korsakov	Wickett	308.28
Funeral March	Chopin		81.29
Garry Owen			307.28
Gondoliera, La	Liszt		60.28
*Gretchen's Party		Wickett	338.28
Hull's Victory			299.28
Humoresque	Dvorak		92.28
Hungarian Dance No. 5	Brahms		118.28
*Hymn To The Sun	Rimsky-Korsakov	Fontaine	101.28
In The Hall Of The Mountain King (Peer Gynt Suite) (Op. 46, No. 4)	Grieg		117.28
*Irish Washerwoman		Fitzgerald	160.28
Kammenoi-Ostrow	Rubinstein		168.28
Kathinka-Polka (Op. 210)	Strauss		410.26
Largo (Xerxes)	Handel		80.28
Larry O'Gaff			297.28
Liebestraum	Liszt		130.28
Lullaby	Emmet		304.
Lustspiel Overture (Op. 73)	Bela		167.28
*Madrid (Spanish Dance) (Op. 12, No. 1)	Moszkowski	Fontaine	321.28
March (The Magic Flute)	Mozart		123.28
Martha	Von Flotow		298.28
Meditation (Op. 72, No. 5)	Tschaikowsky		319.28
Melody (Op. 18, No. 1)	Moszkowski		348.28
Melody in F	Rubinstein		91.28
Menuet (Op. 14, No. 1)	Paderewski		89.28
Mignon	See "Entr'acte Gavotte"		
Minute Waltz (Op. 64, No. 1)	Chopin		86.28
Miss McLeod's Reel			271.28
Money Musk			356.28
Moonlight Sonata	Beethoven		58.28
Morning (Peer Gynt Suite) (Op. 46, No. 1)	Grieg		114.28
*Orientale	Cui	Wickett	1.28
Over The Waves	Rosas		390.28
Overture To Martha	See "Martha Overture"		
Peer Gynt Suite (See Sub-titles)			
Poems (Op. 41)	Fibich		2.28
Prelude in A ^b (Op. 28, No. 17)	Chopin		59.28

Title	Composer	Arranger	NAB No.
Rickett's Hornpipe			208.28
Romance (Op. 44, No. 1)			305.28
Rory O'Moore			296.28
Rustic Reel			162.28
Rustle Of Spring (Op. 32) (murmurings of Spring)	Sinding		61.28
Schwalben, Die (Op. 208)	Strauss		409.26
Serenade (Op. 15, No. 1)	Moszkowski		347.28
Serenade Badine	Gabriel-Marie		303.28
*Seville (Spanish Dance) (Op. 12, No. 2)	Moszkowski	Fontaine	341.28
Simple Aveu (Op. 25)	Thome		57.28
Skaters, The (Les Patineurs) (Waltz)	Waldteufel		132.28
Soldier's Joy			155.28
Song of India (Sadko)	Rimsky-Korsakov		16.28
Souvenir (1 for piano, 1 for violin)	Drdla		88.26
Spanish Dance See "Madrid" and "Seville"			
Sweetheart Waltz (Zigeunerbaron)	Strauss		122.28
Tales From The Vienna Woods (Op. 325)	Strauss		95.28
Triumphal March (Aida)	Verdi		320.28
*Turkey In The Straw		Wickett	19.28
Under The Double Eagle (March) (Op. 159)	Wagner		78.28
Valse Bleue	Margis		147.28
Vienna March	Clark		408.28
Vinton's Hornpipe			389.28
White Cockade			163.28
William Tell (Overture)	Rossini		113.28
Zigeunerbaron See "Sweetheart Waltz"			

Labor

SUSTAINING PERFORMERS

It is not necessary to pay hill-billies and other performers on sustaining programs, as long as their service is voluntary and they are performing for some benefit to themselves (plugs for dance engagements, personal build-up, etc.).

This was agreed at a conference this week between Wage and Hour Division attorneys and Joseph L. Miller, NAB labor relations director.

Some time ago, Col. Philip B. Fleming, Wage and Hour Administrator, issued a memorandum holding that all performers on sustaining programs, except those on remotes from hotels, were employees of the broadcasting stations and thus entitled to the minimum wage. (NAB REPORTS, p. 4612.)

A few weeks later, after the NAB had explained the situation, Col. Fleming issued another memorandum exempting "public service" program performers. He held that they were not employees. (NAB REPORTS, p. 4687.)

When Mr. Miller explained to the Wage and Hour attorneys this week what a headache it was for the broadcasters to try to keep all the books, set up Social Security accounts, etc., for minimum wage payments to all sustaining performers, the attorneys agreed that those performers need not be paid who:

- (1) Were not customarily paid or were in the category of performers not customarily paid; and
- (2) Whose performances were voluntary; and
- (3) Who derived some benefit (plugs, self-promotion, etc.) from their performances.

The attorneys did not concede that all these performers were not employees of the station. However, they said they would not prosecute any station for failure to pay these performers the minimum wage for the time being. If they did decide these performers should be paid, they said, the industry would be given adequate notice. In this event, they said, no prosecution would be retroactive.

"STUDENT ANNOUNCERS"

Any station employing or contemplating the employment of "student announcers" will be interested in the following exchange of correspondence:

Mr. Joseph L. Miller
Director of Labor Relations
National Association of Broadcasters
Washington, D. C.

DEAR MR. MILLER:

During the summer vacation period we employed a _____ College student as a fill-in announcer, paying him in accordance with the wage and hour schedule. This young man plans to return to college this fall but during his off hours would like to further benefit his announcing technique by filling in at odd times. We do not plan to pay him for his time on duty although we will from time to time give him small gratuities in the way of cigarette money and pocket change. This boy might occasionally take a shift but only very occasionally. He is anxious to continue in the announcing field in the hope that after graduation he may find permanent employment, either here or at some other radio station.

We cannot afford to pay him the minimum wage because we

have a full staff. Actually his employment is to his advantage although it gives us a change of voice at various intervals which is desirable. So far as the boy is concerned he is delighted with the arrangement that we contemplate. On the other hand, some of these days he may be unhappy with it. Naturally we do not want a claim for back wages.

I'd like to have your opinion, and if you think it advisable, I would appreciate your submitting the case to the Wage and Hour Administration for ruling.

Very truly yours,

RADIO STATION —————.

This letter was forwarded to the Wage and Hour Division. The following opinion was received:

DEPARTMENT OF LABOR
Office of the Solicitor
Washington

November 2, 1940.

Mr. Joseph L. Miller
Director of Labor Relations
National Association of Broadcasters
Normandy Building
1626 K Street, N. W.
Washington, D. C.

DEAR MR. MILLER:

Colonel Fleming has asked me to reply to your letter of September 18, 1940, enclosing a communication from a broadcaster member of your association inquiring if a student of a southern college may perform work as a "fill-in announcer" without being subject to the Fair Labor Standards Act. I regret that an earlier reply was not possible. You refer to a letter quoted in the Wage and Hour Reporter, Volume 3, Page 385, of September 9, 1940, to the effect that certain students of schools of journalism are not, under certain conditions, considered to be employees of the newspapers which are cooperating with the schools of journalism in giving practical experience to the students.

It appears from the information contained in the communication attached to your letter that the "fill-in announcer" is taking general academic training at the southern college and is not a member of a school which is preparing him to be a radio announcer. It is therefore our opinion that the letter quoted in the Wage and Hour Reporter to which you refer would not be applicable in the situation presented by you. If the "fill-in announcer" engages in performing actual work for the broadcasting company, it is our opinion that he is an employee under the broad definition of the employer-employee relationship in section 3(d), (e) and (g) of the act.

Very truly yours,

For the Solicitor,

BY /s/ RUFUS G. POOLE,
Rufus G. Poole,
Assistant Solicitor
In Charge of Opinions and Review.

OVERTIME EVASIONS ILLEGAL

Continuing to pay the same salary to workers for a 42-hour week after October 24 is a violation of the Fair Labor Standards Act, even though the employer makes a show of compliance through bookkeeping manipulations, Colonel Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, warned in a statement this week.

On October 24, the standard workweek was reduced to 40 hours, after which overtime at time and one-half the regular rate of pay had to be paid.

Colonel Fleming pointed out the illegality of adopting a bookkeeping rate for the purposes of the overtime provisions of the Wage and Hour Law and a different rate for actual payment.

"The Act requires that overtime must be paid at the rate of time and one-half the 'regular rate' of pay at which the employee is employed," Colonel Fleming said. "Time and one-half must be paid upon the rate at which the employee is actually employed and paid, and not upon a fictitious rate which the employer adopts solely for bookkeeping purposes."

These practices are violations of Section 7 and as such will subject the employer to the penalties prescribed in the Act, Colonel Fleming warned.

National Defense

DEFENSE COMMISSIONER PAYS TRIBUTE TO RADIO

When Miss Harriet Elliott, in charge of the Consumer Protection Division of the National Defense Advisory Commission, returned for a visit to her old home town, Greensboro, N. C., Director Edney Ridge of WBIG, arranged for Miss Elliott to go on the air. This she did on November 3 at 6:30 p. m.

What she said about radio and what it can do for "National Defense in the American Way," is both a tribute to our industry and an appreciation for its vast power for service.

"Here in the United States," said Miss Elliott, "we have freedom of speech, freedom of the press and the airways. Our government does not tell us what to say, what to read or which radio programs we may listen to. We do not need government permits for discussion groups or forums or lectures. We are a free people—free to think and talk and listen as we choose. This freedom is an actual instrument for the preservation of our democracy. Let us exercise it is educating ourselves on the human and political affairs of the day. Let us know the world we live in, and thus defeat confusion and misinformation by intelligence and understanding.

"Energetic and informed public opinion is a bulwark of democracy. Ignorance is a national liability. In time of emergency this weakness becomes a positive menace. Public interest and participation are first essentials in the democratic process.

"Today every channel of public information is striving to keep us informed on important national and international events. The newspapers report and analyze the news of the day, the radio brings us overseas and spot news broadcasts, the newsreels give us eye-witness accounts. They relay to our eyes and ears vivid pictures of world history in the making. We read, look and listen because these are interesting and exciting things.

"But we must also think about these events and their meaning for our present and future well-being as individuals and as a nation. We must discuss them fully,

openly, and calmly in our homes and in our public meeting places, if we are to prepare ourselves to meet their challenge.

"It is indeed fitting that I should be saying these things to you over the radio. Broadcasting, as we know it in the United States, has become a fundamental instrument and privilege of democracy. It is a demonstration of democracy in action. For example, I am speaking to you of my own free will, I am expressing my own ideas—you on the other hand are listening of your own free will. If you disagree with me or if you have heard enough you can turn the dial to another program or flip a little switch on your radio and I am no longer a guest in your home.

"The people of totalitarian nations do not have these privileges. Their radio is government controlled. Their sets are manufactured according to government specifications, and are designed to eliminate all but authorized broadcasts. They cannot get world news by short wave. Their news and information is interpreted for them in accordance with the will of a dictator. Their programs are chosen and planned for them and the people are ordered to listen. Failure to do so is a sign of disloyalty.

"In America the radio has performed a valiant service in helping to educate us in the meaning of democracy, and good citizenship. It has been instrumental in making available to millions of our people the world's best music, song, and dramatic entertainment. It has brought into the homes of America information, diversion and amusement.

"Besides the dissemination of timely news, the presentation of educational and cultural programs, and the offering of entertainment, radio has a definite responsibility in the present emergency to prepare America for total defense. Radio stations can cooperate with local organizations in the promotion and protection of human welfare in the communities they serve. They can encourage broadcasts by dietitians and food experts who can inform us what protective foods to eat and how to prepare them. They can help us develop physical fitness.

"Clear minds function well in strong bodies. We need to know more about body building foods. We should know when they are available and where they are abundant."

Both sides of 7,000 U. S. Mail trucks soon will be displaying National Defense Man Power posters as a tie-in with the work of recruiting skilled workers by the nation's broadcast stations.

It is planned to have posters in position by November 15 for a run of fifteen days. During December they will be replaced with Christmas posters. In January the Man Power posters will be returned to the trucks.

It may interest broadcasters that, where necessary, the Civil Service Commission gives special attention to the

procurement of housing facilities for skilled workers attracted by radio announcements.

When 850 men were put to work at the Rock Island, Ill., Arsenal in the past two months, it was necessary to make a housing survey throughout the Tri-Cities. Mail carriers did the job in fine style. Now 200 more men are needed in machinist and other skilled trades, and a new survey is probable.

Watch for the Tribute to Radio transcription to be mailed next week.

Sales

BUREAU RELEASES NINTH STUDY

"Results from Radio," Volume 1, Number 9, is going out to all members from the Bureau of Radio Advertising. The latest study in the success story series deals with four different sponsors, all of whom used radio effectively to solve their various sales or distribution problems. Included are a flour mill, a drug store, and two department stores. Members who have not yet ordered their supply of these case histories are urged to use the order form which accompanies their sample copy of Trade Study No. 9.

FREE OFFERS

The canned pea industry has apparently discovered radio, if we are to judge by recent activity on the "free offer" front. The Canned Pea Marketing Institute, through Theodore R. Sills & Company, Chicago, is asking stations to broadcast recipes and historical facts about canned peas—all on free time. This is the second offer involving canned peas referred to the Bureau of Radio Advertising by member stations in the past two weeks. The Sills Company is also an old offender, on behalf of other products, and the Bureau has suggested that they pay for time or withdraw their offer.

Shaffer Brennan Margulis Advertising Company, St. Louis, wants stations to act as clearing houses for mail orders and to guarantee results on a per-inquiry basis, for its client, Smith Mother Nature Brooder.

AFA LAUNCHES OFFENSIVE AGAINST ATTACKS ON ADVERTISING

"It is the opinion of leaders in the Advertising Federation that advertising interests should launch an offensive against unscrupulous attacks against advertising, and that advertising has been on the defensive long enough."

This statement was made this week by Paul Garrett, vice president and director of public relations, General Motors Corporation, speaking in his new capacity as chairman of the Board of the Advertising Federation of America.

Continuing, he said:

"We know, of course, that advertising has its shortcomings. It is not all 99 44/100 per cent pure. Some of it might rate a good deal lower from the standpoint of ethics, but some mighty satisfactory progress has been made by organized advertising itself in raising the standards.

"At a meeting of the Federation Board of Directors in New York on Friday last, we took a little time to review the results of the thirty-five years' work by advertising men themselves through the Federation and other organized groups.

"We can well be proud of the housecleaning that has been done when we look back a few years at the conditions as of an earlier date compared with those of the present.

"The astonishing thing is that this broom-sweeping started because of the far-sightedness of those who had their money invested in the advertising business, or their jobs were dependent upon the business of advertising—and they are the ones who took the initiative and pushed the broom.

"Now that a grand job has been done, we find that the unfair criticisms are coming from outside sources—usually with an ulterior motive.

"Advertising leaders are by no means averse to criticism from those who mean to be constructive.

"Businesses with large and small investments in advertising welcome that kind of criticism and will profit by it."

Mr. Garrett stated that the Federation's program this year provides for a strong counter-attack, not only from national headquarters in New York, but from the numerous affiliated Advertising Clubs throughout the country.

The Federation's constructive work in the consumer field was presented in detail by the chairman of the Advisory Council of the Bureau of Research and Education, Allan T. Preyer. Mr. Preyer is vice president of the Vick Chemical Company. The ten-year educational program of the Bureau was reviewed and highly commended by the directors.

President Elon G. Borton told of his visits with Advertising Clubs in the middle west and southwest. He reported that he had personally contacted twenty-five clubs since the Federation's convention last June.

"We don't need to worry about our Advertising Clubs," he said. "They are keenly alert to the problems advertising is facing. They are taking their jobs more seriously than ever before. Many of them are carrying out highly constructive educational activities, both for the benefit of their own members and also with the hope of bringing about a better understanding of the functions of advertising among the consumers. It is my opinion that we can be very proud of the work which these clubs are doing. I know of no Federation club that is not sponsoring some activity for the improvement of advertising and the increasing of public acceptance of advertising."

Edgar Kobak, chairman of the Federation's Finance Committee, and J. A. Welch, Federation treasurer, reported on the finances. The Federation, they stated, is in a healthy financial condition, but both urged stronger support in order that the program might be extended.

Miscellaneous

LONG-TIME RECORDERS

In the October 18 issue of the REPORTS (page 4688), an item appeared to the effect that the Federal Communi-

cations Commission at the instance of the international short-wave broadcasters, had issued an order making mandatory the transcription of all programs carried over such facilities. This order presented to those engaged in international short-wave broadcasting a rather difficult recording problem.

NAB was asked to assemble information on the cost and operating expense of recording equipment that would efficiently and economically do the job. Questionnaires were sent to all concerns known by us to manufacture equipment adaptable to long-time, low cost recording. The problem presented was to get recording equipment for "record purposes only" and not for rebroadcasting. In other words, fidelity transcription was not essential. The records kept are merely for checking and protection purposes. Information with respect to these recording devices, capital outlay and operating costs are in our files and available to any and all broadcasters. It is thought possible that other than international short-wave broadcasters may be interested in this information in considering the advisability of keeping verbatim records of programs broadcast. We shall be very glad to make this information available to any interested members.

INSURANCE COMMITTEE

The NAB Insurance Committee, under the leadership of its Chairman Roger W. Clipp of WFIL, has been active in carrying out the work assigned to it and has issued a confidential questionnaire designed to bring out information concerning the various types of insurance carried by the broadcasting stations. This questionnaire was mailed to each member on October 31 and each member is urged to fill in the questionnaire and return it. It is important that the Committee receive as large a number of these questionnaires, filled out, as possible because the Committee will then have a more complete tabulation of the radio broadcasting insurance risks.

The work to be covered by the Insurance Committee falls under four general classifications and these are:

1. Standardization of rates for various risks.
2. More clearly defined risks as applicable to broadcasters.
3. Establishment of the status of broadcasters for purposes of compensation rates.
4. Making available to broadcasters insurance which covers risks not specifically included in insurance policies that are being written today.

Besides Mr. Clipp, the Insurance Committee has as members, Mr. William I. Moore, WBNX; Charles A. Wall, NBC; C. R. Dean, CBS; J. R. Poppele, MBS.

11TH DISTRICT MEETING

Director Earl Gammons of the 11th District which embraces Minnesota, North Dakota and South Dakota,

has scheduled a District meeting to be held at Minneapolis on Friday, November 15. Pursuant to the policy of having a staff representative present wherever possible at District meetings, President Miller has designated Mr. Arney to attend this meeting.

MORE ABOUT MEMBERSHIP

Just so all members will be up to date, the total membership of NAB is 489. This means that if we are to achieve our goal of 500 members by the first of the year, we have to get new members at the rate of almost two a week. We sincerely urge the cooperation of all of our present members in this objective.

FEDERAL COMMUNICATIONS COMMISSION

MORE FM GRANTS

More than 27,000,000 persons are embraced in the 110,000 square miles of potential service areas of the 15 frequency modulation broadcast stations initially authorized by the FCC to go on a full commercial basis as soon as practical, says the following FCC statement.

Varied geographic regions—from New England to the Pacific Coast and from the Great Lakes to the Gulf—are represented by the 10 states first slated to be able to listen to this newest type of broadcast.

Subject to certain engineering requirements, the following FM applicants are the first to receive Commission grants to go commercial:

Location	Applicant	Frequency (Kc)	Coverage (sq. mi.)	Population
Detroit	Evening News Ass'n	44,500	6,820	2,498,000
Los Angeles	Don Lee Broadcasting System	44,500	6,944	2,600,000
Schenectady	Capital Broadcasting Co., Inc.	44,700	6,589	967,700
New York	Marcus Loew Booking Agency	46,300	8,500	12,000,000
	National Broadcasting Co.	45,100		
	Wm. G. H. Finch Frequency Broadcasting Corp.	45,500 45,900		
Brooklyn, N. Y.				
Evansville, Ind.	Evansville On the Air, Inc.	44,500	8,397	465,000
Mt. Washington, N. H.	Yankee Network	43,900	31,000	2,000,000
Binghamton, N. Y.	Howitt-Wood Radio Co., Inc.	44,900	6,500	256,300
Baton Rouge, La.	Baton Rouge Broadcasting Co.	44,500	8,100	361,400
Columbus, Ohio	WBNS, Inc.	44,500	12,400	1,100,000
Salt Lake City	Radio Service Corp. of Utah	44,700	623	194,000
Chicago	Zenith Radio Corp.	45,100	10,760	4,500,000
Milwaukee	The Journal Co.	45,500	8,540	1,522,000

Some of these stations have been operating experimentally and hope to start commercial operation almost immediately; the rest have construction work to do before going on the air.

Thirty-six additional applications are awaiting early action, the result of a rush of requests for high frequency broadcast facilities since the Commission, last May, paved the way for FM commercialization.

Meanwhile, the Commission is investigating the pos-

sibility of assigning identifying call letters to FM stations to distinguish them from standard broadcast stations.

Under Commission rules and regulations, FM stations are available to every community. They are not subject to the same interference as standard broadcast stations and, therefore, can operate on the same channel with less mileage separation. However, FM stations serving the same area are not assigned adjacent channels. As many as a dozen or more different FM stations using alternate channels may operate in a large metropolitan area.

These high frequency broadcast stations are authorized to serve a specified area in square miles. Service area is comparable in places where one or more such stations may be located. To obviate possible monopoly, and to encourage local initiative, no person or group is permitted to control more than one FM station in the same area, and not more than six in the country as a whole.

At the outset, the Commission is requiring a daily (except Sunday) minimum operating schedule for FM stations of at least three hours during the day and three hours at night. To demonstrate the capabilities of the new service, one hour a day at least must be devoted to programs not duplicated simultaneously in the same area, which means programs distinct from standard broadcast. Otherwise, FM operation is governed largely by standard broadcast rules.

FM (frequency modulation) will not interfere with standard broadcast (amplitude modulation). The two types of services are on different bands—AM in the lower part of the spectrum (550 to 1600 kilocycles), and FM in the higher frequencies (43,000 to 50,000 kilocycles). Introduction of FM does not make standard broadcast obsolete. FM has a more limited range and the rural areas particularly must continue to depend upon AM for years to come.

Because of their different positions in the spectrum, FM can not be received on standard broadcast receivers and vice versa. That is why certain manufacturers are making separate FM sets or a combination of the two. Besides being claimed static-less, FM offers more tone range than standard broadcast and has particular appeal to listeners who like fidelity of sound, such as in musical broadcasts. It also opens up new broadcast facilities to augment the congested standard broadcast band.

FROM THE FCC MAIL BAG (No. 17 of a series)

Various letters referring to discontinuance of broadcasts by the Rev. Charles E. Coughlin have been received by the FCC. In reply to these, the Commission reiterates that the censorship provision of the Communications Act places responsibility for the selection of program material upon the respective licensees, and the Commission cannot require a station to put any individual on the air or take him off the air.

In answering mail prompted by refusal of radio time, the Commission points out that the Act further provides that a broadcast station is not a "common carrier" such as is the telephone and telegraph. Consequently, a radio station is not required to make

its facilities available to a person or group, even though offer is made to purchase time. Unlike common carrier tariffs, broadcast station rates are not required to be filed with the Commission.

Under its statute, the Commission explains that it likewise lacks authority to oblige such current correspondents as:

The Louisville resident who complains about the commercial continuity of a certain tobacco program.

The Cincinnati listener who is apprehensive that particular commercial continuities "might influence children against law and order."

Residents of Lowell, Mass., and Duluth, Minn., who object to advertising liquor on the radio.

Various New Yorkers who request "free speech over the airways for real Americans."

A Baton Rouge, La., group which wants Sunday radio programs confined to religious features.

Detroit protest that radio chains bar certain patriotic music from the air.

The organization that registers indignation because it was not given opportunity to broadcast "an item of news of particular interest to local communities."

And the Connecticut man who is wrathful because his receiver is not functioning properly.

Because the Commission functions largely as a licensing agency, it cannot supply—

A list of stations which issue membership cards to listening clubs, as requested by a Californian.

A list of "approved" radio schools, as requested by a Chicagoan.

A certain radio script, as requested by a New Yorker.

Program schedules, as requested by a Georgian.

By the same token, it is unable to pass judgment upon—

An original radio script written by a Philadelphian.

A device invented by an Ohioan to "revolutionize" radio.

A new patriotic song by an Illinois woman who wants it to open and close all radio programs daily.

Incidentally, Charles (Buddy) Rogers of Beverly Hills, Calif., is among those licensed by the Commission to operate radio aboard private aircraft. His particular call letters are KHBUD.

FCC WORK ASSIGNED

The FCC has announced that the work, business and functions of the Commission for the month of November have been assigned as follows:

Commissioner Thompson: Designated to determine, order, report or otherwise act upon all applications or requests for special temporary standard broadcast authorizations.

Commissioner Payne: Designated to hear and determine, order, certify, report or otherwise act upon: (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including all motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following oral arguments will be held before the Commission during the week beginning Monday, November 11. They are subject to change.

Thursday, November 14

Broadcast

Oral Argument Before the Commission

Report No. B-126:

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

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

FUTURE HEARINGS

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

December 16

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., 630 kc., 1 KW night, 1 KW day, unlimited, DA night and day.

December 18

WMBD—WMBD Broadcasting Co., Assignor, Peoria, Ill.—Voluntary assignment of license of WMBD and portable-mobile stations WAIN, WEKH, WPEO, and WEKI to Peoria Broadcasting Co. (a Delaware Corporation), Assignee; operating on: WMBD—1440 kc., 1 KW night, 5 KW day, unlimited; WAIN—1622, 2058, 2150, 2790 kc., emission A-3, 25 watts night, 25 watts day, Section 4.24; WEKH—1622, 2058, 2150, 2790 kc., emission A-3, 50 watts night, 50 watts day, Section 4.24; WPEO—33380, 35020, 37620, 39820 kc., emission A-3, 1 watt night, 1 watt day, Section 4.24; WEKI—33380, 35020, 37620, 29820 kc., emission A-3, 10 watts night, 10 watts day, Section 4.24.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Because of election there was no regular FCC meeting this week. The next regular meeting will be held Wednesday, November 13.

MISCELLANEOUS ACTION

KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 9:15 to 10 p. m., CST, Nov. 2, in order to broadcast Willkie speech only, using power of 1 KW (B4-S-507).

KGDM—E. F. Peffer, Stockton, Calif.—Granted special temporary authority to broadcast music between election return reports in addition to authority granted Oct. 28, permitting unlimited time operation the night of Nov. 5, in order to broadcast election returns only (B5-S-51).

KPRC—Houston Printing Corp., Houston, Tex.—Granted special temporary authority to operate with power of 5 KW night Nov. 5, in order to broadcast election returns to a larger listening area (B-3-S-408).

- WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to broadcast speeches of candidates for Governorship and Congress in addition to speech by Postmaster General the night of Nov. 2 (B1-S-810). Also granted special temporary authority to operate unlimited time on Nov. 5, in order to broadcast election returns only.
- WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted special temporary authority to operate from 4 to 4:30 p. m., CST, Nov. 3, 10, 17 and 24, in order to broadcast program entitled "America Talks It Over" only (B4-S-946).
- WTSN—Hearst Radio, Inc., Milwaukee, Wis.—Granted special temporary authority to operate with 1 KW power from local sunset (4:30 p. m., CST, Nov.) on Nov. 5, to 6 a. m., CST, Nov. 6, in order to serve greater area for election returns broadcast (B4-S-614).
- WGBH—Onondaga Radio Broadcasting Corp., Portable-Mobile (area of Syracuse, N. Y.).—Granted license to cover construction permit (B1-PRY-225) authorizing a new relay station to operate on 1646, 2090, 2190, 2830 kc., 100 watts (B1-LRY-211).
- WOEG—General Electric Co., Portable-Mobile (area of Schenectady, N. Y.).—Granted license to cover construction permit (B1-PRY-216), which authorized installation of new transmitter; frequencies 1606, 2074, 2102, 2758 kc. (B1-LRY-208).
- WAWU—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover construction permit (B1-PRE-342) which authorized new relay broadcast station; frequencies 31620, 35260, 37340, 39620 kc., power 100 watts (B1-LRE-327).
- Loyola University, Portable-Mobile (area of New Orleans, La.).—Granted construction permit for new relay broadcast station; frequencies 1622, 2058, 2150, 2790 kc., power 100 watts (B3-PRY-230).
- E2XD—General Electric Co., Schenectady, N. Y.—Granted modification of construction permit (B1-PVB-55) as modified, which authorized construction of new television station, for extension of completion date from November 12, 1940, to January 1, 1941; granted on experimental basis only, conditionally (B1-MPVB-27).
- KGKO Broadcasting Co., Portable-Mobile (area of Fort Worth, Tex.).—Granted license for new relay broadcast station; frequencies 1622, 2058, 2150, 2790 kc., power 75 watts (B3-LRY-210).
- WPEO—Peoria Broadcasting Co., Portable-Mobile (area of Peoria, Ill.).—Granted modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRE-65).
- WEKI—Peoria Broadcasting Co., Portable-Mobile (area of Peoria, Ill.).—Granted modification of license to change name of licensee from Peoria Broadcasting Co. to WMBD Broadcasting Co. (B4-MLRE-66).
- KGKO Broadcasting Co., Portable-Mobile (area of Fort Worth, Tex.).—Granted license for new relay broadcast station; frequencies 31220, 35620, 37020, 39260 kc., power 2 watts (B3-LRE-329).
- Racine Broadcasting Corp., Racine, Wis.—Granted construction permit for new relay broadcast station; frequencies 30820, 33740, 35820, 37980 kc., power 10 watts (B4-PRE-355).
- W2XOY—General Electric Co., New Scotland, N. Y.—Granted license to cover construction permit for new high frequency broadcast station, 43200 kc., 1000 watts, special emission, granted on experimental basis only, conditionally (B1-LHB-63).
- WOCB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted license to cover construction permit (B1-P-1140) which authorized a new station to operate on 1210 kc., 250 watts, unlimited time (B1-L-1247).
- WAGF—Dothan Broadcasting Co., Dothan, Ala.—Granted license to cover construction permit (B3-P-2829) which authorized installation of new antenna and move of transmitter (B3-L-1243).
- WEIC—General Electric Co., Portable-Mobile (area of Schenectady, N. Y.).—Granted license to cover construction permit (B1-PRE-346) which authorized increase in power and installation of new transmitter in relay station (B1-LRE-391).
- WEHU—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio).—Granted modification of license to operate a relay broadcast station in connection with standard broadcast station WCLE, Cleveland, Ohio, as well as standard broadcast station WHK, Cleveland (B2-MLRE-69).
- WRPM—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio).—Granted modification of license to operate a relay broadcast station in connection with standard broadcast station WCLE, Cleveland, Ohio, as well as standard broadcast station WHK, Cleveland (B2-MLRE-71).
- WEHV—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio).—Granted modification of license to operate a relay broadcast station in connection with standard broadcast station WCLE, Cleveland, Ohio, as well as standard broadcast station WHK, Cleveland (B2-MLRE-70).
- Amarillo Broadcasting Corp., Portable-Mobile (area of Amarillo, Tex.).—Granted construction permit for new relay broadcast station; frequencies 1622, 2150, 2058, 2790 kc., 21 watts, to be used in connection with applicant's standard broadcast station KFDA, Amarillo (B3-PRY-229).
- WTNK—WOAX, Inc., Portable-Mobile.—Granted license to cover construction permit (B1-PRY-193) for new relay station; frequencies 1622, 2058, 2150, 2790 kc., 50 watts (B1-LRY-195).
- Royal Miller, Portable-Mobile (area of Sacramento, Calif.).—Granted license to cover construction permit (B5-PRE-371) which authorized a new relay station; frequencies 30820, 33740, 35820, 37980 kc., 10 watts, to be used in connection with applicant's standard broadcast station KROY (B5-LRE-328).
- Royal Miller, Portable-Mobile (area of Sacramento, Calif.).—Granted license to cover construction permit (B5-PRE-371) which authorized a new relay station; frequencies 30820, 33740, 35820, 37980 kc., 10 watts, to be used in connection with applicant's standard broadcast station KROY (B5-PRE-371).
- WEHX—United Broadcasting Co., Portable-Mobile (area of Cleveland, Ohio).—Granted modification of license to operate relay station in connection with standard broadcast station WCLE, Cleveland, as well as with standard broadcast station WHK, Cleveland (B2-MLRE-68).
- KFH—Radio Station KFH, Co., Wichita, Kans.—Granted modification of construction permit (B4-P-2462) authorizing increase in power, move of transmitter, etc., for change in type of transmitting equipment and move transmitter from 5 miles east of center of City, near Wichita, to RFD No. 3, Wichita, Kans. (B4-MP-1072).
- WNAB—Harold Thomas, Bridgeport, Conn.—Granted modification of construction permit (B1-P-2410) which authorized a new station for changes in equipment, approval of antenna and transmitter site (B1-MP-1052).
- WCED—The Tri-County Broadcasting Co., DuBois, Pa.—Granted modification of construction permit (B2-P-2665) which authorized a new station for approval of antenna, new transmitter, and studio and transmitter site at 80 No. Park Place, DuBois, Pa. (B2-MP-1054).
- W2XOR—Bamberger Broadcasting Service, Inc., New York City.—Granted license to cover construction permit (B1-PHB-281), which authorized installation of new transmitter, antenna changes and move of transmitter (B1-LHB-66).
- WEIE—Havens & Martin, Inc., Portable-Mobile, area of Richmond, Va.—Granted construction permit to change type of transmitter and decrease power in relay station from 25 to 2 watts (B3-PRE-373).
- WBML—Middle Georgia Broadcasting Co., Macon, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).
- WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).
- WOCB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).
- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-527).
- WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted construction permit to make changes in directional antenna system (B2-P-2992).
- WAJR—West Va. Radio Corp., Morgantown, W. Va.—Granted modification of construction permit (B2-P-2871) as modified, which authorized construction of a new broadcast station for change in type of transmitter (B2-MP-1091).
- WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit (B1-P-243) as modified, which authorized increase in power and installa-

- tion of directional antenna for night use, for extension of completion date from November 5 to December 5, 1940; 950 kc., 5 KW, unlimited time (B1-MP-1090).
- WBLJ—Dalton Broadcasting Corp., Dalton, Ga.—Granted modification of construction permit (B3-P-2776), which authorized a new broadcast station, for change in type of transmitting equipment.
- WVO—Greater New York Broadcasting Corp., New York City.—Granted modification of construction permit (B1-P-2752) for authority to change type of transmitter (B1-MP-1070).
- WMVA—Martinsville Broadcasting Co., Martinsville, Va.—Granted modification of construction permit (B2-P-2226), which authorized a new station to operate on 1420 kc., 100 watts night, 250 watts local sunset, unlimited time, for changes in antenna system, move of transmitter locally, extend commencement date to 30 days after grant and completion date to 90 days thereafter (B2-MP-1075).
- WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted reinstatement of construction permit to install one new transmitter, make changes in directional antenna system, increase power from 1 KW unlimited time, to 5 KW local sunset, 1 KW night, and move transmitter to Belleville Turnpike, Kearny, N. J. (B1-P-2601), which was granted February 7, 1940, and which authorized commencement of construction on May 7, 1940. The permit expired under the terms thereof on October 7th; construction has been completed but proof of performance measurements extended over a greater period of time than was anticipated (B1-P-2996).
- Voice of Alabama, Inc.—Granted petition to intervene in the hearing on the application for renewal of license for station WAPI, Birmingham Ala.
- Mohawk Radio, Inc., Schenectady, N. Y.—Granted motion to accept amendment with regard to corporate structure of applicant corporation, in re application for construction permit for new station to operate on 1210 kc., 250 watts, unlimited time.
- WHCU—Cornell University, Ithaca, N. Y.—Granted special temporary authority to operate from 6 p. m. November 5 to 4 a. m. EST, November 6, 1940, in order to broadcast election returns only.
- WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate from 8:15 p. m. to 9:30 p. m. EST, November 2, 1940, in order to broadcast a speech by Postmaster General Walker only.
- WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted special temporary authority to operate from 4 p. m. November 5 to 3 a. m., CST, November 6, 1940, in order to broadcast election returns interspersed with music. Also granted special temporary authority to operate from 4 p. m. to 10 p. m. CST, November 6, 1940, in order to broadcast speech by Ambassador Biddle and other material in connection with Paderewski Celebration.
- WHLA—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted special temporary authority to operate from local sunset (November 5 p. m. EST) to midnight EST, November 5, 1940, in order to broadcast election returns only, using power of 250 watts.
- WICA—WICA, Inc., Ashtabula, Ohio.—Granted special temporary authority to operate from 5 p. m. to 6 p. m. EST, November 3, 10, 17, 24, and December 1, 1940, in order to broadcast Father Justyn's Rosary Hour only.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 6 p. m. to 6:15 p. m. EST, November 3, 1940, in order to broadcast a speech by Mrs. Anthony Drexel Biddle only. Also granted special temporary authority to operate from 5 p. m. to 6 p. m. EST, November 3, 10, and 17, 1940, in order to broadcast the "Rosary Hour" only.
- WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Granted special temporary authority to operate from 1 a. m. to 6 a. m. CST, November 6, 1940, in order to broadcast election returns and fill-in music only.
- WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted special temporary authority to operate from 8 p. m. to 9:30 p. m. EST, October 31, 1940, in order to broadcast a political program only.
- KFBI—The Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 11 to 12 p. m. CST, November 4, in order to broadcast Republican National Committee program only (B4-S-507).
- KNET—Palestine B/c Association, Palestine, Texas.—Granted special temporary authority to operate from 5:30 to 11 p. m., CST, November 1, 8, 15, 22, and 28, in order to broadcast Palestine High School football games only (B3-S-878).
- KOAM—The Pittsburgh Broadcasting Co., Inc., Pittsburgh, Kans.—Granted special temporary authority to operate from local sunset (November 5:15 p. m. CST) November 5 to 2 a. m. CST, November 6, in order to broadcast election returns, recordings and transcriptions (B4-S-943).
- KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously with station KEVR from 8 p. m. November 5 to 1 a. m. November 6, in order to broadcast election returns only (B5-S-56).
- KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from local sunset (November 5 p. m. PST), November 5, 1940, to 6 a. m. CST, November 6, 1940, in order to broadcast election returns only (B5-S-896).
- WEJI-WEJL—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to communicate between the public address system booth in Madison Square Garden, and the announcer on the floor of the arena for the period November 7 to 13, in order to transmit close-up descriptive information concerning the annual National Horse Show to the audience.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WBRB from 7:30 to 9:30 p. m. EST, November 1, in order to broadcast Democratic Rally sponsored by the Westchester County Trade Unions Committee only (B1-S-726).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10:45 p. m. to 11 p. m. EST, November 1, 1940, in order to broadcast program sponsored by the National Democratic Committee only. Also granted special temporary authority to operate from 5:45 p. m. to 6 p. m. EST, November 3, 10, 17, and 24, 1940, in order to broadcast the Rosary Hour only. Also granted special temporary authority to operate from 9 p. m. to 9:30 p. m. EST, November 3, 1940, in order to broadcast a program sponsored by the French-American Republican Club only.
- WFNC—Cumberland Broadcasting Co., Fayetteville, N. C.—Granted special temporary authority to operate throughout the night of November 5, in order to broadcast election returns only (B3-S-1070).
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 9:30 p. m. EST, to conclusion of speech by Senator Davis on November 2, in order to broadcast the speech only.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with WOSU from 8 p. m. to 12 p. m. EST, November 4, in order to broadcast political programs as described in telegram received October 30th only (B2-S-306).
- WSBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with WOSU from 7 to 11 p. m. EST, November 1 and 2, in order to broadcast political programs as described in telegram received October 31.
- WLAW—Hildreth & Rogers, Lawrence, Mass.—Granted special temporary authority to operate from 1 to 4 a. m. EST, November 6, and to broadcast recordings and transcriptions between election returns reports in addition to authority granted October 28, to operate from local sunset November 5 to 1 a. m. EST, November 6, in order to broadcast election returns only (B1-S-953).
- WRUL-WRUW—World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate on frequency 15250 kc. for the period Nov. 1 to Nov. 10, pending installation of crystal for change over to 15350 kc.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7:45 to 8 p. m., November 1, in order to broadcast program sponsored by David I. Walsh and from 10:45 to 11 p. m. November 2, and 8:30 to 8:45 p. m. EST, November 4, in order to broadcast programs sponsored by Massachusetts Democratic Committee only (B1-S-886). Also granted authority to operate from 10:15 to 11 p. m. EST, November 2, in order to broadcast programs Massachusetts and National Democratic Committee as described in letter of October 28; and to operate from 10 to 11 p. m. November 1 and from 7 to 8 p. m. EST, November 3, in order to broadcast political programs as described in letter of October 30.

- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Adopted Findings of Fact and Conclusions (No. B-123), and entered Final Order denying the application of KFIO for construction permit requesting authority to install a new transmitter, new antenna, and change frequency from 1120 to 950 kc., and increase power from 100 watts daytime only to 1 KW unlimited time.
- WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted special temporary authority to broadcast commercial announcements between election result bulletins at 15-minute periods in addition to the authority granted Oct. 28 permitting operation from 10 p. m., Nov. 5, until trend of election is established (B4-S-682).
- KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Granted special temporary authority to operate from 6:45 to 7 p. m., CST, Nov. 3, using 1 KW power, in order to broadcast program sponsored by Committee to Uphold Constitutional Government only (B4-S-507).
- WKPA—Allegheny-Kiski Broadcasting Co., New Kensington, Pa.—Granted special temporary authority to operate from 5 p. m., Nov. 5, to 3 a. m., EST, Nov. 6, in order to broadcast election returns only.
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate the equipment of international broadcast station WLWO with power input to the final stage of 100 KW, for the period not to exceed 30 days, in order to obtain data requested in connection with application B2-MLIB-40.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7 to 7:15 p. m., EST, Nov. 2, in order to broadcast Willkie volunteer program only (B1-S-866). Also to operate from 7:15 to 7:30 p. m., on Nov. 2, in order to broadcast Paul Dever Campaign Committee program only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 11:15 p. m. to midnight, EST, Nov. 2, in order to broadcast Willkie political program only (B1-S-866).
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 10 p. m. to midnight, Nov. 4, in order to broadcast President's addresses, and from 6:30 p. m., Nov. 5, to 2 a. m., EST, Nov. 6, in order to broadcast election returns only (B1-S-748).
- WWJ—The Evening News Association, Detroit, Mich.—Granted special temporary authority to operate with power of 5000 watts the night of Nov. 5, in order to permit greater coverage for election returns broadcast (B2-S-315).
- WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Denied special temporary authority to operate from local sunset (Nov. 4:30 p. m., EST), Nov. 5, to local sunrise (Nov. 6:45 a. m., EST), Nov. 6, in order to broadcast election returns and fill-in programs (B1-S-1055).
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7 p. m. to 7:15 p. m., EST, November 4, 1940, in order to broadcast a political speech by Larson E. Cusick only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 7 p. m. to 7:15 p. m., EST, November 4, 1940, in order to broadcast a political speech by Patrick A. Doyle, Democratic candidate for Congress, only.
- WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m., EST), November 5, 1940, to 6 a. m., EST, November 6, 1940, in order to broadcast election returns only.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 8:45 p. m. to 9 p. m., EST, November 4, 1940, in order to broadcast Chicopee City Manager League program only.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to broadcast incidental recordings and transcribed musical programs during the intervals between election bulletins in addition to the authority granted October 28, 1940, to operate additional time in order to broadcast election returns only.
- KGLO—Mason City Globe Gazette Co., Mason City, Iowa; KGCA—Charles Walter Greenley, Decorah, Iowa; KWLC—Luther College, Decorah, Iowa.—Adopted final order (No. B-120) denying renewal of license of station KGCA; denying without prejudice renewal of license of station KWLC; granting construction permit to station KGLO to install new transmitter, directional antenna for night use, change frequency from 1210 to 1270 kc., and increase power from 100 watts night, 250 watts LS, to 1 KW, unlimited time.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Denied extension of special temporary authority to operate unlimited time on 1180 kc., with power of 5 KW day and 1 KW night, for the period November 8 to December 3, 1940, in order to broadcast programs of public interest, convenience and necessity, pending allocation of new facilities.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted extension of special temporary authority to operate unlimited time on 1180 kc., with 5 KW power day and 1 KW night, for the period November 4 to November 7, 1940, only, in order to broadcast programs of public interest, convenience and necessity, pending allocation of new facilities.
- 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, November 16, 1940, in order to broadcast Luther College vs. Loras College football game only (provided KGCA remains silent).
- WMAM—M & M Broadcasting Co., Marinette, Wis.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m. and Dec. 4:15 p. m., CST), November 10, 16, 23, and Dec. 1, to the conclusion of football games and an additional 15 minutes in order to broadcast games, statistics of games and other scores.
- WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted special temporary authority to operate from 7:15 p. m. to 8:45 p. m., EST, Nov. 8, in order to broadcast a high school football game only.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from LS (Nov. 5 p. m., EST), Nov. 5, to 4 a. m., Nov. 6, in order to broadcast election returns, recordings, and transcriptions, with power of 1 KW, using transmitter described in modified construction permit instead of operation as authorized in grants of October 9 and 28.
- WTAB—Illinois Broadcasting Corp., Quincy, Ill.—Granted special temporary authority to operate from 4:45 p. m., Nov. 5, to 2 a. m., CST, Nov. 6, in order to broadcast election returns only.
- WHLN—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted special temporary authority to operate from midnight, Nov. 5, to 2 a. m., EST, Nov. 6, in addition to the authority granted Oct. 31, in order to broadcast election returns only, using power of 250 watts.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WBRB from 12 midnight November 5 to 3 a. m., EST, November 6, in order to broadcast election returns only.
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—To operate simultaneously with station WFAS from 12 midnight November 5 to 3 a. m., EST, November 6, in order to broadcast election returns only.
- KSAL—KSAL, Inc., Salina, Kans.—Granted special temporary authority to operate with power of 1 KW directional antenna from local sunset (November 5:15 p. m. CST), November 5 to 6 a. m. CST, November 6, in order to broadcast election returns to a greater audience.
- WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to broadcast CBS network programs and commercial announcements in addition to the authority granted October 28 to operate from 8:30 p. m. November 5 to 1 a. m. EST, November 6, in order to broadcast election returns only and the authority granted November 4 to broadcast incidental recorded and transcribed musical programs during intervals between election bulletins.
- KOAM—The Pittsburgh Broadcasting Co., Inc., Pittsburgh, Kans.—Granted special temporary authority to broadcast NBC Network and local live talent and commercial announcements in addition to authority granted October 31, to operate from local sunset November 5 to 2 a. m. EST, November 6, in order to broadcast election returns, recordings and transcriptions.
- WLAW—Hildreth & Rogers, Lawrence, Mass.—Granted special temporary authority to broadcast local live talent and commercial announcements in addition to recordings, transcriptions and election returns as authorized by grants November 1 and October 28 for November 5 and 6.
- KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted special temporary authority to operate with power of 5 KW

from 4:30 p. m. November 5 to 7:15 a. m. PST, November 6, in order to serve a larger area.

W2XWV—Allen B. DuMont Labs., Inc., New York City.—Granted extension of special temporary authority to operate a 50-watt television transmitter on frequencies 60000-86000 kc., at 515 Madison Ave., New York City, for the period November 10 to December 9, in order to conduct field tests.

WSTV—The Valley Broadcasting Co., Steubenville, Ohio.—Granted special temporary authority to operate from midnight, EST, November 5, to 6 a. m., EST, November 6, in order to broadcast election returns and sustaining musical programs only.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from midnight November 5 to 2 a. m., CST, November 6, in order to broadcast election returns only (provided WNAD remains silent).

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted license to cover construction permit which authorized changes in directional antenna and increase in power to 5 KW; 620 kc., specified hours, directional antenna at night (B3-L-1245). Also granted authority to determine operating power by direct measurement of antenna input. (B3-Z-512).

KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted authority to install automatic frequency control equipment (B4-F-154).

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted license to cover construction permit which authorized installation of new auxiliary transmitter and increase in power to 1 KW; for emergency use only; directional antenna day and night; 1350 kc. (B2-L-1262). Also granted authority to determine operating power by direct measurement of antenna input (B2-Z-530). Also granted authority to determine operating power (auxiliary transmitter) by direct measurement of antenna power (B2-Z-531).

WAGF—John T. Hubbard, Julian C. Smith, & Fred C. Moseley, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-526).

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-529).

APPLICATIONS FILED AT FCC

570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Construction permit to install directional antenna for night use, increase power from 500 watts night, 1 KW day to 1 KW day and night; make changes in specified hours to specified hours day, unlimited time night (simultaneous WOSU after sunset). Amended: To install new transmitter, make changes in proposed directional antenna system, request power of 5 KW, using directional antenna night only, and request unlimited hours, facilities of WOSU.

590 Kilocycles

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Authority to determine operating power by direct measurement of antenna power.

620 Kilocycles

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Authority to determine operating power by direct measurement of antenna power.

630 Kilocycles

KXOK—Star-Times Publishing Co., St. Louis Mo.—Authority to determine operating power by direct measurement of antenna power.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—License to cover construction permit (B4-P-2323) as modified, for new transmitter, changes in directional antenna for day and night use, change frequency, increase power and move transmitter.

710 Kilocycles

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Modification of construction permit (B5-P-2437) for authority to install new transmitter and directional antenna, increase power and move of transmitter, further requesting increase

in power from 10 to 50 KW, changes in directional antenna system, and new transmitter, extension of completion date 180 days after grant.

900 Kilocycles

WLBL—State of Wisconsin, Department of Agriculture, Stevens Point, Wisc.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

KPHO—M. C. Reese, Phoenix, Arizona.—License to cover construction permit (B5-P-2182) as modified, for a new station.

KPHO—M. C. Reese, Phoenix, Arizona.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WJW—WJW, Inc., Akron, Ohio.—Authority to determine operating power by direct measurement of antenna power.

1220 Kilocycles

WGNV—WGNV Broadcasting Co., Inc., Newburgh, N. Y.—License to cover construction permit (B1-P-2968) to install new transmitter.

1250 Kilocycles

WGBF—Evansville On The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-P-2321) as modified, for new transmitter and directional antenna for night use, change of frequency, increase in power, change hours of operation and move transmitter.

WGBF—Evansville On The Air, Inc., Evansville, Ind.—Authority to determine operating power by direct measurement of antenna power.

1270 Kilocycles

KWLC—Luther College, Decorah, Iowa.—Construction permit to change frequency from 1270 to 1210 kc., power from 100 to 250 watts, hours from daytime, share KGCA to daytime, install new transmitter and move transmitter.

1310 Kilocycles

WSAJ—Grove City College, Grove City, Pa.—Authority to determine operating power by direct measurement of antenna power.

1370 Kilocycles

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

WISE—Radio Station WISE, Inc., Asheville, N. C.—Authority to determine operating power by direct measurement of antenna power.

1400 Kilocycles

NEW—Richard Field Lewis, Jr., Winchester, Va.—Construction permit for a new broadcast station to be operated on 1370 kc., 250 watts, unlimited time, Class IV station (requesting 1400 kc. under N.A.R.A.).

1420 Kilocycles

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Construction permit to change frequency from 1420 to 1220 kc. (under N.A.R.A.); increase power from 250 watts to 50 KW; move transmitter from Detroit to near Plymouth, Michigan; install new equipment and directional antenna for day and night use; requests Class II station. Amended to change name from Michigan Broadcasting Co. to John L. Booth Broadcasting, Inc.

NEW—R. G. LeTourneau, Toccoa, Ga.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. Amended to change requested transmitter site.

1450 Kilocycles

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—License to use old RCA 250-watt transmitter as an auxiliary transmitter, using 250 watts power.

1490 Kilocycles

NEW—Monroe B. England, North Adams, Mass.—Construction permit for a new broadcast station to be operated on **1500 kc.** (1490 kc. under N.A.R.A.), (Class IV station), 250 watts, unlimited time.

1500 Kilocycles

KOMB—MSB Broadcast Co., Omaha, Nebr.—Modification of construction permit (B4-P-2697) for a new station, requesting approval of antenna, new transmitter, and approval of studio and transmitter sites. Amended re engineering data and geographic location.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Authority to determine operating power by direct measurement of antenna power.

FM APPLICATIONS

NEW—WGN, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station to be operated on **44300 kc.**; coverage, 16,822 square miles; population, 6,344,983. Amended to change frequency to **45100 kc.**; coverage to 12,855 square miles; population to 5,359,556, and change location and make changes in antenna.

NEW—Rockford Broadcasters, Inc., Rockford, Ill.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.**; coverage, 6,000 square miles; population, 394,500.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for a new high frequency broadcast station to be operated on **43100 kc.**; coverage, 15,642 square miles; population, 2,168,091. Amended to change frequency to **45500 kc.**, coverage to 8,540 square miles; population to 1,522,544, change type of transmitter and make changes in antenna.

NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **45500 kc.**; coverage, 3,960 square miles; population, 11,010,372.

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.

Continental Silver Company—John Maricak, trading under the name Continental Silver Company of America, Charlevoix Building, Detroit, is charged in a complaint with misrepresentation.

The complaint alleges that the respondent, in order to sell premium cards, tableware, silverware and other materials, distributed by him, enters into a form of agreement with retail merchants who are contacted by the respondent's selling agents. The form of agreement, the complaint continues, provides that the respondent is to furnish participating retail merchants with various display posters, circulars, redemption catalogs and other advertisements to be used by them, in a sales stimulator plan.

According to the complaint, the respondent alleges that he is a representative of, or is connected with, or is putting into effect an advertising campaign for, Wm. A. Rogers, Limited, Oneida, Ltd., Successor of Sherrill, New York, manufacturers of tableware and silverware, and that he will redeem without cost, in designated items of merchandise, such premium cards as are forwarded to him in specified numbers by the merchants' customers, and that he will refund to the retail merchant the entire purchase price of such premium cards after a designated number of the cards has been sent in by the merchant's customers for redemption.

The complaint charges that these representations are false and misleading, and that the respondent is not in any manner con-

nected with Wm. A. Rogers, Limited, Oneida, Ltd., Successor, nor does he refund to participating retail merchants the entire purchase price of the premium cards after a designated number of them has been sent to him for redemption. The complaint further alleges that retail merchants cannot participate in the plan and obtain the premium cards, display or exhibit sets and the premiums for their customers without cost to them. (4369)

Golding Brothers Company, Inc., 316 Broadway, New York City, engaged in the manufacture and sale of cloth fabrics, is charged in a complaint with misrepresentation of certain of its products.

In circulars and other printed matter, and on labels distributed in the various States, the complaint charges, the respondent represented that the color or dye of certain fabrics will not change in shade or stain after having been wet or dampened with perspiration.

In truth, the complaint continues, the colors of the respondent's fabrics represented as being "Perspiration Proof" are not impervious to perspiration and will change in shade of color and fade and stain after having been wet or dampened with perspiration. (4365)

Keller Company—See Sorbol Company.

Republic Yeast Corporation, 740 Frelinghuysen Ave., Newark, N. J., is charged with price discrimination in violation of the Robinson-Patman Act, in a complaint.

In the sale of baker's yeast, the respondent is alleged to discriminate in price between different purchasers of its product of like grade and quality by giving and allowing some purchasers of baker's yeast used in the manufacture of bread and allied products, different prices than given or allowed other purchasers competitively engaged with the favored purchasers in the sale of bread and allied products.

Among the methods used by the respondent in accomplishing the discrimination, the complaint alleges, has been a pricing policy under which its product has been sold to customers competitively engaged, in approximately equivalent quantities and at concurrent periods of time at prices of 10, 11, 12, 13 and 14 cents a pound.

Further discrimination in price between different competing purchasers is brought about, the complaint alleges, as a result of the respondent making delivery of large quantities of baker's yeast to some purchasers free of charge, thereby reducing the cost of the yeast as purchased by these favored customers, while at the same time not furnishing such additional free yeast to other purchasers competitively engaged with the favored customers and paying the same price per pound.

In accomplishing this discrimination the respondent, according to the complaint, has made such deliveries of yeast ranging in amount per customer from 20 to 1121 pounds a month.

In the case of some of such deliveries, the complaint alleges, the cost of yeast has been reduced to favored purchasers in this manner: One customer purchasing 247 pounds of yeast at 12 cents a pound received 316 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 5.2 cents; another customer purchasing 1554 pounds of yeast at 10 cents a pound received 1121 additional pounds of yeast free of charge, reducing the cost per pound of yeast actually purchased to 5.8 cents. In other instances, the complaint continues, a purchaser of 78 pounds at 12 cents a pound got a reduction to 3.4 cents a pound, and another buying 158½ pounds at 11 cents a pound, obtained a reduction to 4.2 cents a pound.

At the time of these free deliveries, the complaint continues, the respondent sold yeast to other of its customers competitively engaged with those receiving free deliveries of yeast at prices of 10, 11 and 12 cents a pound, and did not accompany such sales with deliveries of free yeast. (4367)

Simmon's Cut Rate Drug Store—Alleging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against Carl D. Bates, trading as Simmon's Cut Rate Drug Store, Canandaigua, N. Y.

The complaint charges the respondent with disseminating advertisements through the mails and by other means in commerce in which it is alleged the respondent represents, directly and by implication, that its preparation designated as "Mrs. Bee Femo Caps," and also as "Femo Caps" and as "Bee Caps," constitutes

a safe, competent and effective treatment for delayed, unnatural and suppressed menstruation.

According to the complaint, the respondent's preparation is not a competent or effective treatment for these conditions 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 complaint further charges that the advertisements disseminated by the respondent constitute false advertisements in that they fail to reveal that use of the preparation under such conditions 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. (4366)

Sorbol Company—Charles Keller, doing business as Sorbol Company and as Keller Company, Mechanicsburg, Ohio, engaged in the selling and distribution of two medicinal preparations, is charged in a complaint with misrepresentation.

The complaint alleges that in advertisements in newspapers, periodicals, and other printed matter, the respondent has represented that the preparation known as "Sorbol-Quadruple" constitutes a cure or remedy for simple goiter; possesses substantial therapeutic value in the treatment of such conditions, and is entirely safe and harmless; and that the preparation "Bukets" eliminates excess acid and waste from the body and thereby constitutes a remedy for rheumatic pains, backache and leg pains.

The complaint alleges that rheumatic pains, backache and leg pains are not generally due to the presence in the body of excess acid or waste, as represented by the respondent; that "Bukets" even in those cases where such conditions may be due to excess acid or waste, is of no substantial value in eliminating such excess acid or waste, and that the preparation possesses no therapeutic value in excess of that of a mild diuretic.

The complaint also alleges that "Sorbol-Quadruple" is neither a remedy for, nor possesses substantial therapeutic value in treating goiter; nor is it safe or harmless in all cases as it contains the drug potassium iodide in a quantity sufficient to cause injury to health if taken under certain conditions.

The advertisements disseminated by the respondent, the complaint charges, contain neither a statement to the effect that "Sorbol-Quadruple" should not be used by persons having goiter other than simple goiter, or by persons having tuberculosis, nor a cautionary statement to the effect that the preparation should be used only as directed on the label.

Consequently, the complaint alleges, the respondent's advertisements of "Sorbol-Quadruple" constitute false advertisements in that they fail to reveal that use of the preparation under conditions prescribed in the advertisements or under customary or usual conditions, may result in injury to health. (4368)

U. S. Drug & Sales Company—Misleading representation in the sale of a medicinal preparation is alleged in a complaint issued against Edwin L. Leisenring, trading as U. S. Drug & Sales Company, U. S. Drug Laboratories, and U. S. Drug Company, and against Gordon Leisenring, both of 1534 Lawrence St., Denver.

The complaint charges the respondents with disseminating advertisements through the mails and by other means in commerce in which they represented, directly and by implication, that their preparation "Alcoban" is a competent and effective treatment for alcoholism which removes the desire for alcoholic stimulants and is safe and harmless.

The preparation "Alcoban," according to the complaint, will not accomplish the results claimed and is not safe or harmless as it contains certain drugs in quantities sufficient to cause serious injury to health if used under conditions prescribed in the respondents' advertisements or under customary or usual conditions.

The complaint further charges that the advertisements disseminated by the respondents constitute false advertisements in that they fail to reveal that use of their preparation under such conditions may cause serious injury to the nerves, tissues and lungs, and may produce toxic conditions in the body.

Upon petition of the Commission, the respondents were restrained recently by the U. S. District Court for the District of Colorado, in a consent decree, from disseminating certain advertisements relative to their preparation pending the Commission's issuance of a complaint and its final disposition under Commission procedure. (4364)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Hair and Felt Company and **Clinton Carpet Company**, both located at 222 West North Bank Drive, Chicago, have been ordered to cease and desist from certain misrepresentations concerning their products. American Hair and Felt Company is engaged in the manufacture and distribution of rug cushions. Clinton Carpet Company is engaged in the sale and distribution of rug cushions manufactured by the respondent American Hair and Felt Company. Clinton Carpet Company is a subsidiary of the respondent American Hair and Felt Company.

The Commission finds that the respondents, in promoting the sale of cushions sold under the trade name "Ozite," have caused to be published in magazines, trade journals and in other printed matter certain representations, among which are:

"Age or dry air causes jute to disintegrate into a fine powder in a short time while moist air makes it pack into a hard mass. Thus jute pads pack down and form lumps, and actually make rugs wear out sooner!"

By use of such representations, the Commission finds, the respondents have represented that rug cushions composed of materials other than hair will not serve the customary and ordinary purposes for which they are intended and used. They have also represented that their "Ozite" cushions are composed entirely of hair.

The Commission finds that any cushioning material, even paper, will serve some useful purpose as a rug cushion and that jute and hair mixed pads will prolong the life of rugs under which they are placed and otherwise serve the purposes for which they are intended and used.

The respondents are ordered to cease and desist from representing that jute, or jute and hair, rug cushions will cause rugs to wear out sooner than if no cushion whatever is used; or that only cushions made of hair are useful as rug cushions; or that jute, or jute and hair, rug cushions will not serve the usual and ordinary purposes for which rug cushions are intended and used. The respondents are also ordered to cease using the term "All Hair" or any other term of similar import to refer to the rug cushion now sold by them under the name "Ozite," whether sold under that name or any other trade name, unless there appears in immediate connection or conjunction with such a term a complete and equally conspicuous statement disclosing the presence in the cushion of a reinforcing center of burlap or jute. (3822)

Clinton Carpet Company—See American Hair & Felt Company.

Electrolysis Associates, Inc.—An order has been issued vacating the stipulation and findings as to the facts and the order to cease and desist recently issued against Electrolysis Associates, Inc., and Louis Zinberg, an officer of the corporation, trading as Beautiderm Company, 1451 Broadway, New York. The order had directed the respondents to cease and desist from certain representations in the sale of "Beautiderm Midget," a device recommended for use in the electrolytic removal of hair. This action was taken because the Commission had reason to believe that the respondents did not fully understand the character of the stipulation executed by them. The case has been remanded to the Commission's trial calendar and hearings will be held in due course. (4144)

Maf Hat Works, Inc.—An order has been issued directing Maf Hat Works, Inc., a corporation trading under its own name and also as New System Hat Manufacturing Company, and Alex Milder, individually and as an officer of the corporation, all of 102 Murray St., Newark, N. J., to cease and desist from misrepresentations in the sale and distribution of hats.

The order directs the respondents to cease representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The order further prohibits the representation that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials, by failure to stamp on the

sweat bands in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The order provides further that if sweat bands are not affixed to the hats then the stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (1897)

New System Hat Mfg. Company—See Maf Hat Works, Inc.

Parr Sales Company—An order has been issued directing Mitchell F. Brice, trading as Parr Sales Company, Vidalia, Ga., to cease and desist from violation of the brokerage provision of the Robinson-Patman Act in the sale of merchandise, particularly foodstuffs.

Commission findings are that the Parr Sales Company is a brokerage firm owned by the respondent Brice and Francis K. Graham; that Tanner-Brice Company, Inc., of Vidalia, Ga., engaged in a general wholesale merchandising business, places orders for a substantial portion of its requirements in merchandise, particularly foodstuffs, with sellers through Parr Sales Company, and that in the course of such buying and selling transactions the sellers have paid Parr Sales Company brokerage fees or commissions amounting to a certain percentage, usually from $2\frac{1}{2}$ to 5 per cent of the sales prices of such purchases.

The findings continue that since June 19, 1936, and while the respondent Mitchell F. Brice owned and controlled 83 per cent of the outstanding capital stock and actively managed the business of Tanner-Brice Company, Inc., sellers have paid brokerage fees and commissions to, and they have been received by, the Parr Sales Company upon the purchases of Tanner-Brice Company, Inc., in substantial amounts.

In all such transactions, the findings continue, the respondent Brice has been the agent and acted in fact for, and in behalf of, the Tanner-Brice Company, Inc. A substantial amount of such brokerage fees and commissions received by Parr Sales Company, according to findings, has been paid to Francis K. Graham as compensation for his services in his respective capacities as an employee of various enterprises owned and controlled by the respondent Brice.

The Commission order directs the respondent Brice, individually and trading under the firm name of Parr Sales Company, to cease and desist from accepting from sellers, directly or indirectly on purchases of commodities of the Tanner-Brice Company, Inc., any brokerage fees or commissions or any allowance or discount in lieu of brokerage in whatever manner or form they may be offered, allowed, granted, paid or transmitted. The order also directs the respondent to cease and desist from accepting from sellers in any manner or form, directly or indirectly, anything of value as a commission, brokerage or other compensation or any allowance or discount in lieu thereof upon purchases of commodities made for the respondent's own account. (4233)

STIPULATIONS

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

Casa Anna—Gaetano Andronaco and Anna Andronaco, trading as Casa Anna, 545 Fifth Avenue, New York City, engaged in the sale and shipment of a line of cosmetics, have stipulated, in connection with the advertisement, offering for sale, or sale and distribution of their cosmetic preparations, to cease and desist from stating or representing that use of their cosmetic preparations will either nourish, protect or impart tone or tonicity to the skin, or will prevent, smooth or take away lines or wrinkles in the skin. (2976)

Empire Diamond Company—Frank Milligan, who traded originally as Frank Milligan Co., and whose present trade name is Empire Diamond Company, 202 North Wilson Ave., Jefferson, Iowa, has agreed to cease and desist from use of the word "free", or of any other words of similar import, to describe or refer to merchandise offered as compensation for services rendered in selling or distributing his merchandise, unless all the terms of such offer are clearly and unequivocally stated with equal conspicuousness and in immediate connection or conjunction with the word

"free" or other words of similar import and meaning, and there is no deception or probability of deception as to the price, quality, character or any other feature of such merchandise or as to the services to be performed in connection with obtaining such merchandise, and from stating or representing that merchandise offered for sale or sold by him, either alone or in connection with an alleged free gift or gratuity, is of or has a designated sales value, when in fact such alleged valuation is fictitious or is in excess of the price for which such merchandise, or merchandise of similar quality or character, is customarily sold in the usual course of business. (2969)

Fischer Baking Company, Inc., Rose and Livingston Sts., Newark, N. J., has stipulated with the Federal Trade Commission to cease and desist, directly or indirectly, from statements which imply that the inclusion of "Fischer's Buttercup Bread" or any bread in the diet is essential or necessary; or representations having the effect of conveying the impression that "Fischer's Buttercup Bread" or any other bread composed of similar ingredients in approximately the same proportions, is a "quick energy" food. The respondent also stipulated to cease representing that such bread or its protein content is not fattening, or that its use eliminates or aids in the elimination of fat; and to discontinue use of statements which cause the belief or impression that the respondent's bread provides a sure or otherwise invariable means of combating or counteracting "tired, let-down" feelings or fatigue, or that it contains ingredients efficacious in combating fatigue which are not present in other foods. (2978)

Fisher Research Laboratories—Gerhard R. Fisher, trading as Fisher Research Laboratories, Palo Alto, Calif., engaged in manufacturing a number of types of geophysical instruments, including one called "Metallscope", or "M-Scope", for use as means to locate pipes and metal objects underground in connection with utility operations and for prospecting, has entered into a stipulation in which he agrees to cease and desist from use of the word "Doctor", or its abbreviation, in connection with his name; and from use of the quoted word, or its abbreviation, in any way, the effect of which tends to convey the belief that he has received such a degree or an appropriate degree from a college or university of recognized standing empowered to confer such a degree. He also agrees to discontinue use of the plural word "Laboratories" in or as part of his trade name, and from use of the word "laboratories" in any way so as to import or imply that he actually owns and operates or directly and absolutely controls, two or more laboratories. (2974)

George's Radio Company, Inc., 814 F St., N. W., Washington, D. C., a corporation, engaged in selling merchandise, including radio receiving sets together with cabinets in which the sets are housed, has stipulated to cease and desist from stating or representing that its products have a "factory" or "list" price of \$99.95, or any other designated price, when in fact the designated price is fictitious or in excess of or is other than the price for which the products are customarily sold in the usual course of retail trade; from use of the phrase "More than $\frac{1}{2}$ Off" or "Reduced \$60" in connection with the offered retail selling price of \$39.95, or in any other way so as to import or imply that the regular or customary retail selling price of the products is \$99.95 or that the price of \$39.95 is a special price or is less than one-half of the customary sales price or is \$60 less than the customary sales price or is other than the regular or customary retail sales price of the products; and from use of the word "Grunow" as an escutcheon on cabinets housing radio receiving sets so as to import or imply that the radio receiving sets were made or manufactured by Grigsby-Grunow Corporation, formerly of Chicago; and from use of the word "Grunow" in any way, the effect of which tends or may tend to mislead or deceive the purchasing or consuming public as to the origin, size, capacity, make, manufacture, brand or type of the sets. (2973)

Joseph Hagn Company, 217 West Madison St., Chicago, engaged as a wholesaler in the sale and distribution of jewelry, in connection with the sale of its merchandise, agrees to cease and desist from the use of, or from supplying others for their use, advertisements or advertising matter of whatever kind or description which features or in any way makes use of the word "Certified" or any other word or words of similar import or meaning,

to designate or as descriptive of diamonds which are not certified by any Governmental agency, scientific bureau, or other responsible agency charged with the duty of examining and certifying to the perfection thereof. (2971)

Joseph Hensler Brewing Company, Hensler St. and Wilson Ave., Newark, N. J., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease using the statement "Made from Barley Malt and Hops" as descriptive of a beer product, the effect of which statement tends to convey the impression to purchasers that the product is composed of barley malt flavored with hops as its only fermentable substance, when in fact it actually contains such a substance other than barley malt. The stipulation provides that if the product contains hops-flavored barley malt in substantial quantity, and also other fermentable substance, and the words "Barley Malt and Hops" are used to refer to such hops-flavored barley malt content, the respondent shall conspicuously disclose that the fermentable substance content is not composed wholly of hops-flavored barley malt or that the product contains a fermentable substance other than barley malt flavored with hops. (2977)

Informative Classroom Picture Association—Raymond E. Fideler, trading as Informative Classroom Picture Association, 48 North Division Avenue, Grand Rapids, Mich., engaged in the production of certain types of so-called visual educational aids, in the form of publications, for use in libraries, classrooms, and by school teachers, has entered into a stipulation in which he agrees to cease and desist from use of the word "Association" as part of his trade name under which he conducts his business, and from use of the word "Association" in any way, in connection with the advertisement, offering for sale or sale of his educational material, so as to import or imply that the business conducted by him is that of a body or society of persons engaged in the disseminating of informative learning or teaching of the type described. (2975)

F. Koehler Manufacturing Company, Inc., 231 Monmouth St., Newport, Ky., has entered into a stipulation with the Federal Trade Commission in which it agrees to cease representing, directly or by implication, that "F. K. Invisible Nasal Filter" will relieve the misery or discomforts of hay fever, rose fever, sinus infections or asthma, or has any therapeutic value in their treatment in excess of a partial protection of the nasal membrane from the irritating substances. Among other representations which the respondent agrees to discontinue are: that the device will protect the nasal passages from dust or pollen, and afford effective relief for headaches caused by gasoline fumes or for coughing or phlegm-filled throat condition caused by asthma or sinus infections. (02663)

National Distributors—Fred B. Peake and William H. Roose, doing business under the trade name of National Distributors, 1205 West Market St., Louisville, Ky., engaged in selling a product designated "Economy Coal-Saver" for the treatment of coal which allegedly causes the production of better results and a saving in quantity, have entered into a stipulation in which they agree to cease and desist from representing that the product will save coal up to one-third, or in any proportion, or that 200%, or any definite percentage in profit, would result from its use, or that a 60¢ box or any amount thereof will save a ton of coal or any amount of coal; or that it is an effective soot destroyer or smoke reducer, creates oxygen or a steadier or more even heat, and makes coal burn better, last longer, produce more heat, or leave less ash; that it helps to burn the carbon or preserve the heating element in coal, aids in burning gases, purifying the air, or reducing evaporation, and that it prevents odors or gases or saves labor.

The respondents further agree to cease and desist from representing that any results claimed are guaranteed or that Economy Coal-Saver is the newest or biggest money-making specialty ever offered salespeople. They also agree to cease and desist from the use of the words "Economy" or "Saver," or any other words of similar import or meaning as part of the trade name of their product. (02662)

Philip Ofria—Maria Ofria, trading under the name of Philip Ofria, 1158 56th St., Brooklyn, engaged in selling a medicinal preparation designated "Ofria" (variously known as L'Unguento

Ofria, Ofria Pile Remedy and Ofria Ointment) has stipulated to cease and desist representing that the preparation will cure or dry up piles, pruitus and similar ailments, or that it will afford lasting relief.

Maria Ofria further agrees to discontinue use of the word "Remedy" in the trade name for this product or any other preparation of similar composition. (02659).

Peanut Products Company—R. H. Powell, H. G. Taylor, W. M. Russell, Dave Randall, C. M. Haygood and Howard Pill, copartners, trading as Peanut Products Company Tuskegee, Ala., engaged in selling a hair preparation designated "Peano-Oil," have stipulated that they will cease and desist from representing that the use of "Peano-Oil" will result in healthy hair, restore the natural oil to the hair, prevent hair from falling out or becoming brittle, restore the natural sheen or luster, or prevent baldness; that "Peano-Oil" penetrates to the roots of the hair or affords nourishment to the scalp; that it is the discovery of an eminent scientist; that anything contained in "Peano-Oil" will grow hair, or that salesmen of "Peano-Oil" earn any profit in excess of the amount that is actually earned by such salesmen. (02657)

George W. Prior Hat Company, 1735 Lawrence Street, Denver, Colo., engaged in the sale and distribution of Western hats, shirts, scarfs, mufflers and other cowboy and rodeo equipment, has entered into a stipulation in which it agrees to cease and desist from use of the statements or representations "Made in U. S. A.", "American Made", or any term, legend or expression of equivalent meaning, to designate the place or country of origin of an article not actually made in the United States of America; and from advertising an imported article in any manner signifying domestic origin, or otherwise, in a manner having the capacity to mislead or confuse purchasers with respect to the identity of the country of origin thereof. (2980)

Shiman Bros. & Co., Inc., 234 West 39th St., New York City, a corporation engaged as importer of diamonds and manufacturer and distributor of diamond rings, has agreed to cease and desist from the use of, or from supplying others for their use, advertisements or advertising matter of whatever kind or description which features or in any way makes use of the word "Certified" or of other words of similar import or meaning to designate or as descriptive of diamonds which are not certified by any Governmental agency, scientific bureau or other responsible agency charged with the duty of examining and certifying to the perfection thereof. (2970)

Finlay Straus, Inc., a corporation, trading as L. W. Sweet, 25 West 14th St., New York, engaged in selling jewelry, has entered into a stipulation in which it agrees to cease and desist from representing that all its diamonds are imported direct; that it has definite information to the effect that certain of its articles of merchandise would cost more than the prices quoted if bought from one of its competitors; that the sales price asked for certain of its articles of merchandise is less than the regular or ordinary price asked for such articles; that the person signing an affidavit of perfection for certain of the respondent's diamonds is a disinterested party, or that any offer is a free trial offer, unless the article is delivered to the prospective purchaser without requiring the payment of a deposit and the additional expense of returning the merchandise.

The stipulation points out that the respondent, directly and by implication, that the mere fact that certain rulings of the Federal Trade Commission are designed to prevent the advertising and sale in commerce of imperfect diamonds as perfect diamonds, constitutes an assurance to the purchaser that such rulings will always be complied with.

The respondent agrees to cease representing that the Federal Trade Commission's rulings alone constitute any assurance or protection to the purchaser with regard to the quality of any of the merchandise sold or offered by Finlay Straus, Inc. (02658).

Surgical Appliance Company—Abraham R. Canter, trading as Surgical Appliance Company, 617 Liberty Avenue, Pittsburgh, engaged in selling certain corsets and girdles known by the trade name "Camp," and other so-called "reducing girdles," has stipu-

lated to cease and desist from use of the words "Give Health" or any other words of similar implication, the effect of which tends to convey the belief that the wearing of such garments will give or restore health where there is an unhealthful or diseased condition, and from use of the statement, "You Don't Have To Be Fat" or "Reduce Your Waist and Hips with this Marvelous New Reducing Girdle," or the word "Reducing," in any way as descriptive of any of the garments so as to import or imply that the wearing of the garments will reduce or eliminate fat, or cause the removal of local tissue and thus overcome a condition of fatness, or result in the reduction of bodily tissue from either the waist or hips.

The respondent also agrees to discontinue the price representation "5.95," either alone or in connection with the word "Regularly," or with any other words, as indicative of the selling price of an article which customarily sells for less, and to desist from use of the word "special" as descriptive of the price for which the article is offered for sale, when, in fact, such price is that for which the article is generally sold in the usual course of business. (2979)

F. C. Taylor Fur Company, 400 South 7th St., St. Louis, Mo., a dealer in the purchase and sale of raw furs, has entered into a stipulation in which it agrees to cease and desist from quoting or otherwise holding forth any extravagant or exorbitant price or prices which trappers or fur dealers may expect to receive from it for their furs; quoting price ranges which include amounts seldom paid, or quoting such extraordinary prices in any other manner having the capacity, tendency or effect of conveying the impression that they are frequently paid, or quoting prices which might be applicable to furs of a grade or quality not produced in or which are exceptions in the section or territory circularized,

representing directly or inferentially that it pays higher prices for furs than do all other fur buyers; that trappers or dealers in furs can or will realize a greater return by selling their furs to the respondent than would be obtainable by selling such furs to other buyers or through brokers; or, by direct statement or by inference such as, for example, an implied necessity of obtaining furs with which to fill large orders, that it pays higher prices than are justified by general economic conditions.

The respondent also agrees to cease use of the word "Guaranteed" or any word or words of similar meaning unless, whenever used, clear and unequivocal disclosure be made in direct connection therewith of exactly what is offered by way of security. (2972)

R. C. Williams & Co., Inc., 265 Tenth Ave., New York, has stipulated with the Federal Trade Commission that it will cease representing, directly or by implication, that its product "Delphi Olive Oil" is the purest ever imported into America, and is different from all other olive oils, and that, through use of the product, salads and cooked vegetables will taste better than when any other olive oil is used. (02664)

FTC CLOSES CASE

The Federal Trade Commission has closed a case against R. T. Miller, Jr., trading under the name of American Technical Society, 850 East 58th St., Chicago, without prejudice to its right to resume proceedings, should future facts so warrant. The respondent had been charged, in a Commission complaint, with violation of the Federal Trade Commission Act in connection with the sale of books on automotive and diesel engineering.