



THE WEEK IN WASHINGTON

A new Defense Communications Board this week set up fifteen committees to assist with its work. Only two of the committees—law and coordinating—were filled. All the appointees were federal officials. (p. 4781.)

The NAB will hold a Twentieth Birthday Party in Washington, November 26, for members and their friends, Government officials and others. Details will be announced within a few days. (p. 4785.)

Seventy stations from seven states were represented at a regional meeting Tuesday at Fort Worth, Texas, to discuss the establishment of a regional copyright clearance bureau. Harold Hough reported that broadcasters present were enthusiastic about the idea. (p. 4788.)

Many member stations are planning to send representatives to the Fourth Chicago School Broadcast Conference, December 4-6. (p. 4789.)

Paul Whiteman appealed to the United States Supreme Court from a Circuit Court decision in the Whiteman v. RCA Manufacturing Company case. (p. 4789.)

National Defense

DEFENSE COMMUNICATIONS BOARD SETS UP COMMITTEES

The new Defense Communications Board, established September 24 by President Roosevelt "to determine, coordinate and prepare plans for the national defense" in the communications field, this week set up 15 committees to assist with its work.

Only two of the committees—Law and Coordinating—were filled. All the appointees were federal officials.

Below is the board's explanation of its work and the work to be done by the new committees. On another page is a chart of the set up.

November 12, 1940

DEFENSE COMMUNICATIONS BOARD

Washington, D. C.

Creation and Authority—The Defense Communications Board was created by Executive Order of the President on September

24, 1940, under authority of the Communications Act of 1934 (48 Stat. 1064), as amended.

Members—Chairman, Hon. James Lawrence Fly, Chairman of the Federal Communications Commission; Major General Joseph O. Mauborgne, Chief Signal Officer of the Army; Rear Admiral Leigh Noyes, Director of Naval Communications; Hon Breckenridge Long, Assistant Secretary of State in Charge of the Division of International Communications.

Secretary, Hon Herbert E. Gaston, Assistant Secretary of the Treasury in Charge of the Coast Guard.

EXECUTIVE ORDER

CREATING THE DEFENSE COMMUNICATIONS BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

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

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

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

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

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

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

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

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

c. The measures of control, the agencies to exercise this control,

(Continued on page 4782)

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*

NATIONAL DEFENSE

(Continued from page 4781)

and the principles under which such control will be exercised over non-military communications to meet defense requirements.

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

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

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

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

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

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

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

8. During any war in which the United States is a belligerent, or any national emergency, the existing Interdepartment Radio Advisory Committee shall act as a Committee of the Board, but only

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

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

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

September 24, 1940.

Committees

The Board, acting under authority contained in Paragraphs 5 and 7, of the President's Order, designates the following committees to assist in carrying out its functions and to provide for continuing studies and for contact with other government agencies and with the civil communication industry. The Board, as it may deem necessary, from time to time, may appoint further committees or make changes or additions in existing committees or in the definitions of their respective functions. In addition to their other functions all of the committees named below should examine and consider existing and proposed precautions against interruptions of communication facilities within their purview, and should recommend any changes which might be considered necessary from the standpoint of national defense:

Coordinating Committee—The duties of the Coordinating Committee include assistance to the Board in planning and coordinating work. It will maintain liaison with the Law Committee, Labor Advisory Committee, and Industry Advisory Committee, for the purposes of advice and consultation and will supervise the work of the other committees, which will report directly to it.

Members: Chairman, Mr. E. K. Jett, Chief Engineer, Federal Communications Commission; Mr. Francis C. deWolf, State Department; Major W. T. Guest, War Department; Commander Earl E. Stone, Navy Department; Commander J. F. Farley, Chief of Communications, U. S. Coast Guard, Treasury Department.

Law Committee—The duties of the Law Committee include the furnishing of legal opinions and advice, and the drafting of final reports and recommendations, proposed Executive Orders, proclamations, and legislation. The Law Committee will report directly to the Board but will have liaison, for purposes of advice and consultation, with the Coordinating Committee, and, as may be necessary, with other committees.

Members: Chairman, Mr. Telford Taylor, General Counsel of the Federal Communications Commission; Captain J. W. Huyssoon, Office of the Judge Advocate General, War Department; Mr. Steven Spingarn, Treasury Department; Lt. Comdr. Franz O. Willenbacher, Navy Department; Mr. Raymund T. Yingling, State Department.

Labor Advisory Committee—The duties of the Labor Advisory Committee include the submission of expert advice to the Board on all labor problems incident to the proper carrying out of its national defense mission. With the requirements of national defense as a primary consideration, the Labor Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Labor Committee will report

directly to the Board but will have liaison for the purpose of advice and consultation with the Coordinating Committee and the Industry Advisory Committee.

Members: (To be designated later.)

Industry Advisory Committee—The duties of the Industry Advisory Committee include the submission of expert advice to the Board on all problems of general concern to the communications companies incident to the proper carrying out of the Board's national defense mission. With the requirements of national defense as a primary consideration, the Industry Advisory Committee will submit recommendations to the Board on such problems as are referred to it by the Board. The Industry Advisory Committee will report directly to the Board but will have liaison for the purpose of advice and consultation with the Coordinating Committee and the Labor Advisory Committee.

Members: (To be designated later.)

I. *Amateur Radio Committee*—The duties of this Committee include the study of all phases of amateur radio facilities. With the requirements of national defense as a primary consideration, the committee shall recommend precautions and restrictions with respect to amateur radio operations under various emergency conditions, and the allocation of such amateur facilities as may be required by the Army or the Navy.

Members: (To be designated later.)

II. *Aviation Radio Committee*—The duties of this Committee include the study of all phases of domestic and international civil aviation radio facilities and communications services associated therewith. It will have liaison with the U. S. Government Facilities Committee and the State and Municipal Facilities Committee. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

III. *Cable Committee*—The duties of this Committee include the study of all phases of submarine cable communications facilities used in the international or overseas service. With the requirements of national defense as a primary consideration, the Committee shall recommend for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

IV. *Domestic Broadcasting Committee*—The duties of this committee include the study of the physical aspects of domestic standard broadcasting and formulation of recommendations of such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also consider other domestic broadcasting systems including relay broadcasting, high frequency (FM) broadcasting, television, facsimile broadcasting and experimental broadcasting. The Committee's work in all of these fields will include recommendations for the speedy and efficacious use in time of military emergency of all necessary domestic broadcasting facilities and communications services associated therewith, with the requirements of the national defense as a primary consideration.

Members: (To be designated later.)

V. *Interdepartment Radio Advisory Committee*—This Committee is designated under the provisions of Par. 5 and 7, but without reference to Par. 8, of the President's Executive Order of September 24, 1940. The duties of this committee will include

making special studies and recommendations regarding frequency allocations, with the requirements of national defense as a primary consideration but giving due consideration to the needs of governmental agencies, of industry, and of other civilian activities.

Members: (Existing members of I. R. A. C.)

VI. *International Broadcasting Committee*—The duties of this Committee include the study of all phases of international broadcasting and the formulation of recommendations concerning such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. With the requirements of national defense as a primary consideration, it shall also recommend plans for the speedy and efficacious use of all necessary international broadcasting facilities in time of military emergency giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

VII. *Radiocommunications Committee*—The duties of this committee include the study of all phases of domestic and international radiotelegraph and radiotelephone communications facilities (including mobile and fixed services) except aviation, amateur, Federal, State, and Municipal communications facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

VIII. *State and Municipal Facilities Committee*—The duties of this committee include the study of all phases of State and Municipal communications facilities, including Municipal and State Police Radio Stations, Inter-City Police Radio Stations, State Forestry Radio Stations, Marine Fire Radio Stations, and State and municipally owned or leased wire facilities. With the requirements of national defense as a primary consideration, the committee shall recommend plans for the most efficacious use of all of those facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

IX. *Telegraph Committee*—The duties of this Committee include the study of all phases of landline record communications, both domestic and connecting international landline services and facilities (except federally owned facilities) including leased line, teletype-writer exchange, wire photo and facsimile services and facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these services and facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

X. *Telephone Committee*—The duties of this Committee include the study of all phases of landline telephone communications, both domestic and connecting international landline and submarine cable telephone services and facilities (except federally owned facilities) including leased line telephone services and facilities. With the requirements of national defense as a primary consideration, the Committee shall recommend plans for the most efficacious use of all of these services and facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

XI. *United States Government Facilities Committee*—The duties of this committee include the study of all phases of non-military

governmental communications facilities with a view to possible military use and the coordination of these facilities including wire, cable and radio facilities owned or leased for government operation, with communications facilities of the Army, Navy, and Coast Guard. With the requirements of national defense as a primary consideration, the committee shall recommend plans for the most efficacious use of all of these facilities in time of military emergency, giving due consideration to the needs of other governmental agencies, of industry, and of other civilian activities.

Members: (To be designated later.)

PROGRAMS FROM ARMY POSTS

Stations or sponsors desiring to originate their programs from Army Posts, must obtain permission direct from the War Department in Washington.

Inquiries, together with a complete description of the program should be addressed to:

Lt. Col. Ward Mairis, Chief
Public Relations Division
General Staff
War Department, Washington, D. C.

It is desirable also to send along a sample continuity of the program. The Department is disposed to permit radio programs, sponsored or unsponsored, to originate from Army posts before an audience of soldiers or trainees, regarding their entertainment features as factors in morale building. Commercial programs, however, must carry an announcement at the opening and close that the broadcast from the Army Post, in no way constitutes an endorsement by the Army or *any of its personnel* of the product advertised. Certain restrictions in commercial copy, prepared or ad libbed, will be enforced to further extend this policy.

NAB Headquarters will be very happy to render every aid possible in expediting requests for Army post origination permits. In addition, stations are requested to send into NAB a list of such programs, together with the number of times they are scheduled. This information is of great importance.

Ed Kirby, NAB Director of Public Relations, is expected to move over to the War Department to head up its radio division in the near future. He has been granted a leave of absence for the purpose at the request of the Department.

BIRTHDAY DINNER ATTRACTS NATIONAL FIGURES

Keying off a series of dinners around the country in celebration of radio's twentieth anniversary, local Washington radio stations, the Radio Manufacturers Association and the NAB will co-sponsor a dinner to be held Tuesday evening, November 26 in the Willard Hotel here. The President, members of his Cabinet, members of Congress, the FCC and high government, Army and

Navy officials, as well as outstanding figures in all walks of public life will be invited. With the dinner in the nature of a birthday celebration, with speech making held to a minimum, outstanding radio talent, whose names are associated with the industry's growth will be on hand to entertain and reminisce. While other network programs may be scheduled, the Mutual Broadcasting System has already cleared 9:30 to 10:00 p. m., EST, for a special broadcast of the American Forum of the Air, to be broadcast direct from the banquet hall, presided over by its founder, Theodore Grannik, with nationally known figures taking part, reviewing the past twenty years and forecasting ahead into the next twenty years.

The 20-day celebration of Radio's 20th Birthday is well under way in all parts of the country. Our good friends in many markets have taken time to write of the beginning of their activities.

WHO, Des Moines, began, on Nov. 7, with a plan to tie-in all listeners. Woody Woods took to the microphone to address: "To all of the inspired geniuses whose creative efforts have been and are responsible for the fine programs that are produced in the studios of WHO, 50,000 watt voice of the middlewest. . . . Greetings and salutations!"

"What sins," he said, "have been committed in the name of broadcasting in two short decades. . . . It seems like a lifetime. It is a lifetime. . . . I remember when I knew two persons who had radio receiving stations. They built them themselves, and each of them filled a small room. I remember splitting a pair of headphones with a friend one night, and after watching him make innumerable adjustments, we strained our ears in the small hours of the morning to hear one act of the famous play, 'Lightnin', broadcast from Atlanta, Georgia (remember that old war cry 'Covers Dixie Like the Dew'?). Why, that must have been almost twenty years ago.

"I remember my first factory-built set. It was a weird-looking thing—a yard or more long, the cabinet made of sheet metal and welded into one piece—'Because,' the salesman said, 'it's perfect. You will never have to get into it to fix it.' Three so-called radio experts spent half a day erecting an aerial and hooking up storage battery and B battery and C battery and a trickle charger for the storage battery. Remember? Why, the battery connections on that darned thing looked like a telephone cable gone crazy. Then one day we decided to put the batteries in the basement on account the women folk thought they looked kind of messy sitting under the library table, so the three experts came out again and spent another half day splicing an extra piece on the cable, disconnecting the batteries, boring a hole through the floor, lugging the batteries downstairs and hooking her up again."

Then he recited the intervening bits of radio progress up to the present and concluded with:

"So now we are going to celebrate Radio's Twentieth Birthday, and you birds with the creative minds must have had a lot of experiences in and out of radio which would make good program material. You may never be Gold Star Mothers, but surely you can labor and bring forth an idea for glorifying and promoting this grand industry of which we are all a part.

"Let's help celebrate this twenty-day birthday party! Let's kind of freshen up the listener's memory on how far radio has traveled between two world wars. Let's see if we can't make them appreciate the blessings of this thing called American Radio. You guys are good. . . . You all know it—some of you admit it. Now, let's see if this little monologue of mine can start some of those mighty mental processes percolating.

"If you have an idea, or a plan, or a program—bring it to Harold Fair or myself. Maybe you are good!"

WRVA, Richmond, wrote C. T. Lucy, general manager," is joining wholeheartedly in the celebration of Radio's 20th Anniversary. Every station identification carries a slogan appropriate to the event.

"We have arranged for window displays in prominent stores, showing the difference in radio today and twenty years ago. Several half-hour dramatic shows are scheduled, depicting radio's twenty-year progress, and showing how radio has created employment in many allied fields. Other promotion is being discussed and arranged, but for the present we at least want you to know of our activity in radio's twentieth anniversary."

The Yankee Network, according to Robert S. Playfair, director, station and sales promotion, is "taking a number of novel steps to celebrate Radio's 20th Birthday."

An unusual phase is the linking together of Radio's Birthday with the 500th anniversary of printing, to be celebrated the week of November 17-23.

The network is cooperating with the Oxford Press, a Boston organization.

"At a huge exhibit in the Statler Hotel, Boston, we will have three boards displaying progress of radio in the last twenty years. This will be part of the printing exhibit and will highlight the independence of radio and the press.

"Our Ruth Moss will interview Douglas C. McMurtrie on her program which will be broadcast over the Colonial Network.

"In addition, we are arranging a joint table souvenir in the form of a Johann Gutenberg memorial cut and copy to which will be attached book matches of the Yankee and Colonial Networks. We supply the matches, the Oxford Press supplies the printing; the souvenir is placed on tables of leading Boston hotels and eating places.

"Of other formative steps in which we are cooperating with the 500th Anniversary of Printing to the benefit of the 20th Anniversary of Radio, I will let you know more in the future."

WSAZ, Huntington, W. Va., a member of the West Virginia Network, is also busy with the 20 days celebration. On Sunday morning, November 11, WSAZ ran a full page ad, in color, in The Herald-Advertiser, headed in hand lettered script, "Radio Turns 20."

The copy reads:

"Twenty candles will cast their happy glow atop radio's birthday cake during this month! From a mere gleam in its father's knowing eye, radio has stepped in with this ever-changing universe of ours to become, in a score of years, a significant medium of news and advertising and entertainment affecting almost all of the 132,000,000 people residing in these United States. Through this national emergency—through many score more years to come, rely on Radio! Count it among your most dependable and gracious friends."

WHK-WCLE, Cleveland, advises that a drug chain, the Weinberger Drug Company, has placed Radio Birthday posters in street front windows in all stores. Each poster is surrounded by radio-advertised merchandise, particularly products carried by WHK-WCLE, said Robert Greenberg, promotion manager.

Kansas City, Mo., joint celebration, got off to its organized start in the celebration of Radio's 20th Birthday, with a Radio Rally, Hotel President, November 8.

John T. Shcilling, general manager, WHB, represented the broadcasters; Fred B. Jenkins, president, Electric Association, and president of Jenkins Music Co., presided. Over a hundred radio dealers, salesmen, distributors and broadcasters attended. Lee Williams, committee chairman, explained the Birthday promotion and staged a demonstration of a 12-year-old set versus a 1941 model.

Red on white posters, 441x14 inches have been put up in store windows. All members of the radio trade in the Kansas City market are wearing lapel buttons with "20" in red on a white background. One and 2 column mats with the birthday cake and candles are being used in all newspaper advertising; and radio commercials are tied in.

All radio dealers have been urged to "dress up your store. Why not use American flags", asked Jerry Weston, secretary-manager, "as one thing this birthday celebration stresses in the progress under the American system of broadcasting. In most foreign countries, radio is government owned and operated—every set is taxed—programs are dull, monotonous, and full of propaganda."

For the best window display, illustrating 20 years of progress in radio, prizes of \$25, \$15 and \$10 will be paid.

In order to maintain interest of all men on the firing line straight through the Birthday celebration, a second Radio Rally will be held on November 22.

O. H. Caldwell, editor, *Radio Today*, will present on the November cover of his magazine "Milestones Marking 20 Years of Radio Progress."

According to Dr. Caldwell, they are:

| Year | Milestones of Progress |
|------|---|
| 1920 | Radio broadcasting begins. |
| 1921 | Six BC stations operating. |
| 1922 | First "Commercial" BC program. |
| 1923 | Superhets, Neutrodyne. First BC chain. |
| 1924 | First shortwave rebroadcast. Factory-built set. |
| 1925 | Socket-power units. Facsimile shown. |
| 1926 | Year of wave-jumping and air chaos. |
| 1927 | Federal Radio Commission clears air. |
| 1928 | Broadcast reallocation. AC-operated radios. |
| 1929 | Screen-grid tubes. Dynamic speakers. |
| 1930 | Midgets and table models introduced. |
| 1931 | Automatic volume controls. Auto radios. |
| 1932 | Shortwave receivers become popular. |
| 1933 | Tuning conveniences. Television iconoscope. |
| 1934 | High fidelity sets. FCC takes over radio. |
| 1935 | Metal tubes. Noise-reducing antennas. |
| 1936 | Business recovery. Record radio year. |
| 1937 | AFC. Push-button tuning. Combinations. |
| 1938 | Television. Wireless controls and players. |
| 1939 | Recorders. FM. Portables. |
| 1940 | "Camera" portables. |

These "milestones" used in conjunction with Broadcasting Magazine's Year Book chronology, page 396, provide a concise picture of the events which brought

radio to its present high state of development and position of service.

In the Radio Birthday broadcast over WJZ-NBC Blue, at 7:30 p. m., Friday, November 15, Dr. Caldwell covered some of the milestones listed above.

He paid tribute to "Joseph Henry, another great pioneer American scientist who sent the first wireless signal between two antennas 400 feet apart on the Princeton College Campus—just 100 years ago."

On November 22 at the same time and over the same stations, Dr. Caldwell will discuss "From Crystal Set to Superhet"; on the week following, "Radio's Effects on Home Life".

In tribute to Radio's Twentieth Anniversary, the Columbia Broadcasting System will broadcast tonight (Nov. 15). Norwin's Corwin brilliant verse-narrative, "Seems Radio's Here to Stay".

Paul H. Connet, sales manager, KGW and KEX, Portland, has mailed a bundle of tear sheets from The Oregonian of various October and November dates. They showed the two column Listen Before You Vote advertisement. Copy illustrated with an elephant and donkey, read:

"LISTEN BEFORE
"YOU VOTE!"

"Radio steps along with the American press in offering the American people the uncensored statements of political parties and candidates.

"Your Oregonian carries a front page box daily listing political broadcasts."

"TUNE IN, LISTEN, THEN VOTE
"KGW-KEX
"The Oregonian"

The transcription which the United States Civil Service Commission has prepared in celebration of Radio's 20th Birthday is expected to be mailed today to all stations in the United States.

The closing band selection may be faded out for inclusion of any announcement which the station may care to make.

Following are the remarks by Harry B. Mitchell, president of the Commission:

"The most important problem in the United States is national defense. Today, as the American radio industry celebrates its twentieth anniversary, the United States Civil Service Commission congratulates radio and the American public on the part radio is taking in the national defense program.

"In May 1940, the President of the United States and the Congress initiated the preparedness program in which we, as Americans, are now engaged. The United States Civil Service Commission was given the task of locating with the greatest possible speed thousands of skilled civilian workers. This program could not be carried on with the necessary speed by ordinary procedures. The Commission, therefore, turned to radio as one of the most important channels of public information in telling the public imme-

diately of the need for workers. They were needed in navy yards to build ships; they were needed in torpedo stations; they were needed to manufacture munitions and to perform other defense work under the War and Navy Departments. Although public attention has been focused on the men who will serve the Nation in the military and naval forces, it cannot be emphasized too strongly that the men who work in navy yards and army arsenals are equally important in the defense of the United States.

"In all national defense work, the emphasis is necessarily on speed. In the war-torn world in which we live today, there is little place for leisurely procedures. With 'bombs bursting' over a large part of the so-called civilized world, we who live in one of the last ramparts of democracy are girding ourselves for adequate preparedness. So far as our own Commission is concerned, we interpret this to mean that we must give speedy service to national defense agencies in need of civilian defense workers.

"In this recruiting program, the Commission has been impressed by four facts:

"First. By the spirit in which radio immediately met the national defense challenge. The Civil Service Commission has made no requests of the radio industry without receiving immediate, affirmative action. There have been no ifs or ands. Its reply to our request for cooperation was simply this: 'Radio is ready to act; it will do everything within its power for the defense of the United States.'

"Second. The Commission has been impressed by radio's *continued* spirit of cooperation. As the preparedness program gains momentum, the needs of the Navy Department and the War Department for civilian employees change from day to day. New establishments are being opened requiring the services of thousands of additional workmen. Other establishments are expanding. On such occasions, it is necessary to call the need for workmen to the attention of the American public. Radio is doing this job. As the weeks have rolled on since the emergency began, radio stations throughout the nation have informed the people where national defense workers are needed. In no other way would it be possible to meet defense needs with the necessary speed.

"Third. The Commission has been gratified at radio's ability to bring the defense needs to the attention of all of the American people. Hundreds of stations are daily sounding the summons for skilled workers. In Pennsylvania, there are 39 such stations. In Illinois there are 23, in Texas there are 37. In California there are 25. They are found in EVERY State.

"All of you have seen news photographs of the President of the United States speaking in the halls of Congress before a battery of microphones. Today, and every day, the national defense needs outlined by the President and by the Congress are being broadcast before a battery of more than 800 microphones scattered throughout the United States. These broadcasts are stating the need for civilian defense workers. The story is reaching into every home in the land.

"Fourth. The Commission is impressed by the results which the cooperation of radio has made possible. Not long ago, the War Department needed telephone construction men at the Panama Canal, the solar plexus of America's defense on the Western Hemisphere. The Commission explained the problem to radio, and within a week, the need was filled.

"Through radio's aid, we have told the American people of the need for toolmakers, inspectors of powder and explosives, inspectors of ship construction, aircraft technicians, and many other types of defense workers.

"Since the preparedness program began, the Civil Service Commission, with radio's cooperation, has obtained and placed on the job more than 150,000 workers in the War and Navy Departments. This does not include thousands of national defense employees who have been placed on other vital defense jobs in other establishments. There is no better example showing that democracy can and does work than this speeding up of defense operations through the loyal cooperation of thousands of Americans working toward the goal of national defense."

"As president of the United States Civil Service Commission, I congratulate the American radio industry on its twentieth anniversary and on the patriotic cooperation it is giving in making successful the national defense program of our great Republic.

"When the story of the present national emergency is written, radio will be able to say with pride and satisfaction that when it was called upon to help do the national defense job, it responded willingly, wholeheartedly, and effectively. In turn, the people of the United States may well feel grateful to the entire radio industry and to the National Association of Broadcasters for the assistance they rendered in helping make America safe."

BMI

FORT WORTH REGIONAL MEETING

Seventy stations from seven states were represented at a regional meeting Tuesday in Fort Worth, Tex., to discuss the establishment of a regional copyright clearance bureau. Harold Hough, WBAP, who presided, reported that the broadcasters present were enthusiastic about the idea and that none present would accept the contract which ASCAP proposed. Several stations joined BMI after Stuart Sprague had told what that organization was doing to lick the music monopoly.

BMI FEATURE TUNES

November 18-25

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON

When people spend nickles to listen to a song, there is conclusive proof that they like the music. That sort of C.O.D. popularity cannot be faked. This week, records of three BMI numbers appear among the biggest money makers in the nation's coin phonographs. Bob Chester's record of *Practice Makes Perfect*, showing up on the list for the fourth week, is in fifth place. Tommy Tucker's record of *There I Go* and Frankie Master's account of the *Same Old Story* are also on the list. *Practice Makes Perfect* and Vaughn Monroe's record of *There I Go* are among the best sellers. In sheet music, both *Practice* and *There I Go* hold national ranking. On the most played lists there are seven BMI numbers: *There I Go*, *Practice Makes Perfect*, *I Give You My Word*, *So You're The One*, *Same Old Story*, *May I Never Love Again*, *I Hear A Rhapsody*. *Practice* stood at number four and *There I Go* at number seven on last week's Hit Parade.

For the past week stations have been flocking to the fold at the rate of one a day to bring the total tally up to 414. We welcome to the list of BMI subscribers, the following:

KFDY, Brookings, S. Dak.
KOWH, Omaha, Nebr.
KROD, El Paso, Texas.

WEW, St. Louis, Mo.
WFOR, Hattiesburg, Miss.
WHB, Kansas City, Mo.
WMRN, Marion, Ohio.

Broadcast Music, Inc. has acquired the performing rights in music of the New Era Music Corporation, the publishing company controlled by Jimmie Lunceford. The contract guarantees that BMI now has available twenty-four Lunceford recordings of this music and provides for sixteen additional records to be made by Lunceford for BMI.

These new recordings were cut by the Lang-Worth Company on November 11 and the transcriptions are expected to be ready for release to BMI subscribers by December 1.

A few weeks ago Lunceford dropped his CBS broadcasts, saying that he could not get enough numbers typical of his style of playing to fill his programs under the restrictions imposed by the ASCAP-radio controversy. In announcing his new contract with BMI, Lunceford explained his position with regard to the controversy in the following statement:

"This contract ought to show what I think about BMI. The BMI way of dealing with writers is the best thing that has ever happened to American music. Some newspapers tried to make out that I was rooting for ASCAP. This is just not so. There is no publishing house in the country, except my own, which gives me one tune in a thousand that suits my style of playing. That is why I have my own house. My own music is going to BMI because BMI gives the fairest deal that I can get. No matter whether my band plays before a microphone for the next few months or not, my music will still be on the air through the records that I have made and the new ones that I'm going to make for BMI."

Harold Oxley, Lunceford's personal representative and the President of New Era, states that the difficulty which Lunceford encountered with both CBS and Mutual is now being eliminated. Under these circumstances it will be possible for Lunceford to broadcast complete programs with non-ASCAP music. While Lunceford is now on the road, so that he has no opportunity to broadcast at present, there is no longer any obstacle to his appearance before the microphone.

BMI has signed a contract by which it acquires the performing rights to the music of O. B. Clow of Tacoma, Washington. Under this contract, twenty-four recorded tunes become available to BMI subscribers and BMI acquires also the rights of publication. Mr. Clow is both composer and lyricist and has himself published some of his own music. He is an inventor, a restaurant operator and an apartment house owner who has produced about 4,000 compositions in addition to pursuing a highly successful business career.

Five new BMI records are announced for future release. For previous announcements of BMI records, see

NAB REPORT of October 18, page 4689, and October 11, page 4667.

COLUMBIA

*I Give You My Word and
So You're The One*

Eddy Duchin Col. 35812
Not before November 29

OKEH (Columbia)

I Hear A Rhapsody

Al Donahue Okeh 5888
Not before November 29

I Give You My Word

Jack Leonard Okeh 5886
Not before November 29

*High On A Windy Hill and
It All Comes Back To Me Now*

Gene Krupa Okeh 5883
Not before November 29

BLUEBIRD (Victor)

I Hear A Rhapsody

Charlie Barnett B-10934
Not before November 29

CHICAGO SCHOOL BROADCAST CONFERENCE OPENS DEC. 4

Many member stations are planning to send representatives to the Fourth Chicago School Broadcast Conference, December 4, 5, and 6, at the Congress Hotel. Both NAB and BMI will have exhibits. Carl Haverlin, BMI Stations Relations Director, will be present to explain to educators and broadcasters the latest aspect of the music problem as January 1 approaches. Ed. Kirby, NAB Director of Public Relations, will attend and preside at a dinner at which Dr. James R. Angell, Vice President and Educational Director of NBC, and Gilbert Murray, of the Canadian Broadcasting Corporation, will speak. This year's conference, largest in history, will attract an attendance of around 1,000. The educational directors of both CBS and NBC are planning special meetings for representatives of their affiliated stations. The program follows:

Wednesday:

- 10:00 A. M. General Session, J. Irving Lee, Chairman.
"The Transition from Stage to Radio," Script by Erik Barnouw, Production by Wynn Wright.
- 1:00-4:00 P. M. Classroom Demonstration, Clifton Utley, Chairman.
- 7:00 P. M. Dinner. James R. Angell, Educational Counselor, NBC, and Gilbert Murray, CBC. Toastmaster, Ed. Kirby, NAB.
- 8:00 P. M. Report and Clinic on Evaluation. I. Keith and Staff.

Thursday:

- 9:00-10:30 A. M. Classroom Demonstration, Alice Keliher, Chairman.
- 10:30-12:00 Noon. Classroom Demonstration, Dudley Crafts Watson, Chairman, Chicago Art Institute.
- 1:00-2:30 P. M. Classroom Demonstration, Out-of-School Listening, Agnes Adams, Chairman.
- 2:30-4:30 P. M. Work Study Groups.
- 6:30 P. M. Advisory Council Dinner.
- 7:30 P. M. America's Town Meeting—Origination.

Friday:

- 9:00-11:00 A. M. Demonstration, Gebhart Wiebe, Chairman.
Five types of music presentation with no children.
- 11:00-12:00 Noon. Classroom Demonstration, Donald Cawelti, Chairman.
- 1:00-2:30 P. M. Classroom Demonstration, Out-of-School project, Elizabeth Robertson, Chairman.
- 2:30-4:30 P. M. Work Study Groups. (Continued from preceding day.)

7:00 P. M. Banquet, Chairman C. A. Siepmann.
George Denny, Lyman Bryson, Raymond Gram Swing;
"Methods by Which Radio Implements Democracy."
Folk Songs—Alan Lomax.
Award of Merit.
Entertainment.

Sales

AND NOW—MUSHROOMS

Meat, doughnuts, canned peas—and now mushrooms are added to the long list of products seeking free radio time through various methods. Nancy Bobb, 225 West 39th Street, New York, asks stations to help her distribute a recipe booklet "Magic with Mushrooms." Miss Bobb makes it easy for stations to offer her booklet by also offering a special script for women's programs. The Bureau of Radio Advertising has written Miss Bobb pointing out the error of her ways, and inviting her client to buy time.

MacFadden Publications is an older and more experienced "free offerer," who make a combination offer of two weekly half-hour scripts on behalf of True Story and True Detective Mysteries magazines, plus the utmost cooperation of local MacFadden distributors in publicizing the shows. The NAB points out that stations are not in the habit of promoting magazine circulation free of charge, but in view of MacFadden's marked interest in the power and influence of radio advertising, invites them to consider a paid campaign.

SAVINGS AND LOAN ASSOCIATIONS USE RADIO

The Bureau of Radio Advertising has released to all members reprints of a report on "Radio Advertising by Savings and Loan Associations."

The report, which first appeared in the October issue of the Federal Home Loan Bank Review, is the result of the FHLB's third annual "Hunt for Facts" survey, and shows that 240 member associations used radio in 1939, some more effectively than others. According to the detailed breakdown, the report states,

"... it is significant to discover that in the group of associations spending \$1,000 or more, the ratio of satisfied to dissatisfied users was nearly 3 to 1." In other words, radio paid for those who gave it a real try.

Additional copies of the factual analysis may be had on request to the NAB Bureau of Radio Advertising.

Legal

WHITEMAN APPEALS

Petition for writ of certiorari in the case of *Whiteman v. RCA Manufacturing Co.* (119 Fed. 2d. 86) was filed

with the Supreme Court of the United States by Mr. Whiteman on November 9. Review is sought of the decision of the Circuit Court of Appeals for the Second Circuit holding that phonograph records may be broadcast even though they contain a label forbidding their use except on phonographs in homes.

APPLICATION FORMS

The subcommittee on application forms of NAB-FCC Conference Committee met Wednesday in Washington for consideration of the proposed recommendations of the FCC Rules Committee to the Commission. It is expected that a meeting of the full committee will be held early next week for the purpose of drafting final requests for revision of application forms 301 and 319.

SPOT CONTRACTS

The subcommittee of the NAB-AAAA Conference Committee charged with redrafting the spot-broadcasting contract meets Friday in New York to continue its work.

FCC ATTORNEY GOES IN ARMY

James D. Cullingham, principal attorney of the Federal Communications Commission, has been called by the Army as a Captain in the Reserve Corps. He will be attached to the office of the Judge Advocate General of the Army.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission for the week beginning Monday, November 18. They are subject to change.

Monday, November 18

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, **1140 kc.**, 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

Tuesday, November 19

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of license, **1310 kc.**, 100 KW night, 250 KW LS, unlimited time.

To be held in the following places:

Court Room of the U. S. District Court
Post Office Building
Tallahassee, Florida.
Grand Jury Room 309
Federal Building
Tampa, Florida.
Court Room No. 2
5th Floor Post Office Building
Jacksonville, Florida.

Friday, November 22

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

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

LaGrange Broadcasting Co., LaGrange, Ga.—Granted construction permit for new broadcast station to operate on **1210 kc.**, with 250 watts power, unlimited time (B3-P-2763).

Central Willamette Broadcasting Co., Albany, Ore.—Granted construction permit for new broadcast station to operate on **1210 kc.**, 250 watts, unlimited time (B5-P-2949).

Delta Broadcasting Co., Escanaba, Mich.—Granted construction permit for new broadcast station to operate on **1500 kc.**, 250 watts power, unlimited time, exact transmitter site and antenna to be determined subject to Commission's approval (B2-P-2854).

KOIL—Sidles Company (Assignor), Star Printing Co. (Assignee), Omaha, Nebr.—Granted authority to transfer control of Central States Broadcasting Company, licensee of station KOIL, to the Star Printing Company, consisting of one share of common stock; the Sidles Co. thus relinquishes control of the licensee corporation by the transfer of the one share of common stock to the Star Printing Co., now owner of 249 shares, for a consideration of \$125.00. Station KOIL is normally licensed to operate on **1260 kc.**, 1 KW night, 5 KW day, unlimited time (B4-TC-202).

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Granted request to relinquishment by Alma W. King of the control of Coastal Broadcasting Company, licensee of WMOG, to Arthur Lucas and William K. Jenkins, consisting of 75 shares (75%) of the common stock of licensee corporation for the sum of \$7,500. Station operates on **1500 kc.**, with 250 watts day, 100 watts night, unlimited time (B3-TC-234).

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted construction permit to install new transmitter and vertical radiator, and increase power from 1 KW to 5 KW, **830 kc.**, operating from local sunrise to sunset at Denver, Colo. (B4-P-2882).

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted modification of construction permit (B5-P-2843) to make changes in directional antenna and extend commencement date to 60 days after grant and completion date to 180 days thereafter (B5-MP-1073).

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted construction permit to install new equipment and vertical radiator, move transmitter and increase power from 50 watts to 250 watts, unlimited time, exact transmitter site and type of antenna to be determined with Commission's approval; **1310 kc.** (B2-P-2459).

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted construction permit to increase power from 500 watts to 1 KW, **1330 kc.**; install new transmitter; make changes in antenna and move transmitter to a new site locally, subject to Commission's approval of antenna site (B3-P-2230).

KMO—Carl E. Haymond, Tacoma, Wash.—Granted construction permit to install new transmitter and increase power from 1 to 5 KW; **1330 kc.**, unlimited time (B5-P-2707).

WAGF—John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co. (Assignor), Dothan Broadcasting Co. (Assignee), Dothan, Ala.—Granted consent to voluntary assignment of license and construction permit from John T. Hubbard, Julian C. Smith and Fred C. Moseley, d/b as Dothan Broadcasting Co., to John T. Hubbard, Julian C. Smith, Fred C. Moseley and Horace Hall, d/b as Dothan Broadcasting Company, the new partner, Horace Hall, to pay the sum of \$12,500 to the three partners of the assignor partnership, as individuals, the sum of \$12,500 for his 25% interest in the assignee; station operates on **1370 kc.**, 250 watts power, daytime only (B3-APL-9).

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted modification of license to increase night power from 100 to 250 watts, operating unlimited time on **1420 kc.**, 250 watts day (B1-ML-1023).

DESIGNATED FOR HEARING

- KFOR—Sidles Co. (Assignor), Star Printing Co. (Assignee), Lincoln, Nebr.—Application for consent to transfer of control from Sidles Co. to Star Printing Co. of Cornbelt Broadcasting Co., licensee of station KFOR; **1210 kc.**, 100 watts night, 250 watts day, unlimited time (B4-TC-203).
- KFAB—Sidles Co. (Assignor), Star Printing Co. (Assignee), Lincoln, Nebr.—Application for consent to transfer of control of KFAB Broadcasting Co. from Sidles Co. to Star Printing Co.; **770 kc.**, 10 KW, simultaneous day, shares with station WBBM night.
- Fred Jones Broadcasting Co., Tulsa, Okla.—Application for construction permit for new station to operate on **690 kc.**, 50 KW, directional antenna for day and night use (B3-P-2957).
- KOMA—KOMA, Inc., Oklahoma City, Okla.—Application for construction permit to increase power to 50 KW; install new transmitter and directional antenna for night use; move transmitter; and change frequency to **690 kc.** under terms of the North American Regional Broadcasting Agreement; unlimited time. Station now operates on **1480 kc.**, 5 KW power, unlimited time (B3-P-2703).
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Application for construction permit to change frequency to **690 kc.**; increase power to 5 KW; install new transmitter and directional antenna for nighttime use; and move transmitter. Station now operates on **1010 kc.**, 1 KW power, specified hours (WNAD) (B4-P-2883).
- KFEQ—KFEQ, Inc., St. Joseph, Mo.; KWK—Thomas Patrick, Inc., St. Louis, Mo.—Application of KFEQ, Inc., to install new transmitter with directional antenna, increase power to 5 KW, and extend hours of operation from limited to unlimited. Station now operates on **680 kc.**, 500 watts, $2\frac{1}{2}$ KW daytime to local sunset at San Francisco; to be heard with application of Thomas Patrick, Inc., for construction permit to change frequency from **1350 kc.** to **680 kc.**, and increase power from 1 KW, 5 KW LS, to 50 KW (B4-P-2364).
- Trent Broadcast Corp., Trenton, N. J.; WTMJ—WOAX, Inc., Trenton, N. J.—Application for new station to operate on **1230 kc.**, 1 KW power, unlimited time (B1-P-2861), to be heard with application of WOAX, Inc., for construction permit to change frequency from **1280 kc.** to **1230 kc.**; increase power from 500 watts to 1 KW; change hours of operation from shares WCAM and WCAP to unlimited time; install directional antenna for day and night use; and move transmitter (B1-P-2959).
- WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.; WTNJ—WOAX, Inc., Trenton, N. J.—Applications for renewal of licenses of stations WCAM, Camden, N. J.; WCAP, Asbury Park, N. J.; and WTNJ, Trenton, N. J.; WCAM operates on **1280 kc.**, 500 watts, shares WCAP, WTNJ; WCAP operates on **1280 kc.**, 500 watts, shares WCAM, WTNJ; WTNJ operates on **1280 kc.**, 500 watts, shares WCAM, WCAP.
- Herbert L. Wilson, Community Broadcasting Corp., New York, N. Y.—Application for construction permit for new station to operate on **1310 kc.**, 250 watts power, unlimited time (B1-P-2678), to be heard with: Community Broadcasting Co., Middletown, N. Y.—Application for construction permit for new station to operate on **1310 kc.**, 250 watts, unlimited time (B1-P-2594).
- KFRO—Voice of Longview, Longview, Tex.—Application for modification of construction permit for new equipment and increase in power from 1 KW to 5 KW, and extend commencement date to 60 days after grant and completion date to 180 days thereafter; **1340 kc.**, DA night, unlimited (B3-MP-872).
- KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Application for modification of license to increase night power from 250 watts to 500 watts; 1 KW LS, unlimited time, on **1340 kc.** (B4-ML-998).
- Central Carolina Broadcasting Corp., Burlington, N. C.—Application for construction permit for new station to operate on **1420 kc.**, with 100 watts power, unlimited time (B3-P-2556).
- WMBG—Havens & Martin, Inc., Richmond, Va.—Application for modification of license to increase power from 1 KW, 5 KW local sunset to 5 KW day and night, using directional antenna; **1350 kc.** (B3-ML-1011).
- Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Application for construction permit amended to request new station

to operate on **1370 kc.**, 100 watts, unlimited time (B3-P-2472).

- R. B. Terry, D. A. Rawley, C. M. Waynick & H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C.—Application for construction permit for new station to operate on **1370 kc.**, 100 watts, unlimited time; to be heard in connection with application for Greensboro, listed above (B3-P-2491).
- WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Application for modification of license to increase nighttime power from 500 watts to 1 KW; **1410 kc.**, 1 KW day (B2-ML-973).
- WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Application for construction permit to make changes in antenna, install new transmitter and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day on **1410 kc.** (B2-P-2699).
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Application for modification of license to increase nighttime power from 500 watts to 1 KW; **1410 kc.**, 1 KW day. (B3-ML-971).

MISCELLANEOUS

- W9XA—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Kansas City, Mo.—Granted extension of special temporary authority to operate high frequency broadcast station W9XA on a frequency of **26300 kc.**, using maximum power of 1000 watts, special emission (frequency modulation) in cooperation with the licensee of high frequency broadcast station W2XJI, for the period November 8, 1940, to not later than December 7, 1940, to conduct and determine the extent of mutual sky-wave interference existing between two stations operating with 1 KW on **26300 kc.**, employing frequency modulation, and to determine to what field strength contour of the desired station the interference station whose transmissions are received via skywave will interfere with program reception of the desired station in its own coverage area.
- W1XSO—The Travelers Broadcast Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate high frequency station W1XSO on frequency **43.7 mc.** instead of **43.2 mc.** for the period November 10, 1940, to not later than December 9, 1940, in order to eliminate certain interference.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Granted special temporary authority to rebroadcast transmissions received from SS NORTH STAR, Call letters WTDU, frequency **2126 kc.** on November 8, 1940, in connection with regular Antarctic Expedition program.
- WMAX—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate additional time November 8 and 9, 1940, to broadcast programs of Mercer University only, and to operate additional time November 10 to 14, 1940, inclusive, to broadcast programs of Georgia Baptist Convention only.
- KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with Station KRKO from 4 p. m. to 5:30 p. m., PST, November 11, 1940, in order to broadcast special high school football game only.
- National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast communication between U. S. Marine Corp. plane and the airport control tower provided by Marine Corp., frequency **3785 kc.**, from 8 p. m. to 8:30 p. m. EST, November 10, 1940, in connection with dive bombing tests conducted in the area of North Island Airport, San Diego, Calif.
- KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted special temporary authority to pickup and rebroadcast transmissions from training ship operating with Army equipment and under supervision of Army operation on frequency **4185 kc.**, 5 watts power, from 11:30 to 12 noon, PST, November 9, 1940, in connection with delivery of planes from Vultee Air Factory at Downey, Calif., to Moffett Field.
- WIS—The Liberty Life Insurance Co., Columbia, S. C.—Granted special temporary authority to rebroadcast transmissions received from Army airplane between 11 a. m. and 12 noon, EST, November 11, 1940, in connection with Armistice Day celebration.

WNYC—City of New York, Municipal Broadcast System, New York, N. Y.—Granted special temporary authority to broadcast program sustaining audience in addition to the authority granted November 7, 1940, to operate from local sunset to 6:45 p. m., EST, for the period ending not later than November 30, 1940, in order to broadcast official information to Draft Boards only.

WNYC—City of New York, Municipal Broadcast System, New York, N. Y.—Granted special temporary authority to operate from local sunset (November, 4:45 p. m., EST), to 6:45 p. m., EST, for the period ending not later than November 30, 1940, in order to broadcast official information to Selective Service Draft Boards only (Sundays excepted).

WAPI—Alabama Polytechnic Institute, Univ. of Ala., and Ala. College (Board of Control of Radio Station WAPI), Birmingham, Ala.—Granted petition in part continuing hearing now scheduled for November 18 to December 9, on application for renewal of license for station WAPI.

APPLICATIONS FILED AT FCC

580 Kilocycles

WTAG—Worcester Telegram Publishnig Co., Inc., Worcester, Mass.—Construction permit to increase power from 1 KW night, 5 KW day, to 5 KW day and night, and make changes in directional antenna for day and night use.

610 Kilocycles

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Authority to determine operating power by direct measurement of antenna power.

620 Kilocycles

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—License to cover construction permit (B3-P-2461) for a new transmitter, installation of directional antenna, increase in power, requesting change in type of transmitter.

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Authority to determine operating power by direct measurement of antenna power.

660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-2339) as modified for new equipment, installation of directional antenna for use day and night, and move transmitter.

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

780 Kilocycles

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Voluntary assignment of license from Memphis Commercial Appeal Company to Memphis Publishing Company.

920 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station on 920 kc., 5 KW, unlimited time, directional antenna for day and night use. Amended to make changes in directional antenna and change transmitter site.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—License to use old composite transmitter for auxiliary purposes only, using 500 watts power.

1200 Kilocycles

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Authority to transfer control of corporation from James S. Maffeo and Lawrence R. Jackson to Carleton W. Morris, 463¼ shares of stock.

KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Authority to determine operating power by direct measurement of antenna power.

WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Modification of construction permit (B2-P-2582) for a new station, requesting approval of vertical antenna and transmitter and studio sites and change type of transmitter.

WDSM—WDSM, Inc., Superior, Wis.—Authority to install automatic frequency control equipment.

1210 Kilocycles

KFXM—J. C. and E. W. Lee (Lee Bros. Broadcasting Co.), San Bernardino, Calif.—Construction permit to change frequency from 1210 to 1390 kc., increase power from 250 watts to 1 KW, change hours from share KPPC to unlimited time, install new transmitter, and make changes in vertical antenna.

NEW—Mohawk Radio, Inc., Schenectady, N. Y.—Construction permit for a new broadcast station to be operated on 1210 kc., 250 watts, unlimited time. Amended re stockholders and financial structure.

NEW—Texas Star Broadcasting Co., Houston, Tex.—Construction permit for a new broadcast station on 1210 kc., 250 watts, unlimited time. Class IV station.

WGRM—P. K. Ewing, Greenwood, Miss.—Construction permit to install a new transmitter.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Authority to make changes in automatic frequency control equipment.

1240 Kilocycles

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Authority to determine operating power by direct measurement of antenna power.

1290 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—Construction permit to increase power from 250 watts to 1 KW, install a new transmitter, and make changes in directional antenna for day and night use.

1300 Kilocycles

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

NEW—Parkersburg Sentinel Co., Parkersburg, W. Va.—Construction permit for a new broadcast station on 1310 kc. (Class IV station), 250 watts, unlimited time.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WIZE—Radio Voice of Springfield, Inc., Springfield, Ohio.—License to cover construction permit (B2-P-2411) as modified for a new station.

1330 Kilocycles

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Authority to determine operating power by direct measurement of antenna power.

1340 Kilocycles

KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) as modified for approval of transmitter site at East Dubuque, Ill., and approval of directional antenna for night use.

1370 Kilocycles

KFRU—KFRU, Inc., Columbia, Mo.—Authority to determine operating power by direct measurement of antenna power.

KFRU—KFRU, Inc., Columbia, Mo.—License to cover construction permit (B4-P-2322) as modified for change of frequency, decrease in power, and change in hours of operation.

1380 Kilocycles

NEW—Wayne M. Nelson, Concord, N. C.—Construction permit for a new broadcast station on 1380 kc., 1 KW, daytime. Class III Station.

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 NARA.)

1420 Kilocycles

- WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Modification of construction permit (B3-P-2646) for changes in equipment, increase in power and move of transmitter and studio, requesting move of studio from near Albany to Albany, Ga.
- KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Authority to determine operating power by direct measurement of antenna power.
- WSLI—Standard Life Broadcasting Co., Jackson, Miss.—Authority to determine operating power by direct measurement of antenna power.

1450 Kilocycles

- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Construction permit to change power from 1 KW night, 5 KW day to 5 KW day and night, and make changes in directional antenna for night use. Class III-A Station.
- KGCX—E. E. Krebsbach, Wolf Point, Mont.—Authority to determine operating power by direct measurement of antenna power.

1490 Kilocycles

- NEW—Granite District Radio Broadcasting Co., Murray, Utah.—Construction permit for a new broadcast station on 930* kc., 250 watts, unlimited time. *960 kc. requested if Havana treaty effective. Amended: To request 1500 kc. (1490 kc. under N. A. R. A.). Contingent on KUTA being granted 570 kc., 1 KW).

1500 Kilocycles

- WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Authority to transfer control of corporation from Owensboro Publishing Co., Inc., to L. W. Hager, 77 shares, W. B. Hager, 77 shares, and George M. Fuqua, 37 shares.
- WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Modification of license to change power from 100 watts night, 250 watts day, to 250 watts day and night.

FM APPLICATIONS

- NEW—Federated Publications, Inc., Lansing, Mich.—Construction permit for a new high frequency broadcast station to be operated on 47100 kc.; coverage, 3,820 square miles; population, 278,162.
- NEW—Federated Publications, Inc., Battle Creek, Mich.—Construction permit for a new high frequency broadcast station to be operated on 48100 kc.; coverage, 4,100 square miles; population, 278,739.
- NEW—Federated Publications, Inc., Grand Rapids, Mich.—Construction permit for a new high frequency broadcast station to be operated on 46100 kc.; coverage, 5,300 square miles; population, 518,766.
- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 44900 kc.; coverage, 14,150 square miles; population, 14,954,832.
- 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.

TELEVISION APPLICATION

- NEW—Midland Broadcasting Co., Kansas City, Mo.—Construction permit for a new television broadcast station to be operated on 50000-56000 kc., power 1000 watts visual, and 500 watts aural, emission A3 and A5, Class I Television broadcast station. Amended: re transmitter location and equipment.

MISCELLANEOUS

- W1XK—Westinghouse Electric & Manufacturing Co., Hull, Mass.—License to cover construction permit (B1-PHB-76) as modified, for a new high frequency broadcast station.
- WEKW—Travelers Broadcasting Service Corp., Mobile.—License to cover construction permit (B1-PRE-366), which authorized decrease in power to 15 watts and new equipment.
- NEW—Juan Piza, San Juan, P. R.—Construction permit for a new relay broadcast station to be operated on 158400 kc.,

20 watts, special emission for frequency modulation. Amended: To change frequency to 156750, 158400, 159300, 161100 kc.

- WELU—WDZ Broadcasting Co., Portable-Mobile.—License to reinstate station WELU; frequencies 30820, 33740, 35820, 37980 kc.; power 2 watts, emission A3.
- WABG—Memphis Commercial Appeal Co., Mobile.—Voluntary assignment of license from Memphis Commercial Appeal Company to Memphis Publishing Company.
- KIUN—Jack W. Hawkins & Barney H. Hubbs, Pecos, Tex.—Authority to determine operating power by direct measurement of antenna power. (1370 kc.)
- WBAZ—L. B. Wilson, Inc., Portable-Mobile.—License to cover construction permit (B2-PRE-367) for new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

Bowe & Hartman—Alleging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against R. G. Bowe and W. W. Hartman, trading as Bowe & Hartman, 101 Summit St., Toledo.

In the sale of "Bowe's Tablets," the respondents are alleged to disseminate advertisements in commerce in which they represent, directly or by implication, that ulcers of the stomach, duodenum and intestines, gas on the stomach, sour stomach, indigestion, heartburn, constipation, nausea, pains around the heart, muscular pains, nervousness, melancholia, colds, headaches, dizziness, fatigue, lack of appetite, bad breath and insomnia are due to, or persist because of, hyperacidity or the presence of excess acid, and that their preparation is a cure or a remedy for hyperacidity and thereby constitutes a cure or remedy for the specific ailments and conditions mentioned.

The complaint alleges that, in truth, while gastric hyperacidity may be associated with the illnesses mentioned, it is not the cause of such conditions, nor do they persist solely because of hyperacidity. Although the respondents' product, according to the complaint, will assist in the temporary neutralization of gastric hyperacidity, it does not constitute a cure or remedy for any of the conditions enumerated.

The complaint further alleges that the preparation possesses no therapeutic value in the treatment of the conditions mentioned in excess of such temporary and palliative relief as it may afford in those instances where gastric hyperacidity is a concomitant factor.

According to the complaint, the respondents represent that they are manufacturing pharmacists and that their preparation is manufactured by them. The complaint alleges that they are not manufacturing pharmacists and obtain the preparation from other sources. (4373)

Chocolate Products Company, 415 West Scott St., Chicago, is charged in a complaint, with misrepresentation in the sale of a chocolate syrup designated "Stillicious Vitamix," alleged to contain Vitamins A, B, D, and G. The product was formerly known as "Stillicious Vitamin A, B, D."

The complaint alleges that the respondent sells its product in small containers to wholesale and retail dealers and in large quantities to dairies. The dairies, according to the complaint, use the product in making bottled chocolate drinks or beverages which, pursuant to agreement with the respondent, are sold to the public under the trade name "Stillicious."

In advertisements disseminated in various States, the respondent, according to the complaint, represents, directly or by implication, that the chocolate drinks or beverages made by the dairies with the respondent's product and sold by the dairies under the name "Stillicious," are made with milk. The complaint alleges that the milk content is not in any case whole milk but is skimmed milk or a mixture of whole milk and skimmed milk.

The complaint further alleges that the respondent disseminates advertisements representing, directly or by implication, and contrary to fact, that its product, by reason of the Vitamin A content, helps to build resistance to colds and infection. The complaint alleges that even in exceptional cases where persons suffer from a recognizable deficiency of Vitamin A, the quantity of that vitamin in the respondent's product is insufficient to overcome such deficiency or afford substantial assistance in building resistance to colds or infection. (4371)

Crowell-Collier Publishing Company and its subsidiary, P. F. Collier and Son Corporation, both of 250 Park Ave., New York City, and 24 officers and directors of the corporations, have been charged in a complaint with misleading sales methods and representations in the sale of books and encyclopedias with yearly supplements or revision services.

The respondent Crowell-Collier Publishing Company, according to the complaint, sells its publications to school teachers, college professors, business and professional men and to the general public, and, acting by and through its corporate subsidiaries and under the control and direction of the respondent officers, has employed, among other sales methods, the following:

(1) A prospective purchaser will be informed that as a result of a drawing conducted by the respondents, she has won a set of encyclopedias and other books, and the privilege of using for 10 years a research bureau maintained by the respondents; that in order to receive the books it is necessary for her to purchase from the respondents a yearly supplement to be supplied for 10 years at a given price which may be paid in monthly installments; that the sum asked for is the price of the yearly supplements, and that the books are given free.

(2) Agents and salesmen advise prospective customers that they are from the respondents' publicity department; that in exchange for letters commending the books, introductory encyclopedia sets are to be placed with a select few in different communities for advertising purposes; that prospects contacted have been selected to receive a set of encyclopedias; that, in order to get the books free, it is necessary for the customer to buy the yearly supplements or the annual revisions for a 10-year period; that the price of the supplements or revisions is far less than the price at which they will be sold later after the close of the advertising campaign, and that the price charged is to cover only the actual cost of the revision work to the respondents.

The complaint alleges that among other representations made in the sale of the respondents' publications are: that through a combination purchase the customer will receive \$184 worth of merchandise for \$59; that it is necessary for the respondents to move their merchandise from a warehouse located in one State to a warehouse located in another State, and that in order to save the expense of moving, the merchandise is offered at a greatly reduced price; that books offered are reclaimed books and are consequently being given at a lower price, and that special offers of reduced prices are being made to employees whose employers have placed advertisements with the respondents.

The complaint alleges that in fact none of the respondents' publications is ever given as the result of a drawing, or free, and as a gift or gratuity; that the purchase price of the so-called free goods is, in every instance, included in the price of the other merchandise sold to the customer; that in no case do the respondents sell at actual cost; that the sum of \$59, represented as a reduced price, is the regular price; and that other claims as made by the respondents are also deceptive and misleading.

Respondent officers and directors named in the complaint are:

J. P. Knapp, chairman, board of directors, Crowell-Collier Publishing Company; T. H. Beck, president, Crowell-Collier Publishing Company, and director, P. F. Collier and Son Corporation; A. E. Winger, executive vice president and treasurer and director of Crowell-Collier Publishing Company, and director, P. F. Collier and Son Corporation; J. A. Welch, vice president and director, Crowell-Collier Publishing Company; W. P. Larkin, vice president and director, Crowell-Collier Publishing Company, and president and director, P. F. Collier and Son Corporation; J. S. Brehm, vice president and director, Crowell-Collier Publishing Company; F. Braucher, vice president, Crowell-Collier Publishing Company;

G. B. Lane, vice president and director, Crowell-Collier Publishing Company; C. J. Bevan, vice president, Crowell-Collier Publishing Company; J. Ducey, assistant treasurer and auditor, Crowell-Collier Publishing Company; D. O'Sullivan, secretary, Crowell-Collier Publishing Company, and secretary, P. F. Collier and Son Corporation, and A. B. Pursell, assistant auditor, Crowell-Collier Publishing Company.

A. H. Lockett, Garden Hazen, H. G. Schackno, P. J. Dennerlein, T. L. Brantley and R. T. Messler, directors of Crowell-Collier Publishing Company; and R. G. Smith, C. E. Stouch, A. Untermeyer, W. L. Chenery, Mrs. G. Whiting, and J. C. Sterling, directors of Crowell-Collier Publishing Company and vice presidents of P. F. Collier and Son Corporation. (4372)

Westville Refinery, Inc., Westville, Ind., a distributor of reclaimed oil, is charged with misrepresentation, in a complaint.

Through use of the word "Refinery" in its corporate name and in other ways, the respondent, according to the complaint, represents that it operates an oil refinery, when in truth, the complaint alleges, it does not own and operate such a refinery in the sense in which the term is understood in the petroleum industry and by the public, namely, to designate a place with the proper and usual equipment where virgin crude oil is refined and prepared for use. The respondent, according to the complaint, is engaged solely in reclaiming and processing used motor oil from crankcase drainings.

The complaint alleges further that the respondent represents that its product is Pennsylvania oil with a paraffin base; that the base is wholly Pennsylvania oil, and that it is made solely from paraffin base stock. According to the complaint, such representations appear in statements printed on labels attached to containers, and the respondent's use of the brand name "Para-Penn" in describing its motor oil constitutes within itself a representation that the oil is from the Pennsylvania oil field and has a paraffin base. (4370)

STIPULATIONS

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

American Products Company, 711 North Taylor Ave., St. Louis, Mo., until recently engaged in selling a vending machine designated "Penny Snappy Vending Machine," and an alleged breath purifier designated "Penny Snappy Breath Flavors," has agreed to cease and desist from representing that it manufactures any product, unless and until it owns, controls, maintains or operates a factory wherein the product is manufactured; that the Penny Snappy Breath Flavor bar will kill or destroy liquor, onion, cheese, garlic or tobacco odors or any other odor, or that it will do more than temporarily mask any odor; that the bar is the only product of its kind on the market or is sold only through the Penny Snappy Vending Machine; that in selling the Penny Snappy Breath Flavor bar and the Penny Snappy Vending Machine one would have no competition, or that the respondents' facilities afford mass production, or that in buying from it one would be buying direct from the manufacturer. (02665)

Mutual Fibre Box Company—Henry S. Rosen and Sadie Rosen, trading as Mutual Fibre Box Co., 1400 Broadway, New York City, have entered into a stipulation in which they agree to cease and desist from certain representations in the sale of fiber board packing boxes.

Under their stipulation, the respondents agree to desist from marking or stamping such boxes with the purported certification of a box maker or manufacturer together with such use of their trade name "Mutual Fibre Box Co." as may tend to create the impression that they make or manufacture such boxes.

The respondent co-partners also agree to cease using on their stationery or printed matter, or in marking or stamping the boxes, or otherwise, in connection with the sale of such products, the word "manufacturers" or "makers," or other words of similar meaning, so as to imply that they actually own and operate or control a factory in which the boxes are made. (2981)

Pow-A-Tan Medicine Company, 825 Fourth Avenue, Huntington, W. Va., engaged in selling a drug preparation designated

"Powatan Herb Tonic," has agreed to cease and desist from representing that its preparation is a cure, remedy or competent treatment for all common ailments, rheumatism, neuritis, arthritis, indigestion, gas and bloating, piles, la grippe, colds, sick headache, heartburn, palpitation of the heart, weakness, tired out feeling and general run-down condition, pains in the neck, shoulders, side, back or hips, lumbago, and female complaints; that its preparation possesses any value in the treatment of the above symptoms or conditions in excess of such temporary relief as may be furnished by a laxative when such symptoms or conditions are due to or caused by constipation; that the beneficial effect of the preparation will prevent or make improbable such diseases and conditions as appendicitis, tuberculosis, catarrh, typhoid and other contagious and acute diseases; or that any price is the regular price for the product, unless it is the price at which the product is regularly and customarily sold. (02666)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Lead Pencil Company—Six manufacturers of rubber typewriter erasers have been ordered to cease and desist from uniform price fixing agreements.

Respondents are American Lead Pencil Company, Hoboken, N. J.; Eagle Pencil Company, Inc., New York; Joseph Dixon Crucible Company, Jersey City, N. J.; Eberhard Faber Pencil Company, Inc., Brooklyn; Weldon Roberts Rubber Company, Newark, N. J., and A. W. Faber, Inc., Newark, N. J., who constitute substantially all of the manufacturers of rubber typewriter erasers.

Prior to November 10, 1935, according to Commission findings, the respondents, in an effort to suppress price competition, restrain interstate trade, eliminate competition between themselves and monopolize trade in rubber typewriter erasers, entered into an agreement and understanding, and from November 10, 1935, to April 10, 1938, carried out such agreement and understanding.

Pursuant to and for the purpose of carrying out their agreement, and in making public bids, the Commission findings continue, the respondents fixed and maintained the prices at which their product was sold, fixed and maintained uniform terms and conditions governing its sale, and submitted, directly and through their agents, uniform and identical bids on their products, when requests were made for such bids.

The Commission order directs the respondents to cease and desist from entering into, continuing, carrying out or attempting to continue to carry out, by any method or means, any contract, agreement or understanding, either written or verbal, the purpose or effect of which is to fix and maintain uniform prices at which rubber typewriter erasers are to be sold, or to fix the terms and conditions governing the sale of such products in commerce.

In answering the Commission complaint in this case, the respondents had admitted all material allegations of fact set forth in the complaint concerning their acts and practices in making public bids on rubber typewriter erasers for the period between November 10, 1935, and April 10, 1938, and waived all intervening procedure. (4170)

Atco Soap Company—See A. T. Cherry Company.

Basie Foods, Inc., and Curtis Howe Springer, president of the corporation, Somerset, Pa., have been served with an order directing them to cease and desist from misrepresentations in the sale of "Dr. Springer's Antediluvian Tea" and "Dr. Springer's Re-Hib."

The order directs the respondents to cease using the word "doctor" or any abbreviation thereof to designate or identify any person or product when the person so designated is not or has not been a physician or practitioner of medicine, duly licensed as such to practice medicine by a recognized governmental authority, and when the product so identified is not the product or prescription of, and approved or sponsored by, such a physician or practitioner of medicine.

Further representations which the respondents are ordered to

discontinue are that the majority of human aches and pains are due to congestion of the glands and organs of the body, or to constipation or over-acid conditions; that Dr. Springer's Antediluvian Tea and Dr. Springer's Re-Hib, or any products of substantially similar composition, may be beneficially or safely taken by all persons, and that any of the respondents' products are approved by any governmental agency.

The order directs the respondents to cease representing that Dr. Springer's Antediluvian Tea, or any product of substantially similar composition, has any beneficial, curative or remedial value for any malady or diseased condition or possesses any therapeutic value in the treatment of kidney trouble, diseased tensils, stiff and aching joints, swollen feet, heartburn, insomnia, nervousness, or in the treatment of any other condition except to the extent the symptoms thereof may be relieved by the administration of a mild laxative.

The order further prohibits the respondents from representing that Dr. Springer's Re-Hib, or any product of substantially similar composition, has any beneficial, curative or remedial value for, or possesses any therapeutic value in the treatment of, any condition or malady, except to the extent that such condition or malady is caused by hyper-acidity of the stomach which may be relieved by the administration of the product as a palliative or acid neutralizer, and except to the extent that the digestion of foods may be aided by the administration of the product as a digestant. (2844)

R. F. Bemporad & Company, Inc.—An order has been issued requiring R. F. Bemporad & Co., Inc., 102 Madison Ave., New York City, importer and distributor of rugs, to cease and desist from misrepresentations in the sale of its products.

The order directs the respondent company to cease and desist from using the word "Hong Kong," "Canton," "Kina" or other names indicative of Chinese origin, as descriptive of rugs which are not in fact made in China and which do not possess all the essential characteristics and structure of Chinese Oriental rugs; from using the word "Mahah," "Kirma," "Orienta," "Bagdad," or names indicative of the Orient, as descriptive of rugs which neither are made in the Orient nor possess all of the Oriental rug characteristics; from using the word "Reproduction," or any similar word which implies that the article to which it refers is a replica or duplicate of an original, as descriptive of rugs which are not in fact true counterparts of the type named, and from using the words "Old Cabin," "Boston," or other distinctively American names, as descriptive of rugs which are not in fact made in the United States.

Commission findings are that some of the respondent's rugs sold under Oriental and Chinese names are made in Italy and others in Belgium, of cotton, on power looms, and do not have all the characteristics of true Oriental rugs, although they so closely resemble Chinese Oriental or Oriental rugs, as the case may be, that many laymen are unable to distinguish them from the true Orientals.

Pointing out that hooked rugs are generally regarded as a distinctively American product, findings are that the respondent's hooked rugs, designated as "Boston" and "Old Cabin," were made in Europe. (4238)

A. T. Cherry Company—Albert T. Cherry, doing business as A. T. Cherry Company and as Atco Soap Company, 2200 Northwestern Ave., Dayton, Ohio, engaged in the sale and distribution of soap and soap powder, has been ordered to cease certain misrepresentations concerning his products.

The Commission finds that the respondent sells his products to house-to-house canvassers, who sell the products in so-called "Combination Deals." A typical "deal" consists of two cartons of soap and four boxes of powder, the wholesale cost of which is approximately 18¢. Although, according to findings, each carton contains the statement "Combination Deal 75¢" or some equivalent statement, the deals are not uniform as to content or price, but each canvasser determines for himself the kind and number of articles to go into each deal and the price at which it is to be sold.

In truth, the Commission finds, the price of 75¢ indicated on the cartons, or the other amount indicated thereon, does not represent the price at which the carton is generally and customarily offered for sale and sold at retail, the prices being wholly fictitious and greatly in excess of the actual retail selling price of the soap.

The respondent is ordered to cease and desist from using the expression "Combination Deal 75¢" or the price mark "75¢",

or any other expression or price marks indicating a price, on the container in which soap or soap products are sold, unless the quantity of soap or soap products enclosed in the container is regularly and customarily offered for sale and sold at 75¢, or the sum indicated; from representing as the customary or regular retail prices for soap or soap products prices which are in fact fictitious and in excess of the prices at which the products are regularly and customarily offered for sale and sold in the normal course of business; and from supplying to, or placing in the hands of, house-to-house canvassers or others purchasing for resale, any soap or soap products price marked or branded in violation of the preceding order. (3416)

Heifler & Jackson—An order has been issued striking out a portion of an order to cease and desist of April 15, entered against Rose Heifler and Fred Jackson, trading as Heifler and Jackson, 740 Bergen St., Brooklyn, distributors of a preparation advertised as a treatment for the scalp and hair and designated as "Morgan's Pomade."

The Commission order of last April directed the respondents to cease and desist from dissemination of advertisements containing certain representations of their product.

Upon request of the respondents, the Commission, in the public interest, has modified its order to cease and desist by striking from the last four lines the language "or which advertisements fail to reveal that the application of 'Morgan's Pomade' to tender, injured or broken skin may result in serious injury to the health of the user."

The Commission further directed that except as modified, the order to cease and desist is to remain in full force and effect. (3893)

Ideal Candy Novelties Co., Inc., and Abraham and Rose Aronoff, are directed to cease and desist from selling and distributing candy or any other merchandise so packed and assembled that sales to the public may be made by means of a lottery; from supplying others with assortments of candy or other merchandise or any lottery devices which may be used to conduct gift enterprises or lottery schemes in the sale or distribution of such candy or other merchandise to the public; from supplying others, for sale to the public, with packages or assortments of candy composed of individually wrapped pieces of candy of uniform size and shape and of different colors, together with articles of merchandise or larger pieces of candy which may be given as prizes to purchasers procuring pieces of candy of a particular color, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4086)

Manchester Silver Company, 49 Pavilion Ave., Providence, R. I., and Frank S. Trumbull, Franz S. Tideman and Edward B. Palmer, officers of the corporation, have been ordered to cease and desist from certain misrepresentations of prices in the sale of sterling silver flatware.

Commission findings are that for many years the respondents have circulated among retailers, wholesalers and jobbers a price list known as a "Pink List," purporting to show the usual and regular retail prices or values of the respondents' silver flatware; that sales have been made to such dealers at specified discounts from the Pink List, and that retailers, particularly large department stores, in conducting special sales of the respondents' products, have used the Pink List to show the so-called regular prices of those products as compared with the special sales prices.

About January 1, 1939, the findings continue, the respondents devised a plan for use by retailers to promote the sale of the respondents' products at special sales, pursuant to which they issued a "Blue List" which had the words "Wholesale List" printed

thereon. The prices shown in the Blue List for identical articles were substantially higher than the Pink List prices which had long been in use, and were wholly fictitious and greatly in excess of the regular prices, according to findings.

Findings are further that use of the Blue List fictitious prices enabled dealers to represent that purchasers at retail obtain as much as 50 per cent off the respondents' regular list price, whereas when the respondents' real price list (the Pink List) has been used, retailers conducting special sales have been unable to represent that purchasers obtain discounts off the list price in excess of 33 per cent.

The Commission's order directs the respondents to cease and desist from representing as the customary or regular retail prices for their products prices which are, in fact, fictitious and in excess of the regular prices; from using, or supplying to dealers and others for use, purported wholesale, retail or other price lists, when they contain fictitious prices which are in excess of the customary prices; from representing that the regular price of any article of silverware is in excess of the price at which it is customarily sold, and from using, or supplying to wholesalers, retailers and others for use, any price list which does not correctly set forth the true price at which the silverware is customarily offered for sale and sold. (4133)

Modern Hat Works—An order has been issued directing Jacob Schachnow, trading as Modern Hat Works, 313 Third St., Jersey City, 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. (2047)

Reliable Sales Service Company—Joseph Saladoff, trading as Reliable Sales Service Company, is directed to cease and desist from selling or distributing sales promotion cards, or any other articles of merchandise, so designed and arranged that their use by retail merchants may constitute the operation of a game of chance; from supplying to, or placing in the hands of, others sales promotion cards or sales promotion plans or schemes, or any other merchandise, which may be used, without alteration or rearrangement, to conduct a lottery when distributed to the public; and from furnishing or supplying to dealers display posters or circulars or other advertising literature bearing legends or statements informing the public as to the manner in which sales promotion cards or other lottery devices may be distributed and used. (3535)

FTC CASE CLOSED

The Federal Trade Commission has closed a case against Dr. H. B. Norton Shoe Co., Inc., and Dr. H. B. Norton and Benjamin Weinstein, trading as The Foot Health Institute, 1619 Chestnut St., Philadelphia, without prejudice to its right to resume proceedings, should future facts so warrant. The respondents had been charged, in a Commission complaint, with violation of the Federal Trade Commission Act in connection with the sale of specially built shoes designed for ill-formed feet.