



## NAB Asks Protection of Industry's Rights; Fights Tax

The NAB went to bat for you this week before two Congressional committees.

Before the House Interstate Commerce Committee, Neville Miller asked for three amendments to the Federal Communications Act which would protect rights which we think Congress has always intended that you should have.

Before the House Ways and Means Committee, Ellsworth Alvord, our tax counsel, urged the members to throw out a proposal by the printing trades unions that radio time sales be subjected to a special penalty tax ranging from 5 to 15 per cent.

The proposed amendments to the Communications Act would:

- (1) Specifically forbid the FCC to interfere with radio programs or business management.
- (2) Forbid the FCC to impose various penalties not authorized by law. This would stop the FCC, for instance, from forcing the owner of two stations in a single community to dispose of one before he could get authorization for a power increase for the other.
- (3) Provide for declaratory rulings by FCC which could be appealed to courts. This would permit station owners to appeal FCC rules, regulations and orders to the courts before they become effective. This would prevent the FCC from taking away station licenses for failure to comply with FCC actions before the courts had passed upon the validity of those actions.

Mr. Miller also endorsed, in principle, the procedural amendments previously proposed by the Federal Communications Bar Association. He appeared at hearings on an amending bill introduced by Representative Sanders (D.-La.).

In drafting the amendment to bar the FCC from interfering with radio programs or business management, Mr. Miller merely took the language of a Supreme Court decision on that issue. It said, in part:

"But the Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of (*Continued on page 216*)

### DCB Recommends Ban on All Construction

The Defense Communications Board on Thursday recommended to the War Production Board and the Federal Communications Commission that with regard to the construction of radio broadcast facilities there be immediately placed into effect the following policy:

No future authorizations involving the use of any materials shall be issued by the Federal Communications Commission nor shall further materials be allocated by the War Production Board, to construct or to change the transmitting facilities of any Standard Television, Facsimile, Relay or High Frequency (FM, Non-Commercial Educational, Experimental) broadcast station.

### Convention Program

Plans for the Twentieth Annual NAB Convention are rapidly maturing. While all of those who have been invited to participate on the program have not as yet indicated acceptance, the convention is assured of a most interesting lineup of speakers.

Sunday, May 10, the day preceding the actual opening of the convention, many of the NAB Committees and the Board of Directors will hold meetings.

The convention gets under way with the first business session at 10:30 a.m. on Monday, May 11. The keynote for the convention is "Radio and the War" and Archibald MacLeish, Director of the Office of Facts and Figures, and Byron Price, Director of Censorship, will sound the keynote. Following this will be an Informa-

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

Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Frank E. Pellegrin, *Director of Broadcast Advertising*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Lynne C. Smeby, *Director of Engineering*

## NAB ASKS PROTECTION

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policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel."

"Notwithstanding this pronouncement of the Supreme Court and notwithstanding the fact that no language can be found in the Act which confers any right upon the Commission to concern itself with the business phases of the operation of radio broadcast stations, we find the Commission concerning itself more and more with such matters," Mr. Miller told the Committee.

"This it has done by requiring all licensees to file with the Commission voluminous reports showing in the minutest detail practically every phase of their financial operations. It has also by regulation required the filing of practically all contracts relating to the acquisition and broadcast of various types of program material. But further than this, it has attempted by regulation to control the source, and consequently the character, of program material and the contractual or other arrangements made by the licensee for the acquisition of such material."

FCC discrimination against newspaper owners of radio stations was cited by Mr. Miller as one reason for the need of an amendment to prevent unauthorized penalties by the FCC.

"For a period of time applicants for broadcast facilities who were also identified with newspapers or newspaper activities have been discriminated against by the Commission," he said. "In some cases this discrimination may have been justified because of the facts of a particular case, but that is not the point in issue. The point in issue is that notwithstanding the fact that the Act contains no authority for such action and notwithstanding the further fact that the United States Court of Appeals for the District of Columbia has twice pointed this out, the Commission has nevertheless continued to discriminate against newspaper applicants as a class and has withheld facilities from such applicants to which they were otherwise entitled.

"Sometimes this discrimination has been effected by adverse action upon particular applications; sometimes by merely holding applications without action. But in practically all cases where newspaper or newspaper interests have made application for new or increased facilities, they have been confronted with action of this sort."

In summarizing the need for the amendments, Mr. Miller said:

The problem of the broadcasting industry today can be summed up in one word "uncertainty"; uncertainty of right—uncertainty of remedy—and uncertainty of future. We appreciate, of course, that due to the declaration of war and the accompanying readjustments in our national life, there is no industry and, in fact, no individual that is wholly free from uncertainty. But our's is an uncertainty wholly unrelated to war. Our problem existed before the war and will exist throughout the war and at the end of the war, unless Congress clarifies the relationship between government and the industry. Allow me to briefly outline the various aspects of the problem.

There is great uncertainty as to the power of the Commission, due to the indefinite grant of power given the regulatory body,

contained in the phrase "public interest, convenience or necessity."

In 1927 when the act was passed, radio was in its infancy, and the Congress wisely decided not to pass any law which would hinder the growth of this new science. The phrase "public interest, convenience or necessity" was used in the utility field where the powers of regulation were broad and general, and it was thought wise to employ that phrase for radio at least for a time. Its meaning was undoubtedly well understood at that time, but over a period of years that meaning has become ambiguous and its confines have lost clear outline. Due to the indefiniteness of the law there is forever pressure upon the Commission to assume powers far beyond those granted by the Congress to a regulatory commission. Moreover, as I shall presently demonstrate, there is no way today by which a broadcaster can challenge the assertion of authority by the Commission on many of its acts without risking the loss of his license.

Then again, the penalty which can be meted out for a single offense is too severe. It is perfectly possible for a broadcaster to lose his license for a single mistake which does not involve willful misconduct, which might in fact represent just one small slip of the tongue or of the pencil in the hand of a news script writer. I believe that the punishment should most certainly fit the crime, but since it is almost impossible to operate over a length of time without some technical violation, I believe that no license should be revoked for a single violation, but only for over-all and willful continuous violation and defiance.

Recently the Commission has initiated hearings concerning the ownership of radio stations by newspapers, notwithstanding the fact that the Act contains no authority to permit any discrimination against such ownership, and notwithstanding the further fact that the court pointed this out before the hearings started, and has again pointed it out in the recent Stahlmann case. The Commission has initiated hearings on multiple ownership, network structures, network station relationship; and, there is a general tendency on the part of the majority of the Commission more and more to invade the field of business management and program content. There is a very serious question of the Commission's power to take any action in these and other fields, certainly questions of fundamental policy are involved which were not definitely settled in the Commission's favor by the Act of 1927, or the Act of 1934, and such questions of policy should be settled by the Congress and not by any administrative agency.

All these actions of the Commission, plus the uncertainties above mentioned, have produced a condition which threatens the very freedom of radio. I do not want to be misunderstood. I do not say that the Commission has made any attempt at direct censorship in violation of Section 326 of the Communications Act, but I do say that there is always a direct threat of censorship in any system of licensing, and this thought was well expressed in *Thornhill v. Alabama*, decided April 22, 1940, (310 U. S. 88), when the Court said:

"The power of the licensor against which John Milton directed his assault by his 'Appeal for the Liberty of Unlicensed Printing' is pernicious not merely by reason of the censure of particular comments, but by reason of the threat to censure comments on matters of public concern. It is not the sporadic abuse of power by the censor, but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

I emphasize this point because I believe that freedom of thought, freedom of discussion, freedom of the press and of speech,—yes, freedom of radio—form the cornerstone of democracy. It is and always has been recognized that the rights of free men can only be guaranteed through the free play of ideas and through the right to criticize the action of those placed in temporary authority of office. Except in the case of violent revolution, the rights of citizens are never taken away abruptly, but little by little essential rights are plucked away if protests and remedial measures are not made.

Further, freedom of radio becomes academic without economic freedom. Today the networks are not only threatened with the loss of their stations, but uncertainty underlies the whole basis of network station relationship. An investigation challenging the right of newspaper interests to own radio stations has been initiated by the Commission, and today newspapers are threatened with the possible loss of their licenses; it is possible that insurance companies' right to hold a license may be threatened tomorrow, department stores next week, and so on down the line. These new policies of discrimination are being enacted into law by an administrative agency without the slightest warrant either in the



language found in the statute or in the legislative history. No business can grow and prosper under such a condition.

It is to eliminate this uncertainty, to settle these basic policies and to definitely define the Commission's power, both for the benefit of the broadcaster and so that the Commission can better function, that legislation is needed.

This need for legislation was recognized by President Roosevelt when, on January 21, 1939, he wrote the Chairman of this Committee and the Chairman of the Senate Committee, as follows:

"Although considerable progress has been made as a result of efforts to reorganize the work of the Federal Communications Commission under the existing law, I am thoroughly dissatisfied with the present legal framework and administrative machinery of the Commission. I have come to the definite conclusion that new legislation is necessary to effectuate a satisfactory reorganization of the Commission.

"New legislation is also needed to lay down clearer congressional policies on the substantive side—so clear that the new administrative body will have no difficulty interpreting them or administering them."

In drafting this new legislation, although I urge you to end the uncertainty to which I refer, may I also remind you that radio is still a developing art, there are new developments coming over the horizon—frequency modulation, television and facsimile, to mention but a few—and care should be taken to allow for the future growth and development of an art and science which is yet in its infancy.

Certainly we are entitled to have our rights clarified and protected. That is the minimum to which every American business is entitled.

### Time Sales Tax Opposed

John B. Haggerty, president of the International Allied Printing Trades Association, proposed a penalty tax on radio time sales, ranging from 5 to 15 per cent, at a Ways and Means Committee hearing April 14. It was approximately a repetition of the proposal he made last year which the NAB was successful in killing.

Immediately after Haggerty's appearance, both the NAB and the International Brotherhood of Electrical Workers (A. F. of L.) issued statements assailing this discriminatory tax proposal. The American Federation of Labor itself is going to oppose the printers' proposal, too.

The NAB statement:

The penalty tax on radio broadcasting selfishly proposed today by John B. Haggerty would seriously interfere with radio's all-out war effort and add comparatively little to the public treasury. On behalf of the printing trades unions Mr. Haggerty appeared today before the House Ways and Means Committee and requested a discriminatory tax on radio so that current radio advertising revenue will be diverted to printed media.

Curtailment of civilian consumption threatens drastically to reduce, if not to destroy, the revenue of broadcasters. Nevertheless, broadcasters are energetically and at great expense increasing their many public services vital to the war effort. They have increased facilities and coverage. They are devoting many hours of broadcast time to war programs. They are helping keep the American public the best informed people in the world. In addition, American international stations are informing the peoples of the world of the ideals and efforts of the United Nations. These functions the broadcasters perform as a public service and without receiving any revenue whatsoever from the government.

The broadcasters are wholly satisfied to leave to Congress the determination of how heavy the burden of general taxation shall be, and will continue cheerfully to pay their share of all general taxes which Congress may see fit to impose. They object, however, to being singled out as a target for a discriminatory tax and to the use of the taxing power to hamper the normal operation of competitive enterprise.

Neither the publishing industry nor labor generally supports a penalty tax on radio advertising. EDITOR AND PUBLISHER, the trade magazine of the newspaper business, editorially has opposed such a tax. The American Federation of Labor is likewise on record against any discriminatory tax on radio.

The National Association of Broadcasters intends to appear before the Ways and Means Committees at an early date to state its position.

The International Brotherhood of Electrical Workers statement:

The proposal made today to the Ways and Means Committee to impose severe regulations and taxes on radio broadcasting, by the Allied Printing Trades Association was condemned by the International Brotherhood of Electrical Workers, an A. F. of L. union, as an attempt to forestall progress.

The International Brotherhood of Electrical Workers through its International President, Ed. J. Brown, in commenting upon the appeal made to the Ways and Means Committee by John J. Haggerty of the printers' group, said the proposal offered the Committee was very little different from previous propositions advanced by the printing trades workers. Brown emphasized that a tax on radio broadcasting was denounced last year by the American Federation of Labor, before the Senate Finance Committee on the grounds that:

"The tax advocated is punitive and discriminatory in favor of newspapers as against radio stations, and is designed to take work away from a new industry and throw it to an old one."

Data will be submitted to the Committee this week by the Electrical Workers' organization showing that the printing trades workers have suffered no loss of employment opportunities as a result of radio broadcasting activities. Evidence that the printers' organizations have made their most substantial gains in membership simultaneously with the expansion of radio advertising, will also be submitted to the Committee.

### COMPLETE TESTIMONY SOON

The complete text of Neville Miller's testimony before the House Interstate Commerce Committee, asking for amendment of the Federal Communications Act, and Ellsworth Alvord's statement to the Ways and Means Committee on the time sales tax proposal will be sent to all members soon.

### CONVENTION PROGRAM

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tional Clinic in which Major General A. D. Surlis, Director of the War Department Bureau of Public Relations; Captain L. P. Lovette, Office of Public Relations of the Navy; Major General Beaumont-Nesbitt, former Director of British War Information; and J. Harold Ryan, Assistant Director of Censorship in charge of radio, will participate. Following this will be a question and answer session.

The noon luncheon speaker has not yet been selected. The afternoon of Monday "Radio Advertising for Department Stores" is the subject of a panel for sales managers, the discussion being led by Richard G. Meybohm, Manager, Sales Promotion Division, National Retail Dry Goods Association. Also appearing on the panel are: Barclay W. Newell, Sales Manager, Wm. Taylor Sons & Co., Cleveland; Edgar L. Rice, Sales Promotion Manager, The A. Palsky Co., Akron, and James W. Petty, Jr., Publicity Director, H. & S. Pague Co., Cincinnati. Coincident with this session, time has been set aside for the Independent Radio Network Affiliates (IRNA), National Independent Broadcasters (NIB), and Network Affiliates, Inc. (NAI) to hold their meetings. Tentatively a labor relations clinic is scheduled for 8 p.m. with Dr. Leiserson, member of the National Labor Relations Board, as a discussion leader.

On Tuesday morning a series of breakfast roundtables is scheduled covering Wages and Hours, Technician Shortage and Training Program, Procurement and Priority Problems. The Sales Managers Breakfast will feature the New York Time Buyers and John Hymes. A news editors breakfast will be presided over by J.

Harold Ryan and General Surles, Captain Lovette and Major General Beaumont-Nesbitt are expected to participate. There will be an OFF breakfast, one portion of which will be devoted to the "Four Themes," discussion being led by William B. Lewis and Philip Wylie. The other portion of that breakfast is devoted to program coordination with Douglas Meservey and Seymour Morris leading the discussion.

The business session at 10:30 a.m. will be devoted to the theme, "Priorities: Men and Materials." Brigadier General Lewis B. Hersey will discuss the Selective Service Act and the speaker on "Material Priorities and Their Effect on Our National Economy" has not yet been named, nor has the speaker for the noon luncheon.

The afternoon of Tuesday will be devoted to the music problem with representatives of BMI, ASCAP and SESAC invited to participate. Later that afternoon the clear channel stations will hold a meeting, as will the local channel stations, and throughout the afternoon the sales managers will have a session. This latter session bids fair to be a most interesting one. The speakers are Dr. Harry Dean Wolfe, Director of the Bureau of Business Research, Kent State University, Kent, Ohio. His topic will be "Selling with Surveys." The other speaker on the program will be Gene Flack, General Sales Department, Loose-Wiles Biscuit Company. Both of these talks will be followed by discussions.

On Wednesday there will be another series of breakfast roundtables, one on collective bargaining and another sales managers roundtable with the NAB associate member station representatives leading the discussion. These include Edward Petry & Company, Inc., John Blair & Company, Free & Peters, and Weed & Company. A roundtable on the work of the DCB to be led by E. K. Jett, will also be held and the second portion of that meeting will be on the Protection of Property from Sabotage, Fire and Theft. The foreign language roundtable will be led by Allan Cranston of OFF assisted by Lee Falk. There will also be a breakfast roundtable for women program directors, presided over by Miss Jane Weaver, WTAM; and the Misses Frances Farmer, KNX; Alma Kitchell, Blue Network; Susan Allen, KHQ-KGA; Hayle Cavenor, WCCO; and Ruth Chilton, WSYR, will be featured.

The business session takes up at 10:30 a.m. and will be turned over to the sales managers. Arthur Horrocks, Counsel, Public Relations Department, Goodyear Tire and Rubber Company, will deliver an inspirational address, "The Bridge to a New Democracy." He will be followed by Miller McClintock, the Director of the Advertising Council, who will speak on the work of that organization. The speaker for the noon luncheon has not yet been determined.

The afternoon session will be the NAB business session. Ellsworth C. Alvord, tax counselor for NAB, will deliver a brief talk on pending tax legislation. This will be followed by the business session at which 13 proposed amendments to the By-Laws will be considered, 6 Directors-at-Large will be elected and the 1943 convention site will be selected. This will be followed by resolutions. At 7:30 that evening the annual banquet will be held.

Thursday, the 14th, the NAB Board of Directors will convene in its initial session of the year following election. A golf tournament will be held during the afternoon.

On Tuesday, the 12th, under the leadership of Mrs. Walter V. Magee, President of the Greater Cleveland Radio Council, a most interesting women's session has been planned.

Throughout Wednesday a special meeting for women has been arranged by Mrs. Dorothy Lewis, who is serving on a public service basis as NAB Coordinator of Listener Activities. In addition to the breakfast roundtable previously mentioned a series of addresses make up the program. "Women in Industry" will be discussed by Mrs. Harold V. Milligan, President of the National Council of Women; "The Broadcasters' Code" by Earl Glade, Chairman of the NAB Code Committee; and "The Role of the Listener," by Mrs. George D. Palmer, Radio Chairman of the General Federation of Women's Clubs. The subject of "What Do Women Want to Hear" will be discussed by Miss Ann Holden, Director of Women's Activities, Station KGO, San Francisco. "The Woman Pays" is the subject of a talk by Mrs. Irma Proetz, Vice President

of the Gardener Advertising Agency. There will be a special women's luncheon at which Neville Miller will speak briefly.

The theme of the afternoon women's session is "Radio Abroad." Dr. Sterling Fisher of NBC will speak on "Radio's Latest Adventure in Education—the Inter-American University of the Air." Miss Beatrice Belcourt, Public Relations Officer of the Canadian Broadcasting Corporation, will discuss the subject of "Radio in Canada," while Dr. Winifred C. Cullis, Professor of Psychology, London University, will speak on "British Women in Wartime." Dr. Cullis will also show a film entitled, "Ordinary People."

Lt. Commander Thomas J. Keane, U.S.N., will address the meeting on "The Navy, At Home and Abroad," and Edward M. Kirby, NAB Public Relations Director, now on leave of absence as Chief of the Radio Branch, Public Relations Division of the War Department, will speak on "Radio's Place in the War."

NAB officials hope to complete the speakers list by the end of this week.

Advance reservations indicate that all attendance records at NAB conventions will be broken.

## Sales

### PERFORMANCE SURVEY FILLS NEED

The "NAB Survey of Radio Station Performance in Commercial Broadcasting," published on page 201 of last week's NAB REPORTS in addition to other distribution, was hailed in radio and advertising circles as filling a long-felt need as the first actual measurement of the reliability of radio commercial broadcasting.

William A. Fricke, secretary of the Radio Committee of the American Association of Advertising Agencies, writes:

"Your survey of station performance is very enlightening. From time to time the question of checking station performance comes up. Many people feel that money spent for such checks could better be spent for additional time but *I have never seen any presentation of this point of view which has been as clear as that in your survey.* Could you furnish us with 100 copies of the report so that we might offer it to our members?"

National radio sales representatives commented similarly. Said L. H. Avery of Free & Peters: "Honestly, I don't know of another study in a long time that has impressed me quite as much as the 'NAB Survey of Radio Station Performance in Commercial Broadcasting.' You certainly selected a trio of representative stations in WSB, WSPD and KTRI. If you have a half dozen extra copies of this study, I'd very much appreciate such a supply. I promise you we will put them to good use with Chicago advertising agencies and advertisers."

John Blair, of John Blair & Co., declared he backed the study "100 per cent," requested copies for every Blair office, and promised fullest cooperation.

Agency comment from such potent organizations as Compton Advertising, Inc., Ruthrauff & Ryan, Inc., and Young & Rubican, Inc., ran in similar vein, and many agencies requested extra copies for submission to some of their clients "who have at one time or another raised the question about checking services," as Charles T. Ayres expressed it.

Such a reception indicates the real need for an even more extensive study of this subject by more stations. As requested in last week's issue, NAB stations are urged to *make a similar study for a period of one month*, and report their findings to the NAB Department of Broadcast Advertising. Meantime, all station salesmen should have access to the study published last week for presentation to clients whenever the need arises.

### PRESS ORGAN POINTS TO RADIO

Predicting "Better Business Ahead" for newspapers, *Editor & Publisher*, semi-official organ of the American press, on its editorial page, April 4, advised newspapers to follow radio's example. After



stating that publishers, hitherto gloomy over the business outlook, were now recovering a measure of optimism the editorial said:

"Radio advertising also seems to be maintaining approximately its 1941 volume, despite the loss of some large accounts, and the promotion of the networks and leading individual stations has been increased rather than diminished. While newspapers appear certain to get a larger share of the total advertising dollar in 1942 than has been theirs for many a year, that share will be smaller than it ought to be for many newspapers unless their promotion is more vigorous and aggressive than it has been recently. In the radio industry newspapers have a competitor which knows the value of the printed word for the advancement of its cause, and which uses advertising far more intelligently, in the large, than do the majority of newspapers. That is indeed an anomaly, but it has been a major factor, no doubt, in maintaining and increasing advertising volume over the air waves."

## READERSHIP VS. LISTENING AGAIN

Radio has no quarrel with the press, and the first concern of every good advertising medium is to sell itself on its merits constructively, rather than engage in windmill-tilting with competitive media. Fortunately, most time salesmen and space salesmen follow such a constructive policy.

But it has been reported that some space salesmen are using the latest release of the "Continuing Study of Newspaper Reading" as a yardstick for comparison with radio listening. That study declares that "advertising is the best read service feature offered by newspapers . . . women are more interested in newspaper advertisements than society news, pictures or comics . . ." etc. The study declares that 52% of the men and 58% of the women readers, in the average, "stop to read one or more national ads in their daily papers."

Such evidence is no doubt of some value to advertisers and to space salesmen, but is not a valid yardstick for comparison with radio listening. When a space salesman uses those figures for comparison with CAB or Crosley ratings of radio programs, for example, the comparison is invalid and entirely out of bounds, because such ratings apply to a *particular* program, while the percentage figures quoted apply to *all* reading.

The *comparable* radio figure is the per cent of listeners who hear the radio *some time daily*—and this figure is 82.9%—as shown by the study of the Joint Committee on Radio Research (see "Manual of Radio Advertising," page 4). It may be assumed that everyone who listens some time daily will hear "one or more ads."

Radio salesmen can, when necessary, point out that 82.9% is a lot bigger than 52% and 58%.

Radio continues to give its sponsors more advertising impressions per dollar invested than any other advertising medium.

## CIRCUS WILL BUY TIME

The NAB has been informed by F. Beverly Kelley, in charge of radio promotion for Ringling Bros. and Barnum & Bailey Circus, that spot announcements will be purchased this year. For its opening in New York, the circus bought spots on WJZ, WEA, WABC, WOR, WNEW, WMCA, WHN and WINS.

## BANKS SELL BONDS VIA PRESS

Twenty-two banks and trust companies in New York contributed \$50,000 for a newspaper advertising campaign in New York City dailies, resulting in the sale of \$190,000,000 worth of Defense Savings Bonds, according to a report in the New York HERALD-TRIBUNE. Banks in other cities have expressed interest in the series, asking for copies of the ads so that they may repeat them in their localities, the report stated.

There seems to be no reason why radio stations in any city cannot organize similar cooperative campaigns.

## WATCH RELIEF FUND APPEALS

During any emergency period it is necessary to exercise unusual vigilance over appeals for free time to promote various relief

funds. While most of these are legitimate and entirely worthy, there have been some glaring exceptions.

Unless the agency requesting free time is known positively to be above question, such as the Red Cross, Community Chest, etc., each station should make a careful investigation before cooperating in any promotion. For example, the "British Food Parcels Service Co." of New York, which recently circularized the radio industry seeking free time, was found to be a commercial enterprise operating for profit.

NAB member stations this week have reported the "Paul Revere Rides for Army-Navy Relief," of New York, which also seeks free time for the promotion of "Historical Prints for Modern Rooms," sent to listeners for a 25¢ Defense Stamp or 25¢ in coin. The circular says that "net proceeds" will be donated, and that the promotion is "endorsed by Army Emergency Relief, Washington, D. C., and Naval Relief Society, Washington, D. C." The Washington headquarters of Army Emergency Relief has informed the NAB that no indorsement has been given by that office to this promotion, and furthermore, that Army Emergency Relief "is not asking for any time from radio stations for contribution on a national basis in 1942," since all promotions planned for this year are to be local in character, such as athletic events, social benefits, etc. The Washington office of the Navy Relief Society likewise disclaimed any knowledge of an endorsement to this promotion. Investigation of this case is being continued in New York.

Generally speaking, a "net proceeds" angle should always be investigated.

## BRIEF CASES AVAILABLE

At the request of a member station, the NAB has secured prices on brief cases suitable for station salesmen and other personnel. If sufficient demand exists, the NAB will be glad to order these for member stations at cost.

The prices quoted are for 14" x 11" genuine Morocco leather cases, with 2-inch capacity on standard 3-ring binders, zipper bound on three sides, at \$5.33 each in quantities of 100, \$5.00 for 250 or \$4.50 each for 500. If member stations will send their requests for one or more cases to the NAB Department of Broadcast Advertising, they will be pooled and arrangements made to purchase the cases at the most favorable price possible. An additional nominal charge would be made if stations wish their call letters stamped on the cases.

## Per-Inquiry and Free Time

A frequent contributor to these columns, **United Advertising Companies**, Chicago, this time seeks per-inquiry deals on behalf of **Andrew Insko Mother Pins**.

**Key Advertising Co.**, Cincinnati, a newcomer to the ranks, is asking for P-I deals on behalf of a photographic and enlargement service.

Free scripts are being sent to "women's editors" by **The Lawrence H. Selz Organization**, Chicago, promoting carbonated soft drinks; by **Nestle's Chocolate Test Kitchen**, promoting Nestle's chocolate products; by the **Woman's Home Companion**, promoting that publication through a series of fashion scripts, and by the **Cleanliness Bureau of the Association of American Soap & Glycerine Producers, Inc.**, New York, promoting increased use of soaps and cleaners.

## TRANSCRIPTION, RECORD CUTS?

The War Production Board on Tuesday reduced the output of phonograph records and radio transcriptions to approximately 30 per cent of 1941 production by limiting the amount of shellac available to that amount.

Order M-106, issued today by J. S. Knowlson, Director of Industry Operations, also freezes 50 per cent of all inventories of shellac of 10,000 pounds or more and 50 per cent of all future imports.

Uses other than the manufacture of recordings are restricted to

75 per cent of the corresponding period of 1941 until June 30 and 35 per cent by quarters thereafter.

Reason for the drastic action is that India is practically our sole source of shellac and supplies are subject to shipping hazards. Direct military requirements are heavy and use of shellac is necessary in certain essential civilian processes.

These uses are excepted from the restrictions of the Order:

Electrical equipment, coatings for munitions, military explosives and pyrotechnics, navigational and scientific instruments, communication instruments, marine paints for vessels other than pleasure craft, grinding wheels, wood patterns for metal castings, health supplies as defined in P-29, and in scientific research.

Reason for the action on phonograph and transcription records is that these uses normally consume approximately one third of the nation's annual shellac consumption. Experiments now are being made to find a suitable substitute for these uses and reclaiming of old records probably will be tried out.

Persons who had on April 1 possession or control of five thousand pounds of shellac are required to file with the War Production Board by May 9 a report on Form PD-334.

Shellac is defined in the Order as lac of all grades, but does not include lac which has been bleached, cut, or incorporated into protective or technical coatings.

Stocks frozen by the Order may be sold to the Defense Supplies Corporation.

The Order was effective immediately.

The above statement by the WPB does not exactly represent the facts, the NAB has been advised by the transcription people. A 70 per cent cut in the amount of shellac will affect production of transcriptions only faintly, they said, because only a slight amount of shellac is used in making transcriptions and a substitute probably will be found for even that amount.

The phonograph record people expect to have a substitute of "non-essential" material on the market shortly, it is said.

## DISTRICT 2 MEETING

Kolin Hager, WGY, was elected Second District Director, at a meeting April 10 in New York. Clarence Wheeler, WHEC, retiring director, presided and a representative delegation of New York and New Jersey broadcasters were in attendance.

C. E. Arney, Jr., Assistant to the President of NAB, outlined activities of the Association. Carl Haverlin, Vice President of BMI, John Paine, General Manager of ASCAP, and Leonard Callahan, General Counsel of SESAC, spoke on music. Lieut. Reichner, USNR, public relations officer of the Third Naval District, spoke on behalf of the Navy, outlining the splendid cooperation which broadcasters in that area had given to the various Navy activities incident to the war. Bob Richards, Office of Censorship, outlined the philosophy of the Office of Censorship as it related to radio and answered many questions.

The following resolutions were unanimously approved:

"BE IT RESOLVED: That we congratulate the officers and staff of NAB upon their progress in the imperative and essential task of unifying the radio industry, both for its important service in the war effort of the nation in its continued stimulation of the broadcasting industry toward finer and ever more effective operation in the public interest, and in its practical contributions to the broadcasters' daily problems.

"That we express our appreciation of the accomplishments of BMI, and pledge ourselves to the continued support of that organization. We urge all stations to use every effort to take full advantage of the excellent library of music provided by BMI. We endorse the BMI policy of refusing to meet competition by the adoption of promotional methods that could be regarded as unethical.

"That we renew our pledges to all the Government agencies with which we have contact, to continue our all-out cooperation with them; and that we express our sympathetic appreciation of the courtesies and attentions that they have extended to us.

"That we recommend the creation, in each state, of a War Broadcasting Committee representing all broadcast stations of that state for the purpose of carrying on and extending the work that has been initiated by the District representative of the NAB Defense Committee."

By unanimous action the convention commended the work of the retiring Director, Clarence Wheeler, who announced that because of business matters he could not again serve on the Board.

Those present were:

J. G. Gude, WABC; E. H. Twamley, WBEN; Roy L. Albertson, WBNY; Charles F. Phillips, WFBL; John A. Bacon, WGR; Kolin Hager, WGY; E. A. Hanover and William Fay, WHAM; Michael R. Hanna, WHCU; Clarence Wheeler, WHEC; Mrs. Scott Howe Bowen, Helen Wood and Elliott Stewart, WIBX; E. Ray McCloskey and C. D. Mastin, WNBF; John V. L. Hogan and Elliott M. Sanger, WQXR; H. C. Wilder, WSYR-WTRY; O. L. Maxey, WSNJ; and Edward Codel, WPAT.

George W. Bolling, John Blair & Co.; Russel Woodward, Free & Peters, Inc.; Pierre Weis and C. O. Langlois, Lang-Worth Feature Programs, Inc.; Burton Adams, NBC; W. B. Parsons, Jack Treacy and Norman L. Cloutier, NBC Radio Recording Division; Claude Barrere and C. L. Egner, NBC Thesaurus; Alex Sherwood, Standard Radio; Lieut. M. S. A. Reichner, USNR; Maurice H. Long, "Broadcasting Magazine"; Carl Haverlin, BMI; Leonard D. Callahan, SESAC; and C. E. Arney, Jr., NAB.

## OHIO STATE CONFERENCE

The Thirteenth Institute for Education by Radio, sponsored by Ohio State University, will be held May 3-6 at the Deshler-Wallick Hotel, Columbus, Ohio. An increasing number of broadcasters are attending the institutes each year. This year's program, with its emphasis on wartime educational broadcasting, should be of interest to every broadcaster.

## MEET THE MAJOR

Meet Major Howard O. Peterson, now in uniform at Seventh Corps Area Headquarters. The Major was formerly "Pete" Peterson, commercial manager, WOW, Omaha. Major Peterson is serving in Public Relations.

## DISTRIBUTES BROCHURE

"WHO Iowa Barn Dance Frolics" is the title of a brochure just off the press that is being distributed by Woody Woods, WOW, publicity director. The frolic originates on the stage of the Shrine auditorium Des Moines, Saturday nights, except during the hot weather months. Cast consists of seventy-five.

## NEW NOVELTY NUMBER

"We've Got to Stick Together" is a new tune written by Charlotte Feast. It is doing well in Baltimore and Washington. Title and words were suggested by and overheard luncheon conversation between two foreign born Americans. Upon parting one said to the other, "Vell V Got to Stick Togedder." Arrangements will be available in the near future through BMI.

## DAYTON'S ARMY DAY PARADE

Front page of the Dayton News of April 6, with two eight column pictures of Army Day have been received from James M. LeGate, general manager, WHIO. Said Mr. LeGate, "The success of Dayton's Army Day observance is particularly interesting because plans for it did not start until we had received NAB WAR Service Bulletin No. 10.

The parade, featuring units from Wright and Patterson Fields and war workers of the night shifts, attracted more than 50,000 spectators in spite of the fact that it had to be held at 11:00 a.m.

## VACATIONS FOR AUTOS

Milton H. Meyers, WEIM, Fitchburg, Mass., suggests that radio institute a campaign to give your auto a rest every other week.



Mr. Meyers writes:

"My thought is an appeal to Mr. and Mrs. American to save for themselves, to decrease use of essential materials, to give their cars a rest, to pull in their belts and get their first real taste of denial, all on a patriotic theme. Each alternate week, they pledge to give up the use of their car except for emergency."

## COMMUNITY SINGING

Sidney Silverstein, publisher of the Hillside (N. J.) Times, proposes the use of radio to promote community singing throughout the country. He says there's nothing like it to promote good morale.

## FEDERAL LEGISLATION

H. R. 6752 (Monroney, D.-Okla.) LABOR—To confer jurisdiction in the United States courts in cases involving work stoppage for illegitimate and nonlabor purposes. Referred to Committee on Judiciary.

## STATE LEGISLATION

### ARIZONA:

S. 8-X (Public Defense Committee) SABOTAGE—Relating to sabotage and to make uniform the law relating thereto.

## FEDERAL COMMUNICATIONS COMMISSION

### Fly Addresses ACA

Chairman James Lawrence Fly of the FCC on Monday addressed the annual ACA convention in Atlanta. He complimented the C. I. O. union for its patriotism, and, among other things, urged the necessity of uninterrupted service in the entire communications industry.

## TELEVISION STATIONS

At the termination of the informal conference on April 9, 1942, the FCC called for further information from permittees of television broadcast stations. The information desired is in the form of a progress report from the holders of construction permits for television broadcast stations—experimental and commercial.

The Commission desires that the reports be submitted immediately. An extensive report is not desired. However, each report should include:

1. Per cent of completion of station construction.
2. Dollars expended for construction of station, including equipment, land purchased for station, miscellaneous materials, etc.
3. Man hours expended on construction of station during the past six months.
4. Equipment and materials on hand and where located.
5. Equipment and materials necessary for completion of station and approximate cost thereof.
6. Personnel required for completion of station, and an estimate of the number of man hours necessary for completion of the construction.
7. Personnel presently employed on station construction and work being done.
8. Date station construction can be completed.

Each of the following permittees is required to furnish the progress report called for above: Earle C. Anthony, Inc., Los Angeles, Calif. (KSEE); Balaban & Katz Corporation, Chicago, Ill. (W9XBK); Bamberger Broadcasting Service, Inc., New York, N. Y. (W2XBB); Columbia Broadcasting System, Inc., Chicago, Ill. (W9XCB); The Crosley Corporation, Cincinnati, Ohio (W8XCT); Allen B. DuMont Laboratories, Inc., New York, N. Y. (WABD); Allen B. DuMont Laboratories, Inc., Washington, D. C. (W3XWT); Hughes Tool Company, Los Angeles, Calif.

(W6XHH); Hughes Tool Company, San Francisco, Calif. (W6XHT); The Journal Company, Milwaukee, Wis. (WMJT); Kansas State College of Agriculture and Applied Science, Manhattan, Kans. (W9XAK); Don Lee Broadcasting System, Los Angeles, Calif. (KTSL); Don Lee Broadcasting System, San Francisco, Calif. (W6XDL); Metropolitan Television, Inc., New York, N. Y. (W2XMT); National Broadcasting Company, Inc., Washington, D. C. (WNBW); National Broadcasting Company, Inc., Philadelphia, Pa. (W3XPP); Philco Radio and Television Corporation, Philadelphia, Pa. (WPTZ); Purdue University, West Lafayette, Ind. (W9XG); Television Productions, Inc., Los Angeles, Calif. (W6XYZ); WCAU Broadcasting Company, Philadelphia, Pa. (W3XAU); Zenith Radio Corporation, Chicago, Ill. (WTZR).

## 924 STATIONS

The Federal Communications Commission issued operating licenses to four stations and granted one permit for the construction of a new station during the month of March, 1942. One CP station was deleted. A comparative table by months follows:

	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1
Operating .....	837	836	849	854	859	859	869	877	882	887	891	893	897
Construction .....	54	55	48	43	44	53	44	38	37	36	32	31	27
	891	891	897	897	903	912	913	915	919	923	923	924	924

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 20. They are subject to change.

#### Monday, April 20

##### Consolidated Hearings

NEW—WBNX Broadcasting Co., Inc., New York, N. Y.—C. P., 48300 ke.; 8,730 sq. mi.; unlimited time.  
NEW—News Syndicate Co., Inc., New York, N. Y.—C. P., 47900 ke.; 8,500 sq. mi.; unlimited time.  
NEW—FM Radio Broadcasting Co., Inc., New York, N. Y.—C. P., 48300 ke.; 8,600 sq. mi.; unlimited time.  
NEW—WMCA, Inc., New York, N. Y.—C. P., 48300 ke.; 8,550 sq. mi.; unlimited time.  
NEW—Debs Memorial Radio Fund, Inc., New York, N. Y.—C. P., 48700 ke.; 8,600 sq. mi.; unlimited time.  
NEW—Greater New York Broadcasting Corp., New York, N. Y.—C. P., 48700 ke.; 8,500 sq. mi.; unlimited time.  
NEW—The American Network, Inc., New York, N. Y.—C. P., 47900 ke.; 8,840 sq. mi.; unlimited time.

#### Monday, April 20

##### Further Hearings

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license, 1230 ke., 250 watts, unlimited time.  
WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), 920 ke., 1 KW night, 5 KW day, unlimited time.

#### Wednesday, April 22

##### Oral Argument before the Commission

##### Report No. B-144

NEW—Butler Broadcasting Corp., Hamilton, Ohio.—C. P., 1420 ke., 250 watts, unlimited time.

Wednesday, April 22

WPRP—Julio M. Conesa, Ponce, P. R.—C. P., 1480 ke., 1 KW night, 5 KW day, unlimited time.  
WPRP—Julio M. Conesa, Ponce, P. R.—Modification of C. P., 1520 ke., 1 KW night, 5 KW day, unlimited time.  
WPRP—Julio M. Conesa, Ponce, P. R.—Renewal of license, 1420 ke., 250 watts, unlimited time.

#### Further Consolidated Hearings

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—C. P., 740 ke., 50 KW, DA-night and day, unlimited time.  
KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—C. P., 740 ke., 50 KW, DA-night and day, unlimited time.

#### Thursday, April 23

##### Further Consolidated Hearings

NEW—Jefferson Broadcasting Corp., Birmingham, Ala.—C. P., 1340 ke., 250 watts, unlimited time.  
NEW—George Johnston, Jr., Birmingham, Ala.—C. P., 1340 ke., 250 watts, unlimited time.  
NEW—WBAM, Inc., Birmingham, Ala.—C. P., 1340 ke., 250 watts, unlimited time.  
WAAF—Drovers Journal Publishing Co., Chicago, Ill.—C. P., 950 ke., 1 KW, DA-night, unlimited time.

#### Friday, April 24

##### Further Hearing

NEW—Robert V. Lee, Bradenton, Fla.—C. P., 1490 ke., 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WLAK—Bradley R. Eidmann (transferor), S. O. Ward (transferee), Lakeland, Fla.—Granted consent to transfer of control (B3-TC-292) of Lake Region Broadcasting Co., Station WLAK, from Bradley R. Eidmann to S. O. Ward, for a consideration of \$23,000, representing 100 shares of common outstanding capital stock.  
WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Granted authority to install a new Gates-American Type 250-A Transmitter (B3-P-3464).  
KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. Dak.—Granted application for modification of license (B4-ML-1115) to change frequency from 1400 to 600 ke., and increase power from 250 watts to 100 watts night, 250 watts day, unlimited time.

### RENEWAL OF LICENSES

The following stations were granted renewal of broadcast station licenses for the period ending June 1, 1944:

WKRC, Cincinnati, Ohio; WMCA and auxiliary, New York; WTAG and two auxiliary transmitters.  
WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted renewal of broadcast station license for the period ending August 1, 1943.  
WBAA—Purdue University, West Lafayette, Ind.—Granted renewal of broadcast station license for the period ending August 1, 1942.

### DESIGNATED FOR HEARING

WMAW—C. T. Sherer Co., Inc., Worcester, Mass.—Designated for hearing application for extension of completion date under construction permit (B1-MP-1507) covering construction of new station authorized December 17, 1940.  
KGHF—Curtis P. Ritchie, Pueblo, Colo.—Designated for hearing application for extension of completion date under construc-

tion permit (B1-MP-1507) covering a new station authorized on December 17, 1940.

### MISCELLANEOUS

McKeesport Radio Co., McKeesport, Pa.—Granted motion for dismissal without prejudice of application (B2-P-3186) for new station.  
Nashville Radio Corp., Nashville, Tenn.—Granted motion for dismissal without prejudice of application (B3-P-3034) for new station.  
Lake Shore Broadcasting Corp., Cleveland, Ohio.—Granted motion for postponement to April 28 of hearing now set for April 20 in re application of petitioner and of Cleveland Broadcasting, Inc., applicants for a new station in Cleveland, Ohio.  
Barclay Craighead, Butte, Mont.—Granted in part motion for continuance of hearing now set for April 8, and continued same to April 14, in re application of petitioner and Hennessy Broadcasting Co. for a new station in Butte, Mont.  
WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted modification (B1-MP-1492) of construction permit for extension of completion date to April 1, 1943.  
Granite District Radio Broadcasting Co., Murray, Utah.—On the Commission's own motion, continued hearing now set for April 17 until April 30, 1942, in re application for construction permit for new station (Docket 6003).  
WMCA, Inc., New York City.—Granted oral request of Attorney for petitioner to withdraw motion to consolidate hearing on its application and that of seven others for new FM stations in New York City and vicinity.  
Frequency Broadcasting Corp., Brooklyn, N. Y.—Granted motion for continuance of hearing now set for April 15 on application for new FM station, and continued same to May 15.  
Beauford H. Jester, Waco, Tex.—Granted motion for leave to amend application for new station so as to specify 8 additional individuals to join in this application, on condition amendment is filed within 2 days.  
WNYC—City of New York Municipal Broadcasting System, New York, N. Y.—Scheduled for oral argument on April 29, 1942, in re Proposed Findings (B-140) on application for modification of license to increase the hours of operation of Station WNYC (Docket No. 5705).  
KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted authority to install new automatic frequency control equipment (B4-P-346).  
KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification (B3-MP-1523) of construction permit (B3-P-3011) for extension of completion date to 7/10/42.  
WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted license (B3-L-1642) to cover construction permit (B3-P-3412) to move old transmitter to site of new main transmitter, and use as an auxiliary transmitter for emergency use only.  
WSBT—The South Bend Tribune, South Bend, Ind.—Granted license (B4-L-1636) to cover construction permit (B4-P-3330) for increase in power to 1 KW, changes in transmitting equipment and directional antenna. Also authority to determine operating power by direct measurement (B4-Z-1370).  
WEIQ—Knickerbocker Broadcasting Co., Inc., Portable-Mobile, area of New York City.—Granted voluntary assignment of relay broadcast station license from Knickerbocker Broadcasting Co., Inc., to WMCA, Inc. (B1-ALRE-26).  
WIEH—Knickerbocker Broadcasting Co., Inc., Portable-Mobile, area of New York City.—Granted voluntary assignment of relay broadcast station license from Knickerbocker Broadcasting Co., Inc., to WMCA, Inc. (B1-ALRY-13).  
KVOD—Colorado Radio Corp., Denver, Colo.—Granted modification (B5-MP-1547) of construction permit (B5-P-2653) for increase in power, installation of new transmitter, changes in directional antenna) for authority to install new type transmitter and extend commencement and completion dates to 1 day and 30 days after grant, respectively.  
W53PH—WFIL Broadcasting Co., Philadelphia, Pa.—Granted modification (B2-MPH-85) of construction permit (B2-PH-73, as modified and which authorized new FM broadcast station) for change in type of transmitter only.  
Granite District Radio Broadcasting Co., Murray, Utah.—Denied petition of Granite District Radio Broadcasting Co. for vacation of order of March 3, 1942, designating its application for a new station for further hearing and requesting grant of said application without further hearing.



WMCA, Inc., New York City.—Denied petition for review by the Commission en banc of action of the Presiding Commissioner of the Motions Docket on April 1, 1942, denying applicant's petition for leave to intervene in the hearing on application of Frequency Broadcasting Corp. for a new FM station in New York City, and affirmed action of Presiding Commissioner.

The Evening Star Broadcasting Co., Washington, D. C.—Placed in pending files pursuant to Order No. 79, application (B1-PH-108) for new FM station.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

WCAX—WCAX Broadcasting Corp., Burlington, Vt.—Modification of license to change name from Burlington Daily News, Inc., to WCAX Broadcasting Corp.

### 930 Kilocycles

WTTM—Trent Broadcast Corp., Trenton, N. J.—License to cover construction permit (B1-P-2861) as modified for a new broadcast station.

WTTM—Trent Broadcast Corp., Trenton, N. J.—Authority to determine operating power by direct method.

### 1030 Kilocycles

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Construction permit to change frequency from 1370 to 1030 kc., increase power from 500 watts night, 1 KW day to 10 KW day and night, install new transmitter and directional antenna for night use and move transmitter. Amended: to make changes in directional antenna.

### 1050 Kilocycles

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Construction permit to change frequency from 1490 to 1050 kc., and changes in vertical antenna.

### 1090 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Calif.—Voluntary assignment of license to Radio Broadcasting, Inc.

### 1130 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to install directional antenna for night use, increase power from 1 KW night, 5 KW day to 5 KW night, 10 KW day, change hours from limited to unlimited time, change frequency from 1180 to 1130 kc., install new equipment and move transmitter. Amended: re changes in directional antenna system.

### 1240 Kilocycles

KICA—Western Broadcasters, Inc., Clovis, N. M.—Voluntary assignment of license to Hugh DeWitt Landis.

### 1330 Kilocycles

WEVD—Debs Memorial Fund, Inc., New York, N. Y.—Construction permit to move former main transmitter to present location of new transmitter for use as auxiliary.

### 1340 Kilocycles

WFIG—J. Samuel Brody, Sumter, S. C.—Voluntary assignment of license to Radio Station WGIF, Inc.

### 1440 Kilocycles

WAAB—The Yankee Network, Inc., Worcester, Mass.—Modification of construction permit (B1-P-3194) for increase in power, installation of new transmitter and directional antenna for day and night use, and move of transmitter and studio, requesting approval of directional antenna system.

### 1450 Kilocycles

WMVA—Martinsville Broadcasting Co., Inc., Martinsville, Va.—License to cover construction permit (B2-P-3370) for move of transmitter, increase in power and new vertical antenna system.

WMVA—Martinsville Broadcasting Co., Inc., Martinsville, Va.—Authority to determine operating power by direct method.

WJMS—WJMS, Inc., Ironwood, Mich.—Modification of license to change name to Upper Michigan-Wisconsin Broadcasting Co., Inc.

### 1470 Kilocycles

KRBC—The Reporter Broadcasting Co., Abilene, Texas.—Construction permit to install new transmitter, move transmitter, change frequency from 1450 to 1470 kc., install vertical antenna and increase power from 250 watts to 1 KW. Amended: to install directional antenna for night use, change type of transmitter proposed and to omit request for move of transmitter.

NEW—H. C. Cockburn, tr/as San Jacinto Broadcasting Co., Houston, Texas.—Construction permit for a new broadcast station to be operated on 1470 kc., 1 KW, unlimited time. Facilities vacated by KXYZ. Amended: to install directional antenna for night use.

### 1480 Kilocycles

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Construction permit to change frequency from 1490 to 1480 kc., increase power from 250 watts to 1 KW and install new transmitter.

### 1490 Kilocycles

WBNF—Wylie B. Jones Advertising Agency, Binghamton, N. Y.—Modification of construction permit (B1-P-3185) as modified, for change in frequency, install new transmitter and directional antenna for night use and move transmitter, requesting extension of completion date from 5-3-42 to 8-3-42.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Voluntary assignment of license to Don Lee Broadcasting System.

### 1600 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Voluntary assignment of license and construction permit to WLIB, Inc.

## FM APPLICATIONS

W53H—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of construction permit (B1-PH-12) as modified for a new high frequency broadcast station, requesting extension of completion date from 4-28-42 to 10-28-42.

W69PH—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for reinstatement of construction permit which expired 1-1-42 for a new high frequency broadcast station on 46900 kc.; coverage, 9,300 square miles.

## MISCELLANEOUS APPLICATIONS

NEW—KTRH Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1606, 2074, 2102, 2758 kc., 50 watts, A3 emission.

NEW—KTRH Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 3 watts, A3 emission.

WBWB—Banks of Wabash, Inc., Portable-Mobile.—License to cover construction permit (B4-PRY-271) for a new relay broadcast station.

WGEA—General Electric Co., Schenectady, N. Y.—Modification of license to add frequencies of 7000 and 11847.5 kc. to those already licensed, sharing time on 7000 and 11847.5 kc. with station WGEO.

WGEO—General Electric Co., Schenectady, N. Y.—Modification of license to add frequencies of 7000 and 11847.5 kc. to those already licensed, sharing time on 7000 and 11847.5 kc. with station WGEA.

## FEDERAL TRADE COMMISSION DOCKET

## STIPULATIONS

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

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### COMPLAINTS

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

**Gold Medal Haarlem Oil Corp.**—A complaint has been issued charging Gold Medal Haarlem Oil Corp., Brooklyn, with disseminating false advertisements in connection with the sale of a medicinal preparation variously designated "Gold Medal Haarlem Oil," "Gold Medal Haarlem Oil Capsules" and "Gold Medal." (4745)

**H. M. Manheim & Co., Inc.**, 87 Nassau St., New York, is charged, in a complaint, with misrepresentation in the sale at retail of jewelry, silverware, luggage, giftware and other jewelers' merchandise to consumers who buy for their own use and not for resale or retailing. (4743)

**Monte Carlo Hats, Inc.**, 39 West 37th St., New York, is charged in a complaint with misrepresentation in connection with the sale of women's hats. (4742)

**Tennessee Tufting Company**—Violation of Section 2a of the Robinson-Patman Antidiscrimination Act is alleged in a complaint issued against Tennessee Tufting Co., 2404 Heiman St., Nashville, Tenn., manufacturer of tufted bedspreads, bath mats, rugs and allied products. (4744)

### CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

**Superior Felt and Bedding Co.**, 2447 Roosevelt Road, Chicago, has been ordered to discontinue certain misrepresentations in connection with the sale of mattresses it manufactures. The respondent company maintains branch factories or warehouses in New York, Dallas, Tex., Kansas City, Mo., Columbus and Cleveland, Ohio, DeKalb, Ill., Detroit and Pittsburgh. (4309)

**United States Raw Skins Corp.**, 12 East 33rd St. New York, dealer in domestic and imported leathers, and Lieberman Novelty Co., Inc., 325 South Market St., Chicago, manufacturer of leather goods, has been ordered to cease and desist from misrepresentation in the sale of their products. (4669)

**Wool Trading Company, Inc., et al.**—Three New York distributors of hand knitting yarns have been ordered to cease and desist from misrepresentations in the sale of their products. The respondents are Wool Trading Co., Inc., which sometimes trades under the name Peter Pan Yarn Co., 361 Grand St.; Samuel and Peter Gottlieb, trading as Gottlieb Brothers and as Jack Frost Yarn Co., 207 Avenue C.; and Philip Jablon, trading as Bell Yarn Co. and as Wonoco Yarn Co., 371 Grand St. (4267-4268-4326)

**Bennettsville Mattress Factory**, Bennettsville, S. C., entered into a stipulation to cease certain representations in the sale of mattresses, pillows or related products. The respondent agrees to desist from use of the words "Cotton Linters" as descriptive of a mattress or related product, the filling of which is not made from or composed of cotton linters, and from use of the word "new" in connection with the word "Kopox," or with any other simulation of the word "Kapok," as descriptive of the filler of a product which is not made wholly from new Kapok material. The respondent Dowd also stipulates he will cease representing, by use of the words "New Materials," or other words of similar meaning, that a mattress or related product or its filler, which is made either in whole or in part from old, used or second-hand materials, is new or is made entirely from new materials. (3449)

**Gordon Baking Co.**, 2303 East Vernor St., Detroit, and Barton A. Stebbins, 811 West 7th St., Los Angeles, conducting an advertising agency acting on behalf of Gordon Baking Co., stipulated to cease certain representations in connection with the sale of the Gordon company's product "Silvercup Roman Meal Bread." The respondents agree to cease advertising that this product contains all the necessary vitamins or, when eaten in quantities ordinarily consumed, will supply the minimum daily nutritional requirement for any one vitamin. They also agree to cease representing that Silvercup Roman Meal Bread is incapable of adding excess body weight or will of itself reduce such weight, and that this bread embodies a new health secret. The respondents also stipulate they will desist from the representation that Silvercup bread is indorsed by famous movie stars, when such is not a fact. (02970).

**Kayak Boat Co.**, 152 East 129th St., New York, builder of small boats of various types, stipulated that, in connection with the sale of boats, they will discontinue representing that an offer of prices or premiums made periodically or otherwise in the ordinary course of business is due to stock reduction, factory enlargement or other unusual circumstance; that the stock available at the prices so offered is limited in quantity; and that prices or premiums are applicable for a limited time only when, in fact, orders are accepted and filled after such time period has elapsed. (3448)

**Magnavox Co., Inc.**, Beuter Road, Fort Wayne, Ind., stipulated that it will cease representing that the sound-slide-film projectors or equipment it manufactures are the most powerful made. (3450)

**Minix Institute**, 542 South Broadway, Los Angeles, selling a correspondence course designed to fit students to become pest control operators, stipulated that it will cease and desist from use of the word "Institute" in its trade name or in any manner which tends to cause the belief that the school it operates is an organization conducted for the promotion of learning, such as the arts or sciences, and has the equipment and faculty to entitle it to be designated an institute. The respondent further agrees to stop representing that the course it offers will enable a student who lacks practical experience to earn from \$35 to \$60 a week or any other stated amount in excess of what he actually would be likely to earn in view of his lack of experience; that the course consists of any stated number of lessons in excess of what is actually the fact; and that the price for which the course is offered for sale is either special or reduced when, in fact, it is the regular price customarily charged in the usual course of business. (3451)

**Shulton, Inc.**, 589 Fifth Ave., New York, distributor of soap and toiletries, entered into a supplemental stipulation to cease and desist from representing that for 31 years or any other period of time it has been a manufacturer of soaps or toiletries, that it owns or controls the factory in which its products are compounded, or that it supervises their production. According to the stipulation, the respondent operates a plant at Hoboken, N. J., where it pack-



ages soap manufactured for it by other concerns. Under the original stipulation, accepted by the Commission in May, 1936, the respondent agreed to cease representing that its soap products were of British origin and, through use of the word "soapmakers" on billheads and other printed matter, that it was a soap manufacturer. (1704)

**Vitkin, Lee Feather Co.**, 2455 Archer Ave., Chicago, pillow manufacturer, entered into a stipulation to discontinue use of the term "100% White Goose Down" on labels to describe products which actually are not so filled; and to cease employing the word "down," either alone or with the word "goose," or in any manner which may tend to cause the belief that such products are filled entirely with down. (3456)

**Whisk Company of New York, Inc.**, 801 Greenwich St., New York, has entered into a stipulation to cease representing, or

placing in the hands of others the means of representing, that the use of the product designated "Whisk" as a treatment for rugs or other articles containing wool or animal fibers renders such articles immune to attack by moths or affords positive or complete protection against damage by moths. (3452)

#### FTC CASE CLOSED

The Federal Trade Commission entered an order closing without prejudice its case against Fels & Co., Philadelphia, which had been charged with violation of the Federal Trade Commission Act in connection with the sale of "Fels Naptha Soap Chips."

The order states that the facts in the case were not sufficiently developed to permit a proper determination of the issues and that since the issuance of the complaint the respondent has adopted a glassine-lined package, which may tend to retard evaporation of the naptha content of its soap chips.