

## PETRILLO COMES OUT OF HIDING

James C. Petrillo dropped out of the clouds into his New York office on Wednesday after he had ducked a U. S. Labor Department conciliator for nearly two weeks.

He announced that his attorneys would be glad to see the conciliator (James W. Fitzpatrick) on Thursday.

The conciliator is attempting to settle the dispute between the A. F. of M. and the transcription companies. If unsuccessful, he will likely recommend certification of the dispute to the National War Labor Board for disposition.

Certification within a few hours was slated when Petrillo suddenly appeared. The *New York Times* carried the following account of a press conference he held:

James C. Petrillo, the head man of the musicians' union who used to play a trumpet, took up character acting yesterday afternoon. With words and gestures he pooh-poohed John L. Lewis as "a guy" calling strikes "every two weeks" and not having anything to show for it.

Mr. Petrillo's dramatic outburst took place in his office at 570 Lexington Avenue and was occasioned by a charge by the makers of radio transcriptions that he was "ducking" a Department of Labor conciliator assigned to mediate the ten-month-old dispute over the manufacture of disks.

Attired in a blue shirt on which his initials were inscribed, Mr. Petrillo disposed of the charge by announcing that his attorneys would consult with the conciliator, James W. Fitzpatrick, today.

Then Mr. Petrillo, whom the record makers and broadcasters have frequently called a "dictator," rose from his desk. He raised his moderately bushy eyebrows, humped his shoulders, drew in his chin and crossed his arms.

"We don't pull any John Lewis stuff here," he said, with an appropriate growl. "When we call a strike, we call a strike. He calls a strike every two weeks and where's he got. He's busy trying to be President, the Secretary of Labor or something."

Mr. Petrillo quickly warmed to his role. He envisioned Mr. Lewis attending a labor convention, noting with some emphasis that the leader of the United Mine Workers would be "in the gallery."

"When he wants to talk everybody can go out and get a drink of water because John walks very slowly to the platform," added Mr. Petrillo.

He next noted that Mr. Lewis was given to mild talk. By way of illustration he offered an imaginary quotation:

"Yes, sir. William Green is a rat. Philip Murray is a double rat. And that Petrillo he's a three-triple rat."

## Labor

### LABOR ON THE AIR

Outcome of the NAB Code Compliance Committee meeting in New York, June 16-17, with respect to the industry's attitude toward broadcasts of organized labor groups, is

best expressed in the story released by the NAB News Bureau:

"New York, June 17: Labor has ample opportunity for the use of broadcasting facilities in this country, it was stated today by Thomas R. Carskadon, Chairman of the Radio Committee of the Council on Freedom from Censorship, after a two-day session with the Code Compliance Committee of the National Association of Broadcasters. Concurring was Roger Baldwin, Director of the American Civil Liberties Union, who participated in the discussions.

"The NAB Code, as now written, provides ample opportunity for labor and other organized groups to get on the air. No changes are recommended," Carskadon said. "The basic principles of broadcasting are adequate to insure labor's representation. The application of these principles presents the only difficulty, for it involves the definition of controversial subjects and acceptance of program material by local station management.

"Our Committee intends to advise labor and other organizations of their opportunities for broadcast privileges and how to take better advantage of them. At the same time we shall continue to cooperate with NAB, particularly through the Program Managers' Executive Committee, to improve understanding."

"Members of the Council's Radio Committee, in addition to Carskadon, are Dr. Paul Lazarsfeld, Head of the Office of Radio Research, Columbia University; Mr. Morris S. Novik, Manager of WNYC, and Norman Thomas. Others attending the discussions, in addition to Roger Baldwin, were Thomas Stix, talent agent; Morris L. Ernst, Attorney and Author, and Mrs. Harriet F. Pilpel, Attorney."

Additional clarification, from the standpoint of the radio industry, may be helpful to station management.

Radio does not regard labor as "controversial." In other words, the mere expressed wish of a labor union to have time on the air does not immediately invoke the "controversial issues" provision of the Code. Neither does it immediately invoke the "membership" provision. Labor may therefore be sold time under the same well-defined conditions that govern sale of time to others; namely:

1. Controversial issues will not be presented.
2. Memberships will not be solicited.
3. Material for broadcast will meet station program standards.

Determination of what satisfies 1, 2, and 3 resides with station management, the same as in all other cases, being dependent on local conditions.

When a labor union wishes to present a controversial issue on the air, then the "controversial issues" provision of the Code applies, which recommends that free time be provided both sides of the question, with due regard to the degree of public interest involved. This provision should be read in full as found in your copy of the Code Manual.



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## INDIVIDUAL PAY INCREASES

Stations have expressed so much interest in War Labor Board General Orders 5, 9 and 31, regarding individual pay increases, that we are printing the texts. Any station wishing to set up a salary "plan" might well communicate with the NAB Labor Relations Department.

### TITLE 29—LABOR

#### CHAPTER VI—NATIONAL WAR LABOR BOARD

##### PART 803—GENERAL ORDERS

§ 803.5—*General Order No. 5.* General Order No. 5 as adopted on October 14, 1942, is hereby amended to read as follows:

Subject to the requirements of General Order No. 31, wage adjustments may be made in wage rates of individual employees, without approval of the National War Labor Board, if they are incident to the application of the terms of a wage agreement which existed previous to or has been approved since October 3, 1942, or incident to an established or approved wage rate schedule covering the work assignments of employees and are made as a result of:

- (a) individual promotions or reclassifications
- (b) individual merit increases within established rate ranges
- (c) operation of an established plan of wage increases based upon length of service within established rate ranges
- (d) increased productivity under piece-work or incentive plans
- (e) operation of an apprentice or trainee system

Wage adjustments made under this Order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(Adopted May 26, 1943)  
(E. O. 9250, 7 F.R. 7871)

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### TITLE 29—LABOR

#### CHAPTER VI—NATIONAL WAR LABOR BOARD

##### PART 803—GENERAL ORDERS

§ 803.6—*General Order No. 6.* General Order No. 6, as adopted on October 20, 1942, is hereby amended to read as follows:

- (a) The hiring of an individual at a wage rate in excess of the rate previously established in the plant for employees of similar skill and productive ability within the classification in which the individual is employed is a "wage increase" within the meaning of Executive Order No. 9250.
- (b) If a wage rate or range of rates for a job classification has not theretofore been established by the employer for the plant involved, the rate or rate range should bear the same relation to rates of

ranges or rates for similar classifications in the area as the existing rates or rate ranges in the plant bear to comparable rates or rate ranges in the area: provided, however, that schedules covering new establishments or new departments within existing establishments must be submitted for approval as provided in General Order No. 31.

(Adopted May 26, 1943)  
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### TITLE 29—LABOR

#### CHAPTER VI—NATIONAL WAR LABOR BOARD

##### PART 803—GENERAL ORDERS

§ 803.9—*General Order No. 9.* General Order No. 9, as adopted on October 30, 1942, hereby amended so that Section III shall read as follows:

#### III. *Salary Increases Which Do Not Require Board Approval*

Subject to the requirements of General Order No. 31, salary adjustments may be made in salary rates of individual employees over which the Board has jurisdiction without the approval of the Board, if they are incident to the application of the terms of a salary agreement which existed previous to or has been approved since October 27, 1942, or incident to an established or approved salary rate schedule and are made as a result of:

- (a) individual promotions or reclassifications
- (b) individual merit increases within established rate ranges
- (c) operation of an established plan of salary increases based on length of service within established rate ranges
- (d) increased productivity under incentive plans
- (e) operation of an apprentice or trainee system, or
- (f) such other reasons, or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations.

Salary adjustments made under this order shall not result in any appreciable increase of the level of production costs and shall not furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

(Adopted May 26, 1943)  
(E. O. 9250, 7 F.R. 7871)

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### TITLE 29—LABOR

#### CHAPTER VI—NATIONAL WAR LABOR BOARD

##### PART 803—GENERAL ORDERS

§ 803.31—*General Order No. 31.* The following regulations supplementary to General Orders 5, 6 and 9 relating to wage and salary schedules and to plans for making individual wage and salary adjustments under such schedules are hereby adopted.

#### I. *Established Schedules within the meaning of General Orders 5 and 9*

##### A. *Definitions and criteria*

##### 1. *Specific criteria for all established schedules*

A "schedule" involves job-classification rates or rate ranges and a plan for making individual adjustments within and between such rates or rate ranges.

a. Job-classification rates or rate ranges in existence on May 31, 1943, do not require approval of the National War Labor Board.

- (1) Rate ranges consist of clearly designated minimum and maximum rates in existence as of May 31, 1943, for jobs of similar skill and responsibility. (Such minimum and maximum rates are not necessarily the rates actually being paid on May 31, 1943, for particular job clas-



sifications. Thus, individual minimum or maximum or within grade rates may be "vacant" at any given time. Nor are the established minimum and maximum rates for any given job classification necessarily determined by the fact that for special reasons particular employees may be receiving less than the minimum or more than the maximum rate. Save as exceptional cases may be brought to the Board's attention, no rate range exists (a) where the employer customarily pays single rates for particular job classifications, or (b) where jobs are remunerated on a piece-rate method of wage payment.)

b. A plan for making individual adjustments within and between rate ranges which was in existence on May 31, 1943, does not require Board approval if

- (1) It is contained in a collective bargaining agreement in existence on May 31, 1943; or
- (2) It conforms to the employer's practice prior to October 27, 1942, as demonstrated by (a) a plan formally communicated to the employees; or (b) the employer's payroll records; or
- (3) It was specifically approved by the National War Labor Board or any of its authorized agents or agencies, or
- (4) It includes one or more of the following methods and conforms to the appropriate standards set forth under each:

(a) *Merit increases* (These increases may be made only within rate ranges)

- i. These are individual wage or salary rate adjustments made as a reward for superior quantity and/or quality of work or service.
- ii. No employee may receive more than two merit increases during any calendar year.
- iii. Except in cases where there have been substantial fluctuations in employment, no more than 50 per cent of the average number of employees in a job classification may receive merit increases during any calendar year.
- iv. No merit increase may exceed 33 $\frac{1}{3}$  per cent of the difference between the minimum and maximum rates of the appropriate range.

(b) *Automatic length of service increases* (These increases may be made only within rate ranges)

- i. These are individual adjustments usually made automatically at the end of specified periods of satisfactory service.
- ii. Frequency of adjustment may not exceed four times in any calendar year.
- iii. Amount of adjustment may not exceed 25 per cent of the difference between the minimum and maximum rates of the appropriate range.

(c) *Promotions or reclassifications* (These adjustments may be made between single-rate jobs as well as between jobs which bear rate ranges)

i. These are individual adjustments which result from moving an employee into a different job classification.

ii. When promoted or reclassified to a higher-rated job, an employee may receive a rate not in excess of 15 per cent above his rate on his former job or the minimum rate for the new job, whichever is higher; provided, however, that where an employee has special ability and experience, he may be paid a rate within the appropriate range corresponding to such ability and experience.

(d) *Apprentice or trainee system* (Under these systems, adjustments may be made with respect to jobs which bear single rates as well as with respect to jobs which bear rate ranges.)

i. These are individual rate adjustments resulting from improvement, over specified periods of time, in the productive abilities of apprentices or trainee who are employed under a bona-fide apprentice or trainee plan as defined below.

ii. Apprenticeship plans—with respect to length of apprenticeship period; proportion of number of apprentices to number of journeymen; and relation of apprentice wage rate at various periods to journey men wage rate—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iii. Learner or trainee plans—with respect to length of learning period; proportion of number of learners to number of experienced workmen in a given job classification; and relation of learner or beginner rate to the rate paid experienced workmen—should conform to the standards set forth in a collective bargaining agreement or in the regulations of federal or state agencies.

iv. Nothing in this section precludes the re-examination or modification of existing apprentice or trainee programs in the interests of greater production for the war effort.

## 2. General criteria for all established schedules

- a. Each job classification must be clearly defined and described.
- b. Except where there has been a substantial fluctuation in employment, proportionate distribution of employees within and among rate ranges must remain substantially the same from quarter-year to quarter-year.
- c. No appreciable increase in the level of production costs may result from individual rate adjustments.

## B. Records

Any employer who makes individual wage or salary rate adjustments pursuant to an established schedule must hereafter keep the following records available in his establishment(s) for a period of two years:

1. The rate or range of rates for each job classification.
2. The description of each job classification.
3. A statement of the plan of making adjustments within the rate ranges and between the rates or rate ranges.
4. The date when the schedule was established.
5. For each job classification in which merit increases have been made, the number of employees in each such job classification during the payroll period when adjustments were made.
6. With respect to each employee who received an adjustment:
  - a. Name of employee
  - b. Date on which employee was hired
  - c. For each adjustment given to the employees:
    - (1) Date of adjustment
    - (2) Job classification prior to and after the adjustment
    - (3) Rate of pay prior to and after the adjustment
    - (4) Reason for adjustment

*No particular order or form is prescribed for these records, provided that the information required is easily obtainable.*

## II. New Schedules

- A. All wage or salary rate schedules which are not exempt from the requirement of Board approval under (I) above must be submitted for approval to the appropriate Regional War Labor Board. Pending final action by the Board, individual rate adjustments may be made in accordance with the criteria set forth under (I) above.
- B. *Requirements for obtaining approval*
  1. *Rate ranges* (where ranges are desired for the purpose of making individual merit or length-of-service increases)
    - a. *Existing establishments*
      - (1) The minimum rate for each job classification shall be fixed at (a) the minimum rate prevailing in the plant or establishment for each job classification or (b) at a level not exceeding the minimum of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market, whichever is higher; provided, however, that in rare and unusual cases where the critical needs of war production require, a higher minimum rate may be set.
      - (2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.
    - b. *New establishments or new departments in existing establishments*
      - (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary, in the case of new departments, to maintain internal balance of the rate structure, the minimum rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.
      - (2) The spread between the minimum and maximum rates for each job classification shall wherever possible be in accordance with the standards prevailing in the industry and area.
  2. *Single rates* (where single rates are desired for making promotions or reclassifications or for

making individual rate adjustments under apprentice or trainee plans)

### a. *Existing establishments*

- (1) A reclassification of single rates for existing establishments may, if designed to bring about a more harmonious and appropriate relationship of rates within an establishment, be approved where it will not appreciably affect the level of production costs or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices.

### b. *New establishments or new departments in existing establishments*

- (1) Except in rare and unusual cases where the critical needs of war production require or except as may be necessary in the case of new departments, to maintain internal balance of the rate structure, the rate for each job classification shall be fixed at a level not exceeding the minimum rate of the bracket of sound and tested rates which prevails for similar job classifications in the same labor market.

### 3. *Plans for making adjustments between rates or within and between rates ranges* (existing establishments or new establishments and departments)

A proposed plan for making individual adjustments within and between rate ranges should contain the following information with respect to one or more of the methods outlined below. The plan should also indicate to what extent the adjustments to be made thereunder will affect the proportionate distribution of employees within and among the rates or rate ranges, and to what extent production costs will be increased thereby. The plans so submitted need not necessarily conform to the criteria set forth in (I) above.

#### a. *Merit increases*

- (1) The number of increases within the appropriate range to be given to any employee during the calendar year.
- (2) The percentage of the number of employees in each job classification who will receive increases during the calendar year.
- (3) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases to be given in each job classification.

#### b. *Automatic length of service increases*

- (1) How frequently such increases are to be given during the calendar year.
- (2) The maximum amount (in terms of the percentage of the difference between the minimum and maximum rates of the range) of the individual increases which are to be given in each job classification.

#### c. *Promotions or reclassifications*

- (1) The rate to be paid upon promotion or reclassification to a higher-rated job (whether the minimum rate called for by the new job, or a rate in excess of such minimum).
- (2) If a rate in excess of the minimum called for by the new job is to be paid, the criteria that will determine the rate should be described (i.e., special skill and experience, other unusual qualifications, etc.).

#### d. *Apprentice or trainee systems*

- (1) How does the plan conform to the standards set forth in appropriate collective



bargaining agreements or in appropriate regulations of federal or state agencies with respect to the following items: length of apprenticeship or learner period; proportion of number of apprentices or learners to number of experienced workmen in a given job classification; relation of apprentice or learner rate at various periods to the rate paid experienced workmen?

- C. Any employer who makes individual wage or salary adjustments pursuant to an approved schedule must keep in his establishment(s) for a period of two years the records listed in (I).
- III. Any employer who wishes to change one or more provisions of his established or approved wage or salary rate schedule may obtain consideration of such proposed change from the appropriate Regional War Labor Board without the necessity of having his entire schedule approved or re-approved.
- IV. If there is a duly recognized or certified labor organization which represents any or all of the employees included in a proposed schedule or in a proposed change in an existing schedule, approval must be jointly requested by the employer and such labor organization. But if agreement on any point can not be reached, the parties may jointly submit the issues to the appropriate Regional War Labor Board for determination or may ask the Regional Board to refer the matter to the National War Labor Board for determination. Failing joint submissions, the matter will be treated as a dispute case.
- V. Where an application includes more than one establishment, it shall set forth separately a schedule for each establishment, or for groups of similar establishments.
- VI. Companies having establishments in more than one Region may apply for approval of schedules, where approval is necessary, in each of the Regions where the establishments are located or in the Region in which is located the company office at which the schedules are determined. In the latter case, the Regional Board may, if it considers that the application warrants national consideration, refer it to the National War Labor Board.

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## STRIKE AT WTOP

Technicians at Station WTOP walked out without notice at noon June 19 and returned at 4:49 p. m. the same day.

The technicians are covered by a contract between CBS and the I.B.E.W. The contract provides for no strikes and for machinery, including arbitration, to settle grievances. A minor grievance led to the strike. After a three-hour conference, the union agreed to submit the dispute to an arbiter to be appointed by the War Labor Board.

Joseph L. Miller, NAB labor relations director, sat in on the conference.

## Engineering

### FIRST RETURNS ON FCC MANPOWER SURVEY

As part of its program to ease the present shortage of skilled technicians in the communications industry, the Federal Communications Commission today will mail to the War Manpower Commission and interested groups in

the industry the first series of names of first- and second-class radiotelephone licensees who have reported themselves available for immediate employment in essential communications jobs. The list was prepared from responses to the commission's postcard survey of a sample of 1,000 of the nation's 20,000 licensed radiotelephone operators in these classifications.

To date over 550 holders of first- and second-class radiotelephone licenses have answered the FCC's query. Information obtained from the questionnaire related to the licensee's present employment, his draft status, whether or not he was using his license in his present job, and his availability for either full or part-time employment in the communications field.

The commission, of course, does not certify as to the experience or availability of any person listed, but merely sets forth the information recorded on the questionnaire. It is intended that further lists will be released from time to time as returns come in.

## NAB REQUESTS CONTINUANCE OF FCC-NAB TECHNICIAN RECRUITING ACTIVITIES

In connection with the FCC survey Neville Miller has sent the following letter to Chairman Fly:

"Pursuant to my letter of May 12 I am informed that the test surveys addressed to the holders of radiotelephone licenses have produced results which seem to warrant a continuance of this activity.

"Mr. Dallas Smythe and his staff have been most cooperative in working with our engineering and research directors. The form used in the FCC test survey of one thousand operator licensees was well conceived and effective in producing a list of possible candidates for broadcast technical positions.

"The NAB survey of one hundred radiotelephone license holders brought in seventeen actual applications for employment in the broadcast industry on our regular registration forms. These forms furnish the personal information required by prospective employers.

"In a joint meeting on June 15, agreement was reached that both survey methods produced valuable results. However, the FCC technique is inexpensive and provides an excellent screening. The NAB method, costly because of first-class mail and personalized letters, should be sent to only those showing promise in the FCC survey.

"I therefore urge that this cooperative activity be continued on the basis outlined above as there is every indication that a substantial number of applications for employment will result. The shortage of broadcast station technical personnel is becoming increasingly acute as indicated by the increase of the number of requests from broadcast stations for replacement personnel now coming to NAB. We have been, for the last several months, registering qualified technical personnel and furnishing suitable applicants to all stations requesting assistance. The need at this point is for a larger list of applicants in order that the undertaking can be of maximum broadcast industry benefit."

## UNIVERSITY OF WISCONSIN HAS LARGE ESMWT CLASSES

Approximately 330 persons will be enrolled by the University of Wisconsin in the NAB-ESMWT "Fundamentals of Radio."

This was made known by Edwin C. Allen, general manager, WIBA, Madison, Wis., who is industry representative in Wisconsin for the training program. Figures were prepared by H. E. Pulver, of the university, who is state coordinator.

Eighty students will be enrolled in five classes of Part II of the course; while 250 or more will make up ten classes in Part I of "Fundamentals of Radio."

Approximately 535 persons are enrolled in 19 classes of "Fundamentals of Radio" Part I, about to be completed. Twenty-five per cent of the students are women. This is almost double the number of women who were among 1,141 students who previously completed Part I.

There are also 205 men and women who are about to complete "Fundamentals of Radio" Part II. Seven per cent of these are women, whereas only two per cent were women of the 127 who completed course II some time ago.

## Broadcast Advertising

### DEPARTMENT STORES CAN MAKE RADIO PAY

Nearly 150 sales-minded station executives heard an intensely interesting talk, encouragingly titled: "Department Stores Can Make Radio Pay," at the Sales Managers meeting, held in conjunction with the NAB War Conference at the Palmer House in Chicago, Ill., on Wednesday evening, April 28, 1943. The speaker was John A. Garber, Advertising Manager of Strawbridge & Clothier, Philadelphia, Pa., one of the leading department stores of the United States.

Perhaps the importance of this talk can be best summed up in the comments of an able station executive, well-known for this heckling of department store speakers at previous meetings. He said: "That is the first talk I have ever heard by a department store executive on the use of broadcast advertising that made sense. Garber really knows what he is talking about. There is solid, substantial meat in what he said."

Even prior to the meeting, NAB had made arrangements to reprint the talk for distribution to all members. After hearing Garber, Sol Taishoff of *Broadcasting* magazine expressed a desire to reprint the talk in his publication. Garber then offered to amplify his remarks in certain respects. The revised version appeared in the May 31, 1943 issue of *Broadcasting* magazine, from which the enclosed reprint was prepared through the courtesy of that publication.

Believing, and hoping, that many of you are making daily use of "A Manual of Radio Advertising," the enclosed reprint has been prepared on 8½ x 11 inch paper, with three-hole punching, so that it can be incorporated in the Manual. If you can use additional copies, there are plenty of them available. A penny post card will bring as many as you want.

### Retail Promotion Plan

The talk by John A. Garber is one more reason why every radio station should participate in the Retail Promotion Plan. As Garber stated, department stores are more interested than ever in the possibilities of broadcast advertising—they want to know how and where and when it can be profitably used. The answer to that question is the one major objective of the project now in full production.

Whether or not you are actively participating, you can help very materially in the development of the presentation if you will fill out and return the Statistical Questionnaire sent you recently, and if you will write a letter to Sheldon R. Coons, using the outline in the same mailing. Won't you please do that today to help in this industry-wide movement?

### Standard Program Schedule Forms

The steadily increasing use of the Standard Program Schedule Form is a source of real pleasure to all who worked on the development of this material. This convenient, simplified program and announcement listing should be used by every radio station.

But, when you order or reorder, won't you please try to anticipate your needs? A check-up has revealed that express and freight shipments are appreciably slower than a year ago. Deliveries, that formerly took four days, now often take eight or ten days. While we try to maintain a minimum stock of 25,000 copies at all times, and ship immediately upon receipt of your order, unavoidable delays will sometimes occur. Please try to reorder before your supply is actually exhausted.

### We Bow Our Bloody Head

Down around our ears for the past ten days has come a snowstorm of letters from member stations, enclosing copies of the letter from Jeffrey A. Abel, Radio Director of Henry J. Kaufman Advertising, Homer Building, Washington, D. C., offering one of the most brazen contingent deals we have ever seen. Just as soon as this copy goes to the printer, we'll clamp on our sun helmet, stalk down the street and do our best to convince Mr. Abel of the error of his ways.

Of course, these are the "dog days" in Washington, as the news commentators have latterly observed.

### Non-Permanent Permanent

From Lou Sterling and Associates, North Hollywood, California, many member stations have received contingent contracts for a "Hollywood Permanent"—a home permanent wave produced by a new cold process. There—in the cold process—is the treatment this offer deserves. Leave it cold, except on a rate-card basis. Otherwise you'll be building some non-permanent business with a permanent.

### Be Precipitate with This Colloidal

Several other member stations have sent in the letter from Hal A. Salzman Associates, 6 E. 45th Street, New York, N. Y., offering a contingent contract for SUL-RAY Colloidal Sulphur Mineral Baths. Be precipitate with the offer on that basis. Say: "yes, on a rate-card basis, with no strings attached." Then proceed to sell the facilities of your station on that basis. Salzman leaves the door open for such a solicitation in the third paragraph of his letter.

### "SHARE THE RADIO" PLAN HITS MISSISSIPPI

At McComb, Mississippi, Station WSKB carries a show called the "Listening Post." Listeners are invited to share their radios with others. A poster is given away to be put in the front windows of homes to indicate members of the Listening Post Club. Discussion of programs follows.

### WBIG ISSUES RATION BOOK COVERS

WBIG, Greensboro, North Carolina, is issuing covers for household ration books. They are red and blue on heavy green colored stock.

Major Edney Ridge, managing director, says they are extremely popular with the women shoppers.



## State Legislation

### FLORIDA:

**S. 672 COPYRIGHTED MUSICAL COMPOSITIONS—**Relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining same, and to regulate licensing of same. Vetoes June 14 by Governor Holland.

### MILES LOSES FTC SUIT

Suit for a declaratory judgment by Miles Laboratories, Inc., of Elkhart, Ind., in which the corporation sought to have the court pass upon the jurisdiction of the Federal Trade Commission to issue a complaint charging the corporation with engaging in certain practices in violation of the Federal Trade Commission Act, has been dismissed by Justice Luhning, of the U. S. District Court for the District of Columbia, where the judgment was sought.

Miles Laboratories, Inc., is engaged in the manufacture and sale of "Dr. Miles' Nervine," "Dr. Miles' Nervine Tablets" and "Dr. Miles' Anti-Pain Pills," with annual sales in excess of \$900,000. After an investigation the Commission notified the corporation that its packages, labels and labeling failed adequately to reveal the potential danger of its products and submitted a stipulation for its signature in which it would agree to cease and desist from disseminating any advertisements of the products which failed to reveal that excessive use of the Nervine remedies might cause mental derangement or skin eruptions, while excessive use of the Anti-Pain Pills might cause collapse or dependence upon the drug. The proposed stipulation gave the corporation the option to include such warnings and cautions on its labels, in which case the advertising need only contain the statement: "Caution: Use Only as Directed."

Miles Laboratories, Inc., refused to sign the proposed stipulation and filed suit in the District Court for a declaration that the Commission was acting outside the scope of its jurisdiction and had no authority to determine the legality of the language used on the labeling of the plaintiff's products or authority to force it to vary such language. It was alleged that the Commission intended to issue a complaint against the plaintiff, and that this would cause injury to the plaintiff's business and compel it to spend large sums of money in defense.

In his opinion, dismissing the case, Justice Luhning said in part:

"It is well settled that the Declaratory Judgment Act is not, in itself, a source of federal jurisdiction and did not enlarge the pre-existing jurisdiction of the federal courts.

"The question of the Commission's jurisdiction to proceed will be passed on by the Commission. The plaintiff may raise the question in the proceeding before the Commission and obtain a ruling. If the Commission erroneously assumes jurisdiction and issues an order to cease and desist, such an order and the proceedings upon which it is based are subject to review by and only by a Circuit Court of Appeals of the United States. The jurisdiction of that court to affirm, enforce, modify or set aside orders of the Commission shall be exclusive."

"The plaintiff stresses the inconvenience and cost of requiring it to engage in the trial of a complaint before the Commission. Such an objection is not new and the courts have invariably held that inconvenience and expense of litigation is part of the social burden of living under Government."

## NAM PRESIDENT CRITICIZES FCC-NETWORK COURT DECISION

In a speech before the Wartime Conference of the National Editorial Association at Cincinnati recently, Kenneth Crawford, president, National Association of Manufacturers, criticized the May 10th Supreme Court decision on the FCC-Network case by implying that when government enters private industry as in radio and the newspapers it marks the beginning of the end for freedom of speech and the press.

"Will it be a licensing system next for the newspapers of this country?" he asked, commenting on the fact that the Supreme Court had imposed conditions on individual broadcasting stations, including limitations of contracts, in return for federal licenses.

"With the end of freedom of the press there will come sooner or later the end of our free competitive system," he added.

### GIRL SCOUTS SEND TO ALL HEADQUARTERS INFORMATION ON BROADCASTING RELATIONS

*A report on the findings of the work study group on broadcasting by national organizations held at the recent Institute for Education by Radio at Ohio State University was sent to all headquarters branches by the Girl Scouts of America. The section as sent is reprinted below for your information.*

*Mrs. Dorothy Lewis, NAB coordinator of listener activities, was a participant in this work study panel.*

The Institute for Education by Radio was established in 1930 at Ohio State University and has been held at Columbus each spring since then. Its purpose is to bring broadcasters—network officials and local station personnel—educators, and civic leaders together to discuss the problems of educational broadcasting, particularly techniques and policies. This year there were more than 700 radio people from all over the United States and Canada registered, and as a member of our Public Relations Division attended you may be interested in a very brief report on the findings of one Work Study Group on Broadcasting by National Organizations as this is of importance to the Girl Scouts as a youth-serving agency.

The chairman of this group was Tom Stewart of the American Junior Red Cross, and a few of the radio representatives of other organizations which participated were: Dr. Iago Daldston, New York Academy of Medicine; Jesse Butcher, National War Fund; Henriette Harrison, Y. M. C. A.; David Resnick, National Society for Prevention of Blindness; Leslie Stratton, Boy Scouts; and Lucille Clarke, Girl Scouts.

In order that you may know the consensus of opinion as to what should be the relationship between organizations and the radio industry, the following is a summary of the report which was prepared at the close of the meetings:

1. That it is the responsibility of all organizations to see that they do not use radio except to further the war effort at this time.

2. That it is a joint responsibility of the organization and the station management to judge the above.

3. That the purpose of all broadcasts by organizations should be—"to be of service to the public" and mention of the organization, its "commercial," should be of secondary consideration.

4. That only the best in radio material should go out over the air under the sponsorship of an organization.

5. The editorial policy of a radio program rests, as far as content is concerned, with the organization, subject to the approval of the station, but as far as quality is concerned it is up to the station to refuse time to an organization whose program does not meet the highest standards.

6. That in "asking for time" the organization should be sure it has something of equal value to offer the station in program or idea that will be of service to the listening public and that will aid in building an additional audience for the station.

7. That organizations of like aims—such as the youth serving agencies—should work on a cooperative basis, producing joint radio programs for instance, for in this way a better quality program will probably result from the pool of ideas and funds and the station will be assured of a larger potential audience and thus be more generous with its time.

8. That if the radio industry would show more interest in the over-all program and broadcasting activities of national organizations, many of these organizations would then more fully realize their responsibility and in consequence appropriate sufficient radio budgets to carry out these responsibilities.

## 912 STATIONS

There were no additions or deletions during the month of April, 1943. During May, one station having a construction permit only was deleted. A comparative table by months follows:

	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1
Operating .....	906	906	905	906	908	910	909	910	910	910	911	911	911
Construction ....	18	19	16	14	11	9	9	7	6	5	2	2	1
	924	925	921	920	919	919	918	917	916	915	913	913	912

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 28. They are subject to change.

#### Monday, June 28

WJRM—Allegheny Broadcasting Corp., Elkins, W. Va.—Modification of C. P., under C. P.; 1240 kc., 250 watts, unlimited.

#### Wednesday, June 30

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., 850 kc., 5 KW, unlimited, DA-night.

WJW, Incorporated, Akron, Ohio.—Modification of C. P., under C. P.; 850 kc., 5 KW, unlimited, DA-day and night.

#### Thursday, July 1

WOKO, Incorporated, Albany, N. Y.—Renewal of license (main and auxiliary), 1460 kc., main: 500 watts night, 1 KW day; auxiliary: 500 watts, unlimited.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### MISCELLANEOUS

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted license (B3-L-1763) to cover construction permit

(B3-P-3520) to move main transmitter from RFD No. 1, Dixie Gardens, near Shreveport, to Harte Island Road, near Shreveport; also authority to determine operating power by direct measurement of antenna power (B3-Z-1518).

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted license (B3-L-1726) to cover construction permit (B3-P-3259) as modified, covering installation of new transmitter and DA for night use, increase in power to 5 KW-LS, and move transmitter; also authority to determine operating power by direct measurement of antenna power (B3-Z-1464).

KTW—The First Presbyterian Church of Seattle, Seattle, Wash.—Granted authority to determine operating power by direct measurement of antenna power (B5-Z-1515).

WALB—Herald Publishing Co., Albany, Ga.—Granted motion for extension of time to July 6, for correction of testimony of C. C. Tounsey, in re applications of WALB for renewal of license, construction permit, and voluntary assignment of license.

WALB—Herald Publishing Co., Albany, Ga.—Granted extension of time to July 17 for filing proposed findings of fact and conclusions in re above applications.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted petition to dismiss application (B2-P-3254) without prejudice.

WCOP—Mass. Broadcasting Corp., Boston, Mass.—Continued action on petition for order to take depositions to July 14.

## APPLICATIONS FILED AT FCC

W3XWT—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Modification of construction permit (B1-PVB-31, as modified, which authorized new experimental television station) for extension of commencement and completion dates from 12-26-42 and 6-26-43 to 6-26-43 and 12-26-43, respectively.

### 1350 Kilocycles

WORK—York Broadcasting Co., York, Pa.—License to cover construction permit (B2-P-3205, as modified) for installation of new directional antenna system for night use only.

WORK—York Broadcasting Co., York, Pa.—Authority to determine operating power by direct measurement of antenna power.

### 1240 Kilocycles

WJW—WJW, Incorporated, Akron, Ohio.—Modification of license to change name of licensee to The Akron Broadcasting Company.

### 850 Kilocycles

WJW—The Akron Broadcasting Co., Akron, Ohio.—Voluntary assignment of construction permit (B2-P-3263, as modified for new transmitter, change in frequency, increase in power, directional antenna day and night, and move), from The Akron Broadcasting Company to The WJW Company.

First Baptist Church, Pontiac, Mich.—Extension of authority to transmit programs from First Baptist Church at Pontiac, Michigan, to Radio Station CKLW, Windsor, Ontario, Canada, for period beginning 8-13-43.

### 960 Kilocycles

KMA—May Broadcasting Co., Shenandoah, Iowa.—License to cover construction permit (B4-P-2599, as modified) for installation of directional antenna for night use and increase in power.

KMA—May Broadcasting Co., Shenandoah, Iowa.—Authority to determine operating power by direct measurement of antenna power.

KRLH—Clarence Scharbauer, Midland, Texas.—Involuntary assignment of license to Millard Eidson, Independent Executor of the Estate of Clarence Scharbauer, Deceased. (Item 12, Part I; Items 15(a), 16, 17, 23 and 24, Part II.)

## RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RECEIVED

WJZM—William Kleeman, Clarksville, Tennessee.

WMGA—Frank R. Pidcock, Sr., Moultrie, Georgia.



## RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RESUBMITTED

KELD—Radio Enterprises, Incorporated, El Dorado, Arkansas.  
WGRC—Northside Broadcasting Corporation, New Albany, Indiana.  
WLLH—Merrimac Broadcasting Co., Inc., Lowell, Massachusetts. (main and synchr. ampl.)

## RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RETURNED

KTSW—Emporia Broadcasting Company, Inc., Emporia, Kansas.  
WJZM—William Kleeman, Clarksville, Tennessee.

### 1150 Kilocycles

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Modification of license to change hours of operation from specified hours to daytime (requesting facilities of KTBC).

### 1240 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebraska.—Authority to determine operating power by direct measurement of antenna power.

### 1490 Kilocycles

WTMC—Ocala Broadcasting Co., Inc., Ocala, Florida.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 250 watts.

### 1340 Kilocycles

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Company, Hot Springs, Arkansas.—Involuntary assignment of license to Clyde E. Wilson.

## RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RECEIVED

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.  
KTSW—Emporia Broadcasting Company, Inc., Emporia, Kans.

## RENEWAL APPLICATIONS FOR STANDARD BROADCAST STATIONS RETURNED

KBPS—Benson Polytechnic School, R. T. Stephens, Agent, Portland, Oregon.  
WGRC—Northside Broadcasting Corporation, New Albany, Indiana.  
WLLH—Merrimac Broadcasting Company, Inc., Lowell, Massachusetts.

## FEDERAL TRADE COMMISSION DOCKET

*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.

**Bernard Engineering Co.**—Misrepresentation in the sale of a preparation designated "Wonder Solv Anti-Freeze," recommended for use in the cooling system of automobile and other combustion type engines, is alleged in a complaint issued by the Federal Trade Commission against Bernard Engineering Co., 709 Market St., Camden, N. J., and its president, Lionel Bernard, and William I. Miller, trading as Miller Manufacturing Co., 1100 32nd St., Camden, N. J. (4979)

**Milwaukee Importing Co.**—Pleading inability to supply customers with products ordered and paid for, because of alleged government restrictions, Henry P. Kinneke, trading as Milwaukee Importing Company, 2039 North 34th St., Milwaukee, Wis., is charged in a complaint issued by the Federal Trade Commission, with the use of unfair and deceptive acts and practices in commerce. (4980)

**R. L. Swain Tobacco Co., Inc.**, Danville, Va., is charged in a complaint issued by the Federal Trade Commission with misrepresentation in the sale of Pinehurst Cigarettes by falsely advertising that they are "The Cigarette the Doctor Smokes" and are devoid of irritating properties. (4981)

### CEASE AND DESIST ORDERS

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

**Latta Cream**—M. L. Kay and Humbert O'Camp, trading as Latta Cream, 505 Fifth Ave., New York, have been ordered by the Federal Trade Commission to discontinue certain misrepresentations concerning the effectiveness of a cosmetic designated as "Latta Cream." Since December, 1942, the business has been conducted under the sole proprietorship of the respondent Kay. (4925)

**Alma's Home Made Candies**—Alma Loughran and Lee R. Loughran, trading as Alma's Home Made Candies, 2737 West Madison St., Chicago, have been ordered by the Federal Trade Commission to cease and desist from selling or otherwise disposing of candy by means of a game of chance, gift enterprise or lottery scheme. (4409)

**Domestic Diathermy**—Max E. Heyman and Maude S. Jaret, trading as Domestic Diathermy Co., 251 West 57th St., New York, to cease and desist from disseminating advertisements which misrepresent the therapeutic properties of a device designated "Domestic Short-Wave Diathermy" and which fail to reveal that the device is not safe under certain conditions of use. (4942)

An order to cease and desist from misrepresentation in connection with the sale of **Dorothy Gray Cosmetics** has been issued by the Federal Trade Commission against Lehn & Fink Products Corp., and its subsidiary, Dorothy Gray, Ltd., both of Bloomfield, N. J. (3447)

### FTC COMPLAINT

In a joint answer to a Federal Trade Commission complaint, **Carter Products, Inc.**, 53 Park Place, New York, distributor of a cosmetic and odorant designated "Arrid," and Small & Seiffer, Inc., advertising agency at 24 West 40th St., New York, deny they have disseminated advertisements misrepresenting the properties and effectiveness of the preparation. Small & Seiffer, Inc., prepared and placed the advertising copy objected to in the Commission complaint. (4960)

# The National Association of Broadcasters

1760 N STREET, N. W. \* \* \* \* \* WASHINGTON 6, D. C.

No. 3

SPECIAL INFORMATION BULLETIN

June 25, 1943

## How To Use Radio

(This report was given by Walt Dennis, NAB news bureau chief, before the New Jersey Federal-State War Conference on Social Protection on the theme "Venereal Disease—Saboteur of War Manpower." The report suggested the methods by which a campaign against venereal disease might be initiated via radio. It is presented to station managers in this form as pre-information of similar conferences to be held in all 47 other states this summer and fall.)

Under the American system of broadcasting, radio is licensed in the "public interest, convenience and necessity." This places every station manager in a position of public trust.

Since the courageous efforts of Doctor Parran to drive the clouds of bigotry and shame from the study of the prevention and cure of venereal diseases have born fruit in the last two decades, we should now dwell on the theory of how it might be possible to use radio as a weapon in conquering these diseases by education.

Public service is implicit in any means whereby the spread of venereal diseases may be stamped out and it is on this point that use of radio revolves.

*You have a magnificent precedent in this field in the fact that one of the George Foster Peabody awards in 1942 for outstanding public service was made to radio station KOAC, Corvallis, Oregon, for its presentation of ten broadcasts on the topic "Our Hidden Enemy—Venereal Disease." These broadcasts were made by electrical transcription and originated from Dr. Charles G. Baker, syphologist of the Fayette county health department, Lexington, Ky. Stations WLAP, Lexington, and WHAS, Louisville, also have presented these lectures.*

Generally speaking, however, access to a radio station on a matter of this kind is not simple. A station manager must be convinced that the source and authority behind such a campaign is

first-rate and carries the eminence of dignified respectability. For, speaking practically, we just cannot ride rough-shod over four centuries of tabus.

Getting down to cases, let us take a community as an example and work out a proposed means of campaigning.

Let us suggest any average metropolitan community. Any such campaign must embrace at least the newspapers and the radio station or stations. There is little point in using any one to the exclusion of others (and in this talk I am assuming that you wish me to tell you how best to use radio and how to obtain its cooperation). Although we know radio can do almost any given job of education or information alone, we also admit that the more media participating the more penetration obtained.

**In a campaign against venereal disease—and I am suggesting that any such campaign might resolve into a permanent part of the civic endeavor—indispensable participants are the health agencies, doctors and nurses organizations, medical and health societies and associations and related groups. Highly important supplemental organizations are the churches, the women's clubs, civic and service bodies and all the constructive organized power of a community, including the full resources of the city government.**



When this power is organized behind such an endeavor, then a plan of procedure must follow. Most important part of this plan is transmitting its purpose and information to the public through available media—a process sometimes known as publicity and in certain cases as news. In this case it would be both combined under public education.

When these steps have been taken and the plan made definite, then committees should be designed to contact the radio station manager or managers of other media to enlist their cooperation. Such a committee can demonstrate the organization behind their request and display the working plan and material they have assembled.

*And now to the crux of the discussion—this is the point at which the radio station manager takes charge. He knows radio; he knows how best to present material over his station—he knows who should be able to prepare it and present it most effectively.*

You show him the definite public interest involved—you show him the community organized to do something about it—you show him material and a plan—and he will take care of his end. He may call upon members of the community to serve; in this case he might wish to have an outstanding physician, or head of the city or county health department, make a talk or two—but if I know radio men, he'll do that and plenty more. He will pull out all the stops in his expe-

rience and lend the fullest production experience of his station to your purpose.

I have pointed out that precedent has been set. The stations which already have presented material on venereal diseases have received public and official acclaim. No criticism can come from public-spirited listeners on the worth of the fight—some may arise on the manner of its presentation over the radio. And it is here that I must inject a note of caution—do not attempt to impose the judgment of inexperienced but well-meaning non-radio people upon station managements. You certainly would not want a radio station manager to treat a syphilitic patient—nor is it logical to presume that a physician or layman with little or no radio experience can handle such a delicate—and I use the word in the presentation sense—subject on the air waves.

In closing let me summarize—don't send a boy to do a man's job. The fight against venereal disease is not only a clinical one, we also must eradicate forever the hush-hush mantle of shame which has impeded medical progress in this fight for centuries.

**Therefore, when you approach a radio management for help, do not do so in the name of a small, but sincere, group which "wants to do something about this"—organize your community and plan the battle as a full-scale offensive. Then the cooperation of media is not only assured, but you will receive the fullest power of that cooperation in all its many phases.**