

SCHEDULE OF DISTRICT MEETINGS

<i>District</i>	<i>Day</i>	<i>Date</i>	<i>City</i>	<i>Hotel</i>
8	Tuesday	February 1	Indianapolis, Ind.	Columbia Club
10	Friday-Saturday	February 4-5	Omaha, Nebraska	Fontenelle Hotel
14	Monday-Tuesday	February 7-8	Denver, Colorado	Cosmopolitan Hotel
16	Friday	February 11	Los Angeles, Calif.	Biltmore Hotel
13	Thursday	February 17	Dallas, Texas	Baker Hotel
12	Monday	February 21	Tulsa, Oklahoma	Hotel Tulsa
6	Thursday-Friday	February 24-25	Memphis, Tenn.	Peabody Hotel
3	Monday-Tuesday	February 28-29	Pittsburgh, Pa.	William Penn Hotel
2	Thursday-Friday	March 2-3	New York, N. Y.	

IMPORTANT WAGE AND HOUR INTERPRETATION

As one of his final official acts before leaving NAB to become a Navy Lieutenant Joseph L. Miller requested of the Wage and Hour Public Contracts Division a clarification of their position regarding "talent fees" and their relation to "regular rate of pay." This is extremely important in determining the matter of overtime payments.

The following letter signed by L. Metcalf Walling, Ad-

ministrators of the Wage and Hour Public Contracts Division of the Department of Labor sets forth the official view:

"This will reply to your letter of December 21, 1943, in which you state that one of your members has called your attention to paragraph 24501.86, Volume 2, C.C.H. Labor Law Service (March 18, 1942) which has been cited by one of the attorneys of the Department as the basis for a ruling that *all* 'talent fees' paid to radio announcers should be included with salaries in determining the 'regular rate of pay.' You state you are under the impression as the result of a conference with me and one of the attorneys in the Solicitor's Office, that the cited ruling was not to be applied in the case of *all* 'talent fees' and that each case involving such fees would have to be considered on the basis of the facts involved and that some announcers for the purposes of the Fair Labor Standards Act were not employees of radio stations when they were working for a 'talent fee' from an advertiser or an agency. You inquire as to whether or not the impression you gathered from the conference is correct.

"It is my understanding that most announcers receive a weekly salary from the radio station in which they are employed. When, however, a sponsor of a program requests and obtains the services of a particular announcer thus employed the sponsor is required to pay to the station a 'talent fee.' The station then pays the announcer his weekly salary plus the fee. Such an arrangement is provided for in contracts between stations and the American Federation of Radio Artists. It is the Division's view that generally in such cases the announcer is the employee of the radio station and that the 'talent fee' paid the announcer is part of his regular compensation and the time spent by the announcer in performing such services constitutes hours worked for the radio station. However, this position is not an absolute one. In order to determine its applicability in a particular case, an examination of the facts in the case becomes necessary.

"Some of the factors which would be deemed significant as tending to establish an employer-employee relationship

(Continued on page 16)

SPECIAL NAB BOARD MEETING

The Nominating Committee which was created by the Board of Directors at a special meeting in Chicago last July 30, held a meeting in New York on Friday (14) and announced that it is ready to make a report. This committee was authorized to consider and recommend to the Board the course to be followed with reference to the NAB presidency upon the expiration of President Neville Miller's present contract on June 30 of this year. At the committee's request a special meeting of the Board has been called at the Palmer House in Chicago on Wednesday and Thursday, February 2 and 3.

The committee consists of Don S. Elias, WWNC, Chairman; Paul W. Morency, WTIC; G. Richard Shafto, WIS; James D. Shouse, WLW; John J. Gillin, Jr., WOW; and J. O. Maland, WHO.

Neville Miller, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities*; Lewis H. Avery, *Director of Broadcast Advertising*; Willard D. Egolf, *Assistant to the President*; Howard S. Frazier, *Director of Engineering*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Arthur C. Stringer, *Director of Promotion*.

IMPORTANT WAGE AND HOUR INTERPRETATION

(Continued from page 15)

between the radio station and the announcer with respect to work performed for which the 'talent fee' is paid, and which would lend support to the view that the extra compensation received by the announcer should be included in arriving at his regular rate of pay for purposes of computing overtime compensation are the following: the fact that the announcer is a regular employee of the station employed pursuant to the collective bargaining agreement; the agreement contemplates the performance of these extra tasks, and undoubtedly, obligates the announcer to perform them when directed to do so by the radio station; the agreement places upon the radio station the responsibility or obligation to pay the 'talent fee,' even though the sponsor is charged an additional sum for this service, the agreement for the performance of this extra work is made between the radio station and the sponsor and not between the announcer and the sponsor; when the announcer performs these services he is engaged in rendering a service which is a functional part of the business of the radio station; the radio station obtains a distinct benefit from the services performed by the announcer; the work is performed under the direction and control of the radio station. It is not necessary that all of these factors be present in each case to establish an employer-employee relationship. The presence of one or more of them in a particular situation may be sufficient along with other pertinent facts to prove the existence of an employer-employee relationship with respect to the talent fees.

"The regional offices of this Division are fully aware of the Division's position in this respect. However, if you desire me to review any opinion given by any specific regional office of the Division, I would be pleased to request the file in any such case which you desire to call to my attention and re-examine all the facts pertinent thereto."

SALES MANAGERS EXECUTIVE COMMITTEE STUDIES RESULTS OF RETAIL PROMOTION PLAN

"The general reaction to the Retail Promotion Plan was very good," declared Dietrich Dirks of KTRI, Chairman of the Sales Managers Executive Committee, following a review of the comments and reports of radio stations in more than 100 cities by the Committee at its two-day meeting in New York on Tuesday and Wednesday (18-19).

During the course of the discussion of this project, it was the consensus of those in attendance that the presentation was generally better received in the smaller cities than in the larger ones; that exclusive retailers were very favorably impressed but that too many stations invited brokers, jobbers and others not primarily concerned with retailing. In its broad aspects, the Plan was adjudged the most constructive effort ever undertaken by the broadcasting industry.

After a thorough exploration of ways and means by which the Department of Broadcast Advertising can fol-

low up the favorable impression created by the Retail Promotion Plan, the Committee decided that an immediate survey and analysis of the advertising programs of department stores should be undertaken. This decision was based on an authentic report that department stores are allocating a substantially larger portion of their advertising budgets for the use of broadcast advertising in 1944. As soon as this preliminary survey is completed, specific plans will be made for a concentrated campaign in the retail field.

In connection with the proposed increased attention to be devoted to the use of broadcast advertising by retailers, the Committee recommended that an assistant to the Director of Broadcast Advertising be appointed to devote his full time to this field.

Because 35 to 40 cities have requested original or repeat showings of the Retail Promotion Plan, and since approximately 80 organizations or radio stations have sought the talking motion pictures, "America Takes to the Air" and "Why Radio Works," the Committee reviewed these films from the standpoint of combining both into a single motion picture. However, it finally decided to make them available in their present form on a rental basis of \$20.00 for the first showing in any community, and \$10.00 for each subsequent showing. All bookings for the pictures would be handled through the local or nearby station or stations that subscribed to the Retail Promotion Plan. The Committee feels that radio stations will be sufficiently interested in the promotional possibilities of these films to pay the nominal rental charges for showings in their areas.

Many radio stations, commenting favorably on the Retail Promotion Plan, urged the industry to prepare a 30-minute talking motion picture to tell the story of broadcasting and broadcast advertising. To hasten that activity, the Committee adopted a resolution, reading in part:

"... the Sales Managers Executive Committee suggests to the NAB Board of Directors that a committee consisting of members of the Sales Managers Executive Committee and the Public Relations Committee be appointed to investigate the possibilities of making a talking motion picture or some other suitable presentation that could be used by stations before schools, civic organizations, trade groups and for general consumer bookings through motion picture theatre channels."

At luncheon on the opening day, Jack B. Peix, Assistant General Manager, and Llewelyn Harries, Manager, Sales Promotion Division of the National Retail Dry Goods Association were guests of the Committee. Following the luncheon, Mr. Harries outlined several plans for increased co-operation of NRDGA and NAB.

On the morning of the second day, Maurice Mermey of Baldwin & Mermey, public relations counsel to the Proprietary Association, attended the meeting of the Committee and extended an invitation from the drug manufacturers to participate in the advertising clinic, to be held in New York on May 16, 1944, in conjunction with the Annual Convention of the Association. Mr. Mermey stated that these important radio advertisers would like to have the broadcasting industry tell them what is bad about their advertising, what can be improved and what is good.

Following a discussion of the invitation and further questioning of Mr. Mermey, the Committee unanimously agreed to participate in the clinic. Chairman Dirks will shortly appoint a Sub-committee to concentrate on this problem.

Since the NAB War Conference in Chicago in April, 1943, the Committee has been working on a so-called continuing discount clause that provided logical rates for the advertiser and rate protection for the station. The revised form submitted by the Secretary was altered slightly and unanimously adopted. The text follows:

"If this contract is renewed for identical service, without interruption, beyond a fifty-two (52) week period, the

same earned rate will be allowed for the duration of such extended, continuous service as the rate earned for the original fifty-two (52) week term. This provision shall not apply, however, for more than fifty-two (52) weeks from the effective date of any revision of rates or discounts."

The proposed clause will now be submitted to the American Association of Advertising Agencies for approval and then to the NAB Convention for action by the membership.

At the meeting of the Sales Managers Committee in Chicago in April, 1943, a resolution was unanimously passed, urging the preparation of a presentation to the automotive industry along the lines of the Retail Promotion Plan. Since the tour of the latter project is now nearly completed, the Committee reconsidered the automotive proposal. A decision was reached to table this study in favor of an investigation of the housing and motion picture fields as more logical prospects for broadcast advertising in the immediate and post-war periods.

Reviewing various suggestions for the improvement of broadcast advertising, the Committee condemned the practice of network, national spot and local advertisers in referring to programs on other stations or networks, competing with service on the station making the announcement. The Committee unanimously resolved that network and non-network advertisers be discouraged and ultimately denied the privilege of calling attention to another program on a competing station or network. Copies of the resolution will be forwarded to the Network Advisory Councils and to NAB member stations.

It was also generally agreed that the industry is opposed to the combination of two or more announcements of unrelated products in a single announcement. NAB member stations are urged to refuse such copy for broadcasting.

Similarly, a resolution was unanimously adopted condemning the practice of placing announcement schedules on alternating weeks, and of alternating unrelated products on a continuous schedule. Such service, usually placed in so-called participating programs, deprives the station of the opportunity to sell one or more classifications through the placement of a single contract. The Secretary was instructed to read this resolution at the forthcoming district meetings and to forward a copy to the District Chairmen of the Sales Managers Committee where such meetings will not be held.

The practice of some radio stations of scheduling too many announcements within a participating program was roundly condemned as distasteful to the listener and harmful to the advertiser.

Tentative plans were laid for the participation of the Sales Managers in the district meetings and in the NAB Annual Convention. To review these plans, the Committee has scheduled another meeting in March, which will probably be held in Chicago. The exact date will be announced later.

In addition to Chairman Dirks, C. K. Beaver of KARK; Arthur Hull Hayes of WABC; Walter Johnson of WTIC; James V. McConnell of WEF; John M. Outler, Jr., of WSB; and John E. Surrick of WFIL attended the meeting. Illness prevented W. B. Stuht of KOMO-KJR from being present, while Sam H. Bennett of KMBC was unable to obtain transportation. Lewis H. Avery, NAB Director of Broadcast Advertising, served as Secretary.

DIRECTOR OF BROADCAST ADVERTISING TALKS AT ANNUAL CONVENTION OF NATIONAL MEN'S WEAR ASSOCIATION

The opening luncheon of the two-day Annual Convention of the National Men's Wear Association at the Hotel Pennsylvania in New York on January 17, 1944, featured talks by Lewis H. Avery, NAB Director of Broadcast Adver-

tising, and John B. Kennedy, noted Blue network news commentator. This was the first convention this important group of retailers had held in three years and more than 500 attended the luncheon.

After reviewing the probable post-war developments in the field of standard broadcasting, FM and television, Avery pointed out that more radio sets are in use today than ever before.

"Will they continue to listen in the post-war period?" he asked, answering the question, "Why not! Many people have discovered that radio provides more services than they were aware of before the war. What's more, radio executives are studying ways and means of bringing new and improved entertainment to the listener. They are trying to bring news to the listener faster and more accurately than it has been available in the past. And, I think you will agree, radio news service has been one of the highlights of the war period."

Then he turned to a discussion of the analysis of 174 successful retail users of broadcast advertising, as developed through research for the Retail Promotion Plan. (See Vol. 12, No. 2, pp. 8-9, of the NAB REPORTS, for a detailed description of the results of this study.)

32,500,000 RADIO FAMILIES—JAN. 1, 1944

The annual estimate of the National Association of Broadcasters Research Committee shows 60,000,000 radio receiving sets in the hands of the public of the United States, January 1, 1944.

The details of the estimate are as follows:

Radio families (having one or more sets) . . .	32,500,000
Extra sets in homes and sets in places of business, institutions, etc.	18,500,000
Auto Radios	9,000,000
Total Radio Receiving Sets	60,000,000

The NAB Research Committee is indebted to the Office of Civilian Requirements of the War Production Board and the U. S. Bureau of the Census for the figure of 32,500,000 radio families. The Census Bureau conducted a survey addressed to the public for the OCR to determine the experience of the public with certain household items which are scarce as a result of war. Radio sets were one of the items included in the survey.

The survey found that 89% of the nation's families possess radio sets. This percentage applied to the Census Bureau estimate of 36,550,000 families January 1, 1944, results in 32,500,000 radio families. The number of sets owned by the 32,500,000 radio families was disclosed in a breakdown of the 89% figure to the number having one set (58.9%), the number having two radios (24.1%), the number having three or more radios (5.8%), and those not reporting the number (.2%). The percentages applied produce a figure of 46,000,000 radios in the homes of 32,500,000 families.

Austin Grimshaw, director of the Civilian Relations Section of the OCR, in discussing the survey with the NAB, stated that he felt the Census Bureau had conducted a difficult survey in a most intelligent way. He also said that he had submitted the survey planning and results material to a number of research experts outside of government and had their opinions that the work in all detail was exceptionally well handled. NAB is grateful to Mr. Grimshaw and his associates for the cooperation shown in making the information available for industry use.

A comparison of the new figures with those produced last year indicates that the Research Committee may have been too conservative in its estimate of radio families, January 1, 1943 (30,800,000). However, a number of new developments in the radio market have occurred during the war

period. The freeze order of April 1942 stopped the manufacture of radio sets. Retailers had a substantial stock on their shelves but no replenishment possibility. That stock was pretty well depleted in 1942 in the low priced lines. Today the stock remaining is almost insignificant in number of sets and is confined to high priced models.

Another development is the used-set market. Retailers are advertising to buy old sets and to sell reconditioned sets. The OCR survey showed that during the last year 1.7% of the families interviewed bought sets. Of these approximately 0.9% bought new sets and 0.8% bought used sets. Still another development has been the "hand-me-down" dissipation of extra sets in homes. Newly created homes have not gone without radio because of the inability to buy a new set, because families or friends have provided many of the sets from the extra ones they owned. Still another development has been the conversion of auto and battery sets.

NAB NEWS SUB-COMMITTEE MEETS WITH EDUCATORS

Standards of radio newscasting and news writing curricula will be discussed Friday, January 21, at the Waldorf-Astoria Hotel in an all day meeting between representatives of the National Association of State Universities and the National Association of Broadcasters.

Representing the special news committee of the NASU will be: Ralph D. Casey, director, school of journalism, University of Minnesota; Wilbur L. Schramm, director, school of journalism, Iowa State University, and I. Keith Tyler, director of radio, Ohio State University.

The NAB news committee sub-committee consists of: Paul White, director of public affairs, CBS; Bill Brooks, director of News and special events, NBC, and Walt Dennis, director of public relations and special events, WHN. Dennis continues on this committee as a carryover member from the time he was news bureau chief of NAB.

First official business of the NAB news committee, the establishing of standards in radio newscasting and news writing in schools and colleges was considered a "must" in any program of training competent radio news personnel, hence the appointment of the sub-committee at White's suggestion.

Tyler later recommended that the NAB group meet with the NASU members, specially appointed for this work by Howard L. Revis, president, Ohio State, and chairman of the NASU committee on radio broadcasting.

Representatives of the education departments of CBS and NBC have been invited to meet with the others Friday.

Radio news curricula already in effect in several schools and colleges will be studied and discussed, with recommendations for standards expected to materialize by meeting's end.

INSPECTION OF RECORDS

The FCC has announced adoption of Order No. 118, proposing to amend Section 1.5 of its Rules of Practices and Procedure relating to Inspection of Records.

Provision is made in the Commission's Order for oral argument, if request therefor is filed with the Commission, to be held on March 1, 1944. As that time all interested persons will be given an opportunity to appear and present argument as to why the proposed rule should not be adopted or why it should not be adopted in the form proposed by Order No. 118.

Requests for oral argument shall be filed on or before February 16, 1944, and shall be accompanied by a brief.

Order No. 118 is:

Order No. 118

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January, 1944;

WHEREAS, The Commission is of the opinion that public interest, convenience and necessity may be served by adoption of the following proposed rule:

Section 1.5—*Inspection of records.*—Subject to the provisions of sections 4(j), 213(f), 412 and 606 of the Act, the files of the Commission shall be open to public inspection as follows:

(a) Tariff schedules required to be filed under section 203 of the Act; valuation reports including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to Section 213 of the Act; and annual and monthly reports required to be filed under section 219 of the Act.

(b) Contracts, agreements, or arrangements between carriers, filed pursuant to section 211(a) of the Act, except such contracts relating to foreign wire or radio communications which are marked confidential by the Commission.

(c) All applications and amendments thereto filed under title II and title III of the Act, including all documents and exhibits filed with and made a part thereof, whether by reference or otherwise, except reports filed pursuant to Section 1.361 of the Rules of Practice and Procedure; authorizations and certifications issued upon such applications, all pleadings, depositions, exhibits, reports filed pursuant to Section 43.1 of the Rules and Regulations, transcripts of testimony, examiners' reports, exceptions, briefs, proposed reports or findings of fact and conclusions, minutes, and orders of the Commission, excepting, however, any of the foregoing expressly designated by the Commission as confidential.

(d) In the discretion of the Commission, other files, including those excepted in subsections (a), (b) and (c) hereof, upon written request describing in detail the documents to be inspected and the reasons therefor.

WHEREAS, The Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file briefs and to appear before the Commission and argue orally why the above proposal should not be adopted or why it should not be adopted in the form proposed by this order.

NOW, THEREFORE, IT IS HEREBY ORDERED, That, upon the written request of any interested person, oral argument be held before the Commission en banc on March 1, 1944, at 10:30 A.M., as to why the above proposed rule should not be adopted or why it should not be adopted in the form proposed by this Order. Such requests for oral argument shall be filed by all persons desiring to appear on or before February 16, 1944, and each such request shall be accompanied by a brief.

STATIONS FAVOR CONTINUANCE BOND CAMPAIGN

Replies from 237 stations were received at NAB up to noon, Jan. 20, in response to the memorandum mailed all stations on Jan. 15. The memorandum covered the matter of the continued sale of War Bond transcribed programs immediately following the completion of the present campaign.

At the rate managers have responded the great majority of stations will have registered an opinion by the end of the week. Soon thereafter NAB will present the industry's opinion to Treasury officials and a decision should be forthcoming almost at once.

"Unofficially, it looks good, but no promises," was the view expressed by Arthur Stringer, secretary of the special NAB committee that has the matter in hand.

Over 750 Stations Ask for War Bond ETs.

As of Monday, Jan. 17, over 750 stations had requested the Treasury to ship the quarter hour and five minute transcription for local sale during the 4th War Loan campaign.

Typical of station reaction is the statement by Managing Director Ralph Elvin, WLOK: "Our supply of ETs, both in the 15-minute and 5-minute sizes, has been over-subscribed by local sponsors, and we shall have no difficulty in selling War Bond shows commercially after the present drive has ended. We are particularly enthusiastic about continuing this proposition."

RADIO COUNCILS ACTIVE

Mrs. Dorothy Lewis, NAB Coordinator of Listener Activity, has been advised of the activities of several Radio Councils in widely scattered areas.

On January 15 the Intermountain Radio Council held a planning meeting in Salt Lake City. Dr. John A. Wahlquist, President of the University of Utah, is President of this Council.

The Radio Council of Greater Kansas City met for a mid-winter Conference on January 10. Mrs. R. O. Baker, President, advises that the Council discussed a project to issue a listing of children's programs available in this area.

At a meeting of the Boston Radio Council on January 11 Roy Harlow and Robert Burton of BMI and Edgar Kobax, General manager Blue Network, spoke. Harvard LeSourd, Dean of the Graduate School of Boston University and council president, reports that a full discussion of the Petrillo matter was had.

The Executive Board of the New Jersey Radio Council met on January 6 to discuss the forthcoming report of their Radio Education Committee and to arrange for the spring meeting scheduled for March 1.

The Philadelphia Council is scheduled to meet on January 22. Mrs. Lewis and representatives of stations will be in attendance.

IMPORTED U. S. RADIOS AND DOMESTIC PRODUCTION MAINTAIN LISTENING IN BRITAIN

Government Considers Matter of National Importance

The British government which has always recognized that the maintenance of radio reception is a "matter of national importance," has already augmented domestic production by importation of 10,000 receivers from the United States.

"The Wireless & Electrical Trader," London, in its December 18, 1943, issue said in part:

"The following authoritative statement on radio receiver supplies has now been issued by the Radio Manufacturers' Association, with the approval of the Board of Trade:

"The maintenance of broadcast listening has always been recognized by the Government as a matter of national importance, but with the radio industry fully engaged on work of the highest priority, difficulty has had to be overcome in planning the production required to replace worn-out sets and those destroyed by enemy action.

"The radio industry has been given authority to complete receivers which were left partly finished when the manufacturers changed over to the production of radio-location equipment and other war requirements. 75,000 civilian sets still required completion on September 30, and these will be made available as soon as possible.

"In view of the inadequacy of this quantity to meet present demands, arrangements have been made to import a substantial number of sets from America, and about 10,000 have already arrived in this country. The imported sets are of widely varying types and the work of testing and repairing when necessary to ensure suitability for the British market is in hand, and it is anticipated that the majority of these sets and also the 75,000 British sets will be on the market early in 1944."

INFORMATION WANTED

The NAB has received word that the Rodin Publishing Company is distributing jackets advertising "The Rape of Radio," which jackets contain an unauthorized endorsement attributed to Neville Miller. It will be appreciated if anyone who has seen such jackets will communicate with NAB Headquarters.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, January 24. They are subject to change.

Tuesday, January 25

WJAX—City of Jacksonville, Jacksonville, Fla.—C. P. to install auxiliary transmitter; 930 kc., 100 watts, for auxiliary purposes only.

Thursday, January 27

Further Hearing

WPAT—Frank Falknor and Rex Schepp (Transferors), Donald Flamm (Transferee), Paterson, N. J.—For transfer of control of North Jersey Broadcasting Co., Inc. (WPAT); 930 kc., 1 KW, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Bert Horswell, Beverly Gordon Horswell, and The Pauline Mayer Gordon Estate (transferors), Billy A. Laurie, Leita Moya Laurie and Ben A. Laurie (transferees), Palestine Broadcasting Corp. (licensee), Palestine, Texas.—Granted consent to transfer of control of Palestine Broadcasting Corp., licensee of Station KNET, from Bert Horswell, Beverly Gordon Horswell and The Pauline Mayer Gordon Estate, to Ben A. Laurie, Billy A. Laurie, and Leita Moya Laurie, by the transfer of 100 percent of the issued and outstanding capital stock for a total consideration of \$7,800 (B3-TC-346).

Daniel David Palmer (transferor), B. J. Palmer, Mabel Palmer, Daniel David Palmer and William M. Brandon, trustees (transferees), Central Broadcasting Co. (licensee), Des Moines, Iowa.—Granted consent to transfer of control of Central Broadcasting Co., licensee of Station WHO, from Daniel David Palmer to B. J. Palmer, Mabel Palmer, Daniel David Palmer and William M. Brandon. No monetary consideration is involved (B4-TC-338).

Blanfox Radio Company, Harlan, Ky.—Granted construction permit to change frequency from 1450 kc. to 1230 kc., and make changes in antenna and ground system; granted subject to approval of antenna (B2-P-3556).

LICENSE RENEWALS

The Commission granted renewal of the following standard broadcast station licenses for the period beginning February 1, 1944, and ending in no event later than November 1, 1946:

KFEQ, St. Joseph, Mo.; KFUO, Clayton, Mo.; KLCN, Blytheville, Ark.; KMMJ, Grand Island, Nebr.; KSKY, Dallas, Texas; KTRB, near Modesto, Calif.; WEW, St. Louis, Mo.; WKAR, East Lansing, Mich.; WNAD, Norman, Okla.; WNYC and auxiliary, New York, N. Y.; WOI, Ames, Iowa; KTKC, near Visalia, Calif.; KXA, Seattle, Wash.; WCAL, Northfield, Minn.; WFAA, Dallas, Texas; WGY and auxiliary, Schenectady, N. Y.; WHAS, Louisville, Ky.; WHDH and auxiliary, Boston, Mass.; WLAW, Lawrence, Mass.; WLB, Minneapolis, Minn.; WOSU, Columbus, Ohio; WPTF and auxiliary, Raleigh, N. C.; WRUF, Gainesville, Fla.; WSBA, north of York, Pa.; WSON, near Henderson, Ky.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted renewal of license for the period ending not later than December 1, 1945 (B3-R-824).

WMJM—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted renewal of license for the period ending not later than December 1, 1945 (B3-R-1091).

Granted renewal of following experimental television broadcast station licenses for the period beginning February 1, 1944, and ending not later than February 1, 1945:

W2XGE, W2XI, General Electric Co., Schenectady, N. Y.; W6XAO, Don Lee Broadcasting System, Hollywood, Calif.; W6XDU, Don Lee Broadcasting System, area of Los Angeles, Calif.

WRGB—General Electric Co., Schenectady, N. Y.—Granted renewal of license for the period beginning February 1, 1944, and ending not later than February 1, 1945 (B1-RCT-2).

DESIGNATED FOR HEARING

Southwest Broadcasting Co. (licensee), Albert Stetson (transferor), KTAR Broadcasting Co. (transferee), Prescott, Arizona.—Designated for hearing application for transfer of control of Southwest Broadcasting Co., licensee of Station KYCA, from Albert Stetson, transferor, to KTAR Broadcasting Co., transferee. Commissioner Craven dissented (B5-TC-276).

MISCELLANEOUS

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Granted petition for continuance of hearing on application for renewal of license from January 18 to February 9.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted modification (B3-MP-1731) of construction permit authorizing move of transmitter, increase in power and installation of directional antenna for night use, for extension of completion date to 7-20-44.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted license to cover construction permit authorizing change in frequency from 1230 to 790 kc., on condition that applicant will file an appropriate application requesting authority to operate at a new location substantially in accordance with the terms of the original permit, as soon as materials and equipment are available (B5-L-1785). Also granted authority to determine operating power by direct measurement of antenna power (B5-Z-1567).

KXYZ—Harris County Broadcast Co., Houston, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1573).

KPRC—Houston Printing Corp., Houston, Texas.—Granted authority to determine operating power by direct measurement of antenna power (B3-Z-1572).

WRGG—Rome Broadcasting Corp., area of Rome, Ga.—Granted renewal of relay broadcast station license for a period ending December 1, 1945.

KEHR—Donald C. Treloar, area of Kalispell, Mont.—Granted renewal of relay broadcast station license for a period ending December 1, 1945.

The Commission granted petition of August G. Heibert, licensee of Class I experimental facsimile station K7XSB, Fairbanks, Alaska, for extension of authority to operate that station as a relay broadcast station for the transmission of programs to the United States for the period ending June 30, 1944; conditions.

APPLICATIONS FILED AT FCC

690 Kilocycles

KGGF—Hugh J. Powell, Coffeyville, Kansas.—Modification of construction permit (B4-P-3519), which authorized installation of a new transmitter for extension of completion date from 2-22-44 to 4-22-44.

770 Kilocycles

WJZ—Blue Network Co., Inc., New York, N. Y.—License to cover construction permit (B1-P-3533), which authorized move of auxiliary transmitter, installation of new transmitter and antenna, and change in power.

WJZ—Blue Network Co., Inc., New York, N. Y.—Authority to determine operating power by direct measurement of antenna power.

830 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Extension of special service authorization to operate additional time between 6 a. m., EST, and sunrise, and between the hours of sunset at Minneapolis, Minn., and 10 p. m., EST, using directional antenna for the period beginning 2-1-44.

1010 Kilocycles

KWBU—Baylor University and Carr P. Collins, Corpus Christi, Texas.—Voluntary assignment of construction permit (B3-P-3524) to The Century Broadcasting Company.

1380 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Transfer of control of licensee corporation from Grace C. Convey to Robert T. Convey, through retirement of 130 shares of outstanding stock and dissolution of voting trust.

1490 Kilocycles

NEW—South Bend Broadcasting Corp., South Bend, Ind.—Construction permit for a new broadcast station on 1490 kc., 250 watts, unlimited time.

FM APPLICATION

NEW—WJIM, Incorporated, Lansing, Mich.—Construction permit for a new high frequency (FM) broadcast station on 47700 kc., coverage 3,800 square miles.

NEW—Hilderth & Rogers Co., Lawrence, Mass.—Construction permit for a new high frequency (FM) broadcast station to be operated on 44900 kc. with coverage of 2,970 square miles.

NEW—The New York Times Co., New York, N. Y.—Construction permit for a new high frequency (FM) broadcast station to be operated on 45500 kc. with coverage of 8,250 square miles.

TELEVISION APPLICATION

NEW—Industrial Tool & Die Works, Inc., Minneapolis, Minn.—Construction permit for a new experimental television broadcast station to be operated on 78000-84000 kc., A5 and special emission with power of 5 KW for visual and 3 KW for aural.

MISCELLANEOUS

NEW—National Broadcasting Co., Inc., Hollywood, Calif.—License to cover construction permit (B5-PRY-293), which authorized construction of a new relay broadcast station.

WOOC—Columbia Broadcasting System, Inc., Wayne, N. J.—License to cover construction permit (B1-PIB-52) for new international broadcast station.

WOOW—Columbia Broadcasting System, Inc., Wayne, N. J.—License to cover construction permit (B1-PIB-51) for new international broadcast station.

KGBK—Helen Townsley (area of Great Bend, Kans.).—Voluntary assignment of license to KVGB, Inc.

FEDERAL TRADE COMMISSION DOCKET

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.

General Baking Co., 420 Lexington Ave., New York, manufacturer and processor of bakery products, including "Bond Bread," is charged in a complaint with violating Section 2 (d) of the Robinson-Patman Act by paying its preferred customers for rendering advertising services and facilities without making such payments available on proportionally equal terms to all other competing customers. (5115)

Rucker's Imperial Breeding Farm, Inc.—A complaint alleging unfair and deceptive acts and practices in connection with the sale of baby chicks has been issued against Rucker's Imperial Breeding Farm, Inc., Ottumwa, Iowa; Famous Poultry Farms, Inc., Shenandoah, Iowa; Hillview Poultry Farms, Inc., Bethany, Missouri; and Ross R. Salmon, who is an officer of and owns a greater part of the stock in the three corporations and formulates, directs and controls their practices and policies. (5117)

STIPULATIONS

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

G. Bernardi, 1375 Euclid Ave., Cleveland, Ohio, trading as Benaris and selling a drug preparation designated "Benaris," stipulated that he will discontinue disseminating any advertisement which fails clearly to reveal that the too frequent or continued use of the preparation may cause nervousness, restlessness or sleeplessness; that persons suffering from high blood pressure, heart disease, diabetes, thyroid trouble or having a high fever should not use it except on advice of a doctor; that when a cough or hoarseness has persisted for 10 days it should not be used without securing a doctor's advice; and that its excessive use may cause injury to the lungs. However, the stipulation provides that such advertisement need only contain the statement, "CAUTION, Use Only As Directed," if the directions for use, whether on the label or in the labeling, contain a warning to the same effect. (03181)

Joseph Burger, 2067 Third Ave., New York, manufacturer of "Staturaid" shoes, has entered into a stipulation to discontinue representing that the shoes, which are designed solely to give an appearance of increased height, will improve posture, benefit health or provide assurance of either health or better posture. (3787)

Edwin K. Latz, et al.—A stipulation to discontinue false and misleading representations concerning a preparation designated

"Milky Wayve Permanent Wav Solution" has been entered into by Edwin K. Latz, Israel A. Latz and Sidney Seligman, trading as Seligman & Latz, 745 Fifth Ave., New York. (03186)

Montrose Sales Co., Inc., trading as Montrose Products Co., 2036 Montrose Ave., Montrose, Calif., stipulated that it will cease and desist from representing that the medicinal preparation it sells under the name "Bel-Din" will have any effect on the symptoms of asthma, unless cardiac asthma is specifically excluded, or that it will relieve the symptoms of bronchial asthma beyond such effect as it may have in easing the difficulty in coughing and breathing. The stipulation also was entered into by Guenther Bradford & Co., 15 East Huron St., Chicago, an advertising agency that disseminated advertisements of Bel-Din. (03185)

CEASE AND DESIST ORDERS

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

Home Diathermy Co., Inc., 1780 Broadway, New York, Home Diathermy Co., Inc., 15 Public Square, Wilkes-Barre, Pa., Arnold Steindler and Isadore Teitelbaum, individually and as officers of both corporations, have been ordered to cease and desist from unfair and deceptive acts in commerce which involved misrepresentation of a Federal Communications Commission order relating to the registration of diathermy apparatus. (4901)

Kol-Tone Manufacturing Co., 6621 University Drive, University City, Mo., has been ordered to cease and desist from representing that Kol-Tone, a chemical spray designed for use on bituminous coal, increases the efficiency of coal, causes it to produce more heat or results in any saving in fuel costs. (4515)

L. A. Schwarz, 404 Dwight Building, Jackson, Mich., who operates a collection agency and trades as Continental Forwarding System and Southern Michigan Collection Service, has been ordered to cease and desist from unfair and deceptive acts and practices in the conduct of his business. (5058)

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice the case growing out of its complaint against E. R. Squibb & Sons, 745 Fifth Ave., New York, charged with disseminating advertisements which failed to reveal the potential danger in the use of a laxative preparation designated "Granaya with Cascara" when taken in the presence of symptoms of appendicitis.

The case was closed after the respondent entered into a stipulation with the Commission to discontinue the practices charged in the complaint. In the stipulation the respondent agrees to cease and desist from disseminating any advertisement which fails to reveal that the preparation should not be used when abdominal pain, nausea or other symptoms of appendicitis are present; provided, however, that the advertisement need only contain the statement, "CAUTION: Use Only as Directed," when the directions for use, whether they appear on the label or in the labeling, contain a warning to the same effect.