



1760 N STREET, N. W.

WASHINGTON 6, D. C.

Vol. 12, No. 7, February 18, 1944

NAB FILES BRIEF ON FCC ORDER 118 AMENDING RULE 1.5

February 16, 1944

The Secretary
Federal Communications Commission
Washington, D. C.

Dear Sir:

Transmitted herewith is a Memorandum Brief by the National Association of Broadcasters in regard to the adoption of the Commission's proposed rule No. 1.5, recently announced in Order No. 118.

While the Association waives opportunity to present oral argument in this matter as provided for in Order No. 118, it respectfully requests that this Memorandum Brief be considered by the Commission before final action is taken upon the proposed rule.

Very truly yours,

ROBERT T. BARTLEY

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

In re Matter of
Proposed Rule No. 1.5 } Order No. 118

MEMORANDUM BRIEF

The National Association of Broadcasters respectfully submits this Memorandum Brief on the above entitled matter in an endeavor to assist the Commission in reaching a fair and equitable determination of the issues involved.

The Association believes that there are three principal aspects to the adoption of the proposed rule as applied to broadcast station licensees which should be brought to the Commission's attention:

1. Paragraph (c) of the rule now proposed is deemed to be too indefinite;
2. The retroactive feature of Paragraph (c) of the proposed rule might result in inequities and undue hardships;
3. It is not clear that the adoption of Paragraph (c) of the proposed rule will serve any useful purpose.

I.

Paragraph (c) of the rule now proposed is deemed to be too indefinite

Paragraph (c) of the rule as proposed provides that all documents filed with or by reference made a part of any application under Title III of the Communications Act, as well as all reports filed pursuant to forms and instructions issued under Section 43.1 of the Rules and Regulations shall be open to public inspection. In view of the fact that the Commission forms are constantly changing and being

revised, the rule as written supplies the licensee with no substantial notice as to what type of information will be treated as public property. He knows as of today that certain data now called for by the forms referred to in the rule will be made public. However, he has no knowledge as to what information or material the next revision or revisions of application and other forms will call for. Consequently the rule is indefinite and puts the broadcaster in a position where he cannot intelligently know whether the rule should or should not be opposed.

Attention also is invited to the fact that this proposed rule, if adopted, not only will have the force and effect of law but will be publicly announced in the Federal Register. The various application forms of the Commission, as well as forms issued under Rule 43.1, which implement this proposed rule and give it meaning, will not be given this formal treatment and will not be brought to the attention of affected parties until such time as they may be called upon to fill in and file such forms and reports with the Commission.

II.

The retroactive feature of Paragraph (c) of the proposed rule might result in inequities and undue hardships.

It appears that the rule contemplates making public not only certain material and data to be submitted by licensees in the future, but also encompasses all such material heretofore filed by licensees under the previous practice of treating certain information as confidential by the Commission. It is one thing to advise licensees that any material of a certain character to be filed by them in the future will thereupon become public property for the inspection of all interested or even curious persons. A more serious problem is presented with respect to notice to licensees at this date that such material which has in good faith and under a cloak of confidence been filed in the past will be open to such scrutiny. Here we do not wish to imply or suggest that public inspection of any data or information heretofore filed by any broadcaster with the Commission would reveal that any such broadcaster has committed any wrongful acts. This could not be so since all data on file has been subject to Commission examination. Licensees have not previously known that the information they have been filing with those forms was to be made generally available to the public. Under such circumstances it is possible that some licensees have placed too broad an interpretation on what information was desired by the Commission in its forms and have filed commercial information with the Commission in the belief that such data were for the confidential use of the Commission and the data were not thereby being opened for general use. whereas, if the licensee had known the information he was to file was to be made public, under a correct interpretation of the forms he may very properly have withheld such data.

(Continued on page 52)

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*; Paul F. Peter, *Director of Research*; Arthur C. Stringer, *Director of Promotion*.

NAB FILES BRIEF ON FCC ORDER 118 AMENDING RULE 1.5

(Continued from page 51)

Such publication would be unfair, therefore, to the licensee who interpreted the requirements too liberally and has filed superfluous data, which, if made public, would place him in an inequitable position with his competition.

III.

It is not clear that the adoption of Paragraph (c) of the proposed rule will serve any useful purpose

In proposing the adoption of this rule, and particularly as it relates to broadcast station licensees, the Commission has not pointed out the public necessity which requires the adoption of the Rule, or any indication of the public benefit, in the Commission's opinion, which will result from its adoption. We can well appreciate why the Commission, as the government agency charged with the licensing responsibility has a bona fide purpose of its own in requiring certain material to be filed by licensees for its own guidance. Why it is necessary to go beyond this and throw all such material open to public inspection, and thus violate the usual rule of safeguarding business secrets of private industry, certainly is not made clear. True, if the rule related only to common carriers the purpose served by making such material public is rather obvious. That is consistent with the accepted concept of regulation of natural monopolies where rates charged the general public are affected by the business arrangements and practices of the carrier. Under the Communications Act, however, broadcasting stations are specifically excluded from the common carrier category and it is believed that the common carrier concept of full disclosure to the public of all matters affecting the maintenance and operation of a business should not be extended into this field. So long as the Commission has full knowledge of such matters it is inconceivable to us how any useful purpose will be served by making this material open for public inspection. Since there is the possibility of damage to licensees by having this material disclosed, it is our view that the Commission should hesitate to adopt such a rule in the absence of a strong showing for the need for its adoption.

SUGGESTION

It is the position of the Association that if the Commission ultimately decides to adopt a rule of this character it should give consideration to the specification in the regulations or in the rule itself of the data which the Commission will make available for inspection. Only through that method can broadcast licensees properly be put on notice as to the true meaning and effect of the rule.

Also, we strongly suggest the amendment of the proposed

rule so as to permit examination of information filed with the Commission only upon the request of such parties as can establish a legitimate interest in the matter. Moreover, we feel that if such a course were to be followed it would be proper to require that when a party communicates with the Commission asking for permission to inspect the papers of a licensee, a copy of that communication be forwarded to the licensee whose papers are to be inspected so that before the information is made available he might at least be put on notice and afforded an opportunity to file his objections to the request with the Commission.

Respectfully submitted,

THE NATIONAL ASSOCIATION OF BROADCASTERS
By ROBERT T. BARTLEY

PANCAKE TURNERS

Information has been received that a number of A. F. of M. locals are making demands for pancake turners. In that connection it is interesting to read Mr. Petrillo's testimony given in January 1943 before Senator Clark's Subcommittee of the Interstate Commerce Committee, which testimony is contained in NAB Special A. F. of M. Bulletin No. 15, January 22, 1943. An excerpt from page 20 reads as follows:

Senator Tobey. I have two or three questions that I want to ask Mr. Petrillo. In the first place, there is an article in the *United States News* of the current issues under "Labor" on page 29:

"Chicago and St. Louis radio stations are required under their contracts to hire members of the musicians' union as 'pancake turners.' This job consists of turning and changing phonograph records. Actually the work is done by technicians and the AFM members are used as errand boys to bring records from the files. The scale in these cities is \$90 for a 25 hour week."

I read that with no prejudice, as a news item, and it raised a few questions in my mind, which I would like to ask. In the first place, is the article substantially correct?

Mr. Petrillo. That is correct.

Senator Tobey. Now, here is what comes to a layman's mind as he reads is, the familiar John Q. Public, that we have to have a group of men particularly charged with the duty of changing records in the radio stations, and nothing else.

Mr. Petrillo. Because the record is made of music.

Senator Tobey. Is made of what?

Mr. Petrillo. Music is on the record.

Senator Tobey. That is right.

Mr. Petrillo. And we feel if there is music on the record, that the man who puts the record on the machine should be a member of the musicians' union. Now, there is only two Locals that have that kind of an agreement, as that particular statement says.

Senator Tobey. Chicago and St. Louis.

Mr. Petrillo. Chicago and St. Louis, that is right. Now the scale in St. Louis doesn't run \$90. I think it is about forty-five, something along that line. In Chicago it is \$90 a week for 25 hours work, five days a week.

Senator Tobey. Now, the turning of records is not a laborious job, is it? I am not talking about you now.

Mr. Petrillo. No.

* * *

Senator Tobey. I could not put the record on myself.

Mr. Petrillo. No, sir.

Senator Tobey. I would have to have a separate employee, a pancake turner, they call them, and pay him from \$45 to \$90 to do that job; is that correct?

Mr. Petrillo. That is correct.

Senator Tobey. Now how far does that theory go in the operation of union labor?

* * *

Mr. Petrillo. Well, I can only say this to you. In Chicago I happened to negotiate the contract myself and

when I made the demands for the pancake turners, there was no opposition to it. They gave them to me, so I took them.

Senator Tobey. Well now, if it is a good thing for Chicago, why is it not a good thing everywhere else in the country?

Mr. Petrillo. Well, all of the unions are not powerful enough to make those demands, Senator. I probably would have dropped it myself if they said "You will have to call a strike, because I am not going to give you the pancake turners." But, as I said, I put it in there and they gave it to me, and I couldn't turn it down.

Senator Tobey. But the principle you believe in. You believe in the principle regardless. It all depends on the size and power of the labor union.

Mr. Petrillo. Oh, yes.

* * *

Senator Tobey. It is not the principle of fairness that you enunciated here to this group of men. It is simply that here is a chance to get this man, because we are powerful enough to get it down that way; is it not?

Mr. Petrillo. Well, you might put it this way.

Senator Tobey. The point I make is this: if this is sound, then it ought to prevail all over the country, should it not?

Mr. Petrillo. It should.

Senator Tobey. That is, if it is sound economically.

Mr. Petrillo. But we can't get it.

Senator Tobey. But, if you could get them, you would.

Mr. Petrillo. We would love to have them all.

Senator Tobey. And that principle is sound, in your judgment, to do it this way?

Mr. Petrillo. I don't know whether it is sound, but I know it makes for more employment.

Senator Tobey. Now that raises a question, not of metaphysics, but something higher than that, perhaps. How long can we go along in this country that is not sound? How long is it going to endure, whether it applies to music or anything else, provided it is not sound and is not economically feasible and with an expenditure that is not justified by the facts, just because you are powerful enough to do it? How long would you expect to continue in this country by that method?

Mr. Petrillo. Senator, I agree with you, in this particular case it is not sound.

Senator Tobey. I think you are a perfectly fair man. I read this merely as a news item, and I said "I am going to ask Mr. Petrillo about it."

Mr. Petrillo. I try to be fair, but sometimes I make a mistake.

Senator Tobey. Yes, we all do.

Mr. Petrillo. But, in this case, I made a mistake, but they OK'd it.

* * *

WMC APPEALS PROCEDURE MODIFIED

Unrestricted right of appeal from decisions of the War Manpower Commission is provided in a revision of its regulation governing appeals, Chairman Paul V. McNutt announced today. Mr. McNutt said that the changes were dictated by the Commission's experience in handling thousands of cases.

The original WMC regulation issued May 22, 1943, specifically indicated those persons entitled to appeal and spelled out under what conditions appeals could be made.

The new regulation, furthermore, extends the right of appeal both to worker and employer affected by a decision made at any step of the appeal process. Both persons involved must be present at the hearing before the area appeal committee or explain absence, but otherwise there are no restrictions on the right to take the case higher.

Other changes in the appeal regulation involve points which experience has shown needed either clarification or minor technical revision. There has been, for example, some confusion on the question of a worker's right to retain new employment obtained on the strength of a statement of availability, if the employer has appealed

and it has been finally determined that the statement was erroneously issued.

The revised regulation holds that a statement of availability, once issued, stands. The employer may appeal as a matter of principle or precedent but he cannot demand that the statement of availability be withdrawn or that the worker be required to leave his new employment. In order to provide a means of reviewing the action of local employment offices before the services of a worker are lost to an employer, the revised regulation provides an optional procedure for temporary suspension of the issuance of statement of availability and making referrals in certain types of cases. The suspension may be for a limited period only, the maximum period allowable being 10 days. This procedure is designed to give employers the greatest degree of relief consistent with protection of the rights of workers.

COMMODORE RECORDS

Inquiry has been received at the NAB asking whether records containing ASCAP music made by the Commodore Record Company, 415 Lexington Avenue, New York City, had been "cleared at the source". A paragraph from a letter from ASCAP dated February 14, 1944, reads as follows:

"We have no record of having issued any clearance at the source to the Commodore Record Company, 415 Lexington Avenue, New York City. There is apparently some misunderstanding on their part. If a station desires to broadcast phonograph records manufactured by this company, it will be necessary for the station to have the regular form of ASCAP license."

ED YOCUM RE-ELECTED FOURTEENTH DISTRICT DIRECTOR

The largest attendance in its history cast a unanimous ballot for the re-election of Ed Yocum, KGHL, as NAB Fourteenth District Director in Denver, February 8.

The nominating committee, Hugh Terry, KLZ, chairman; Don Hathaway, KDFN, and Ralph Hardy, KSL, placed only Yocum's name before the meeting, election being by acclamation. In accepting return to office, Yocum expressed gratitude for the support exhibited by the ballot and at the same time urged the Fourteenth District broadcasters to be thinking of his successor, disclaiming any interest in another term.

The two day session began on February 7 with a discussion headed by C. E. Arney, Jr., Secretary-Treasurer and temporary Managing Director of NAB, which covered the legislative situation, including the Bankhead Bill, and import of current tax measures. Arney resumed in the afternoon with selective service, re-employment and post-war matters. Many aspects of new legislation were discussed, including programming of political broadcasts, network and local.

On music matters, the broadcasters heard from Carl Haverlin, BMI, while Frank Chizzini, NBC Thesaurus, Chicago, discussed the recording situation. K. A. Jadasohn spoke for the Treasury Department and Leonard Callahan, SESAC, gave advice on the subject of copyrights.

Luncheon speaker the first day was Frank Jameson, Director of Publicity for the Colorado Public Service Corporation, former newspaper man, who spoke on a broadcaster's operation in the public interest. Willard Egolf, NAB Assistant to the President, who introduced Jameson, stated that broadcasters, seeking to preserve freedom of the air, should make themselves secure in the things upon which all freedom thrives, satisfaction and support of the public.

William Welsh, OWI regional representative, gave a report showing the magnificent support of the war effort by

the broadcasting industry, figures on which are being made available to NAB headquarters.

Major Victor Grant spoke at luncheon on February 8. Major Grant was a British officer in the first World War and is now a Special Service Officer of the Colorado State Guard, chairman of the Speakers' Division of the War Savings Staff and member of the Colorado State War Finance Committee and Victory Fund Committee.

Willard Egolf reviewed industry public relations activities since the appointment of a Public Relations Committee a year ago and called attention to a "subject manual" on station public relations for which the committee needs comments and suggestions from broadcasters before publication.

The resolutions committee, consisting of Jim Carroll, KWYO, chairman, Florence Gardner, KTFI, and Rex Howell, KFXJ, prepared resolutions strongly condemning the Bankhead Bill; urging broadcasters to make greater and more intelligent use of BMI material; thanking Neville Miller for his untiring and faithful service as President of NAB and promising support to J. Harold Ryan, new President; commending the Columbia Recording Company, NBC Thesaurus and The RCA Recording Company for their stand against Petrillo; expressing confidence in the NAB Legislative Committee's ability to obtain proper legislation; extending deep appreciation to Earl Glade, former Vice-President, KSL, now Mayor of Salt Lake City, for his services to the industry and to the Fourteenth District; expressing appreciation to William Welsh, OWI regional representative, for his services and urging OWI to clear all material through the regional office, for purposes of emphasis, efficiency and priority and thanking Denver radio stations KOA, KLZ, KFEL, KVOB and KMYR for their hospitality as well as commending Director Ed Yocum for arranging such an interesting and constructive agenda. The resolutions were passed on the floor of the meeting.

Three sound films, "On the Air!" Westinghouse, Inc., production, and the two General Electric films, "The Story of FM" and "Sight-seeing at Home," television vehicle, were enjoyed by all.

Ed Yocum announced applications for membership in NAB from KMYR, Denver, and The Katz Agency, Inc. (associate).

Following the re-election of Ed Yocum as Fourteenth District Director at the opening of the Tuesday morning session, the meeting turned to a discussion of sales problems with W. E. Wagstaff in the chair as District Chairman of the Sales Managers Committee. Lewis H. Avery, NAB Director of Broadcast Advertising, outlined the program of sales promotion activities being undertaken by the sales managers.

During the review of the results and follow-up of the Retail Promotion Plan, James R. MacPherson of KOA stated that he would like to have a set of the films, "America Takes to the Air" and "Why Radio Works" for frequent use with retail advertising prospects. The ensuing discussion produced the suggestion that one set of these prints—since 17 sets are available—be kept at a central location in each district for the use of those stations in the district that subscribed to the Retail Promotion Plan.

The proposal of the Sales Managers Executive Committee to prepare special presentations to the motion picture industry and to the building and housing industry was received with special enthusiasm. Various speakers from the floor urged two presentations: one for use on national prospects and the other for use on local prospects.

Here is a list of those who attended the two-day meeting:

Hugh B. Terry and Fred C. Mueller, KLZ; James R. MacPherson, R. H. Owen, D. A. McColl and Clarence C. Moore, KOA; Al G. Meyer, KMYR; Con Hecker, T. C. Ekram and V. W. Corbett, KVOB; Mark C. Crandall, Frank L. Bishop and Gene O'Fallon, KFEL; Rex Howell

and Mrs. Mildred Fuller, KFXJ; J. H. McGill, KGHF; Francis Price and Kenneth V. Cooper, KFKA; Florence M. Gardner, KTFI; Ruthe A. Flether, KSEI; Ed Yocum, KGHL; W. E. Wagstaff and L. A. Loeb, KDYL; Dan R. Vincent and Ralph W. Hardy, KSL.

Jim Carroll, KWYO; Pat O'Halloran, KPOW; William C. Grove, KFBC; D. L. Hathaway, KDFN; Leonard D. Callahan, SESAC; E. J. Gough, SESAC; C. Howard Lane, CBS; Carl Haverlin, BMI; Paul Ray, John Blair & Co.; Frank E. Chizzini, NBC; Alex Sherwood, Standard Radio; A. Josephsen, RCA; C. E. Arney, Jr., Lewis H. Avery and Willard D. Egolf, NAB; Jennings Pierce, NBC; Frank R. Jamison, Public Service Company of Colorado; Robert B. Hudson, Rocky Mountain Radio Council; Major Howard Peterson, U. S. Army; William Welsh, OWI; and K. A. Jadassohn, U. S. Treasury.

SALT LAKE CITY BROADCASTERS MEET WITH EGOLF AND AVERY

Salt Lake City, Feb. 9.—Learning that Willard D. Egolf, NAB Assistant to the President, and Lewis H. Avery, NAB Director of Broadcast Advertising, planned to stop in Salt Lake City enroute from Denver to Los Angeles, S. S. (Sid) Fox arranged a luncheon meeting of the Salt Lake City broadcasters.

Members of the production and sales staffs of the local stations met with the NAB representatives for an informal discussion of public relations and sales problems.

Following the luncheon, the group witnessed the films, "America Takes to the Air" and "Why Radio Works," from the Retail Promotion Plan, "Air Force and the Retailer."

At the conclusion of the films, Avery outlined the plans for a continuing and closer co-operation of NAB with the National Retail Dry Goods Association. He described the new monthly bulletin of NRDGA called "Sales Promotion Exchange," and devoted to newspaper, radio and display advertising. In outlining the plans of the Sales Promotion Division of NRDGA for a Sales Promotion Convention at Cincinnati, Ohio on April 4, 5, and 6, with the third day devoted exclusively to the advantages and use of broadcast advertising, Avery urged those in attendance to try to participate in this meeting.

The 21 broadcasters seated around the luncheon table included:

S. S. Fox, KDYL; W. E. Wagstaff, KDYL; Ralph W. Hardy, KSL; Alvin G. Pack, KDYL; Tom Anderson, KDYL; G. A. Provol, KDYL; George Snell, KDYL; Fred Horwitz, KDYL; Frank C. Carman, KUTA; Jack Burnett, KUTA; Dan H. Vincent, KSL; Frank McLatchy, KSL; E. J. Drucker, KDYL; Lennox Murdock, KSL; Arthur Gaeth, KLO; James C. Mahlum and Lynn L. Meyer, Inter-mountain Network; Arch L. Madsen, KOVO; H. Perry Driggs, KSL; L. A. Manwaring, KSL, and E. J. Broman, KSL.

SIXTEENTH DISTRICT ELECTS NEW DIRECTOR IN WILLIAM B. RYAN, KFI-KECA

Jim Farley Talks to Broadcasters

William B. Ryan, General Manager of KFI-KECA, was elected Director of the Sixteenth NAB District in Los Angeles February 11, replacing Calvin J. Smith, KFAC. An unanimous ballot was cast for Ryan, who came to radio in 1937 after 9 years with Foster and Kleizer, outdoor advertising firm of San Francisco, when he became Sales Manager of KPO-KGO, San Francisco. With the division of KPO and KGO, Ryan became manager of KGO. His full title is General Manager of the Radio Division of Earle C. Anthony, Inc., owner of KFI-KECA.

Calvin J. Smith would not consent to have his name placed in nomination for reelection, when nominations

were called for from the floor, there being no nominating committee.

Added highlight of the day was the appearance of James Farley, former Postmaster General of the United States. "Stay on guard against any encroachment on freedom of speech in America," he said. "Be alert to prevent any misuse of your great medium for public oppression, as in other parts of the world." The remainder of his talk was off the record.

C. E. Arney, Jr., Secretary-Treasurer and temporary Managing Director of NAB, led discussions of new legislation, ASCAP, Petrillo, labor matters, war activities, selective service, post war matters and other current problems of the industry, being assisted by Carl Haverlin of BMI and Frank Chizzini, NBC Thesaurus, Chicago.

Leonard Callahan, SESAC, and representative of the War and Navy Departments, OWI and Treasury, spoke at the luncheon.

Leading off the afternoon session of the one day meeting, Lewis H. Avery outlined plans of the Sales Managers' Executive Committee, especially with regard to activities growing out of the showings of the Retail Promotion Committee Plan. Details of the plan to prepare a presentation to the motion picture industry and to the building and housing industry were received with enthusiasm.

The subject of public relations was handled by Gil Paltridge, KFI-KECA, Sixteenth District Public Relations Chairman, who introduced Willard D. Egolf, NAB Assistant to the President, for a report of public relations activities and discussion of the proposed book now in preparation.

Resolutions were passed condemning the Cannon-Mills bill; expressing confidence in the NAB Legislative Committee; commending NBC Thesaurus, the Columbia Recording Company and the RCA Recording Company for their stand against Petrillo; urging wider and more intelligent use of BMI material; thanking Neville Miller for his service to the industry while president and expressing confidence in J. Harold Ryan, newly elected president; calling for greater unity within the industry and inauguration of a membership campaign by NAB; and expressing sincere appreciation to Calvin J. Smith, retiring director, while extending a vote of confidence to William B. Ryan, elected to succeed Smith.

The broadcasters closed the day with a showing of the Westinghouse, Inc., sound film "On the Air!" and the two General Electric films, "The Story of FM" and "Sight-seeing at Home," a television vehicle.

The full registration list is as follows:

Jane Alvies, OWI; Lewis H. Avery, C. E. Arney, Jr., and Willard Egolf, NAB; Ruth Arnold, C. E. Hooper; Ed Buckalew, CBS; Ethel Bell, Southern California Broadcasters' Association; Dean Banta, Kern; Matt Barr, H. L. Blatterman, John I. Edwards, Ernest Felix, Curtis Mason, J. P. Paltridge, W. B. Ryan, and Clyde Scott, KFI-KECA; Ralph Brunton, KQW-KJBS; F. E. Chizzini, NBC Thesaurus; Fox Case, J. Archie Morton, and Harry Witt, KNX; Ned Connor, KRKD, Leonard D. Callahan, SESAC, Lt. John Christ, U. S. Navy; Pat Campbell, KHJ; Clyde Coombs, KARM; Carlton Coveny, John Blair Company; Glenn Dolberg, BMI; W. B. Davison, NBC Radio Recording Division; Dave Blickman, Broadcasting Magazine.

W. R. Gleeson, KPRO; Emile Gough SESAC and U. S. Treasury; Carl Haverlin, BMI; M. R. Harris, KFSD; K. A. Jadassohn, U. S. Treasury; Thelma Kirchner, KGFI; Jerry King, Standard Radio; W. W. Kenney, Graybar Electric; Lou Keplinger, OWI; Lee Little, KTUC; Lt. Eugene Lee, Air-Wacs; Harry Maizlish, KFWB; C. G. Matson, Edward Petry Co., Inc.; A. J. Mosby, KGVO; C. P. MacGregor, C. P. MacGregor Co.; Lawrence W. McDowell, KFOX; Van C. Newkirk, ABC Network; Jennings Pierce, NBC; Edward Petry, Edward Petry & Co.; Bill Ray and Neil Reagan, KFWB; Commander Requa, U. S. Navy; Jack Richardson, Standard Radio; Tom Ray,

Katz Agency, Inc.; E. L. Spencer, KVOE; Wayne Sanders, KTUC.

L. A. Schamblin, KPMC; Calvin J. Smith, KFAC; Bob Stoddard, KOH, S. W. Scott, Graybar Electric; Ivor Sharp, KSL; Kenneth H. Thornton, KXO; Don Thornburgh, CBS; Maury A. Vroman, KFXM; Wallace Wiggins, KVOE; Lee Wynne, KGER; H. W. Wilson, KPRO; William Welch, OWI; Mrs. E. Woods, C. E. Hooper, Inc.; Commander Zukor, U. S. Navy.

INDUSTRY THANKED BY INFANTILE PARALYSIS FOUNDATION

In a letter to Neville Miller, dated February 11, 1944, Basil O'Connor, President of the National Foundation for Infantile Paralysis, praised radio for its cooperation. His letter follows:

"I wish to thank you for your generous help in again serving as Chairman of the National Radio Division of The National Foundation for Infantile Paralysis' 1944 fund-raising appeal.

"We can't think of a better evidence of Democracy at work than the overwhelming generosity with which Americans everywhere have responded to appeals such as those which you made to the radio industry. It's gratifying to know that even in the midst of global war, our people have the strength and humanity to help the thousands of children crippled by infantile paralysis.

"It's help such as yours that speeds the day when this cruel disease will no longer threaten the children of our nation."

RTPB ACTIVITIES

Haraden Pratt, Chairman of Panel 8 on Radio Communications of the Radio Technical Planning Board, has announced the organization of Committee 3 on International Broadcasting within that panel.

The first meeting of the International Broadcast Committee was held on February 11 in New York City. The committee will formulate recommendations covering technical and allocation problems peculiar to international broadcasting. It was decided to conduct this activity within Panel 8 as the allocation and propagation problems of international broadcasting are similar to those encountered in the field of international radio communications.

The committee elected as chairman Raymond F. Guy of the National Broadcasting Company, and Walter S. Lemmon, President, World Wide Broadcasting Corporation, vice chairman. A secretary has not yet been designated. The present membership of the International Broadcasting Committee follows:

Mr. Raymond F. Guy, Chairman (M), National Broadcasting Company, New York, N. Y.

Mr. Walter S. Lemmon, Vice Chairman (M), World Wide Broadcasting Corp., New York, N. Y.

Mr. Dwight A. Myer (M), Westinghouse Elec. & Mfg. Co., Baltimore, Md.

Mr. Royal V. Howard (M), The Associated Broadcasters, Inc., San Francisco, Calif.

Mr. Wesley I. Dumm (A), The Associated Broadcasters, Inc., San Francisco, Calif.

Mr. Ronald J. Rockwell (M), Crosley Corporation, Cincinnati, Ohio.

Mr. P. J. Konkle (A), Crosley Corporation, Cincinnati, Ohio.

Mr. J. L. Hollis (A), Crosley Corporation, Cincinnati, Ohio.

Mr. V. E. Trouant (M), RCA Victor Division, Camden, N. J.

Mr. Mark L. MacAdam (A), World Wide Broadcasting Corp., Brockton, Mass.

Mr. Guy C. Hutcheson (M), Columbia Broadcasting System, Inc., New York, N. Y.

Mr. Howard S. Frazier (M), National Association of Broadcasters, Washington, D. C.

Mr. A. E. Barrett (M), British Ministry of Supply Mission, Washington, D. C.

FM Panel Changes

On February 11, Dr. W. R. G. Baker, Chairman of RTPB, regretfully accepted the resignation of G. E. Gustafson, Vice President in charge of engineering of the Zenith Radio Corporation, as chairman of Panel 5 on Very High Frequency Broadcasting (FM). Mr. Gustafson asked to be relieved of the chairmanship for reasons of health, but will continue as a member of the panel and serve in an advisory capacity to the new chairman.

At the same time, Dr. Baker announced the acceptance of the chairmanship by C. M. Jansky, Jr., of the firm of Jansky & Bailey, consulting radio engineers of Washington, D. C. Mr. Jansky was previously vice chairman of the Panel. W. R. David of the General Electric Company, Schenectady, New York, is the new vice chairman.

NAB OPERATOR TRAINING

The first NAB training class of twelve women, currently being conducted in the New York studios of all four major networks under the supervision of RCA Institutes, Inc., will graduate early in March.

In a recent examination, the women attained excellent grades. The highest mark was 100% and the lowest, 80%. Six students were graded between 90 and 98.

Stations desiring to employ these students upon graduation are invited to contact Howard S. Frazier, NAB Director of Engineering.

WGAR AND WJR SURVEY 75 STATIONS

Broadcasters increasingly are giving their communities a high standard of service, and radio is perhaps making the greatest single contribution to the war effort on the home front.

So declares John F. Pratt, vice-president and general manager of WGAR, Cleveland, in announcing some of the results of a recent survey by executives and department heads of WGAR and WJR, Detroit.

The survey, made in December, covered 75 stations in: St. Louis, Kansas City, Milwaukee, Indianapolis, Toledo, Des Moines, Detroit, Rochester, Syracuse, Schenectady, Boston, Providence, Hartford, Philadelphia, Baltimore, Washington and Cincinnati.

Paired off in teams of two, WGAR and WJR representatives spent two to three days in each of 16 cities, interviewing and exchanging ideas with managers, program directors, sales managers and other executives.

"Sometimes we stay so close to our own sphere of operations that we miss out on a lot of good ideas and practices," he believes.

Stations Study Public Likes and Dislikes

Substantially all stations studied were reported quick to respond to public likes and dislikes. Surveys are constantly studied and audience mail is analyzed to determine just what the listeners want to hear. There is a tendency toward program stabilization. In other words, listeners are acknowledged to have formed listening habits and they like to know that when they tune in a station at a certain time, they will hear a certain program.

No Attempts to Influence News

News is easily one of any station's strongest local services. The stations covered in the survey average about ten local newscasts a day, with most of them sold to local sponsors. In no case was it found that any advertiser influences or attempts to influence news content. Most stations feel that there will probably be fewer newscasts on the air following the war, but commentators will continue to hold their own for some time to come. News

is adaptable to all kinds of accounts. Most stations have high standards of copy acceptance on sponsored news shows.

Early morning time follows a similar pattern throughout the area covered on the trips. Washington, D. C., stations have created a taste for one-man personalities with considerable success, but in general other cities emphasize good transcribed or recorded music with time, temperature and weather given a big play.

Women's programs follow a similar pattern in all areas. Comments on rationing, fashions, foods, recipes, club activities and war activities are sure-fire.

Department Stores Use Radio

Most cities report success in selling, and, keeping sold, department stores. The types of programs they sponsor are varied. No conclusion can be reached as to the perfect department store program. Many of them employ either women commentators or early morning musical programs.

A lot of thought and care is being given to the production of war effort features, but they are concentrated in regularly established studio shows of a variety nature. A good deal of attention is given soldier-sailor shows, either from the studio or from a nearby camp or base. Almost every station interviewed has more than one program of this type.

Rigid Continuity Standards

In the matter of continuity acceptance, a substantial number of stations report the enforcement of rigid standards. It is apparent that more and more stations are concerned about the kind of accounts they will accept and just what they will permit sponsors to say about their products or their services.

Promotion Declines

Not many stations are finding it desirable to devote as much effort to station and program promotion as they did before the war. Practically all stations send out letters to the trade. A few will call on the trade in person, several use car cards and billboards and a considerable number use newspaper space, principally through outright purchase of space. Almost every station does a certain amount of direct mail promotion through the use of brochures, surveys, market data and merchandising offers.

Little Post-War Planning

The demands of war programming have left little time for stations to plan for after the war. Few stations have any concrete idea of what their programs will be like when peace comes. All agree that there is a problem facing them. In general, station management believes there will be little basic change in radio after the Axis is defeated. The likes and dislikes of listeners will remain about the same. They believe there must be more variation in daytime program schedules, referring to the fact that certain daytime variety shows have top ratings which are still on the rise. Almost without exception it was found that two morning variety programs on one of the networks had the highest rating in the respective cities.

Stations Watch New Services

With reference to FM, Television and Facsimile, the analysis showed that stations are not sure of the steps they will take but they are watching technical and regulatory phases carefully, before committing themselves wholeheartedly.

Radio Functions in Public Interest

Summing up the results of the survey, Patt expressed satisfaction as to its net accomplishment. He said he was convinced that the American broadcaster is first of all a good patriotic American and at the same time a sound business man.

"We have every reason to believe that our system of free American radio is functioning in the public interest and that the listener is, after all, a most influential critic," he concluded, "American broadcasters have their ears close to the ground and they're quick to respond to public likes and dislikes."

3,750,000 BATTERY PACKS PRODUCED IN 1943

The production of battery packs to operate rural radio sets totaled no less than 3,750,000 units in 1943 according to Arthur Stringer of NAB.

For reasons that cannot be specified at this time, he expressed the belief that battery packs available to farmers would register an increase in 1944. The prediction was made with full knowledge of the current paper shortage which affects the supply of corrugated shipping containers and the labor shortage which recently reduced production in one area.

MORE AMERICAN SETS FOR BRITISH

The Wireless and Electrical Trader, London, in its January 15 issue quotes the Evening News of Jan. 4, as follows:

"100,000 RADIOS To Be on Sale Soon

"Another 20,000 radio sets, ordered by the Board of Trade from America, are now arriving in Britain. It is hoped that with 14,000 American sets already here, and 70,000 British sets that are now being assembled ready for distribution, they will put an end to the immediate shortage."

NEW TREASURY ETs REACHING STATIONS

Treasury 5-minute and 15-minute transcribed programs, available for local sponsorship, were moving out to stations this week, according to conversation with Emerson Walsman, War Finance Division, Treasury Department, Washington Building, Washington, D. C.

The format of these transcriptions is such that they may be used commercial or sustaining at the option of management.

"Song Parade" has been dropped and "Star Parade" will be discontinued with transcription No. 348.

OUTLER NEW WSB MANAGER

John M. Outler, for the past thirteen years commercial manager of WSB, Atlanta, has been promoted to station manager, it was announced by J. Leonard Reinsch, managing director WSB-WIOD-WHIO. Outler is a member of the sales executive committee of NAB and served as chairman of that body for 1942-43. He is also Fifth District chairman of the sales managers committee.

WASK DELIVERS IN LAFAYETTE

Bayne A. Spring, WASK, took the lead locally in engineering the Fourth War Loan campaign in Lafayette, Ind. On January 24, Eagles' Bond Drive, 9:30-11:00 p.m.,

sold \$5,300. This was followed on January 31 by Elks' Bond Drive, 9:30-12:00 p.m., which turned up \$176,000 with \$24,000 more in sight. Another \$5,200 came from church organizations promoted by a 15-minute daily program.

"We're not vain but *mighty* proud of the results," said Mr. Spring, "because we're only a 250 watter and we didn't have much help. We're still going strong."

REACHES QUOTA IN DAY

Cape Girardeau, Mo., made its 4th War Loan bond quota in one day and Station KFVS raised a total of \$66,000 of the \$160,000 quota. These pledges were exceeded only by the combined pledges of all Cape Girardeau banks. All this is in accordance with a note from Miss Virginia Bahn of KFVS.

NAB ASSOCIATION OF WOMEN DIRECTORS STAGE BIG EVENT

A nation wide project of outstanding significance in radio breaks in New York at the Hotel Roosevelt on Feb. 19th. 650 women broadcasters inaugurate the American Home Campaign at a luncheon and an NBC network show. Miss Ruth Chilton, WCAU, Philadelphia, is President of the Association of Women Directors. Plans have been under way for several months for this campaign which will appeal to millions of listeners everywhere during March, April and May, in the interest of the American Home. The women broadcasters are pleased to announce that twenty-one major national organizations will cooperate. They are:

National Congress of Parents & Teachers
Children's Bureau, U. S. Dept. of Labor
United Council of Church Women
National Conf. of Christians & Jews
National Federation of Music Clubs
National Kindergarten Association
American Institute of Decorators
American Library Association
National Society of New England Women
American Social Hygiene Association
National Council of Women
National Music Council
Girl Scouts, Inc.
Parents' Forum
National YWCA
Camp Fire Girls
National Safety Council
Women's Action Committee
Association for Family Living
National Needlecraft Bureau
National Association of Women Lawyers

Their participation will consist of the issuance of specially prepared spot announcements to the 650 association members during the spring months. Each series will be based upon the particular interest of the organization as it relates to the American Home—slanted from the background and objectives of the groups. For instance, the National Federation of Music Clubs, National Music Council and Mrs. Marjorie Lawrence of the Metropolitan Opera will appeal for more music in the home; the United Council of Church Women for more religion in the home, the American Library Association will stress the importance of home reading, the National Safety Council will highlight safety measures in the home, etc. Thus, in a short period of time will be carried on the greatest editorial campaign yet effected. The Parents Forum will conduct a contest with prizes from March 15-April 15. Listeners will be asked to write letters under the title "What can I do in my Home to Insure the Promise of a Happier Post War World." (see special notice in the contest elsewhere in this issue of REPORTS)

On February 19th, an AWD business meeting will be held followed by a panel discussion by leading women commentators, namely,

Panel Discussion—Chairman, Mildred Bailey, WTAG, Worcester; Victoria Corey, KDKA, Pittsburgh; Mary Mason, WRC, Washington, D. C.; Ruth F. Crane ("Mrs. Page"), WJR, Detroit; Jane Tiffany Wagner, NBC, New York; Ann Erickson, WHAI, Greenfield, Mass.; Helen Sioussat, CBC, New York; Rhea McCarty, WCOL, Columbus; Hazel Cowles, WHAM, Rochester; Kathryn Cravens, WNEW, New York; Alma Kitchell, Blue, New York; Lisa Sergio, WQXR, New York; Bessie Beatty, Mutual, New York; Linnea Nelson, J. Walter Thompson Co., N. Y.; Mary Margaret McBride, NBC, New York.

The subject will be "The Importance of the Strategic Role of the Woman Broadcaster."

At the luncheon, the following persons will speak:

Governor Earl Warren, California (Broadcast from California)

John Roy Carlson, Author

Katherine Lenroot—Chief, Children's Bureau, U. S. Dept. of Labor.

Mrs. William Hastings—Pres., National Congress of Parents and Teachers

Mrs. Harold V. Milligan—Pres., National Council of Women

Edwin Hughes—Pres., National Music Council

Mrs. Guy Gannett—Pres., National Federation of Music Clubs

Clara Savage Littledale—Editor, Parents' Magazine

Nancy McClelland—Past-Pres., American Institute of Decorators

Mrs. Paul T. Kammerer—Vice-Chmn., Exec. Comm. Girl Scouts, Inc.

Mrs. Leon E. Bushnell—Pres., Natl. Society of New England Women

Mrs. Norman deR. Whitehouse—Pres., Women's Action Committee

Amy O. Welcher—Pres., United Council of Church Women

Mrs. Robert Moore—Chmn., Awards Committee, Camp Fire Girls New York Council

Mrs. Maurice Moore—Chmn., Public Relations Committee, National YWCA

Anne Barnard—Dir., Women's Div., National Safety Council

Dorothy Lewis—Coordinator of Listener Activity, NAB

At 2:15-2:30—a portion of the program will be broadcast over the NBC network. The keynote speech will be made by Governor Earl Warren from San Francisco. Mrs. William Hastings, President, National Congress of Parents and Teachers, representing 5,000,000 members will speak, as will Mr. John Roy Carlson, author of "Under Cover." Marjorie Lawrence of the Metropolitan Opera will sing. A large number of agency women executives and leaders will attend. This promotion has been under the direction of Dorothy Lewis, Coordinator of Listener Activities.

AMERICAN HOMES CONTEST

At the NAB Public Relations Committee Meeting Dorothy Lewis gave a resume of the forthcoming "American Home Campaign" of the Association of Women Directors of NAB, to take place during March, April and May (see *The Beam*, January issue). The significance of this event is indicated by the official cooperation of 21 major national organizations.

The Parents' Forum of the *Parents' Magazine* will sponsor a letter contest from March 15th to April 15th under the title, "What I Am Doing in My Home to Strengthen the Promise of a Happier Postwar World." Modest prizes will be awarded to national winners. Three members of the Public Relations Committee felt that they would like to offer local prizes as well over their own

stations. They suggested that we pass on the idea to you. Here is a way to do a tremendous public service, to gain good will of the participating national organizations through their local leadership, to do a good job of mail-pulling and, most important, it will add prestige to your local women's program. Details can be worked out with your women broadcasters. We will be pleased to assist, if you wish further details.

JETT SWORN IN

Ewell K. Jett February 15 took his oath of office as a Commissioner of the Federal Communications Commission, succeeding George Henry Payne whose term expired June 30, 1943.

Mr. Jett was nominated for the position by President Roosevelt on January 12, 1944. He was confirmed by the Senate on February 11. He has been Chief Engineer of the FCC since January 1, 1938.

ADAIR NEW CHIEF ENGINEER

Appointment of George P. Adair as Chief Engineer of the FCC to succeed E. K. Jett who became a Commissioner was announced by the Commission February 16, effective at once.

Mr. Adair has been serving as Assistant Chief Engineer in charge of the Broadcast Division since December 16, 1941.

At the same time, the Commission announced the appointment of Philip F. Siling, Chief of the International Division, to take the position vacated by Mr. Adair. Marion Woodward, Assistant Chief of the International Division, was promoted to Chief of the Division.

The Commission also addressed a letter of commendation to George E. Sterling for his work as Chief of the Radio Intelligence Division.

Mr. Adair has had more than a score of years of experience in varied fields of radio communication. Born at Rancho, Texas, December 8, 1903, Mr. Adair attended local schools and was graduated from Texas A. & M. College in 1926 with a B.S. degree in electrical engineering. While in high school he worked on electrical installation and repair and held an amateur operator's license. While in college he specialized in communication engineering, taking special courses and serving as cadet captain in charge of radio training. During the period from 1921 to 1926 he attended Signal Corps officer training camp and otherwise participated in mathematical and electrical instruction, work and study.

Upon graduation from college, Mr. Adair was employed for about three and a half years by the Radio Engineering Department of the General Electric Company, during which time he traveled extensively developing, designing, testing, and installing radio equipment and systems. In 1929 he became associated with Straus Bodenheimer, Texas electrical distributor, which brought him additional experience in problems of radio interference, service blanketing, cross modulation and static.

In 1931 Mr. Adair joined the broadcast engineering staff of the Federal Radio Commission. From April 1936 to August 1939 he served as Acting Assistant Chief of the Engineering Broadcasting Division of the FCC. On August 1, 1939, he was promoted to Assistant Chief of the Broadcast Division. In his official capacity Mr. Adair has made extensive studies of all phases of broadcast allocation, including recommendations and reports on applications, equipment, service and interference, and was active in drafting the Standards of Good Engineering Practice governing broadcast and other radio services. He is a member of the Institute of Radio Engineers.

Mr. Siling was born in East Orange, N. J., August 14, 1897, and was graduated from Yale University in 1917

with a Ph.B. degree in electrical engineering. He was associated with the International Telephone and Telegraph Corporation as Outside Plant Engineer and Acting Plant Operations Engineer from 1929 to 1933. He was Assistant Deputy Administrator with the National Recovery Administration from 1933 to 1935. In 1935 he joined the Federal Communications Commission as a telephone engineer and in 1937 was made Assistant Chief of the International Division of the Engineering Department. He was made chief of the International Division on May 1, 1941.

Mr. Woodward was born February 5, 1902, at Cape Charles, Virginia. He attended the public schools there. He was graduated from the Virginia Polytechnic Institute with the degree of B.S. in electrical engineering in 1922. He served as an engineer with the Western Union from 1922 to 1929, with the International Telecommunications Laboratories from 1929 to 1933, with Postal Telegraph in 1934 and joined the Commission staff in 1935.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearing is scheduled to be heard before the Commission during the week beginning Monday, February 21. It is subject to change.

Wednesday, February 23

WNAC—The Yankee Network, Inc., Quincy Mass.—C. P. to move auxiliary transmitter. 1260 kc.; 1 KW; for auxiliary purposes only.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KNOE—KNOE, Inc., Monroe, La.—Granted petition requesting reinstatement and grant of application (B3-P-2887, Docket 5995, B-148), for construction permit for a new station to operate on 1450 kc., 250 watts, unlimited time, transmitter site and antenna system to be determined subject to Commission approval. The application is granted pursuant to Commission's Policy of January 26, 1944.

The Fort Hamilton Broadcasting Co., Hamilton, Ohio.—Granted application for construction permit for a new station to operate on 1450 kc., with 250 watts power, unlimited time, transmitter site to be determined subject to Commission approval, and subject to procedural requirements of Public Notice of January 26, 1944 (B2-P-3469, Docket 6469, B-180).

Robin Weaver, Sr., Clarksdale, Miss.—Granted request of permittee of new station, to change assigned call letters from WARW to WROX.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Cal.—Granted extension of license for the period ending May 31, 1944, pending determination of the renewal application under the Multiple Ownership Rule, Sec. 3.25.

WDSU—WDSU, Inc. (Assignor), E. A. Stephens, Fred Weber and H. G. Hall, d/b as Stephens Broadcasting Co. (Assignees), New Orleans, La.—Granted consent to voluntary assignment of license and construction permit of Station WDSU, from WDSU, Inc., to E. A. Stephens, Fred Weber and H. G. Wall, d/b as Stephens Broadcasting Co. No monetary consideration involved; purpose is to change licensee from that of corporation to a partnership (B3-APL-17).

WSAM—Adolph Greenebaum, Deceased (Transferor), Milton L. Greenebaum (Transferee), Saginaw Broadcasting Co. (Licensee), Saginaw, Mich.—Granted consent to acquisition of control over Saginaw Broadcasting Co., licensee of Station WSAM, by Milton L. Greenebaum by the purchase of 35 additional shares (B2-TC-348).

WKNY—Benj. F. Feiner, Jr., Morris S. Novik, and Louis J. Furman (Transferors), Myer Wiesenenthal, Charles C. Swaringen, et al. (Transferees), Kingston Broadcasting Corp. (Licensee), Kingston, N. Y.—Granted consent to voluntary transfer of control of Kingston Broadcasting Corp., licensee of Station WKNY, from Benjamin F. Feiner, Jr., Morris S. Novik, and Louis J. Furman, to Myer Wiesenenthal, Charles C. Swaringen, et al., representing purchase of 750 shares or 50% of the outstanding stock for a total consideration of \$15,000 (B1-TC-347).

WKEU—Radio Station WKEU, Griffin, Ga.—Granted renewal of license (B3-R-819) and construction permit (B3-P-3246) for increase in power from 100 to 250 watts, and to install new antenna on the frequency 1450 kc., subject to condition that operation during the broadcast day with 250 watts shall not be commenced until completion of construction and approval of installation by the Chief Engineer of the Commission; such approval being contingent on submission of field measurements showing an efficiency of 150 mv/m per KW for the antenna system.

MISCELLANEOUS

WINS—Hearst Radio, Inc., New York City.—Granted license (B1-L-1791) to cover construction permit for change in frequency to 1010 kc., increase in power to 10 KW, change in hours of operation to unlimited; installation of new transmitter and directional antenna for day and night use, and move of transmitter, subject to condition that licensee shall satisfy legitimate complaints of blanketing within the 250 mv/m contour, including external cross modulation. Also granted authority to determine operating power by direct measurement of antenna power (B1-Z-1574).

KNBH—National Broadcasting Co., Inc., Hollywood, Cal.—Granted license (B5-LRY-296) to cover construction permit for new relay broadcast station; frequency 1606, 2074, 2102 and 2758 kc., 500 watts.

W6XLA—Television Productions, Inc., Los Angeles, Cal.—Granted modification of construction permit (B5-MPVD-109) for extension of completion date of new experimental television station to March 1, 1944.

KGBK—Helen Townsley, Area of Great Bend, Kans.—Granted renewal of relay broadcast station license for the period ending Oct. 1, 1944 (B4-RRY-240). Also granted Voluntary Assignment of license to KVGB, Inc. (B4-ALRY-22).

Hildreth & Rogers Co., Lawrence, Mass.—Placed in pending file application for construction permit (B1-PH-153) for new FM broadcasting station.

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Granted petition to continue hearing on application for renewal of license from February 9 to March 8, 1944.

WSPR—WSPR, Inc., Springfield, Mass.—Granted motion to amend application for construction permit so as to request the use of 1270 kc., with power of 1 KW day, 500 watts night, using DA day and night, instead of 1 KW day and night, and removed application from the hearing docket.

WNAC—The Yankee Network, Inc., Boston, Mass.—The Commission on its own motion continued to Monday, April 24, the hearing now set for February 23, on application for construction permit to move auxiliary transmitter locally in Quincy, Mass.

KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted petition to amend application for construction permit, on condition that applicant, within 15 days from date hereof, shall furnish the Commission with full technical information as requested in FCC Form No. 301 (revised March, 1941), paragraphs 18 through 28, inclusive, and that the application be retained in the hearing docket. The amended application requests use of same frequency, 690 kc., but with 5 KW day, 500 watts night, without directional antenna either day or night. The hearing notice heretofore issued was supplemented by the following issue: "To determine which will better serve the public interest, convenience and necessity, the use of the frequency 690 as proposed by KOMA (B3-P-2703) or as proposed by KGGF, Coffeyville, Kans., operating as pro-

posed in its application for renewal (B4-R-710) or as proposed in its application for construction permit" (B4-P-2883).

APPLICATIONS FILED AT FCC

970 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Special service authorization to operate unlimited time on **970 kc.**, using 1 KW day and 100 watts night for the period ending 8-1-44.

1230 Kilocycles

NEW—Marietta Broadcasting Co., Virgil V. Evans, Sole Owner, Marietta, Ga.—Construction permit for a new standard broadcast station to be operated on **1230 kc.**, 250 watts power, unlimited hours of operation.

WACO—Frontier Broadcasting Co., Inc., Waco, Texas.—Construction permit to change frequency from **1450 kc.** to **1230 kc.**

1240 Kilocycles

NEW—WARC, Inc., Rochester, N. Y.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, 250 watts power, unlimited time. Amended: re equipment.

1280 Kilocycles

WOV—Wodaam Corporation, New York, N. Y.—Transfer of control of licensee corporation from Arede Bulova and Harry D. Henshel to Murray Mester and Meyer Mester.

1400 Kilocycles

KTCK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Voluntary assignment of license to O. L. Taylor.

1470 Kilocycles

WSAN—Lehigh Valley Broadcasting Co., Allentown, Penna.—Modification of license to change hours of operation from sharing time with WCBA to unlimited time, facilities of WCBA.

1480 Kilocycles

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Modification of construction permit (B2-P-3334, which authorized changes in equipment, frequency, increase power and directional antenna for night use) for changes in antenna system and extension of completion date.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Modification of construction permit (B4-ML-1157), which authorized increase in night power, using directional antenna for changes in the ground system.

1490 Kilocycles

WKBV—Knox Radio Corporation, Richmond, Ind.—Voluntary assignment of license to Central Broadcasting Corporation.

FM APPLICATION

Telegraph Herald, Dubuque, Iowa.—Construction permit for a new high frequency (FM) broadcast station to be operated on **46500 kc.**, with coverage of 8,060 square miles.

TELEVISION APPLICATION

Gus Zaharis, South Charleston, W. Va.—Construction permit for a new experimental television broadcast station to be operated on **50000-56000 kc.**, A5 and special emission and power of 110 watts-aural and 50 watts-visual.

MISCELLANEOUS APPLICATIONS

WBLQ—Piedmont Publishing Co., area of Winston-Salem, N. C.—License to cover construction permit (B3-PRE-439), which authorized installation of new transmitter.

NEW—Blue Network Company, Inc., New York, N. Y.—Authority to transmit programs originating in Blue Network's studios at 30 Rockefeller Plaza, New York, and/or points in the U. S. where Blue Network programs may originate, to stations licensed to A. J. Byington, Jr., in Brazil, South America.

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.

Austelle-Flintom Co., with offices and place of business in the Atlantic Coast Line Warehouse, Orangeburg, S. C., is charged in a complaint with violation of the brokerage section of the Robinson-Patman Act. (5130)

L. P. Maggioni & Co., 401 West Bay St., Savannah, Ga., is charged in a complaint with violation of the brokerage section of the Robinson-Patman Act. (5129)

CEASE AND DESIST ORDERS

No cease and desist orders were issued by the Commission last week.

STIPULATIONS

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

Mason Drug Co., 22 Thayer St., Boston, stipulated that in connection with the sale of a medicinal preparation designated "Casa-fru" he will cease and desist from disseminating any advertisement which fails to reveal that the product should not be used when abdominal pain, nausea, or other symptoms of appendicitis are present; provided, however, that such advertisements need only contain the statement, "CAUTION: Use only as directed," if the directions for use on the label and in the labeling contain a warning to the same effect. (O3190)

Othine Corp., Buffalo, N. Y., stipulated that in connection with the sale of a cosmetic designated "Othine Face Bleach" it will cease and desist from disseminating any advertisement which fails to reveal that the preparation should not be applied at any one time to an area of skin larger than that of the face and neck, that too frequent applications over excessive periods of time should be avoided, that adequate rest periods between series of treatments should be observed, that the preparation should not be used where the skin is cut or broken, and that in all cases a proper patch test should be made to determine whether the user is allergic or sensitive to the preparation. (3811)

Hill Shoe Co., 70-72 N. 4th Street, Philadelphia, entered into a stipulation to cease and desist from using the word "health" or words of like meaning to describe or refer to shoes that have no special orthopedic features, or otherwise representing that shoes of customary and usual construction have special health or corrective features. (3810)

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice the case growing out of the complaint it issued against Paul, Rice & Levy, Inc., New Orleans, engaged in the sale and distribution of signal flare cartridges used as safety equipment on life-boats carried on ocean and coastwise vessels.

The complaint charged the respondent corporation with selling signal flare cartridges which were misdated and misbranded.