

## Selective Service

Supplements Nos. 19 and 20 to the NAB Selective Service Handbook are being mailed to all member stations with this issue of the REPORTS and to all non-member stations separately.

Station managers may find it advantageous to attach a copy of No. 19 to any applications for deferment or they may desire to file a copy of this Supplement as an additional exhibit to deferment request now pending. Extra copies will be supplied upon request.

### FCC REVISES MULTIPLE OWNERSHIP COMPLIANCE PROCEDURE

Under the new procedure for compliance with Rule 3.35 adopted by the Commission last Tuesday (4) Licensees must comply by May 31, 1944, or secure by petition extension of time for compliance due to good cause shown, or be designated for hearing.

The order follows:

#### ORDER NO. 84-B

"At a meeting of the Commission held on April 4, 1944, the Commission gave consideration to the petitions pending before it for a suspension of Regulation 3.35, or for a postponement of the effective date of that Regulation.

"The Commission thereupon adopted the following Order:

"I. Except as provided below the effective date of Regulation 3.35 is hereby suspended.

"II. On or before May 31, 1944, all licensees to whom Regulation 3.35 is or may be applicable will be required to:

1. File an application which will effect compliance with Regulation 3.35; or
2. Submit a petition for extension of license for such period as may be necessary to complete negotiations for an orderly disposition or otherwise to comply with the terms of the Regulation, provided such petition sets forth:
  - a. The determination of the licensee to proceed in good faith as expeditiously as may be to effectuate compliance with the Regulation; and
  - b. A statement of the steps which petitioner proposes to take in order to effect his compliance with the Regulation, and the specific facts establishing due diligence in the effort to effect a compliance with the terms of the Regulation and the licensee's inability to comply therewith; or
3. Submit a petition for a hearing to determine the applicability of Regulation 3.35 to the petitioner, in which case the petition and the license renewal will be set for hearing.

"III. The license renewals of all affected licensees, who do not take one of the foregoing steps or who are unsuccessful in obtaining an extension of time under subparagraph 2 above, will be designated for hearing.

"IV. The Commission will insist upon a speedy determination of any proceeding hereunder and will require an expeditious compliance with its final order thereon within such reasonable time as may be fixed in such final order.

"V. Upon compliance with Regulation 3.35 the Commission will issue appropriate certificates pursuant to the provisions of Section 123 of the Revenue Act of 1943."

In connection with "V" above, the Commission announced that upon the granting of applications for consent to assignment of licenses, or for consent to transfer of control of licensee corporations, filed for the purpose of effecting compliance with the Commission policy established in the multiple ownership rule (Section 3.35), the Commission will issue appropriate certificates pursuant to the provisions of Section 123 of the Revenue Act of 1943 relating to gain from sale or exchange of property necessary or appropriate to effectuate the policies of the Commission with respect to the ownership and control of radio broadcasting stations.

The provisions of the Revenue Act of 1943 referred to are as follows:

#### Revenue Act of 1943

#### SEC. 123. GAIN FROM SALE OR EXCHANGE OF PROPERTY PURSUANT TO ORDERS OF FEDERAL COMMUNICATIONS COMMISSION.

(a) *In General.*—Section 112 is amended by adding at the end thereof a new subsection as follows:

"(m). *Gain from Sale or Exchange to Effectuate Policies of Federal Communications Commission.*—If the sale or exchange of property (including stock in a corporation) is certified by the Federal Communications Commission to be necessary or appropriate to effectuate the policies of the Commission with respect to the ownership and control of radio broadcasting stations, such sale or exchange shall, if

(Continued on page 102)

J. H. Ryan, *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*.

## FCC REVISES MULTIPLE OWNERSHIP COMPLIANCE PROCEDURE

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the taxpayer so elects, be treated as an involuntary conversion of such property within the meaning of subsection (f) of this section. For the purposes of subsection (f) of this section as made applicable by the provisions of this subsection, stock of a corporation operating a radio broadcasting station, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, upon such sale or exchange to which subsection (f) of this section is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss upon sale or exchange of property, of a character subject to the allowance for depreciation under section 23 (1), remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Commissioner with the approval of the Secretary. Any election made by the taxpayer under this subsection shall be made by a statement to that effect in his return for the taxable year in which the sale or exchange takes place (or, with respect to taxable years beginning before January 1, 1944, by a statement to that effect filed within six months after the date of the enactment of the Revenue Act of 1943 in such manner and form as may be prescribed by regulations prescribed by the Commissioner with the approval of the Secretary) and such election shall be binding for the taxable year and all subsequent taxable years."

(b) *Taxable Years to Which Applicable.*—The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1942."

EDITOR'S NOTE: For additional discussion of this provision, see NAB Tax Bulletin No. 3, dated December 24, 1943.)

The Press Release accompanying the order stated:

"In the consideration of individual applications under the provisions of Regulation 3.35 (Multiple Ownership Rule), the Commission will examine the facts in each case. In determining whether or not an overlapping of signal strength results in a standard broadcast station rendering primary service to "a substantial portion of the primary service area of another broadcast station" within the meaning of Section 3.35, the Commission will give consideration to location of centers of population and distribution of population, location of main studios, areas and populations to which services of stations are directed as indicated by commercial business of stations, news broadcasts, sources of programs and talent, coverage claims and listening audience."

## WCOV WINS ARBITRATION AWARD

WCOV and the IBEW Local No. 1299 entered into an arbitration agreement in the fall of 1942 with respect to certain disputed matters arising between them. The matter was submitted for arbitration to tribunals of the American Arbitration Association. In an award opinion dated March 20, 1944, the majority of the board, H. O.

Davis and Abit Nix, find in favor of the broadcaster. Their Award and Opinion follows:

"We, the undersigned arbitrators, having been designated in accordance with the Arbitration Agreement entered into by the above-named Parties, and dated September 1, 1942, and having been duly sworn according to law, and having duly heard the proofs and allegations of the Parties, AWARD, as follows:

"We find that the contract entered into on the first day of September, 1942, by and between the Capital Broadcasting Company, Inc., trading as Radio Station WCOV, Montgomery, Alabama, and Local Union No. 1299 of the International Brotherhood of Electrical Workers, provided in Paragraph 2, Section 4 of Article 1, as follows:

"It is understood and agreed that this Section of this agreement shall be opened on August 7th, 1943, for negotiations with respect to having Technicians perform all work in connection with studio control boards."

"Upon the hearing it developed that the Union desired that Technicians perform all work in connection with studio control boards, or that announcers and control board operators (not being technicians within the meaning of the contract) be required to become members of the Union.

"The employer took the position that while the above quoted section opened the matter up for negotiations on August 7, 1943, it did not bind the employer to do anything except negotiate concerning the matter, and that it will be against the public interest, the interest of the employer, and the interest of the non-union employees to compel them to join the Union.

"We award in favor of the contentions of the Capital Broadcasting Company and hold that under the evidence as presented and under the rules of the Federal Communications Committee the employer should not be required to employ technicians for the operation of the studio control boards."

In dissenting, J. J. Buffington, the third member of the tribunal, wrote the following opinion:

"I am reluctant to express an opinion on the question involved in the controversy between the International Brotherhood of Electrical Workers and the Broadcasting Company, for the reason that there seems to be a misunderstanding of the real issue. It was my understanding that the Arbitrators were to pass on the sole question of jurisdiction. And the question of the application of Article I, section 4, which is purely jurisdictional, was the only submission for our consideration.

"My experience as an arbitrator, especially of disputes between Employees and Employer, which covers more than thirty years, leads to the conclusion that we cannot agree upon the issue until we have a clear conception of the language contained in Article 1, section 4 of the agreement.

"The language in Article 1, section 4 is a technical recital. The purpose of this article, which was the question for the Arbitrators to consider, was to bring studio workers under the jurisdiction of the Union in the classification of Technicians. The object of this, apparently, was neither economic or prejudicial, but for the protection of both the Company and the Union against the encroachment of other organizations. This was brought out in the testimony.

"The application of the provisions of the petition would not compel the employees in the Studio to become members of the Union where they were in the service prior to the Union's acquiring such jurisdiction, but would hold them under protection of the Union agreement, and when new employees were taken in the service, the Union members should be given preference in employment. This is no new departure, but a regulation as old as the Union itself. It must be conceded that the public interest is paramount to both, the Company and the Union, and that in the award by the Board due consideration must be given the public interest.

"It is a well established fact that jurisdictional disputes have been the cause of more public inconveniences within the past few years than all other labor disturbances combined. Therefore, it cannot be said, with any degree of consistency, that the public interest will be served by



denying the applicant's petition; nor would the Company be benefited by such decision. As a matter of fact, to deny the petition would create discord as well as open an avenue for an invasion by other Unions.

"It is fundamentally sound doctrine that collective bargaining should be limited to as few agencies as possible, thereby eliminating the danger of jurisdictional disputes. And for the Board to find for the Defendant Company would be to invite such disputes.

"I have the highest regard for the two gentlemen with whom I served on the Board, and I have all confidence in their sincerity, but I cannot believe that they fully understand the issue, nor the full technical meaning of the Article covering the question of jurisdiction.

"Therefore, I submit that the Applicant's petition be allowed, and jurisdiction be extended to cover employees in the studio at the control board.

"Respectfully submitted."

## GURNEY ON FREE SPEECH

Honorable Chan Gurney, U. S. Senator from South Dakota, appearing on the Town Hall program on the Blue Network today (April 6) gave the following talk on free speech:

Freedom of speech is guaranteed under our Constitution. Just how that can be adapted to radio is, as I see it, the question before us tonight.

There is not enough actual time on the radio for each and every one of our 130 million people to state their ideas on every question over the radio, so let's be practical about it, and instead of talking about freedom of speech, let's talk about fairness—fairness by *first*, the actual operators of the radio stations of the country—fairness of the listening public—and fairness, yes, of the business world that uses radio as a medium of advertising.

It is my sincere judgment, first, that radio—with a very, very few exceptions—has handled their radio programs in a mighty fair, clean way. If they had not, say, the ten year period just past, they would not now be on the air, for our American people have a way of doing away with any concern that does not treat them fairly. They *just do not patronize* that concern and it goes out of business.

So, briefly, the complete answer is that radio as a whole has been fair or there would not now be radio, as we know it, in the good old U. S. A.

I say definitely that the listening public will regulate radio in an American way. They will regulate it by the simple mechanical movement of turning off the dial if they don't like what is offered to them.

We must recognize that radio is different than the newspapers, in that the broadcaster—by the tone of his voice—by his inflection—can make an ordinary remark sound very beautiful—or can even leave the impression, just by the tone of his voice, that he is talking about a scoundrel.

Freedom of speech is fundamental—made a part of our Constitution—because of a profound belief that the collective mind of the whole people is greater than that of any individual. We Americans have a strong conviction of our ability to govern ourselves. Our problem is to apply this freedom of speech—or shall I say, fairness of speech, basic in our law—to the radio—and right there I might remark that we must not become disturbed because we see some rabble-rouser gain temporary influence by the use of this new medium of communication.

So, let's talk about fairness in presenting controversial public questions and the broadcasting of news.

The broadcasters themselves first enunciated the principle that controversial public issues must be handled fairly. They decided this because of their recognition of their own responsibility to the public, plus intelligent self-interest. Their own well being and continuance in business impels broadcasters to see to it that the principle of fairness is advantageously followed in actual practice, and in my opinion, this is just what has happened in all but a few isolated instances.

The second phase of freedom or fairness on the radio is the handling of news. The American public wants their news by radio so that they will be informed as to what is going on as speedily as possible. I say they should be

allowed to form their own conclusions. Here again, by far the greatest number of radio stations and networks, are now presenting the news with fairness and accuracy—determined that the news shall not be selected for the purpose of establishing an editorial position.

I hesitate to see laws passed that would put restriction on, or limit the broadcasting industry, whether by law or by managerial edict. You must remember that regulation by law takes away from the industry the sense of responsibility, and leaves in the hands of a few, that power which if placed in the hands of central government or its agency, could be used to gradually encroach upon freedom of speech via the radio.

We Americans should be concerned now about the ever-increasing encroachment upon the radio industry by the federal regulating bureaucracy. What we need in this country is a new law which clearly and explicitly tells the federal regulating body what it *cannot* do, rather than a law outlining a program of what it can do.

We Americans intend to keep our freedom of speech, be it in the newspaper, on the public platform, or what we may or may not hear over the radio.

Of course we have our day to day problems, but we should not quickly go to Congress and say "pass a law to prevent this" or "pass a law to prevent that". We must bear in mind that in the end, most of them will be solved by the broadcasters and the listening public through their own voluntary action, so necessary to assure themselves that they can and will stay in business. We must place squarely on the whole industry—the broadcast owners, the radio advertisers, the commentators, the full responsibility for its own conduct, and I say what we must give broadcasting its freedom from fear, for I hate to see regulations issued or laws enacted, aimed at a very small minority. A little regulation of this sort is a dangerous thing, because it only invites further regulation in the future, leading to complete control and the elimination of freedom of speech in radio.

We must be very careful in our decisions affecting this highly important industry, because a wrong decision now may mean that we will not long have American radio as we know it, which is, after all, the only fair and free radio now in existence in the world.

## SALES MANAGERS ACT ON AUDIENCE MEASUREMENT

Recognizing the need for standards of audience measurement, the NAB Sales Managers Executive Committee, at its meeting in Cincinnati today (April 6), adopted a resolution, recommending that the Board of Directors appoint a special committee to include members of the Research, Program Managers Executive, Sales Managers Executive Committees and at least one member of the Board to study audience measurement techniques, and probe the possibility of some sort of central body representing the entire industry to recommend standards to be followed by all research organizations in making this type of survey.

The Committee, recognizing the desirability of the early adoption of a standard method of computing coverage that can be agreed upon by advertisers, advertising agencies, and radio stations, expressed its confidence in the procedure of the Research Committee and accepted its invitation to hear the report of its technical sub-committee on methods to be submitted as soon as possible.

Following a discussion of the participation of NAB in the Proprietary Association Advertising Clinic to be held in New York on May 16, Chairman Dietrich Dirks, KTRI, Sioux City, Iowa, appointed a sub-committee consisting of Arthur Hull Hayes, WABC, New York, Walter Johnson, WTIC, Hartford, Conn., James V. McConnell, WEAF, New York, and Jack Surrick, WFIL, Philadelphia, Pa., to work on this presentation. In addition, the committee adopted a resolution, expressing its appreciation for the magnificent cooperation of WLW in the provision of a 10-piece orchestra and vocalists for the radio reception held on Wednesday evening in conjunction with the promotion



clinic of the National Retail Dry Goods Association. It also expressed its thanks to the Sales Promotion Division of NRDA for the invitation to participate in the first annual convention of that organization. The Board of Directors of the Sales Promotion Division were dinner guests of the committee on Wednesday.

In addition to Chairman Dirks, Johnson and Surrick, C. K. Beaver, KARK, Little Rock, Ark., Sam H. Bennett, KMBC, Kansas City, Mo., John M. Outler, Jr., WSB, Atlanta Ga., and William C. Roux, substituting for James V. McConnell, were present at the meeting. Pressure of business prevented W. B. Stuht, KOMO-KJR, Seattle, Wash., from attending. Lewis H. Avery, NAB Director of Broadcast Advertising, served as secretary of the committee.

## 15TH DISTRICT MEETING

Broadcasters of the 15th NAB District (northern California, Nevada and Hawaii) held a one-day meeting in San Francisco on March 29. General industry matters were discussed in an informal way and a considerable part of the meeting was devoted to the activities of the regional OWI office. All broadcasters present, according to Arthur Westlund, District Director, commented very favorably on the manner in which the Regional Director there has recently handled several critical local problems.

Charles A. Dostal, Vice President of Westinghouse Electric, presented a sound motion picture, "On the Air".

Those attending were: C. L. McCarthy, KWQ; Glen Shaw, KLX; F. Wellington Morse, KLS; Jerry Ackers, KSAN; Wilt Gunzendorfer, KSRO; Edward J. Jansen, KSFO; George Ross, KWG; Keith Collins, KMJ; Jack Schacht, KFBK; Howard Walters, KDON; David Sandeberg; A. F. Hogan, KYA; Ken Randolph, KDON; S. H. Patterson, KSAN; Bob Stoddard, KOH; Ralph Brunton, KQW; Paul Bartlett, KFRE; Ed Franklin, KJBS; William B. Smullin, KIEM; Dan J. Dannelly, KFRC; Philip G. Lasky, KROW; William Dumm, Associated Broadcasters, Inc.; and Arthur Westlund, KRE.

## OREGON-WASHINGTON MEETING

March 24th members of the Oregon State Broadcasters Association and the Washington State Broadcasters held a joint meeting in Portland, Oregon, at the Benson Hotel.

Elections were the first order of the day for the Oregon Broadcasters with Ben Stone, KOOS, Marshfield, being ushered in as the new President. Lee Bishop of KMED, Medford, was the retiring president. Other new officers are Glenn McCormick, KSLM, Vice-President, H. Quenton Cox, KGW-KEX, Secretary-Treasurer, and Harry Buckendahl, KOIN-KALE, Board of Directors.

FM was the keynote of the meeting with Al Josephsen of the RCA Chicago Office holding sessions both morning and afternoon.

E. Palmer Hoyt, ex-head OWI Domestic Bureau, spoke at luncheon, and the yearly NAB report was made by Regional Director Harry Spence.

The NAB Sales Managers meeting was held on Saturday with Chet Wheeler of KWIL presiding. Chet Duncan, KOIN, made a report on NAB public relations activities.

The joint meeting was definitely a success, and plans were discussed for holding next year's meeting as a joint meeting in Seattle or Spokane.

Broadcasters attending included:

John Kelly, KEVR; Jerry Geehan, KMO; Glenn Dolberg, BMI; V. Barney Kenworthy, KODL; Joe Chytil, KELA; Marshall Pengra, KRNR; Marshall Cornett, KBKR; Lee Jacobs, KBKR; Lawrence Kincaid, KUIN; Vernice Irwin, KVI; E. J. Gough, SESAC; Lee Bishop, KMED; Frank Logan, KBND; Florence Wallace, KXA; Glenn McCor-

mick, KSLM; Bill Talbot, KSLM; Hal Shade, KOOS; Herb Davidson, KWIL; Jack Clarke, KMO; Harry Spence, KXRO; Fred Goddard, KXRO; Chet Wheeler, KWIL; Rod McArdle, KXA; H. M. Swartwood, Jr., KOIN-KALE; Mary Elizabeth Gilmore, KBPS; Mark Knight, A. P.; Don Parker, KXL; H. S. Jacobson, KXL; Loren Stone, KIRO; Gorman Hogan, P. A.; F. P. Barnes, G. E. Co.; Sheldon Sackett, KVAN; Ben Stone, KOOS; Allen Miller, KOAC; R. G. McBroom, KFIO; R. W. Brazeal, KFPY; Dick Dunning, KFPY; Ralph Hanson, KUIN; A. Josephsen, RCA-Chicago; C. A. LaHar, RCA-San Francisco; Dave Rees, KMED; R. E. Hocking, Pac. Tel. and Tel.; W. D. Craddock, Pac. Tel. and Tel.; Arthur Gerbel, Jr., KOMO-KJR; H. J. Quilliam, KIRO; C. O. Chatterton, KWLK; H. Quenton Cox, KGW-KEX; Tom Olsen, KGY; Harrison Miller, KIT; Frank Hill, KORE; L. W. Trommlitz, KORE; Fred A. McCabe, U. P.; Claude Simpson, KWSC; Earl Peterson, KGW-KEX; Palmer Hoyt, Oregonian; M. R. Chessman, KAST; J. McLoughlin, Bob Lindahl, J. W. Kendall, all of the John Keating Studios; Miss H. Ogilbee, KXL; Harry Buckendahl, KOIN; Clyde Phillips, KOIN; L. S. Bookwalter, KOIN; H. E. Studebaker, KUJ; S. W. McCready, KVAN; A. J. Mosby, KGW; John W. Dunlap, U. P.; R. D. Holmes, KAST; Grant Feikert, KOAC; Rollie Truitt, KGW-KEX; L. E. Parsons, KAST; Al Schuss, KEVR-KEVE.

## NEW FCC COMMITTEE COUNSEL APPOINTED

Representative Clarence F. Lea, Chairman of the Select Committee to Investigate the Federal Communications Commission, has announced the appointment of John J. Sirica, a Washington attorney, as general counsel for the Committee.

Mr. Lea said Mr. Sirica "has had wide experience as an attorney and that his ability and integrity are well attested. Two of the most essential qualities for this investigation, his fairness and ability, are recognized by all who know him. He has no alliances that should embarrass him from conducting a thorough and fair investigation." Mr. Sirica succeeds Eugene L. Garey as counsel for the Committee.

Mr. Sirica was born in Waterbury, Connecticut in 1904 and was educated at the Columbia Preparatory School and the Emerson Institute of this city. He graduated at the Georgetown University Law School in 1926 in which year he was admitted to the bar of the District of Columbia. He entered general law practice at that time continuing it until 1930. At that time he was appointed Assistant U. S. Attorney for the District of Columbia serving in that capacity until 1934 at which time he resigned to resume the practice of law in Washington.

## CURTIN WMC RADIO CHIEF

Chairman Paul V. McNutt of the War Manpower Commission announces that D. Thomas Curtin has been appointed to direct radio activities in the Information Service of the War Manpower Commission.

Mr. Curtin is a graduate of Harvard University and a native of Boston. After early experience with The Boston Globe he traveled extensively in Europe, studying conditions there. He was overseas when the last war began, working as reporter for The London Times and The Daily Mail until the war ended. His book on Germany, "The Land of Deepening Shadow," was a best seller after the last war. He returned to the United States, writing and lecturing on his war experiences and on conditions in Europe.

During the early 30's Mr. Curtin wrote and produced network dramas. He continued his travels in 1938 and 1939, this time studying economic conditions in South America. Later he became public relations director for the McCann-Erickson Co., New York. Since 1942, Mr. Curtin has been with the information service of the U. S.



Maritime Commission in Washington. His home is in Fairfax, Virginia.

## LAUNCH "FOOD FOR FREEDOM FAIR"

KRNT and KSO, Des Moines, have gotten into the "Food for Freedom" business with a big time promotion which should result in more food for listeners and prestige for the stations. It takes the form of a "Food for Freedom Fair" to be held sometime next August.

Manager Craig Lawrence announced that the stations would support Iowa's victory gardening and home canning campaign with \$530 in cash prizes, plus ribbons and other awards.

These cover a wide list of vegetables, canned foods and some flowers. Premium lists, prepared by the stations, under the supervision of Dr. Larry Grove of the Extension Division of Iowa State College, Ames, and Robert Herrick, of the Iowa State Horticulture Department, are sent upon request.

Entry to the Fair is free and open to any Iowa gardener except professional truck gardeners. Listeners are invited to write in for entry blanks, or to pick them up at Victory Garden headquarters.

Fair is being publicized on two daily KRNT programs: Farm Editor Joe Ryan's "Farm Family Circle", and the afternoon "Victory Varieties," live-talent show. Large signs promoting the event, have been placed in eight prominent downtown Des Moines locations, and will be shifted to other locations throughout the summer.

## KMBC ISSUES SERVICE BROCHURE

KMBC, Kansas City, has reported an entire year's efforts in support of the war in a brochure titled, "War Broadcasting Activities, 1943."

In a foreword the station points to the showmanship which has been used to increase the efficiency of government messages. Messages are infiltrated with established programs. And "when it is necessary for more than a message . . . an important project that needs special promotion, KMBC has designed special radio productions. Some of these programs have taken the form of drama, musical, variety and on-the-spot descriptions."

## "ON THE AIR!" WILL SHOW ANYWHERE

Following showings of "On the Air!" Westinghouse sound-film history of radio, to broadcasters at recent NAB district meetings, news was received that the film will be exhibited free by Westinghouse anywhere in the United States upon request.

Willard D. Egolf, NAB Assistant to the President, received a letter from Philip D. Smith, Manager, Westinghouse Motion Picture and Speakers Bureau, containing the following paragraph:

"For your information, 'On the Air!' is available for free distribution any time at any place in the United States, and we will be glad to ship a print or arrange projection facilities at no cost at any location on receipt of request."

Produced at considerable cost, for public use, "On the Air!" is appealing even to broadcasters because of its dramatization of radio's origin and development.

Westinghouse, strongly identified with radio's beginnings through Dr. Frank Conrad, and operators of several radio stations, uses its own experience and its own stations for illustrative material, yet "On the Air!" is not a "Westinghouse commercial." Broadcasters may feel free to assist Westinghouse representatives in arranging public showings or sponsor such showings themselves, except where the presence of Westinghouse stations would make their sponsorship more appropriate. Address: Philip D. Smith, Manager, Motion Picture and Speakers Bureau,

Westinghouse Electric and Manufacturing Company, 306 Fourth Avenue, P.O. Box 1017, Pittsburgh 30, Pa.

## 1944 MEMBERSHIP CERTIFICATES

This week 1944 Membership Certificates were mailed to substantially all member stations. In a few instances errors were made in inserting call letters and new certificates have been ordered. NAB would appreciate information of any instances in which the certificate is injured in the mails, and replacement will be made.

## ERRATA

In NAB REPORTS, page 96, there is a discrepancy in the figures shown in the list submitted by the Advertising Council, namely, \$327,790,373 and the \$352,650,000, given as the estimate of the Advertising Council. The following note should have been added:

"This sum (\$327,790,373) represents 93 per cent of \$352,650,000, which is the Council's estimate of 1943 war theme advertising in all measurable media. The seven per cent not accounted for in the tabulation above does not permit a breakdown in terms of these specific campaign themes."

## FCC AIDE TO NAVY

W. Ervin James, Assistant Secretary of the Federal Communications Commission will report to the Navy Indoctrination Center at Fort Schuyler, New York, April 28. Mr. James is commissioned a Lieutenant (J.G.).

Prior to his appointment as Assistant Secretary last November 1943, Mr. James had served as Assistant to Commissioner Clifford J. Durr since December 1941. He is married and a native of Montgomery, Alabama.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, April 10. They are subject to change.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WMAZ—E. K. Cargill (transferor), George P. Rankin, Jr. (transferee), Southeastern Broadcasting Co., Inc. (licensee), Macon, Ga.—Granted consent to acquisition of control of Southeastern Broadcasting Co., Inc., licensee of Station WMAZ, from E. K. Cargill (transferor) to George P. Rankin, Jr. (transferee), through the purchase by the licensee of 279 shares, or 41 per cent, of its capital stock, such shares to be held as Treasury stock. The consideration to be paid to E. K. Cargill is \$120,000. (B3-TC-355)

WDSM—Victoria B. Conroy (transferor), Roland C. Buck (transferee), WDSM, Inc. (licensee), Superior, Wis.—Granted consent to relinquishment of control of WDSM, Inc., licensee of Station WDSM, by Victoria B. Conroy and James J. Conroy, through the sale of 45 shares, or 39.4 per cent, of the issued and outstanding capital stock from Victoria B. Conroy to Roland C. Buck, for a cash consideration of \$18,000. (B4-TC-357)

Wednesday, April 12

WNBZ—Upstate Broadcasting Corp., Saranac Lake, N. Y.—Renewal of License. 1320 kc., 100 watts; daytime.

### MISCELLANEOUS

WMWA—WOKO, Inc., Area of Albany, N. Y.—Present license for relay broadcast station further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending June 1, 1944.

WRET—The Fort Industry Co., Area of Fort Lauderdale, Fla.—Present license for relay broadcast station further extended upon a temporary basis only, pending determination upon application for renewal, for the period ending June 1, 1944.

WEKF—Paducah Broadcasting Co., Inc., Area of Paducah, Ky.—Granted renewal of relay broadcast station license for the period ending December 1, 1945.

In accordance with the Commission's policy adopted February 23, 1943, the following applications for FM broadcast stations were placed in the pending files:

York Broadcasting Co., York, Pa.; WGAL, Inc., Lancaster, Pa.; WDEL, Inc., Wilmington, Del.; Louis Wasmer, Inc., Spokane, Wash.; National Broadcasting Co., Inc., Washington, D. C.; Associated Broadcasters, Inc., Bethlehem, Pa.; Blue Network Co., Inc., New York City; Havens & Martin, Inc., Richmond, Va.; Keystone Broadcasting Corp., Harrisburg, Pa.; Nashville Radio Corp., Nashville, Tenn.

WHDH—Matheson Radio Co., Boston, Mass.—Granted petition for leave to amend application for modification of license (B1-ML-1179), and ordered that the application as amended be removed from the hearing docket, and that the hearing set for April 20 be cancelled.

In re Application of: L. J. Duncan, Leila A. Duncan, Josephine A. (Keith) Rawls, Effie H. Allen, d/b as Valley Broadcasting Co., West Point, Ga.—Adopted an Order continuing the hearing from April 6 to April 26, 1944, in re application for construction permit to erect a new broadcast station at West Point, Ga. (Docket No. 6549)

NEW—Blue Network Co., Inc., Area of San Francisco, Calif.—Modification of license to change equipment to conform to equipment changes authorized for station KEJK.

NEW—University of Southern California, Los Angeles, Calif.—Construction permit for a new non-commercial educational broadcast station to be operated on 42,900 kc., power of 1 kilowatt; special emission.

NEW—Columbia Broadcasting System, Inc., Delano, Calif.—Construction permit for a new international broadcast station to be operated on 6120, 6170, 9650, 11830, 15270, 17830, 21520 and 21570 kc., with 50 kilowatts power.

WAAD—The Fort Industry Co., Area of Fort Lauderdale, Fla.—Modification of license to change area of operation to Miami, Florida.

WRET—The Fort Industry Co., Area of Fort Lauderdale, Fla.—Modification of license to change area of operation to Miami, Florida.

WEJC—National Broadcasting Co., Inc., Washington, D. C.—Construction permit to move transmitter and make changes in antenna.

KFI-KECA—Earl C. Anthony, Inc., Los Angeles, Calif.—For postponement of the effective date of Sec. 3.35 of the Commission's Rules and Regulations and for extension of licenses of KFI and KECA.

KGW-KEX—Oregonian Publishing Co., Portland, Ore.—To suspend the effective date of Sec. 3.35 to an indefinite date; or for determination that rule is inapplicable to petitioner; in the event the rule is not suspended or held inapplicable to the licenses, for renewals or extensions of licenses to permit orderly disposition of properties; if the specific relief prayed for is not granted without hearing, for a hearing on petition and application.

KHQ-KGA—Louis Wasmer, Inc., Louis Wasmer, Spokane, Wash.—To suspend effective date of Sec. 3.35 as to petitioners or that petitioners be granted a hearing to show that the continued operation of KHQ and KGA as presently operated would be in the public interest, convenience and necessity.

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Granted construction permit to make changes in directional antenna system for night use and increase in nighttime power from 1 to 5 kilowatts, subject to submission of an application for

modification of construction permit specifying a directional antenna providing protection to other stations in accordance with the Rules and Regulations and Standards of Good Engineering Practice of the Commission. (B3-P-3384)

KOMO-KJR—Fisher's Blend Station, Inc., Seattle, Wash.—To suspend effective date of General Order No. 84-A, or in the alternative, for determination of inapplicability of regulation, or for renewals or extensions of licenses to permit the orderly disposition of properties.

L. J. Duncan, Leila A. Duncan, Josephine A. (Keith) Rawls and Effie H. Allen, d/b as Valley Broadcasting Co., West Point, Ga.—Entered order vacating hearing assignment now scheduled for April 6, on application for construction permit to erect a new station to operate on 1490 kc., with 250 watts power, unlimited time.

### APPLICATIONS FILED AT FCC

#### 850 Kilocycles

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to operate with directional antenna after sunset at Gainesville, Fla., instead of local sunset AMENDED to operate with directional antenna after sunset at Gainesville, Fla., or Cleveland, Ohio, whichever is earlier in any month.

#### 1160 Kilocycles

WJJD—WJJD, Inc., Chicago, Ill.—Transfer of control of licensee corporation from H. Leslie Atlass, Ralph L. Atlass and Ralph Louis Atlass to Marshall Field.

#### 1230 Kilocycles

KXO—Valradio, Inc., El Centro, Calif.—License to cover construction permit (B5-P-3546) which authorized change in frequency, increase in power and installation of new transmitter.

KXO—Valradio, Inc., El Centro, Calif.—Authority to determine operating power by direct measurement of antenna power.

#### 1490 Kilocycles

WKBV—Knox Radio Corp., Richmond, Ind.—Construction permit to increase power from 100 watts to 250 watts, make changes in transmitting equipment and antenna and move transmitter and studio.

KPLT—North Texas Broadcasting Co., Paris, Texas—Authority to determine operating power by direct measurement of antenna power.

#### 1580 Kilocycles

NEW—Durham Broadcasting Co., Inc., Durham, N. Car.—Construction permit for a new standard broadcast station to be operated on 1580 kc., power of 250 watts and unlimited hours of operation.

### FM APPLICATIONS

NEW—Louis Wasmer, Inc., Spokane, Wash.—Construction permit for a new high frequency (FM) Broadcast Station to be operated on 45,700 kc., with coverage of 12,609 square miles.

NEW—G. W. Covington, Jr., Montgomery, Ala.—Construction permit for a new high frequency (FM) Broadcast Station to be operated on 45,500 kc., coverage of 4,761 square miles.

NEW—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Construction permit for a new high frequency (FM) Broadcast Station.

NEW—Atlantic Coast Broadcasting Co., Charleston, S. Car.—Construction permit for a new high frequency (FM) Broadcast Station to be operated on 47,700 kc., with coverage of 6,400 square miles.

NEW—Central Broadcasting Co., Des Moines, Iowa—Construction permit for a new high frequency (FM) Broadcast Station to be operated on 46,100 kc., with coverage of 18,200 square miles.

NEW—Stanley M. Goard, George W. Phillips, Robert T. Zabelle, James L. Murray, co-partners, d/b as Broadcasters Oreg., Ltd., Portland, Ore.—Construction permit for a new high frequency (FM) Broadcast Station to be operated on 48,500 kc., coverage of 5,826 square miles.

NEW—Record-Herald Company, Wausau, Wisc.—Construction permit for a new high frequency (FM) Broadcast Station to be operated on 46,500 kc.



## 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.

**American Food Shipping Co.**—Misrepresentation of the value and contents of gift packages of food and other merchandise sold for shipment to members of the armed forces in the United States and foreign countries is alleged in a complaint against Alfred Ungar, trading as American Food Shipping Co., 55 West 87th St., New York. (5147)

**Dr. H. A. Pietri Co.**, 620 West 141st St., New York, is charged in a complaint with disseminating Spanish language advertisements which falsely represent that a lead acetate hair dye she sells under the name Zenaida will restore hair to its original and natural color and will not stain clothing, hands and scalp. (5146)

**Pure Carbonic Inc., et al.**—Five manufacturers of liquid and solid carbon dioxide, the latter also known as dry ice, are charged in a complaint with conspiring to eliminate price competition and to monopolize the production, sale and distribution of their products, in violation of Section 5 of the Federal Trade Commission Act.

The complaint also charges the respondents with violation of the Robinson-Patman Antidiscrimination Act by selling liquid and solid carbon dioxide to some of their customers at lower prices than

they sell such products of like grade and quality to other purchasers.

Respondents named in the complaint are Air Reduction Co., Inc., its subsidiary, Pure Carbonic, Inc., and Mathieson Alkali Works, Inc., all of 60 East 42nd St., New York; Liquid Carbonic Corp., 405 Lexington Ave., New York; and Michigan Alkali Co., Wyandotte, Mich. (5144)

**Rex Diathermy Corp.**, 901 First Court, Brooklyn, engaged in the manufacture and sale of the Rex Diathermy Machine, is charged in a complaint with misrepresenting the curative properties of the device and with failing to reveal in advertisements that its use may result in injury to health. (5145)

**Rich & Co.**—A complaint alleging violation of the Wool Products Labeling Act has been issued against Ernest O. Rich and Michael Simeone, trading as Rich & Co., 270 West 39th St., New York, engaged in the manufacture and sale of women's suits and other garments composed in whole or in part of wool, reprocessed wool or reused wool. (5144)

### STIPULATIONS

During the past week the Commission announced no new stipulations.

### CEASE AND DESIST ORDERS

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

**C. E. Lusk Co.**, 6523 Euclid Ave., Cleveland, Ohio, has been ordered to cease and desist from certain misrepresentations made in connection with the sale of a product designated "Lusco" and "Lusco Weld," intended for use in repairing cracks and leaks in automobile radiators and motors and in boilers and other metal devices. (4911)