

The National Association of Broadcasters

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DUFFY COPYRIGHT BILL

Senator Duffy of Wisconsin has reintroduced his copyright bill of the last session of Congress. Copies of the bill were not available as NAB Reports went to press but the Senator stated that the new bill contains some "minor" changes in the text as approved by the Senate last session.

NEW STATIONS GRANTED

The Federal Communications Commission this week granted a construction permit for the erection of a new broadcast station at Superior, Wis., to use 1200 kilocycles, 100 watts power and unlimited time on the air.

A construction permit for a new broadcast station at Visalia, Calif., was also granted to use 1190 kilocycles, 250 watts power and daytime operation.

A third construction permit for a new broadcast station was also granted for Bridgeton, N. J., to use 1210 kilocycles, 100 watts power and daytime operation.

ANNUAL COMMUNICATIONS COMMISSION REPORT

The second annual report of the Federal Communications Commission for the fiscal year ending June 30, 1936, was made to Congress on Tuesday of this week.

The Commission made no recommendations for legislation. If any legislative recommendations are to be made this year they will be forwarded to Congress by another method.

The report is divided up into different sections including the office of the secretary; the examining department; law department; engineering department; and accounting, statistical and tariff department. The purpose of the report is to put into historical form the activities of the Commission during the past fiscal year.

LICENSE RENEWAL FOR WHBC RECOMMENDED

Nolan S. Walker applied to the Federal Communications Commission for a construction permit for the erection of a new station at Canton, Ohio, to use 1200 kilocycles, 100 watts and 250 watts LS and unlimited time on the air. Also station WHBC, at Canton, operating on the same frequency and with the same power asked for a license renewal; an application for consent to voluntary assignment of the station license and of the construction permit from Edward P. Graham to the Ohio Broadcasting Company; an application for modification of the construction permit, including an extension of time for completion; and an application of Nolan S.

SALES MANAGERS MEET CHICAGO

January 18 and 19

The Sales Managers Division, under the leadership of Buryl Lotteridge (KFAB-KOIL, Omaha) will meet in Chicago at the Sherman Hotel January 18 and 19. Chairman Lotteridge has given a lot of time and effort to this meeting and the schedule promises an excellent opportunity to exchange viewpoints on some extremely important sales problems.

Walker to acquire the facilities heretofore granted to Edward P. Graham, licensee of WHBC.

Examiner Melvin H. Dalberg in Report No. I-332 recommended that the application of Nolan S. Walker for a construction permit for a new station be denied; that the application of license renewal for station WHBC be granted; that the application of Edward P. Graham for consent to voluntary assignment of license and construction permit to the Ohio Broadcasting Company be granted; and that the modification of construction permit for additional time for the erection of the station be granted.

ACTORS BILL REINTRODUCED

Representative Dickstein of New York has reintroduced his bill (H. R. 30) "to protect the artistic and earning opportunities in the United States for American actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists and orchestral conductors and for other purposes." The bill which has been referred to the House Committee on Immigration and Naturalization is identical with the bill which passed the House at the last session of Congress but was not taken up by the Senate. The bill will be found on page 1857 of this issue.

NEW TEXAS STATION RECOMMENDED

The Sweetwater Broadcasting Company applied to the Federal Communications Commission to grant it a construction permit for the erection of a new station at Sweetwater, Texas, to use 1310 kilocycles, 100 watts power, daytime operation.

Examiner R. H. Hyde, in Report No. I-331 recommended that the application be granted. He found that "there is no local broadcast station or primary service from any station available in the applicant's area, and it is therefore concluded that there is a need for the proposed new station." The Examiner found also in this case that "the establishment of the proposed station would provide a needed broadcast service not otherwise available, and the granting of a permit, therefore would serve public interest, convenience and necessity."

INTERNAL REVENUE CITES SOME DEPRECIATION AVERAGES FOR RADIO

In a letter dated January 5 Deputy Commissioner Russell of the Bureau of Internal Revenue gives the ranges of serviceable lines within which the cases of many broadcasting companies have been approved. The letter reads as follows:

"In response to your request over the telephone, the following is submitted in regard to depreciation on the physical assets owned by the average broadcasting company.

"Depreciation, including obsolescence, for income tax purposes is determined with consideration being given to the facts available in each particular case. It has been found that due to different operating conditions and locations, various financial policies and accounting practices, the allowance for depreciation cannot be predicated upon a general average.

"The cases of many broadcasting companies before the Internal Revenue Bureau have been approved within the following ranges of serviceable lives; the depreciation deduction including both depreciation and normal obsolescence, the latter being recognized as a substantial factor in this particular industry:

- "Studio control, speech input and transmitter equipment, 8 to 10 years.
- "Antenna equipment, 10 to 12 years.
- "Towers, 10 to 15 years.
- "Buildings, 25 to 50 years.
- "Furniture and Fixtures—Office, 10 years.
- "Furniture and Fixtures—Studio, 5 years.
- "Pianos and other musical instruments, 10 years."

Members will observe that allowance for depreciation cannot be predicated upon a general average. Each broadcaster should produce all the facts pertinent to his own case and press for a decision thereon without reliance upon general practices.

COPELAND REINTRODUCES FOOD BILL

Senator Copeland of New York has reintroduced his pure food bill (S. 5) which will be found, together with a statement on page 1860 of this issue.

CULKIN LIQUOR BILL

A bill has been introduced in the House (H. R. 13) which would prohibit the advertising of liquor by radio. The bill which has been referred to the House Committee on Interstate and Foreign Commerce will be found on page 1857 of this issue.

DRYS PROTEST BROADCASTING

Organized "drys" of the United States are using a "bootleg" radio station, barred from this country in the interest of public health and welfare, as a propaganda medium, is the charge made in a complaint filed with the Federal Communications Commission by C. D. Cecil, secretary of the National Institute of Manufacturers and Distributors, Inc.

The complaint specifically asks investigation of an announcement by Miss Ethel Hubler, editor and publisher of "The National Voice," of Los Angeles, Calif., of "dry" broadcasts from Del Rio, Texas, by means of Station XERA, which is located in Villa Acuna, Mexico, "and over approximately 60 other stations in 30 different states." The XERA Station is operated by Dr. John R. Brinkley, whose station, KFBB at Milford, Kans., was closed by the Federal Radio Commission about six years ago after a public hearing on charges that its broadcasts were "inimical to public health and welfare" and the nature of its programs conflicted with the law prohibiting the broadcasting of "profane, obscene, or indecent" utterances.

The complaint made by the National Institute of Manufacturers and Distributors, Inc., which is an organization of industrialists opposed to Prohibition, contends that the broadcast as announced by the "dry" publication, indicates violation of United States Law. It quotes Miss Hubler's statement that her broadcast will emanate from Del Rio, Texas, and be transmitted by Station XERA, and declares:

"This announcement would indicate violation of the Federal 'Communications Act of 1934' (Public Law No. 416). The radio broadcasting station named XERA, is located on foreign soil, at Villa Acuna, Mexico, and the Communications Act of 1934 specifically prohibits transmission of programs from the United States to foreign stations which can be heard in the United States.

"Further, this announcement by The National Voice suggests that this foreign station, XERA, one of the so-called 'bootleg' stations along the Rio Grande, which seriously interfere with the operation of stations in the United States licensed by your Commission, has been made an integral part of a broadcasting chain in this country which includes 60 stations in 30 states."

The complaint also cites that the action of the Federal Radio Commission in closing the station operated by Brinkley in Kansas, was upheld by the United States District Court of Appeals for the District of Columbia in a decision which quoted the Biblical injunction: "By their fruits ye shall know them."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints 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.

No. 3021. Charging unfair competition in the sale of soap, a complaint has been issued against **Allen B. Wrisley Company** and **Allen B. Wrisley Distributing Company**, also trading as **Regal Soap Company**, both of 6801 West 65th Street, **Chicago**, and **Karl Mayer, George A. Wrisley, and Wrisley B. Oleson**, copartners, trading as **Karl Mayer & Co.**, all of Merchandise Mart Building, **Chicago**.

The respondents are alleged to have advertised certain soaps as olive oil soaps, when in fact the oil or fat ingredient of these products was not entirely olive oil, according to the complaint.

In genuine olive oil soap, the complaint points out, the oil ingredient is olive oil to the exclusion of all other oils and fats. Such product is in demand as a high quality soap, free from substances harmful to the skin or to delicate fabrics.

No. 3022. Unfair trade representation in the sale of radio receiving sets, radio tubes, and supplies, are alleged in a complaint issued against **Sun Radio Service & Supply Corporation**, 938 F. Street, N. W., **Washington, D. C.**

Advertising its products as "Newest R. C. A. Licensed Automatic Featuring the New Metal Tube," the respondent company, through its representations, is alleged to have deceived buyers into believing that its products were those of the Radio Corporation of America and its subsidiaries, and that its glass tubes were metal tubes in which the technical elements were sealed in a vacuum of steel, when these were not the facts.

Thirteen wholesalers and distributors of sponges in interstate commerce, said to constitute a large and important part of such wholesale trade in the United States, are named respondents in a complaint alleging practices which have the effect of monopoly and unreasonable restraint of trade.

Nos. 3024 and 3025. Principal respondents are **The Sponge Institute, of Washington, D. C.**, its officers and members, including the thirteen companies, and the **Florida Sponge Packers Association, of Tarpon Springs, Fla.**, its officers and members, including six packing firms located at **Tarpon Springs, Fla.**

The Commission has also issued a complaint against the **Tarpon Springs Sponge Exchange, Inc., of Tarpon Springs, Fla.**, charging conspiracy and restraint of trade by member sponge packers and producers. They are alleged to have combined to prevent all purchases of wool sponges, in or outside the exchange, between February 15, 1935, and May 1, 1935. One effect, it is alleged, was an increase in the price of wool sponges to wholesalers, retailers and the public.

All respondents named in the complaint against The Sponge Institute are charged with entering into an agreement, combination and conspiracy to create monopoly in themselves in the sale of sponges to wholesalers and retailers throughout the United States. The packers, comprising the Florida Sponge Packers Association, are alleged to have agreed with the institute and its members, to whom they furnished sponges for wholesale and retail distribution, that such packers would not circularize any trade outside of the "bona fide sponge houses" regularly established by the institute, and would either confine their sales to such bona fide houses or would make a price difference of 20 per cent to other houses not designated as bona fide. The packers are alleged to have agreed to sell to such other houses, even at the 20 per cent increase, only if they received the order unsolicited or placed by personal call.

The packers are alleged to have adhered to this plan, and, by concert of action, to have failed and refused to sell sponges to dealers not listed by the institute as bona fide.

Pursuant to the agreement, the institute is alleged to have furnished its members with a list of the packers who were cooperating in the plan to restrict sales, causing them to confine their purchases to such cooperating packers, and according to the complaint, whenever the institute discovered that a packer had made a sale contrary to the agreement, its name was taken off the list and such packer was blacklisted and thereafter denied the business of institute members.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1863. **Lancaster Cigars, Inc., Red Lion, Pa.**, agrees to stop using on labels attached to containers the word "Havana" to describe cigars not composed of or manufactured from Havana tobacco grown in Cuba, and to cease employing the word "Havana" in any way to imply that such cigars are made entirely from Havana tobacco. The expression "Havana Blend" will not be printed on labels, implying that the cigars so marked are composed in substantial part of Havana tobacco, when such is not a fact.

No. 1864. The Harker Pottery Company, Chester, W. Va., stipulates that it will stop employing the words "china" and "chinaware" to describe articles which are not non-porous, vitreous or translucent. The stipulation sets out that to well-informed members of the trade and purchasing public, the word "china" or "chinaware" means an earthen vessel which is non-porous, vitreous and translucent, but that the respondent's products, as represented, does not possess these properties.

No. 1868. R. S. Bacon Veneer Co., 4702 Augusta Blvd., Chicago, agrees not to use in its printed matter the term "African Walnut" to describe its products, implying that they are made of wood derived from trees of the walnut or "Juglandaceae" family. The respondent company also agrees not to use the word "walnut," either alone or in connection with the word "African" or "Tigerwood," or in any other way which may have the effect of causing buyers to believe that the articles so described are made of wood derived from trees of the walnut family, when such is not a fact.

No. 1869. Union Pharmacal Co., Inc., 67 Irving Place, New York City, selling so-called "Economy First-Aid Kits," will discontinue printing on the cartons in which the kits are packed certain exaggerated or misleading assertions concerning the value of the kits or the price at which they are sold, or are intended to be sold, in the usual course of trade. The stipulation points out that these kits were marked for sale at a certain price, when in fact this was much in excess of the price at which they were actually sold, or intended to be sold.

No. 2565. The National Electrical Manufacturers Association, of New York City, and sixteen member manufacturers of power cable and wire, have been served with an order to cease and desist from certain unfair trade practices held to have been performed under an illegal agreement, combination or conspiracy. The practices prohibited included, principally, the maintenance of uniform selling prices.

All material facts alleged in the amended complaint were admitted by the respondents to be true and the findings in the case are a paraphrase of the admitted allegations.

Member companies named as respondents are American Electrical Works, Philadelphia, now known as Kennecott Wire and Cable Company; American Steel and Wire Company, Worcester, Mass.; Anaconda Wire and Cable Co., New York; Bishop Wire and Cable Corporation, New York; Boston Insulated Wire and Cable Co., Boston; Crescent Insulated Wire and Cable Co., Trenton, N. J.; General Cable Corporation, New York; General Electric Co., Schenectady, N. Y.; Habirshaw Cable and Wire Corporation, New York; National Electrical Products Corporation, Pittsburgh; The Okonite Co., Passaic, N. J.; Phelps-Dodge Copper Products Corporation, New York; John A. Roebbling's Sons Co., Trenton, N. J.; Simplex Wire and Cable Co., Boston; Triangle Conduit and Cable Co., Brooklyn; and United States Rubber Products, Inc., New York.

Nos. 2939 and 2515. Cease and desist orders have been issued against two New York cosmetics and toilet goods companies, requiring them to cease and desist from unfair competition in violation of section 5 of the Federal Trade Commission Act. The respondent companies are **Helena Rubinstein, Inc., 8 E. Fifty-Seventh St.,** and **B. H. Krueger, Inc., 151 W. Nineteenth St.**

The order against Helena Rubinstein, Inc., directs that it cease advertising that its cosmetics, facial creams and toilet preparations will serve as a food for, or nourish, the skin, muscles, or tissues; will prevent crow's feet and wrinkles, strengthen eye nerves, rebuild worn-out cells and dissolve fatty tissues or act as effective weight reducers.

B. H. Krueger, Inc., is ordered to stop representing that its cosmetics and toilet preparations, including perfumes, soaps, toilet water and similar articles, are of English manufacture or origin, or imported from England. The respondent company is also ordered to cease asserting that its articles are made for, or distributed by, an English company or a company with offices in England or Canada, when such is not a fact.

No. 2964. Pratt Food Co., 126 Walnut St., Philadelphia, has been ordered to discontinue certain unfair trade representations in the sale of poultry medicine.

In selling "Pratt's 'Split-Action' N-K Capsules" or any product of substantially the same composition and effect, the respondent company is directed to cease and desist representing that its preparation will destroy all worms and all parts of worms, including tapeworm heads, with which poultry may be infested.

FTC CLOSES CASES

No. 2379. The Federal Trade Commission has entered an order closing its case against **Samson Paper Products Corpora-**

tion, 118 Greene St., New York City, and **Louis, Harry and Moe Hyman,** who had been charged with use of unfair methods of competition in connection with the sale of roll paper, in violation of Section 5 of the Federal Trade Commission Act.

The Commission reserved the right to reopen the case should the facts so warrant.

No. 2906. The Commission has also issued an order closing its case against **R. H. Macy & Co., New York City,** following that company's signing of a stipulation to discontinue certain unfair trade practices in the sale of razor blades as alleged in a complaint directed against it by the Commission in August, 1936.

In its stipulation, the respondent company agrees not to resume the use of representations contained in an advertisement, or similar representations implying that razor blades sold by it have been made under its own supervision, when such is not a fact.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following broadcast hearings are scheduled for hearing at the Commission for the week beginning Monday, January 11.

Monday, January 11

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—C. P., 1160 kc., 250 watts, daytime.

NEW—W. H. Marolf, Escanaba, Mich.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Escanaba Daily Press Co., Escanaba, Mich.—C. P., 1500 kc., 100 watts, daytime.

Tuesday, January 12

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—H. W. Wilson & Ben Farmer, Wilson, N. C.—C. P., 1310 kc., 100 watts, daytime.

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

KWBG—The Nation's Center Broadcasting Co. Inc., Hutchinson, Kans.—C. P., 550 kc., 250 watts, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.

Wednesday, January 13

HEARING BEFORE AN EXAMINER

(Broadcast)

WILM—Delaware Broadcasting Co., Wilmington, Del.—C. P., 1420 kc., 100 watts, share WAZL.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—C. P., 1440 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1440 kc., 500 watts, 1 KW LS, unlimited time.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—C. P., 1450 kc., 250 watts, 1 KW LS, unlimited time. Present assignment: 1450 kc., 250 watts, unlimited time.

Thursday, January 14

HEARING BEFORE THE COMMISSION EN BANC

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, unlimited time. (Requests facilities of WARD, WVFW & WLTH.) Present assignment: 1400 kc., 500 watts, share WLTH, WARD & WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts, share WLTH, WARD & WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts (auxiliary transmitter), share WARD, WLTH & WVFW.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, unlimited time (Request facilities of WARD, WLTH & WBBC). Present assignment: 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—C. P., to make changes in equipment; 1400 kc., 500 watts, share WARD, WLTH & WBBC.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Transfer of control of corporation; 1400 kc., 500 watts, share WARD, WLTH & WBBC.

NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—C. P., 1400 kc., 500 watts, unlimited time. (Requests facilities of WBBC, WLTH, WARD & WVFW.)

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license; 1400 kc., 1 KW, unlimited time. (Requests facilities of WBBC, WLTH, WARD & WVFW.)

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—C. P. to move transmitter; 1400 kc., 500 watts, share WVFW, WLTH & WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WVFW, WLTH & WBBC.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp.; 1400 kc., 500 watts, share WVFW, WLTH & WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Renewal of license; 1400 kc., 500 watts, share WARD, WVFW & WBBC.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary assignment of license to Kings Broadcasting Corp.; 1400 kc., 500 watts, share WARD, WVFW & WBBC.

Friday, January 15

HEARING BEFORE AN EXAMINER

(Broadcast)

KLPM—John B. Cooley, Minot, N. Dak.—C. P., 1360 kc., 1 KW, unlimited time.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—C. P., 1340 kc., 1 KW, unlimited time. Present assignment: 1340 kc., 500 watts, unlimited time.

NEW—Bay County Publishers, Inc., Panama City, Fla.—C. P., 1420 kc., 100 watts, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER

(Broadcasting)

NEW—Richard M. Casto, Johnson City, Tenn.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

KXRO—KXRO, Inc., Aberdeen, Wash.—Granted C. P. approving transmitter and studio sites, installation of new equipment and vertical radiator, and increase in day power from 100 watts to 250 watts.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Granted C. P. to install new antenna and move transmitter locally south of city limits $2\frac{1}{4}$ miles.

WNBZ—Earl J. Smith & Wm. Mace, d/b as Smith and Mace, Saranac Lake, N. Y.—Granted C. P. to make changes in equipment.

WHAS—The Louisville Times Co., Louisville, Ky.—Granted C. P. to move transmitter site and install new equipment and vertical radiator.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted C. P. to move transmitter and studio locally; install new equipment and vertical radiator, and increase power from 50 to 100 watts night, 250 watts day.

NEW—McNary & Chambers, College Park, Md.—Granted C. P. for new experimental station, frequency of 1060 kc., 100 watts, 12 midnight to 6 a. m., EST, for the purpose of experimenting with synchronizing a booster broadcast station without the use of wire lines.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted C. P., for changes in equipment.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted license to cover C. P. as modified, for installation of new equipment, extension of commencement and completion dates; 1500 kc., 100 watts night, 250 watts day, unlimited time.

WNEL—Juan Piza, San Juan, P. R.—Granted license to cover C. P. for changes in equipment, increase in night power

from 500 watts to 1 KW, and day power from 500 watts to $2\frac{1}{2}$ KW; 1290 kc., unlimited.

KEHE—The Evening Herald Pub. Co., Los Angeles, Cal.—Granted license to cover C. P. for move of transmitter and studio sites; installation of new equipment and vertical radiator; increase in power from 500 watts night, 1 KW day, sharing KELW to 1 KW night, 5 KW day, unlimited; 780 kc. Also granted authority to determine operating power by direct measurement of antenna input.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Cal.—Granted license to cover C. P. authorizing new transmitter site, installation of vertical radiator and new equipment; increase in day power from $2\frac{1}{2}$ KW to 5 KW; unlimited. Also granted authority to determine operating power by direct measurement of antenna input.

KPLT—North Texas Broadcasting Co., Paris, Tex.—Granted license to cover C. P. for new station; 1500 kc., 100 watts, daytime only.

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Granted license to cover C. P. authorizing local move of transmitter site, installation of vertical radiator; increase in power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day, unlimited, 1320 kc.

KFXD—Frank E. Hurt, Nampa, Idaho.—Granted license to cover C. P. authorizing installation of new equipment.

WABY—The Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted license to cover C. P. authorizing changes in transmitter and studio sites, installation of new equipment, and vertical radiator.

WABI—Community Broadcasting Service, Bangor, Me.—Granted license to cover C. P. authorizing move of transmitter site, installation of new equipment and vertical radiator, increase in day power to 250 watts, 1200 kc., 100 watts night.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Me.—Granted license to cover C. P. authorizing installation of new equipment.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted license to cover C. P. as modified, authorizing installation of new equipment, and vertical radiator; increase in power from 500 watts to 1 KW, 1260 kc., unlimited.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Ia.—Granted license to cover C. P. authorizing changes in equipment and increase in daytime power to 5 KW; 1330 kc., 1 KW night.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted license to cover C. P. authorizing local move of station, installation of new equipment and increase in power to 1 KW; 580 kc., unlimited.

KLS—S. W. Warner & E. N. Warner, d/b as Warner Bros., Oakland, Cal.—Granted license to cover C. P. authorizing installation of new equipment.

WBLK—The Exponent Co., Clarksburg, W. Va.—Granted modification of C. P. for change in equipment.

WMFR—Hart and Nelson (J. A. Hart & Wayne M. Nelson), High Point, N. C.—Granted voluntary assignment of license to radio station WMFR, Inc.; 1200 kc., 100 watts, daytime only.

WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta B/c Co., Atlanta, Ga.—Granted voluntary assignment of C. P. to J. W. Woodruff, d/b as Atlanta B/c Co.; 1370 kc., 100 watts night, 250 watts day, unlimited.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted voluntary assignment of license to the Fort Industry Co.; 1340 kc., 1 KW night, 5 KW day, unlimited.

WFTC—Jonas Wieland, Kinston, N. C.—Granted modification of C. P. to install different equipment than authorized in C. P.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted modification of C. P. to move auxiliary transmitter to same location as that authorized by C. P. for the main transmitter and use same directional antenna with that station operating with power of 1 KW for emergency operation only.

WNOX—Continental Radio Co., Knoxville, Tenn.—Granted modification of C. P. to install new equipment and extend commencement date to 60 days after grant, and completion date to 180 days thereafter.

KFRO—Voice of Longview, Longview, Tex.—Granted modification of C. P. to make changes in equipment and extend commencement date to 30 days after grant.

WMIN—Edward Hoffman, St. Paul, Minn.—Granted modification of license to change name from Edw. Hoffman to Edward Hoffman, d/b as WMIN Broadcasting Co.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Granted authority to install automatic frequency control equipment.

WORC—Alfred F. Kleindienst, Worcester, Mass.—Granted authority to install automatic frequency control equipment.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted license to cover C. P. authorizing changes in equipment.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted license to cover C. P.; 780 kc., 1 KW, unlimited time employing directional antenna system.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 100 watts to 250 watts; 1420 kc., 100 watts night, unlimited.

NEW—The Crosley Radio Corp., Cincinnati, Ohio, Mobile.—Granted C. P. for new low relay b/c station; frequencies of 1622, 2058, 2150 and 2790 kc., 50 watts.

NEW—The WGAR Broadcasting Co., Mobile, Cleveland, Ohio.—Granted C. P. for new low relay b/c station; frequencies of 1622, 2058, 2150 and 2790 kc., 100 watts.

NEW—The WGAR Broadcasting Co., Mobile, Cleveland, Ohio.—Granted license covering above.

NEW—National Broadcasting Co., Inc., Fixed, New York City.—Granted C. P. and license for new general experimental station for relay broadcasting; frequencies of 31100, 34600, 37600 and 40600 kc., 100 watts.

NEW—National Broadcasting Co., Inc., Fixed, New York City.—Granted C. P. and license for new general experimental station for relay broadcasting; frequencies of 31100, 34600, 37600 and 40600 kc., 25 watts.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted C. P. to move transmitter locally and install antenna system on roof of Hotel Patten.

W8XIK—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Granted C. P. to increase power from 30 to 50 watts.

W8XIL—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Granted C. P. to increase power from 30 to 50 watts.

NEW—Cleveland Radio Broadcasting Corp., Mobile—Granted C. P. for new high relay experimental b/c station; frequencies of 31100, 34600, 37600 and 40600 kc., 10 watts.
Also granted license covering same.

NEW—Cleveland Radio Broadcast Corp., Mobile—Granted C. P. for new high relay experimental b/c station; frequencies of 38900, 39100, 39300 and 39500 kc., 100 watts.
Also granted license covering same.

NEW—Cleveland Radio Broadcast Corp., Mobile—Granted C. P. and license for new experimental high relay b/c station; frequencies of 39700, 39900, 40800, 41400 kc., 10 watts.

NEW—Rockford Broadcasters, Inc., Mobile (Rockford, Ill.).—Granted C. P. for new low relay station; frequencies of 1646, 2090, 2190 and 2830 kc., 50 watts.

NEW—Rockford Broadcasters, Inc., Mobile (Rockford, Ill.).—Granted C. P. for new experimental high relay station; frequencies of 31100, 34600, 37600 and 40600 kc., 2 watts.

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Granted modification of license authorizing addition of A3 emission for oral broadcasting associated with visual broadcasting.

W6XKG—Ben S. McGlashan, Los Angeles, Cal.—Granted modification of license to change frequencies from all four in Group C to 25950 kc. under Group A of Rule 1053(a).

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of license to increase power from 10 KW to 20 KW.

W4XH—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Granted modification of license to change frequencies from all four listed in Group C to 25950 kc., listed in Group A of Rule 1053(a).

W9XPT—Woodmen of the World Life Ins. Assn.—Mobile, Omaha, Neb.—Granted license to cover C. P. for new relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., 2 watts.

W9XPX—Woodmen of the World Life Ins. Assn., Mobile, Omaha, Neb.—Granted license to cover C. P. for new relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., 2 watts.

W1XLV—The WATR Co., Inc., Mobile (Waterbury, Conn.).—Granted license to cover C. P. for new relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., 10 watts.

WAAK—WSOC, Inc., Mobile (Charlotte, N. C.).—Granted license

to cover C. P. for new relay broadcast station; frequencies of 1622, 2058, 2150 and 2790 kc., 40 watts.

W4XCH—Wilton E. Hall, Mobile (Anderson, S. C.).—Granted license to cover C. P. for new experimental relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., 0.5 watts power.

W4XCI—The Atlanta Journal Co., Mobile (Atlanta, Ga.).—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

KAAD—Fort Worth Broadcasters, Inc., Mobile (Fort Worth, Tex.).—Granted license to cover C. P. for new relay station; frequencies 1622, 2058, 2150, and 2790 kc., 40 watts.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Eastern Broadcasting Co., Portland, Maine.—C. P., 1210 kc., 100 watts, unlimited.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—C. P., 970 kc., 5 KW, unlimited.

NEW—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—C. P., 1050 kc., 5 KW, limited.

NEW—Carolina Adv. Corp., Florence, S. C.—C. P., 1200 kc., 100 watts, unlimited.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Special experimental authority, 590 kc., 250 watts, 1 KW LS, unlimited.

APPLICATION DENIED

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Denied special temporary authority to operate on frequency 1390 kc., with 100 watts power, at location authorized by C. P., employing Class AB or a prime modulation using 845 Tubes, in order to facilitate installation of 1-KW equipment authorized by C. P.

SET FOR HEARING

NEW—Malcolm H. Clack (Clack Radio Service), Amarillo, Tex.—Application for C. P. for new broadcast station at Amarillo, Tex., to operate on 1500 kc., 100 watts, unlimited time. Transmitter and studio sites are to be determined with Commission approval.

NEW—David J. Mercier and Geo. F. Warren, d/b as Northern Broadcasting Co., Traverse City, Mich.—Application for C. P. for new broadcast station at Traverse City, Mich., as amended 11-2-36, to operate on 830 kc., 500 watts, daytime only.

NEW—Beaumont Broadcasting Assn., Beaumont, Tex.—Application as amended 12-8-36 for C. P. for new broadcast station at Beaumont, Tex., to operate on 1420 kc., 100 watts, unlimited time.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Hearing before Broadcast Division on application for modification of license to increase night power from 1 KW to 5 KW.

WMBO—WMBO, Inc., Auburn, N. Y.—Application for Commission's consent to transfer control of WMBO, Inc., licensee of Station WMBO, from Roy L. Albertson to Auburn Publishing Co.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Application for modification of C. P. requesting increase in time of operation from daytime to unlimited.

SPECIAL AUTHORIZATIONS

WHTT—The Hartford Times, Inc., Hartford, Conn.—Granted special temporary authority to operate from local sunset (4:45 p. m.) to 12 midnight, EST, January 6, 1937, in order to broadcast inaugural ceremonies, also opening of State Legislature.

WABL—American Airlines, Inc., Washington, D. C.—Granted extension of special temporary authority to operate a mobile relay broadcast transmitter aboard an American Airlines plane some time between January 4th and 14th, 1937, weather permitting, for transmission to NBC of program material from plane while flying over Exline, Ill.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (5:15 p. m., CST) to 9 p. m. on Sundays, January 3, 10, 17, 24, and 31, 1937, in order to broadcast services of the Kelly Memorial Methodist Church, Longview, Tex.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted special temporary authority to operate a 100-watt portable transmitter on 1200 kc. between the hours of 12 midnight and 6 a. m., CST, for period beginning January 4, 1937, and ending in no event later than February 2, 1937, in order to determine most efficient antenna location, provided such tests are not permitted during those hours prescribed for Commission monitoring schedule.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with KFNF from 3 p. m. to 4 p. m., CST, January 12, 13, 14, 1937, and simultaneously with KUSD from 4 p. m. to 5 p. m., CST, January 12, 13, 14, 1937 (provided WBAA remains silent), in order to broadcast special Farm and Home Week programs.

WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 12:30 p. m. to 1 p. m. Wednesday, January 20, 1937 (provided WKBN remains silent), in order to broadcast the Farm and Home Hour program.

WOI—Iowa State College of Agriculture & Mechanic Arts, Ames, Iowa.—Granted extension of special temporary authority to rebroadcast over WOI, Ames, Iowa, the emergency programs of station KGHQ, licensed for emergency police service in Des Moines, Iowa, for period beginning 3 a. m., CST, February 1, 1937, and ending in no event later than 3 a. m., CST, August 1, 1937.

WNYC—City of New York, Department of Plant and Structures, New York, N. Y.—Granted extension of special temporary authority to use auxiliary transmitter, located at 29 Ft. Greene Place, Brooklyn, N. Y., as main transmitter while moving, in accordance with C. P., for period beginning 3 a. m., EST, February 1, 1937, and ending in no event later than May 27, 1937.

KFDY—South Dakota State College, Brookings, S. Dak.—Denied special temporary authority to operate from 7 p. m. to 9:30 p. m., CST, December 16, 1936, January 8, 11, 1937, in order to broadcast District Parent Teachers Association programs.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 p. m. to 10 p. m., CST, January 8, 9, 15, 16, 22, 23 and 29, 1937, for purpose of broadcasting Elkhart High School basketball games.

WSVS—Elmer S. Pierce Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent from January 1 to 3, 1937, inclusive, in order to observe balance of Christmas vacation; February 12, 1937, Lincoln's birthday; February 22, 1937, Washington's birthday; March 25 to April 4, inclusive, Easter vacation; May 31, 1937, Memorial Day; June 26 to June 30, 1937, in order to observe summer vacation.

KEX—The Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate simultaneously with KOB from 7:30 p. m. to 8 p. m., PST, Tuesday, January 5, 1937, in order to broadcast speeches on the Pacific Coast Maritime strike situation by Mayor Rossi of San Francisco, Mayor Carson of Portland, and other civic leaders.

WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from 8 p. m. to 12 midnight, EST, January 20, 1937, in order to broadcast Annual Meeting of shareholders of the First Federal Savings and Loan Association at the Hotel Taft.

WPHR—WLBG, Inc., Petersburg, Va.—Denied special temporary authority to operate from 8:15 p. m. to 10:30 p. m., EST., in order to broadcast boxing matches January 16, VMI v. Virginia, at Lexington; January 23, Virginia v. VPI, at Charlottesville; January 30, Maryland v. VMI, at Lexington; February 6, Virginia v. Maryland, at Charlottesville; and February 13, Maryland v. Rutgers, at College Park.

KGDY—Voice of South Dakota, Huron, S. Dak.—Denied special temporary authority to operate from 7:45 p. m. to 11 p. m., CST, January 8, 15, 16, 21, 22, 26, 29 and February 4, 1937, in order to broadcast basketball games.

WSAJ—Grove City College, Grove City, Pa.—Denied special temporary authority to operate from 7:30 p. m. to 10:30 p. m., EST, January 8, 19 and February 5, 1937, in order to broadcast home basketball games.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. 1-243: Nathan N. Baure, Miami, Fla.—Application for C. P. for new broadcast station to operate on 1420

kc., 100 watts, unlimited time (site to be determined), was remanded to Dockets.

WTJS—Ex. Rep. 1-244: The Sun Publishing Co., Inc., Jackson, Tenn.—Denied C. P. to move transmitter from Hall St., Jackson, Tenn., to northwest of Jackson, Tenn.; install new equipment (directional antenna); change frequency from 1310 kc. to 920 kc.; increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day, unlimited time. Examiner R. L. Walker sustained. Order effective February 16, 1937.

KTFI—Ex. Rep. 1-249: Radio Broadcasting Corp., Twin Falls, Idaho.—Granted renewal of license, 1240 kc., 500 watts night, 1 KW day, unlimited time. Denied modification of license to change frequency from 1240 kc. to 630 kc., 500 watts night, 1 KW day, unlimited time. Examiner Geo. H. Hill sustained in part. Order effective February 23, 1937.

NEW—Ex. Rep. 1-150: Clark Standiford, Visalia, Calif.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time (transmitter site to be determined). Examiner David G. Arnold reversed. Order effective February 2, 1937.

NEW—Ex. Rep. 1-266: Fred A. Baxter, Superior, Wis.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval). Examiner M. H. Dalberg sustained. Order effective January 19, 1937.

WJBO—Ex. Rep. 1-267: Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted C. P. to install new equipment; change frequency from 1420 kc. to 1120 kc.; increase power from 100 to 500 watts; change hours of operation from unlimited to specified (unlimited except from 8 to 9 p. m. Mondays and Fridays). Examiner M. H. Dalberg sustained. Order effective January 26, 1937.

NEW—Ex. Rep. 1-268: Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Granted C. P. for new broadcast station to operate on 1190 kc., 250 watts, daytime. Examiner R. H. Hyde sustained. Order effective February 2, 1937.

NEW—Ex. Rep. 1-279: Eastern States Broadcasting Corp., Bridge-ton, N. J.—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, daytime (site to be determined subject to Commission's approval). Order effective February 9, 1937.

NEW—Ex. Rep. 1-314: Walker Jamar, Duluth, Minn.—Denied C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time (site to be determined). Examiner R. L. Irwin sustained. Order effective January 5, 1937.

ORAL ARGUMENTS GRANTED

KVOS—Ex. Rep. 1-309: KVOS, Inc., Bellingham, Wash.—Granted oral argument to be held February 4, 1937.

NEW—Ex. Rep. 1-310: Telegraph Herald, Dubuque, Iowa.—Granted oral argument to be held February 11, 1937.

NEW—Ex. Rep. 1-313: Glenn Van Auker, Indianapolis, Ind.—Granted oral argument to be held February 11, 1937.

WSBT—Ex. Rep. 1-315: The South Bend Tribune, South Bend, Ind.—Granted oral argument to be held February 11, 1937.

NEW—Ex. Rep. 1-316: Dr. F. P. Cerniglia, Monroe, La.—Granted oral argument to be held February 11, 1937.

WHAT—Ex. Rep. 1-317: Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted oral argument to be held February 18, 1937.

MISCELLANEOUS

The effective date in the case of Interstate Broadcasting Corp., Ogden, Utah (Ex. Rep. 1-221), was extended to January 19, 1937.

Hildreth & Rogers Co., Lawrence, Mass.—Denied petition asking Commission to deny motion of Bay State Broadcasting Corp. to reinstate its application. The Broadcast Division on December 1, 1936, decided to reinstate and hear the application of the Bay State Broadcasting Corp. for C. P. for new station at Providence, R. I., to operate on 720 kc., 1 KW, limited time. No date has been set.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted modification of C. P. authorizing change in equipment and location of station.

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Granted motion to postpone hearing on application for new station scheduled for January 12, 1937, as applicant plans to amend application to request different frequency.

NEW—H. W. Wilson and Ben Farmer, Wilson, N. C.—Denied petition asking for reconsideration of action in designating application for new radio station at Wilson, N. C., to operate on 1310 kc., 100 watts, daytime, for hearing and to grant same without a hearing. Hearing to be held as scheduled.

NEW—Radio Enterprises, Lufkin, Tex.—Denied petition asking Commission to continue hearing schedule for February 5, 1937, on application for authority to build and operate new broadcasting station at Lufkin, Tex., using frequency 1310 kc., 100 watts, daytime.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Granted petition asking Commission to consolidate its application for unlimited time on 550 kc. and the application of KFUD (sharing the same frequency) to increase its power and hours of operation to half time and to hear both cases at the same time.

NEW—Faith Broadcasting Co., Wichita Falls, Tex.—Granted petition for a consolidated hearing upon three pending applications for new broadcast stations in Wichita Falls, Tex., namely, Faith Broadcasting Co., to operate on 1380 kc., 1 KW, unlimited time; Wichita Broadcasting Co., to operate on 620 kc., 250 watts night, 1 KW LS, unlimited time; and West Texas Broadcasting Co., to operate on 1380 kc., 1 KW, unlimited time. The Broadcast Division also approved recommendation that application involving the removal of station KFPL from Dublin, Tex., to Wichita Falls, be heard in the same proceeding with the three applications for new stations.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to intervene in hearing on application for The Metropolis Company for new broadcast station at Jacksonville, Fla., to operate on 1290 kc., 250 watts, unlimited time, hearing on which is scheduled for February 9, 1937.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla., and KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted petition to intervene at hearing of application of World Publishing Co., Tulsa, Okla., for C. P. to erect and operate a radio broadcasting station on 940 kc., 1 KW night, 5 KW day, unlimited.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Denied petition asking Commission to continue hearing of application of WATR, Waterbury, Conn., to operate on 1290 kc., 250 watts, unlimited time, scheduled for January 18, 1937, until Commission sets a definite date to hear WJAS's application to operate with 5 KW night, on frequency 1290 kc.

NEW—Richard M. Casto, Johnson City, Tenn.—Denied motion to receive deposition in connection with his application for new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time, and sustained opposition of W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., respondents, to receipt of the depositions.

RATIFICATIONS

WTMV—Miss. Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Granted modification of C. P. to install new equipment and extend commencement date from December 13 to 30 days after grant and completion date to 6 months thereafter.

WSAN—WSAN, Inc., Allentown, Pa.—Granted modification of C. P. approving vertical radiator and transmitter site near junction of Route 309 and W. Catasauqua Road, Allentown.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted modification of C. P. approving new equipment and vertical radiator and transmitter site near junction of Route 309 and W. Catasauqua Road, Allentown.

KOCA—Oil Capital Broadcasting Assn., Kilgore, Tex.—Granted modification of C. P. approving transmitter and studio sites, installation of new equipment and vertical radiator.

KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted modification of C. P. approving transmitter site in Lake Charles.

KGFI—Eagle Broadcasting Co., Corpus Christi, Tex.—Granted renewal of license for period January 1 to July 1, 1937.

WMEX—The Northern Corp., Boston, Mass.—Granted renewal of license for period January 1 to July 1, 1937.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted renewal of license for period January 1 to July 1, 1937.

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Granted renewal of license for period January 1 to July 1, 1937.

WTMJ—The Journal Co., Milwaukee, Wis.—Granted authority to

transfer control of The Journal Co. (Station WTMJ) from estate of Lucius W. Nieman to The Journal Co. and Faye McBeath.

WOEG-W2XIL-W2XIM-W2XJH—General Electric Co., New York City.—Granted authority to operate as licensed on February 6 and 7, relay broadcast program National A. A. U. Bob Sled Championships.

WIEF—Miami Broadcasting Co., Inc., Miami, Fla.—Granted authority to operate as licensed for period of 30 days December 16 to January 14, inclusive, relay broadcast description of Miami from Blimp Puritan.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Granted extension of program test period 30 days from December 11, 1936.

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted extension of program test period 30 days from December 23.

W9XPV-W9XPN-WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed for period of 30 days beginning December 24 and ending January 22, inclusive, for relay broadcast from train between Villagegrove and Tuscola, Ill.

WMFS—National Broadcasting Corp., Inc., New York City.—Granted authority to operate as licensed from January 4 to 7, 1937, inclusive, for relay broadcast of program from plane flying over Exline, Ill.

WNEL—Juna Piza, San Juan, P. R.—Granted extension of program test period for 30 days from January 2, 1937.

W9XES—Midland Broadcasting, Kansas City, Mo.—Granted authority to operate as licensed for a period of 30 days beginning December 30 to January 28, inclusive, for relay broadcasting series of children educational programs.

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted authority to extend program test period for 30 days from December 28.

WGPC—Americus Broadcasting Corp., Albany, Ga.—Granted authority to extend program test period for 30 days from December 30.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted authority to extend program test period for 30 days from December 30.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter between hours of 12 midnight and 6 a. m. for period December 20 to January 18, 1937.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted extension of special temporary authority to operate simultaneously with station WILL from 8 to 11 a. m., CST, daily except Sundays, during month of January, 1937.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 7:30 to 10:30 p. m., EST, January 5 and 12, and from 10 to 10:30 p. m., EST, January 8, 15, 22, 29, 1937.

WMBQ—Jos. Husid, Receiver, Radio Station WMBQ, Brooklyn, N. Y.—Granted special temporary authority to remain silent for a period not to exceed 30 days, pending liquidation and sales.

KDON—Monterey Peninsula Broadcasting Co., Del Monte, Calif.—Granted special temporary authority to move main studio from Del Monte to Monterey, for period December 29 to January 27, pending receipt and action on modification of license and consolidation of business office and studio.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7:15 to 7:30 p. m., EST, during month of January, 1937.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 10 to 11:30 p. m., MST, January 5, 12, 19 and 26, in order to broadcast wrestling bouts.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset (5:15 p. m.) to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays during month of January, pending compliance with Rule 131.

WSYB—Philip Weiss, d/b as Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 10 a. m., EST, January 1 to February 1, inclusive.

WRR—City of Dallas, Tex.—Granted extension of special temporary authority to suspend tests on KVPA's transmitter, used by station WRR as an auxiliary transmitter, as required by Sec. D of Rule 148, for period December 31 to

January 29, pending necessary changes to comply with Rule 132.

KGKB—E. Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authority to operate from 8 to 10 p. m., CST, January 1 to February 1, 1937, or until construction is completed under C. P.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with WTRC from 6 to 7:30 p. m., CST, January 5, 8, 12, 13, 15, 16, 18, 20, 22, 23, 28, 29, 30, 1937, in order to broadcast basketball games.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate from 4:45 to 10:30 p. m., EST, the following Saturdays: January 9, 16, 23 and 30, and each Sunday from 4:45 to 5:30 p. m., EST, namely, January 10, 17, 24 and 31.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted extension of special temporary authority to maintain main studio of WHBF at 1630 5th Ave., Moline, instead of 102 18th St., Rock Island, for a period January 2 to 31, 1937.

KALE—KALE, Inc., Portland, Ore.—Granted extension of special temporary authority to operate unlimited time for period December 31 to January 29, pending construction of vertical radiator in compliance with Rule 131.

KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted modification of C. P. approving transmitter site at 1800 W. Main St. and studio site at 200 Parrine Bldg., Oklahoma City, and approval of vertical radiator.

The Broadcast Division granted the petition of the Pottsville News and Radio Corporation to intervene in the hearing on the application of The Schuylkill Broadcasting Company, Pottsville, Pa., for construction permit, Docket No. 4176.

The Broadcast Division granted the petition of WOAX, Inc. (WTNJ), to intervene in the hearing on the applications of Trenton Times, Trenton, N. J., for construction permits, Docket Nos. 4198, 4199 and 4200, respectively.

The Broadcast Division granted the petition by the City of Dallas (WRR) to intervene in the hearing on the application of the Oak Cliff-Dallas County Broadcasting Company, for construction permit, Docket No. 4304.

The Broadcast Division waived Rule 104.6 (b) and permitted the Sunbury Broadcasting Corporation to file answer to notice of appearance submitted by John H. Stenger, Jr. (WBAX), applicant for modification of license, Docket No. 4150.

The Broadcast Division denied the motions of (a) James Broadcasting Co. (WJTN), Jamestown, N. Y., and (b) Sunbury Broadcasting Corp. (WKOK), Sunbury, Pa., to strike appearance, default and deny application of John J. Stenger, Jr. (WBAX), Wilkes-Barre, Pa., for modification of license, Docket No. 4150.

The Broadcast Division denied the motion by New England Radio Corporation for leave to amend its application for construction permit for new station at Bridgeport, Conn., Docket No. 3480, so as to use the frequency 1190 kc., instead of 1420 kc.

The Broadcast Division granted the request filed on behalf of the Pulitzer Publishing Company (KSD), St. Louis, Mo., and directed that the present license of KSD be modified so as to permit it to radiate 70 per cent of its entire effective field with a power of 1 KW for nighttime operation in the direction of WKRC.

The Broadcast Division granted the request of May Radio Broadcasting Corporation (WHBI), Newark, N. J., for waiver of Rule 131, and directed that a modified license be issued to WHBI including therein the description and authority to use the present antenna.

The Broadcast Division denied petition of Oklahoma Broadcasting Co., Inc. (KGFG), requesting special temporary authority to operate unlimited time on frequency of 1370 kc., with power of 100 watts for a period not to exceed 30 days.

The Broadcast Division granted the petition of Durham Radio Corporation (WDNC), Durham, N. C., and reinstated its application for construction permit, Docket No. 2689, which was denied on September 22, 1936, as in case of default for failure to file appearance.

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted special temporary authority to conduct DX programs from 3 to 5 a. m., CST, on Jan. 8, and 22, 1937.

In the matter of the application of Iowa Broadcasting Company (KRNT), Des Moines, Iowa, for construction permit, Docket No. 3854, on which an order was heretofore entered on November 10, 1936, the Broadcast Division adopted and published a statement of facts and grounds for decision.

In the matter of the application of Nichols and Warinner, Inc.

(KFOX), Long Beach, California, for modification of license, Docket No. 3297, on which an order was heretofore entered on November 17, 1936, the Broadcast Division adopted and published a statement of facts and grounds for decision.

In the matter of the applications of Harold H. Hanseth, Fresno, California, for construction permit, Docket No. 2911, and Fresno Broadcasting Company, Fresno, California, for construction permit, Docket No. 3370, on which an order was heretofore entered on November 17, 1936, the Broadcast Division adopted and published a statement of facts and grounds for decision.

The Broadcast Division granted the petition of the City of Dallas, Texas, to intervene in the hearing on the application of A. L. Chilton for construction permit, Docket No. 3277, and for postponement of the hearing, and directed that said hearing be postponed to January 21, 1937.

The Broadcast Division granted the petitions of the Centennial Broadcasting Corporation; KRLD Radio Corporation; Richard S. Gozzaldi, doing business as Oak Cliff-Dallas County Broadcasting Company, and Dallas Broadcasting Company to intervene in the hearing on the application of A. L. Chilton for construction permit, Docket No. 3277.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted renewal of license for period ending April 1, 1937. Correct description of antenna to agree with affidavit submitted under date of Dec. 8, 1935.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted renewal of license for period ending April 1, 1937.

WBBZ—Estate of Chas. Lewis Carrell Adelaide Lillian Carrell, Repr., Ponca City, Okla.—Granted renewal of license on a temporary basis for period ending June 1, 1937, conditionally.

WTAL—Fla. Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted temporary extension of existing license for period of 1 month from Jan. 1, 1937, subject to such action as may be taken upon application for renewal pending before Commission.

KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—Application for renewal of license and C. P. to move station, change frequency from 1210 to 1340 kc., increase power from 100 watts to 500 watts daytime only (facilities of KDGy), designated for hearing, to be heard with application for renewal of KDGy and C. P.; KWTN granted temporary license pending hearing and hearing scheduled for Jan. 6, 1937, continued.

APPLICATIONS RECEIVED

First Zone

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—1120 Authority to transfer control of corporation from Joseph M. Kirby (deceased) by Mary A. Kirby, Administratrix, to Arde Bulova, 3000 shares common stock.

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Con-1240 struction permit for a new station to be operated on 1240 kc., 1 KW, unlimited time. To use directional antenna night.

WCBM—Baltimore Broadcasting Corp., Baltimore, Md.—License 1370 to cover construction permit (B1-P-1247) for new transmitter and antenna and for move of transmitter.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—1450 License to cover construction permit (B1-P-225) as modified, for change in equipment and increase in power.

Second Zone

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Authority to 1370 install automatic frequency control.

WSMK, Incorporated, Dayton, Ohio.—Construction permit to 1380 install a new transmitter, increase power from 200 watts to 250 watts, 500 watts daytime, change hours of operation from simultaneous daytime, specified hours night to unlimited time, move transmitter from Fractional Section No. 8, Twp. 1, Range 7, between Little & Great Miami Rivers (near) Dayton, Ohio, to Town 2, Range 7, Mrs. of Madriver Twp., Montgomery County, Ohio, and install directional antenna for night use.

Third Zone

KWKH—International Broadcasting Corp., Shreveport, La.—850 License to cover special experimental authorization to operate on 1100 kc., unlimited time, using 10 KW power with directional antenna at night, at Mooringsport Road, near Shreveport, La.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—License to
900 cover construction permit (B3-P-903) for new equipment
and increase in power.

NEW—World Publishing Co., Tulsa, Okla.—Construction permit
940 for a new station to be operated on 940 kc., 1 KW night,
5 KW daytime, unlimited time. Amended to change trans-
mitter site from Tulsa, Okla., to 4½ miles southeast of the
center of Tulsa, Okla.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modifica-
1200 tion of construction permit (B3-P-1396) for new trans-
mitter and antenna, increase in power, and move of studio
and transmitter, requesting approval of transmitter site at
Talbotton Road, Columbus, Ga., and studio at 12th and
Broadway, Columbus, Ga., and approval of vertical antenna.

WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—
1300 Modification of license to change frequency from 1300 kc.
to 610 kc.

KFPL—C. C. Baxter, Dublin, Tex.—License to cover construction
1310 permit (B3-P-345) as modified for new equipment, move of
transmitter, and increase in power.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Authority to
1380 determine operating power by direct measurement of an-
tenna.

KBST—The Big Spring Herald Broadcasting Co., Big Spring, Tex.
1500 —License to cover construction permit (B3-P-440) as modi-
fied for a new station.

Fourth Zone

WCBS—WCBS, Inc., Springfield, Ill.—License to cover construc-
1420 tion permit (B4-P-1304) for changes in equipment and move
of transmitter.

KGNF—Great Plains Broadcasting Co. (a corp.), North Platte,
1430 Nebr.—Modification of license to change hours of operation
from daytime to specified hours (6 a. m. to 7 p. m., CST),
using 1 KW power.

NEW—Howard A. Miller, Galesburg, Ill.—Construction permit for
1500 a new station to be operated on 1500 kc., 100 watts, speci-
fied hours. Amended to change hours of operation from
specified hours to daytime only.

Fifth Zone

NEW—Twin City Broadcasting Corp., Longview, Wash.—Construc-
780 tion permit for a new station to be operated on 1500
kc., 100 watts night, 250 watts daytime, unlimited time.
Amended to change frequency from 1500 kc. to 780 kc.,
hours of operation from unlimited time to daytime, using
250 watts power.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Modification
890 of license to change power from 1 KW, 5 KW daytime, to
5 KW day and night.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—License to
920 cover construction permit (B5-P-1346) for changes in equip-
ment and move of auxiliary transmitter.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—License to cover
970 construction permit (B5-P-1428) for changes in equipment
and move of auxiliary transmitter.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Authority to
1200 transfer control of corporation from James S. Maffeo and
L. R. Jackson to Carleton W. Morris, 473¼ shares of com-
mon stock.

KGGC—The Golden Gate Broadcasting Co. (Robert J. Craig),
1420 San Francisco, Calif.—License to cover construction permit
(B5-P-1283) for a new transmitter.

Puerto Rican Zone

WPRP—Julio M. Conesa, Ponce, P. R.—Modification of license
1420 to operate additional hours on Sunday from 3 p. m. to 6
p. m.

H. R. 30

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1937

MR. DICKSTEIN introduced the following bill; which was referred
to the Committee on Immigration and Naturalization and
ordered to be printed

A BILL

To protect the artistic and earning opportunities in the United
States for American actors, vocal musicians, operatic singers, solo
dancers, solo instrumentalists, and orchestral conductors, and for
other purposes.

*"Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled, That, not-
withstanding any other provision of the immigration law to the
contrary, no alien actor, vocal musician, operatic singer, solo dancer,
solo instrumentalist, or orchestral conductor shall hereafter be
admitted to the United States, whether seeking entry for temporary
stay or for permanent residence, unless prior to issuance of visa
the Secretary of Labor has received an application for permission
to enter for professional engagements and such permission has been
granted to the alien, prior to his embarkation from foreign terri-
tory, by the Secretary of Labor pursuant to provisions hereinafter
stated in this Act.*

SEC. 2. The number of otherwise admissible alien actors, vocal
musicians, operatic singers, solo dancers, solo instrumentalists, and
orchestral conductors admissible to the United States under this
Act from any foreign country during any calendar year shall here-
after be limited to the number of American actors, vocal musicians,
operatic singers, solo dancers, solo instrumentalists, and orchestral
conductors, of similar qualifications which the government of such
foreign country has, upon application, granted permission to enter
such foreign country for professional engagements during the same
calendar year.

SEC. 3. Notwithstanding the limitations as prescribed by section
2 herein, the Secretary of Labor may authorize the admission for
temporary stay for professional engagements during specified
periods of time of any alien actor, vocal musician, operatic singer,
solo dancer, solo instrumentalists, or orchestral conductor, subject
to the provisions of this Act, if otherwise found admissible as a
nonimmigrant under the immigration laws, upon application made
to and approved by the Secretary of Labor prior to the alien's
departure from any foreign country upon a finding by the Secre-
tary of Labor, after a full hearing and investigation, that an
artist, having qualifications similar to those of the alien seeking
admission under this section, cannot be found in the United States
among unemployed citizens or lawful permanent resident aliens.

SEC. 4. Notwithstanding the limitations as prescribed by section
2 herein, the Secretary of Labor may authorize the admission for
permanent residence for professional engagements or career of any
alien actor, vocal musician, operatic singer, solo dancer, solo in-
strumentalists, or orchestral conductor, subject to provisions of
this Act, if otherwise found admissible as an immigrant under the
immigration laws, upon application to and approved by the Secre-
tary of Labor after a full hearing and investigation prior to the
alien's departure from any foreign country upon a finding by the
Secretary of Labor that the permanent admission of such alien
artist would not immediately displace, or prevent employment of,
a citizen or lawful permanent resident alien having similar pro-
fessional qualifications to those possessed by the alien seeking ad-
mission under this section.

SEC. 5. The question of availability in the United States of citi-
zens or lawful permanent resident aliens who are actors, vocal
musicians, operatic singers, solo dancers, solo instrumentalists, or
orchestral conductors, and who are unemployed or subject to dis-
placement by admission of alien artists under this Act, shall be
determined by the Secretary of Labor who is directed to seek the
cooperation and counsel of reputable American organizations and
associations of actors, vocal musicians, operatic singers, solo
dancers, solo instrumentalists, or orchestral conductors before mak-
ing such determination.

SEC. 6. The Commissioner of Immigration and Naturalization,
with the approval of the Secretary of Labor, shall prescribe rules
and regulations for the enforcement of the provisions of this Act;
but all rules and regulations insofar as they relate to the adminis-
tration of this Act by consular officers abroad shall be prescribed
by the Secretary of State, on the recommendation of the Secretary
of Labor. This Act and rules and regulations issued pursuant
thereto are in addition to and not in substitution for the existing
immigration laws and shall be enforced as part of such laws, rules,
and regulations."

H. R. 13

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1937

MR. CULKIN introduced the following bill; which was referred to
the Committee on Interstate and Foreign Commerce and ordered
to be printed

A BILL

To prohibit the transportation in interstate commerce of adver-
tisements of intoxicating liquors, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That it shall be*

unlawful for any distiller, brewer, vintner, manufacturer, wholesaler, or retailer or for the agent, broker, or factor of any of them, engaged in the sale of intoxicating liquors to cause to be transported in the mails or otherwise from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any newspaper, periodical, news reel, photographic film, or record for mechanical reproduction advertising intoxicating liquor or containing the solicitation of an order for intoxicating liquor.

SEC. 2. It shall be unlawful for any publisher or for the agent of any publisher to cause to be transported in the mails or otherwise from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any newspaper, periodical, news reel, photographic film, or record for mechanical reproduction advertising intoxicating liquor or containing the solicitation of an order for intoxicating liquor.

SEC. 3. It shall be unlawful for any common carrier or for any private carrier for hire to transport from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any newspaper, periodical, news reel, photographic film, or record for mechanical reproduction advertising intoxicating liquor or containing the solicitation of an order for intoxicating liquor.

SEC. 4. It shall be unlawful to broadcast by means of any radio station for which a license is required by any law of the United States, or for any person operating any such station, to permit the broadcasting of any advertisement of intoxicating liquor or the solicitation of an order for intoxicating liquor.

SEC. 5. No letter, postal card, circular, or pamphlet of any kind containing any advertisement of intoxicating liquor or a solicitation of an order for intoxicating liquor shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier, when addressed or directed to any place in any State or Territory of the United States, or the District of Columbia, at which it is by the law in force in the State or Territory or the District of Columbia at the time unlawful to advertise or solicit orders for such liquor.

SEC. 6. When applied to any advertisement or solicitation of an order, the term "intoxicating liquor", as used in this Act, shall be construed to include all intoxicating liquor as defined by the law of the State or Territory or District of Columbia into which such advertisement or solicitation of an order may be transported. The Postmaster General is authorized and directed to make public from time to time suitable bulletins or notices giving the names of the States in which it is unlawful to advertise or solicit orders for intoxicating liquor.

SEC. 7. Any person knowingly violating any of the provisions of this Act shall be fined not more than \$1,000 or imprisoned not more than six months, or both; and for any subsequent offense shall be imprisoned not more than one year.

STATEMENT ON FOOD AND DRUG BILL

By SENATOR ROYAL S. COPELAND

This bill has been prepared with three basic principles in mind: First, it must not weaken the existing laws; second, it must strengthen and extend that law's protection of the consumer; and, third, it must impose on honest industrial enterprise no hardship which is unnecessary or unjustified in the public interest.

This bill meets these three principles. It has been prepared after many and extensive conferences with the enforcement agencies of the Government and with representatives of various consumer groups or associations, professional groups, and the industries to be regulated.

Separate called meetings were held with representatives of the food, drug, and cosmetic industries. Letters inviting suggestions were sent to many people known to have an interest in the subject. Several volumes of suggestions have been received from persons in the groups just mentioned. These suggestions have been carefully studied; many of them rejected; some accepted; some accepted in part or in effect. The hearings which have been held by committees of the Senate and House of Representatives on previous bills in former sessions of the Congress have been reviewed and studied to take advantage of the knowledge and discussions contained in them.

The legislative effort to secure a better law on this subject began in June 1933, with the introduction of S. 1944. Since that time there have been many bills and many revisions of bills. There have been numerous hearings by committees of the Congress. The subject has been debated on the floors of Congress, in the press, throughout the industries, and by the public. This has gone on over a period of 3½ years. In the preparation of this bill there

has been an earnest, painstaking effort to take advantage of what light has been shed from these various courses.

This bill is presented with the confident assurance that, insofar as it is possible, these previous considerations have been utilized, and that this bill is capable of accomplishing the purposes declared for it. And it is a fair bill which will enable honest business to be carried on without interference, except such as is necessary to safeguard the public health.

It must be realized that the preparation of a bill which affects so many and such varied industrial interests in intricate and technical particulars, and which concerns and appeals to so many, including consumers and others not immediately in the businesses affected, necessarily presents a task of almost indescribable difficulty. It is only natural that many emphasize their immediate concerns without proportionate regard to the rights of others in the bill and which do not directly interest them. Many advance their particular interests without consideration for the technical and legal requirements that are presented in the preparation of a bill.

Conflict also develops in the clash of extreme positions. There are some who would give no regard whatever to the fairness of the bill's application to business. Unfortunately, there are some who give no regard, or very little, to the effectiveness of the bill for protection of the consumer. It should be said with emphasis that all business does not fall in that latter class. Business has not been unsympathetic to the effort for a better law. Strong support for a better law exists in the industries affected.

Considering the variety and diversity of interest, the unavoidable controversies that honestly arise among these interests, a so-called "perfect" bill hardly can be formulated. This bill is not a thing of perfection. It simply represents an earnest effort to serve its declared purposes. It is introduced in the hope that all who desire to see its purposes accomplished and all who are friends of the movement for a better law, will give it unbiased, impartial, and careful consideration, and, after so doing, will see their way clear to support and advocate its enactment.

It will be noted that the sequence has been changed from that of previous bills. That has been done with a view to making it simpler to read, both while it is a bill and later as a law, when it will be constantly examined by enforcement officials, courts, and lawyers. It was thought that it would be an advantage to have the prohibited acts and the enforcement machinery put in the forefront of the bill so that one may quickly learn those requirements, and then move deeper into the bill for details on the particular problem in which he is interested.

The bill has been made shorter and less verbose than previous bills. That has been done without deleting any effective provisions. It has been done by avoiding unnecessary repetitions which existed in previous bills, and by consolidating at a single place in a few lines what appeared heretofore at several different places.

That was also accomplished by eliminating some provisions which, while lending nothing to the strength of the bill, presented the possibility of confusion in enforcement and perhaps raised the issue of its constitutionality. For instance, the requirement that claims for drug products should be supported by medical opinion was deleted. Great difficulty always has been found in defining "medical opinion". In one State, certain practitioners are licensed and their opinions would be considered medical opinion, whereas in another State such practitioners would not be licensed. Furthermore, as shown, in the previous discussions, it would often be impossible to determine what the state of medical opinion is on controverted subjects.

When those considerations were added to the possibility that the guilty might escape through the uncertainties of such a provision, and the strong likelihood that courts would invalidate a statute making medical opinion the criterion of truth and the gage of a criminal offense, the provision was deleted. The bill is stronger for the deletion. Medical testimony can and will be adduced in enforcing the law. It will be received as evidence. But, the bill will avoid the danger of making it a legal standard, usually undeterminable, the violation of which incurs criminal penalties.

The bill also includes a provision that a drug shall be deemed to be misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration, prescribed or recommended in the labeling or advertising thereof. That provision has been in previous bills.

The controversial subject of control of advertising has been met by providing for the prohibition of false advertising by injunction. The bill also states differently the offense of false advertisement. Previous bills have defined false advertisements as those which are "false or misleading in any particular". That definition has occasioned no end of controversy—some of it quite meritorious—on the ground that when applied to the unlimited field of advertising

it was too elastic and encompassed things far beyond the purposes of the bill. Also, it would lend itself to unnecessary and unjustified governmental interference in the affairs of business, and impose upon the Government a job far beyond the Government's financial and personnel capacities to enforce. The statement of the offense in the bill defines those subjects pertaining to food, drugs, and cosmetics which should be under Government control.

There has been controversy as to whether the Food and Drug Administration or the Federal Trade Commission should enforce the bill's provisions on advertising. On the premise that advertisements of foods, drugs, and cosmetics are nothing more than extensions of the labeling, this bill proposes that the control be vested in the Food and Drug Administration which enforces the provisions on adulteration and labeling. But, it does not have the effect of depriving the Federal Trade Commission of its jurisdiction to proceed against false advertising in such form as to make it an unfair method of competition. The bill specifically provides that it shall not be construed as impairing or diminishing the powers of the Federal Trade Commission.

The bill simply provides that the district courts of the United States shall have the power to grant temporary and permanent injunctions against the dissemination of any advertisement which contains—

any statement, design, or device regarding a food, drug, device, or cosmetic, or the ingredients thereof, or the substances therein, or the nutritional, dietary, curative, therapeutic, or beneficial effects thereof, or the dosage, frequency or duration of use pertaining thereto, which is false or misleading in any particular.

It is submitted that that is a perfectly proper power to vest in the district courts of the United States, and that it not only is proper, but necessary, that the Food and Drug Administration which has foods, drugs, and cosmetics under observation, shall be authorized to seek such injunctions at the hands of the courts. No one can dispute that such advertisements should be enjoined. The fact that the Federal Trade Commission may proceed against advertisers using unfair methods of competition should not prevent the grant to the Food and Drug Administration of this additional, necessary, and very desirable power to protect the public against advertisements which bear directly on public health.

The provisions of the previous bills with respect to seizure also have been subject to much controversy. Again, it has been attempted to take advantage of what has been learned in previous studies. This bill permits multiple seizures of any food, drug, device, or cosmetic that is adulterated. It permits multiple seizures for misbranding when the misbranding has been the basis of a prior judgment in favor of the Government, or when the Secretary of Agriculture has probable cause to believe, from facts found by him, that the misbranding renders the article dangerous to health or is in a material respect false, grossly misleading, or fraudulent.

The only limitation is that misbranding which does not render an article dangerous to health, or is not in a material respect false, grossly misleading, or fraudulent, shall not be handled by multiple seizures made at the will of enforcement officers. That has been the declared policy of the Food and Drug Administration in enforcing the existing law. The bill therefore does no more than write into the law what is declared to be the policy of the Administration. But it is important that that policy be written into the bill because it is the proper policy, and because succeeding administrations should be held to that policy.

There is no comparison between this bill and the existing law as to the extent of their respective applications and the extent of the enforcement officers' powers under them. Where the existing law is entirely negative in its labeling requirements, this bill is affirmative. Where the existing law limits its attacks against misbranding on therapeutic matters to statements which are false and fraudulent, this bill expands them to those which are false or misleading.

Technical, innocent violations of this bill will frequently arise. Overzealous enforcement officers could cause honest business untold damage and annoyance. The bill, therefore, limits the enforcement officers in the drastic power of unlimited seizure to cases of adulteration and those cases of misbranding where, in the public interest, the power should be exercised. In addition, this bill increases the criminal penalties for adulteration and misbranding over those in the existing law, and adds injunction, temporary and permanent, as a means of prohibiting adulteration and misbranding. The existing law does not have such a provision.

The only other change of consequence in the seizure provision is that when seizures have been made the trial may be held in a district of reasonable proximity to the claimant's place of business, and where there are multiple seizures they may be consolidated in one action. Nothing is claimed for this provision except that it is fair. Goods must be seized wherever found. But, there is no

reason why a claimant for the goods, who perhaps may reside across the continent, should be compelled to cross the country to try the case. There is no reason, if many seizures have been made, why the trials should not be consolidated, so that one trial may determine the question at issue.

A summary of the principal respects in which this bill increases the scope of the old law and affords the public greater protection follows:

ADVERTISING

1. Prohibits false advertising of food, drugs, therapeutic devices, and cosmetics.

FOODS

2. Provides for the promulgation of standards of identity and a reasonable standard of quality for food. (A standard of quality is authorized by the present law for canned food only.)

3. Requires the labeling of unstandardized food to disclose the ingredients by name.

4. Prohibits traffic in food which is dangerous to health. (The present law permits regulation of dangerous food only in the event that the poison is added.)

5. Prohibits addition of poison. If it cannot be avoided in production or manufacture, when it reaches the consumer the product must be safe for human use.

6. Eliminates the "distinctive name" proviso of the existing law under which the sale of products, the labels of which are misleading, are now permitted sale.

7. Requires fully informative labeling of infant and invalid food.

8. Requires label declaration of artificial colors and artificial flavors in food.

9. Forbids traffic in confectionery containing metallic trinkets and other inedible substances which have been found to be a menace to the welfare of children.

10. Authorizes emergency license control of food that might be dangerous by reason of contamination with micro-organisms. Such licensing is limited to operations in which the public health cannot be protected otherwise.

COSMETICS

11. For the first time places cosmetics under Federal supervision. Requiring cosmetics to be truthfully sold and outlaws those injurious to health.

DRUGS

12. Prohibits traffic in drugs and devices which are dangerous to health under the conditions of use prescribed in the labeling or advertising.

13. Requires habit-forming drugs to bear warning labels.

14. Requires adequate directions for use of drugs and devices and appropriate warnings against their probable misuse through overdosage, or by children, or in disease conditions where they may be dangerous.

15. Sets up special protection to consumers against drugs liable to deterioration.

16. Requires that claims of effect of drugs and devices must not be false or misleading in any particular. (The present law makes fraud, that is, wilful intent to deceive, an element of the offense; unwarranted therapeutic claims resulting from sheer ignorance of the manufacturer are not actionable.)

17. Defines "nonofficial" drugs as illegal if the standard of strength varies from the standard claimed. (The present law prescribes only those which fall below the standard claimed. Drugs which are too strong may be quite dangerous.)

18. Requires that antiseptics possess germicidal power.

19. Requires declaration on the label of the names of active ingredients of nonofficial drugs.

GENERAL

20. Prohibits the use of poisonous containers for food, drugs, and cosmetics.

21. Requires that food, drugs, and cosmetics be prepared and handled under conditions of reasonable cleanliness.

22. Forbids the use of uncertified and impure coal-tar colors in food, drugs, and cosmetics.

23. Prohibits slack-filling and the use of deceptive containers for foods and drugs.

24. Provides for factory inspection and the procurement of records needed to prove Federal jurisdiction.

25. Provides increased penalties for violations.

26. Authorizes the Federal courts to enjoin violations.

S. 5

IN THE SENATE OF THE UNITED STATES

JANUARY —, 1937

MR. COPELAND introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FEDERAL FOOD, DRUG, AND COSMETIC ACT

CHAPTER I—TITLE

Sec. 1.

CHAPTER II—DEFINITION OF TERMS

Sec. 2.

CHAPTER III—PROHIBITED ACTS AND PENALTIES

Sec. 3. Prohibited acts.

Sec. 4. Injunction.

Sec. 5. Criminal.

Sec. 6. Seizure.

Sec. 7. Notice and hearing.

Sec. 8. Settlement of minor violations.

Sec. 9. Duties of United States attorney.

CHAPTER IV—FOOD

Sec. 10. Definitions and standards of identity and quality for foods.

Sec. 11. Adulterated food.

Sec. 12. Misbranded food.

Sec. 13. Emergency permit control.

Sec. 14. Exemptions.

Sec. 15. Tolerances for poisonous ingredients and certification of coal-tar colors.

CHAPTER V—DRUGS AND DEVICES

Sec. 16. Adulterated drugs.

Sec. 17. Misbranded drugs and devices.

Sec. 18. Exemptions.

Sec. 19. Certification of coal-tar colors.

CHAPTER VI—COSMETICS

Sec. 20. Adulterated cosmetics.

Sec. 21. Misbranded cosmetics.

Sec. 22. Exemptions.

Sec. 23. Certification of coal-tar colors.

CHAPTER VII—ADMINISTRATIVE PROVISIONS

Sec. 24. Authority to promulgate regulations.

Sec. 25. Examinations and investigations.

Sec. 26. Records of interstate shipment.

Sec. 27. Factory inspection.

Sec. 28. Publicity.

CHAPTER VIII—IMPORTS AND EXPORTS

Sec. 29.

CHAPTER IX—COURT REVIEW OF REGULATIONS AND ADMINISTRATIVE ACTIONS

Sec. 30.

CHAPTER X—SEPARABILITY—EFFECTIVE DATE—REPEALS

Sec. 31. Separability.

Sec. 32. Effective date and repeals.

CHAPTER I

SECTION 1. This Act may be cited as the Federal Food, Drug, and Cosmetic Act.

CHAPTER II

DEFINITION OF TERMS

SEC. 2. As used in this Act, unless the context otherwise indicates—

(a) The term "Territory" includes the District of Columbia and the possessions of the United States, and excludes the Canal Zone.

(b) The term "interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce or manufacture within any Territory.

(c) The term "Department" means the Department of Agriculture of the United States.

(d) The term "Secretary" means the Secretary of Agriculture.

(e) The term "Administration" means the Food and Drug Administration of the Department.

(f) The term "person" includes individual, partnership, corporation, and association unless otherwise hereinafter provided, the act, omission, or failure of any director, officer, employee, or agent acting for or employed by any person, within the scope of his employment agency or office, shall in every case be deemed to be the act, omission, or failure of such person, as well as that of the director, officer, or agent who personally ordered or did any of the acts constituting, in whole or in part, such violation.

(g) The term "food" includes all substances and preparations used for, or entering into the composition of, food, drink, confectionery, chewing gum, or condiment for man or other animals.

(h) The term "drug", for the purposes of this Act, includes (1) all substances and preparations recognized in the official United States Pharmacopœia, official Homœopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (2) all substances and preparations intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) all substances and preparations, other than food, intended to affect the structure or any function of the body.

(i) The term "device", for the purposes of this Act, includes all devices intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (2) to affect the structure or any function of the body.

(j) The term "cosmetic" includes all substances and preparations intended for cleansing, or altering the appearance of, or promoting the attractiveness of, the person, except that such term shall not include soaps represented for cleansing purposes only.

(k) The term "antiseptic" when used in labeling and advertisements shall be deemed to have the same meaning as the word "germicide", except, however, in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

(l) The term "official compendium" means the United States Pharmacopœia, Homœopathic Pharmacopœia of the United States, National Formulary, or any supplement to any of them, official at the time any drug to which the provisions thereof relate is introduced into interstate commerce.

(m) The term "label" means the principal display or displays of written, printed, or graphic matter (1) upon any food, drug, device, or cosmetic, or the immediate container thereof, and (2) upon the outside container or wrapper, if any there be, of the retail package of any food, drug, device, or cosmetic.

(n) The term "labeling" includes all labels and all written, printed, and graphic matter, in any form whatsoever, accompanying any food, drug, device, or cosmetic.

(o) The term "advertisement" means all representations of fact or opinion disseminated in any manner or by any means, other than by the labeling, for the purpose of inducing, directly or indirectly, the purchase of food, drugs, devices, or cosmetics.

CHAPTER III

PROHIBITED ACTS AND PENALTIES

SEC. 3. The following acts and the causing thereof are hereby prohibited:

(1) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

(2) The adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.

(3) The receipt in interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof in the original unbroken package for pay or otherwise.

(4) The dissemination, by United States mails, or in interstate

commerce by radio broadcast or otherwise, or by any other means, of any advertisement which represents any drug, or device to have any therapeutic effect in the treatment of Bright's disease, cancer, tuberculosis, poliomyelitis (infantile paralysis), venereal diseases, or heart or vascular diseases, unless such advertisement, not in violation of subdivision 5 of this section, is disseminated only to members of the medical profession and/or appears only in the scientific periodicals of that profession.

(5) (a) The dissemination, by United States mails, or in interstate commerce by radio broadcast or otherwise, of any advertisement which contains any statement, design, or device regarding any food, drug, device, or cosmetic, or the ingredients thereof, or the substances therein, or the nutritional, dietary, curative, therapeutic, preventive, or beneficial effects thereof, or the dosage, frequency, or duration of use pertaining thereto, which is false or misleading in any particular.

(b) The dissemination by any means for the purpose of inducing, directly or indirectly, the purchase of any food, drug, device, or cosmetic, in interstate commerce, of an advertisement which contains any statement, design, or device regarding such food, drug, device, or cosmetic, or the ingredients thereof, or the substances therein, or the nutritional, dietary, curative, therapeutic, preventive, or beneficial effects thereof, or the dosage, frequency, or duration of use pertaining thereto, which is false or misleading in any particular.

(6) The introduction into interstate commerce of any food in violation of section 13.

(7) The refusal to permit access to or copying of any record as required by section 26.

(8) The refusal to permit entry or inspection as authorized by section 27.

(9) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using, any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of section 13.

(10) The using by any person to his own advantage, or revealing, other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, any information acquired under authority of section 13 or 27 concerning any method or process which as a trade secret is entitled to protection.

INJUNCTION

SEC. 4. (a) The district courts of the United States are hereby given jurisdiction to prevent or restrain by injunction, temporary or permanent, any violation of any of the provisions of subdivisions 1 to 10, inclusive, of section 3. In such injunction proceedings, discontinuance of the violation shall not be grounds for denial of injunction.

(b) Any injunction granted pursuant to this section may be served on the person, or persons, against whom such injunction is granted anywhere in the United States, or in the Territories thereof, where he, or they, may be found, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other district court, or judge thereof, in the United States, or in the Territories thereof. The said courts, or judges thereof, shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the district court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office. Such proceedings to punish for contempt, or otherwise, may be instituted by order of the court or by the filing of an information by the United States attorney; and process of the court for the arrest of the violator of any injunction, or order, granted hereunder, may be served at any place in the United States, or in the Territories thereof."

(c) No person shall be deemed to have violated an injunction, issued pursuant to this section, by reason of the dissemination, subsequent to such injunction, of an advertisement which was the basis of the injunction, if such dissemination was beyond the control of such person.

CRIMINAL

SEC. 5. (a) Any person who violates any of the provisions of subdivisions (1), (2), (3), (4), (6), (7), or (8) of section 3 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not more than \$1,000, or both such imprisonment and fine;

and for a second or subsequent offense imprisonment for not more than two years, or a fine of not more than \$5,000, or both such imprisonment and fine.

(b) Notwithstanding the provision of paragraph (a) of this section, in case of a willful violation of any of the provisions of subdivisions (1), (2), (3), (4), (6), (7), or (8) of section 3 the penalty shall be imprisonment for not more than three years or a fine of not more than \$10,000, or both such imprisonment and fine.

(c) Any person who violates any of the provisions of subdivisions (9) or (10) of section 3 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not more than \$5,000, or both such imprisonment and fine.

(d) No dealer shall be subject to the penalties of paragraph (a) of this section for having received in interstate commerce any article of food, drug, device, or cosmetic and delivered it or proffered delivery of it as received, if such delivery or proffer was made in good faith, unless he refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he purchased or received such article and copies of all documents, if any there be, pertaining to the delivery of the article to him, or if he establishes a guaranty or undertaking signed by the person residing in the United States from whom he received in good faith the article of food, drug, device, or cosmetic, as the case may be, to the effect that such article is not adulterated or misbranded, within the meaning of this Act, designating this Act. To afford protection, such guaranty or undertaking shall contain the name and address of the person furnishing such guaranty or undertaking, and such person shall be amenable to the prosecution and penalties which would attach in due course to the dealer under the provisions of this Act.

SEIZURE

SEC. 6. (a) Any article of food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce, or which may not, under the provisions of section 13, be introduced into interstate commerce, shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found: *Provided, however*, That no libel for condemnation shall be instituted under this Act, for any alleged misbranding if there is pending in any court a libel for condemnation proceeding under this Act based upon the same alleged misbranding, and not more than one such proceeding shall be instituted if no such proceeding is so pending, except that such limitations shall not apply (1) when such misbranding has been the basis of a prior judgment in favor of the United States, in a criminal injunction or libel for condemnation proceeding under this Act, or (2) when the Secretary has probable cause to believe from facts found by him that such misbranding of the article renders it dangerous to health or is, in a material respect, false, grossly misleading, or fraudulent; and in any case where the number of libel for condemnation proceedings is limited as above provided the proceeding pending or instituted shall, on application of the claimant, seasonably made, be removed for trial to any district of reasonable proximity to the district of the claimant's principal place of business which may be agreed upon by stipulation between the parties to the proceeding.

(b) The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that either party may demand trial by jury of any issue of fact joined in any such case. In cases of articles of food, drugs, devices, or cosmetics seized under the provisions of this section when the same issues of adulteration or misbranding under the provisions of this Act, raised by the same claimant, are pending in various jurisdictions, the United States district court for any district where one of such seizures is pending, or for any district of reasonable proximity to the district of the claimant's principal place of business, which may be agreed upon by stipulation between the parties to the proceeding, is hereby vested with jurisdiction to consolidate and try such cases; and on application of the claimant, seasonably made, such cases may be tried in any such jurisdiction.

(c) The court at any time after seizure up to a reasonable time before trial shall by order allow any party to a condemnation proceeding, his attorney or agent, to obtain a representative sample of the article seized.

(d) Any food, drug, device, or cosmetic condemned under this section shall, after entry of the decree, be disposed of by destruc-

tion or sale as the court may, in accordance with the provisions of this section, direct; and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such article shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold: *Provided*, That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or Territory in which sold, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the party obtaining release of the article under bond. Any article condemned by reason of its being an article which may not, under section 13, be introduced into interstate commerce, shall be disposed of by destruction.

(e) When a decree of condemnation is entered against the article, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the article.

NOTICE AND HEARING

SEC. 7. Before reporting any violation of this Act to any United States attorney for institution of criminal proceedings, the Secretary shall, in accordance with regulations prescribed by him, afford appropriate notice and opportunity for hearing to the person against whom the proceedings are contemplated. If after such hearing the Secretary decides to make such report, then the report shall be accompanied by findings of the appropriate officers and employees, duly authenticated under their oaths.

SETTLEMENT OF MINOR VIOLATIONS

SEC. 8. Nothing in this Act shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this Act whenever he believes that the purposes of the Act can be accomplished by a suitable written notice or warning.

DUTIES OF UNITED STATES ATTORNEY

SEC. 9. It shall be the duty of each United States attorney to whom the Secretary, consistently with the provisions of sections 6 and 7, reports any violation for institution of criminal, libel of information for condemnation, or other proceedings under this Act, or to whom any health, food, or drug officer of any State or Territory, or political subdivision thereof, presents evidence satisfactory to the United States attorney of any such violation and that appropriate notice and opportunity for hearing has been afforded to the person against whom the proceedings are contemplated, to cause appropriate proceedings to be instituted in the proper courts of the United States without delay. All suits instituted under this Act, except those arising under section 30 and under subdivision (10) of section 3, shall be by and in the name of the United States. Notwithstanding the provisions of section 876 of the Revised Statutes, subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any proceeding under this Act.

CHAPTER IV

Food

DEFINITIONS AND STANDARDS FOR FOOD

SEC. 10. For the effectuation of the purposes of this Act the Secretary is hereby authorized to promulgate regulations fixing and establishing for any food a definition and standard of identity, and a reasonable standard of quality and fill of container: *Provided*, That no standard of quality shall be established for fresh fruits or fresh vegetables and no standard of identity for fresh fruits (except fresh citrus fruits) or fresh vegetables.

ADULTERATED FOOD

SEC. 11. A food shall be deemed to be adulterated—

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it dangerous to health; or (2) if it bears or contains any added poisonous or added deleterious substance which may render it injurious to health, or which is unsafe within the meaning of section 15, or in excess of the limits of tolerance prescribed by regulations as provided by section 15; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been

prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or (5) if it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, to make it appear better or of greater value than it is.

(c) If it contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 15.

(d) If it is confectionery it shall also be deemed to be adulterated if it bears or contains any alcohol, resinous glaze, or non-nutritive substance except harmless coloring, harmless flavoring, natural gum, and pectin: *Provided*, That this paragraph shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

MISBRANDED FOOD

SEC. 12. A food shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If it is offered for sale under the name of another food.

(c) If it is an imitation of another food, and its label fails to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

(d) If its container is so made, formed, or filled as to mislead the purchaser.

(e) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, seller, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under subdivision (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(f) If any word, statement, or other information required on the label under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by purchasers and users of such articles under customary conditions of purchase and use, due consideration being given to the size of the package.

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 10, and (1) it fails to conform to such definition and standard, or (2) its label fails to bear the name of the food prescribed in the definition and standard, or if so required by such regulations when such definition and standard permits optional ingredients other than spices, flavors, and coloring, the common names of such optional ingredients as are present in such food.

(h) If it purports to be or is represented as a food for which a standard of quality or fill of container has been prescribed by regulations as provided by section 10, and its quality or fill falls below such standard of quality or fill of container and its label fails to bear a statement, in such manner as the regulations specify, showing that it falls below such standard of quality or fill of container.

(i) If it is not subject to the provisions of paragraph (g) of this section and its label fails to bear (1) the common or usual name of the food, if any there be, or (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavors, and colorings, other than those sold as such, may be designated as spices, flavors, and colorings without naming each: *And provided*, That, to the extent that compliance with the requirements of subdivision (2) of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

(j) If it purports to be or is represented for special dietary uses, such as by infants or invalids or for other special nutritional requirements, and its label fails to bear, if so required by such regulations as may be prescribed by the Secretary, statements concerning its vitamin, mineral, and other dietary properties which fully inform the purchaser as to its nutritional value.

(k) If it bears or contains any artificial flavor, artificial color, or chemical preservative, which is not prohibited by section 11

and it fails to bear a label stating that fact: *Provided*, That to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

EMERGENCY PERMIT CONTROL

SEC. 13. (a) Whenever the Secretary finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered interstate commerce, he is then, and in such case only, authorized to promulgate regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health, and after the effective date of such regulations, and during such temporary period, no person shall introduce into interstate commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor, or packer holds a permit issued by the Secretary as provided by such regulations.

(b) The Secretary is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the Secretary shall immediately after prompt hearing and in inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued or as amended.

(c) Any officer or employee duly designated by the Secretary shall have access to any factory or establishment, the operator of which holds a permit from the Secretary, for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

EXEMPTIONS

SEC. 14. The Secretary is hereby directed to promulgate regulations exempting from any labeling requirement of this Act (1) small open containers of fresh fruits and fresh vegetables and (2) food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded under the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

TOLERANCES FOR POISONOUS INGREDIENTS IN FOOD AND CERTIFICATION OF COAL-TAR COLORS FOR FOOD

SEC. 15. (a) Any poisonous, contaminating, or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for purposes of the application of section 11 (a); but when such substance is so required or cannot be so avoided, the Secretary is authorized to promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health. In determining the quality of such added substance to be tolerated in or on different articles of food the Secretary shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(b) The Secretary is hereby authorized to promulgate regulations for the certification of coal-tar colors which are harmless and suitable for use in food.

CHAPTER V

DRUGS AND DEVICES

ADULTERATED DRUGS

SEC. 16. A drug shall be deemed to be adulterated—

(a) (1) If it consists in whole or in part of any filthy, putrid, or decomposed substance; or (2) if it has been prepared, packed,

or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render it injurious to health; or (4) if it contains, for purposes of coloring only, a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 19.

(b) If its name is recognized in an official compendium, or if it purports to be a drug the name of which is so recognized, and it differs from the standard of strength, quality, or purity as determined by the tests or methods of assay set forth therein; except that whenever tests or methods of assay have not been prescribed therein, or such tests or methods of assay as are prescribed are insufficient, for determining whether or not such drug complies with such standard, the Secretary is hereby authorized to bring such fact to the attention of the appropriate body charged with the revision of such compendium and if such body fails within a reasonable time to prescribe tests or methods of assay which are sufficient, then the Secretary may by regulations prescribe for the purposes of this Act such tests or methods of assay. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, or purity therefor set forth in an official compendium, if its standard of strength, quality, or purity be plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopœia and the Homeopathic Pharmacopœia of the United States it shall be subject to the requirements of the United States Pharmacopœia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopœia of the United States and not to those of the United States Pharmacopœia.

(c) If it is not subject to the provisions of paragraph (b) of this section and its identity or strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

MISBRANDED DRUGS AND DEVICES

SEC. 17. A drug or device shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If it is dangerous to health when used in the dosage, or with the frequency or duration, prescribed or recommended in the labeling or advertisement thereof.

(c) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, seller, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under subdivision (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(d) If any word, statement, or other information required on the label under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by purchasers and users of such articles under customary conditions of purchase and use, due consideration being given to the size of the package.

(e) If it is for use by man and contains any quantity of Alpha eucaine, barbituric acid, beta eucaine, bromal, cannabis, carbromal, chloral, cocoa, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, sulphonmethane, or any substance chemically derived therefrom or any other narcotic or hypnotic substance, which derivative or other narcotic or hypnotic substance has been designated as habit forming by regulations prescribed by the Secretary, and, except when dispensed on the written order of a member of the medical profession, its label fails to bear the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

(f) If it is a drug and is not designated by a name recognized in an official compendium and its label fails to bear (1) a common or usual name of the drug, if such there be; or (2), in case it is fabricated from two or more ingredients, the name of each active ingredient, including the quantity, kind, and proportion of any alcohol; and also including, whether active or not, the name and quantity or proportion of any ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein: *Provided*, That to the extent that compliance with the requirements of subdivision (2) of this para-

graph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

(g) If its labeling fails to bear plainly and conspicuously (1) adequate directions for use, or (2) adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application: *Provided*, That where any requirement of subdivision (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Secretary shall promulgate regulations exempting such drug or device from such requirement.

(h) If its name is recognized in an official compendium, or if it purports to be a drug the name of which is so recognized, and it is not packaged and labeled as prescribed therein. Whenever a drug is recognized in both the United States Pharmacopœia and the Homœopathic Pharmacopœia of the United States, it shall be subject to the requirements of the United States Pharmacopœia with respect to packaging and labeling unless it is labeled and offered for sale as a homopathic drug, in which case it shall be subject to the provisions of the Homœopathic Pharmacopœia of the United States, and not to those of the United States Pharmacopœia.

(i) If it has been designated by regulations prescribed by the Secretary as a drug liable to deterioration, and is not packaged in such form and manner, or its label fails to bear a statement of such precautions, as such regulations require for the protection of public health. No such regulation shall be established for any drug recognized in an official compendium until the Secretary shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

(j) (1) If its container is so made, formed, or filled as to mislead the purchaser; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

EXEMPTIONS

SEC. 18. The Secretary is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of this Act drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded under the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

CERTIFICATION OF COAL-TAR COLORS FOR DRUGS

SEC. 19. The Secretary is hereby authorized to promulgate regulations for the certification of coal-tar colors which are harmless and suitable for use in drugs for purposes of coloring only.

CHAPTER VI

COSMETICS

ADULTERATED COSMETICS

SEC. 20. A cosmetic shall be deemed to be adulterated—

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, provided that this provision shall not apply to coal-tar hair dyes, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows."

(b) If it consists in whole or in part of any filthy, putrid, or decomposed substance.

(c) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(d) If its container is composed, in whole or in part, of any poisonous or deleterious substance which renders or will render it injurious to health.

(e) If it contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 23.

MISBRANDED COSMETICS

SEC. 21. A cosmetic shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, seller, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under subdivision (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(c) If any word, statement, or other information required on the label under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by the purchasers and users of such articles under customary conditions of purchase and use, due consideration being given to the size of the package.

EXEMPTIONS

SEC. 22. The Secretary is hereby directed to promulgate regulations exempting from any labeling requirement of this Act cosmetics which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such cosmetics are not adulterated or misbranded under the provisions of this Act upon removal from such processing, labeling, or repacking establishment.

CERTIFICATION OF COAL-TAR COLORS FOR COSMETICS

SEC. 23. The Secretary is hereby authorized to promulgate regulations for the certification of coal-tar colors which are harmless and suitable for use in cosmetics, and for coal-tar colors used in hair dyes as provided in section 20, paragraph (a).

CHAPTER VII

ADMINISTRATIVE PROVISIONS

AUTHORITY TO PROMULGATE REGULATIONS

SEC. 24. (a) The authority to promulgate regulations for the efficient enforcement of this Act, except as otherwise provided in this section, is hereby vested in the Secretary.

(b) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe regulations for the efficient enforcement of the provisions of section 29, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary of Agriculture shall determine.

(c) Hearings authorized or required by this Act, shall be conducted by the Secretary or such officer or employee as he may designate for the purpose.

(d) The definitions and standards of identity promulgated by or in accordance with the provisions of this Act shall be effective for the purposes of the enforcement of this Act, notwithstanding such definitions and standards as may be contained in other laws of the United States and regulations promulgated thereunder.

(e) Whenever the Secretary deems that there should be established any regulation contemplated by section 11, paragraph (a) or (c); section 12, paragraph (g), (h), or (j); section 10; section 15, paragraph (a) or (b); section 13, paragraph (a); section 16, paragraph (a) or (b); section 17, paragraph (e) or (i); section 19; section 20, paragraph (e); or section 23, he shall give appropriate notice of the proposal and of the time and place for a public hearing to be held thereon not less than thirty days after the date of such notice. After such hearing the Secretary is authorized to formulate and promulgate such regulation as he shall find to be necessary to effectuate the purposes of such provision. The regulation so promulgated shall become effective on a date fixed by the Secretary, which date shall not be prior to ninety days after its promulgation, and may be amended or repealed in the same manner as is provided for its adoption; except that public hearing on regulations under section 13 (a) may be held within a reasonable time after notice thereof, and the Secretary may fix the effective date of such regulations at any reasonable time after promulgation thereof.

EXAMINATIONS AND INVESTIGATIONS

SEC. 25. (a) The Secretary is authorized to conduct examinations and investigations for the purposes of this Act through officers

and employees of the Department or through any health, food, or drug officer or employee of any State, Territory, or political subdivision thereof, duly commissioned by the Secretary as an officer of the Department. In the case of food packed in a Territory, the Secretary shall attempt to make inspection of such food at the first point of entry within the territorial limits of the United States when, in his opinion and with due regard to the enforcement of all the provisions of this Act, the facilities at his disposal will permit of such inspection.

(b) Where a sample of a food, drug, or cosmetic is collected for analysis under this Act, the Secretary shall, upon request, provide a part of such official sample for examination or analysis by any person named on the label of the article; except that the Secretary is authorized, by regulations, to make such reasonable exceptions from, and impose such terms and conditions relating to, the operation of this sentence as he deems necessary for the effectuation of the purposes of this Act.

(c) For purposes of enforcement of this Act, records kept by the Treasury Department in accordance with laws, and regulations thereunder, relating to alcoholic beverages and medicinal liquors, shall be open to inspection by any official of the Department of Agriculture duly authorized by the Secretary of Agriculture to make such inspection.

(d) For the purpose of enforcement of this Act records kept by the Post Office Department in accordance with laws and regulations thereunder, relating to shipment by parcel post of foods, drugs, devices, and cosmetics, shall be open to inspection by the official of the Department of Agriculture duly authorized by the Secretary of Agriculture to make such inspection.

RECORDS OF INTERSTATE SHIPMENT

SEC. 26. For the purpose of enforcing the provisions of this Act, carriers engaged in interstate commerce, and persons receiving food, drugs, devices, or cosmetics in interstate commerce, shall, upon the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times, to have access to and to copy all records showing the movement in interstate commerce of any food, drug, device, or cosmetic, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any such record so requested when such request is accompanied by a statement in writing specifying the nature or kind of food, drug, device, or cosmetic to which such request relates: *Provided*, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained: *Provided further*, That carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage, or delivery of food, drugs, devices, cosmetics, or advertising matter in the usual course of business as carriers.

FACTORY INSPECTION

SEC. 27. For purposes of enforcement of this Act, officers or employees duly designated by the Secretary, after first making request and obtaining permission of the owner, operator, or custodian thereof, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held for shipment in interstate commerce or are held after such shipment, or to enter any vehicle being used to transport such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect, at reasonable times, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling, or advertising matter therein.

PUBLICITY

SEC. 28. (a) The Secretary shall cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this Act, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated information regarding food, drugs, devices, or cosmetics in situations involving, in the opinion of the Secretary, imminent danger to health or gross deception of the consumer. Nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of the Department.

CHAPTER VIII

IMPORTS AND EXPORTS

SEC. 29. (a) The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request, samples of food, drugs, devices, and cosmetics which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that (1) any false advertisement of such article has been disseminated in the United States by the importer or exporter thereof, or any person in privity with him, within three months prior to the date such article is offered for import, or (2) such article has been manufactured, processed, or packed under insanitary conditions, or (3) such article is forbidden or restricted in sale in the country in which it was produced or from which it was exported, or (4) such article is adulterated or misbranded, then such article shall be refused admission.

(b) The Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any such article refused admission, unless such article is exported by the consignee within three months from the date of notice of such refusal, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee any such article pending examination and decision in the matter on execution of a bond as liquidated damages for the amount of the full invoice value thereof together with the duty thereon, and on refusing for any cause to return such article or any part thereof to the custody of the Secretary of the Treasury when demanded for the purpose of excluding it from the country or for any other purpose, such consignee shall forfeit the full amount of the bond as liquidated damages.

(c) All charges for storage, cartage, and labor on any article which is refused admission or delivery shall be paid by the owner or consignee and in default of such payment shall constitute a lien against any future importations made by such owner or consignee.

(d) A food, drug, device, or cosmetic intended for export shall not be deemed to be adulterated or misbranded under this Act if it (1) accords to the specifications of the foreign purchaser, (2) complies with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package to show it is intended for export. But if such article is sold or offered for sale in domestic commerce, this paragraph shall not exempt it from any of the provisions of this Act.

CHAPTER IX

COURT REVIEW OF REGULATIONS AND ADMINISTRATIVE ACTIONS

SEC. 30. The district courts of the United States are hereby vested with jurisdiction, on petition by any interested person, (1) to restrain by injunction, temporary or permanent, the enforcement by any officer, representative, or employee of the Department of any regulation promulgated in accordance with section 24 if it is found as a fact or conclusion of law by the judge of such court that the regulation is unreasonable, arbitrary, or capricious, or not in accordance with law, and that the petitioner may suffer substantial damage by reason of its enforcement; and (2) to grant appropriate injunctive relief from any act or omission of any officer, representative, or employee of the Department in the administration of this Act, if it has been shown that such act or omission is unreasonable, arbitrary, or capricious, or not in accordance with law, and that the petitioner may suffer substantial damage thereby: *Provided*, That nothing in this section shall be deemed to abridge the right of any person against whom a criminal prosecution or suit for injunction shall have been brought under this Act, or who shall intervene as claimant in any proceeding of libel for condemnation, to plead that the regulation, the violation of which is alleged as the ground for such prosecution, suit, or libel is invalid on any of the grounds set forth above.

CHAPTER X

SEPARABILITY CLAUSE

SEC. 31. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

SEC. 32. (a) This Act shall take effect twelve months after the date of its enactment. The Federal Food and Drugs Act of June 30, 1906, as amended (U. S. C., 1934 ed., title 21, secs. 1-15), shall remain in force until such effective date, and, except as otherwise provided in this paragraph, is hereby repealed effective upon such date: *Provided*, That the provisions of section 24 shall become effective on the enactment of this Act, and thereafter, the Secretary is authorized hereby to (1) conduct hearings and to promulgate regulations which shall become effective on or after the effective date of this Act as the Secretary shall direct, and (2) designate prior to the effective date of this Act food having common or usual names and exempt such food from the requirements of subdivision (2) of paragraph (i) of section 12 for a reasonable time to permit the formulation, promulgation, and effective application of definitions and standards of identity therefor as provided by section 10: *Provided further*, That the Act of March 4, 1923 (U. S. C., 1934 ed., title 21, sec. 6; 42 Stat. 1500, ch. 268), defining butter and

providing a standard therefor, and the provisions of the Act of July 24, 1919 (U. S. C., 1934 ed., title 21, sec. 10; 41 Stat. 271, ch. 26), defining wrapped meats as in package form, shall remain in force and effect and be applicable to the provisions of this Act: *And provided further*, That amendment to the Food and Drugs Act, section 10A, approved August 27, 1935 (U. S. C., 1934 ed., Supp. I, title 21, sec. 14a), shall remain in force and effect and be applicable to the provisions of this Act.

(b) The provisions of this Act shall not be held to modify or repeal any of the existing laws of the United States except as provided by paragraph (a) of this section.

(c) Meats and meat food products shall be exempt from the provisions of this Act to the extent of the application or the extension thereto of the Meat Inspection Act, approved March 4, 1907, as amended (U. S. C., 1934 ed., title 21, secs. 71-91; 34 Stat. 1260 et seq.).

(d) Nothing in this Act shall impair, or be construed to impair or diminish, the powers of the Federal Trade Commission under existing law.