The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

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NAB REPORTS ★ ★ ★ ★ ★

Vol. 5 - - No. 13
MAR. 25, 1937

WASHINGTON RADIO HIGHLIGHTS

Representative Wigglesworth appearing this week before the Rules Committee of the House urging favorable action on Connery radio investigation resolution charges radio monopoly * * * * Calls attention to station sales at prices he charges are far in excess of replacement cost of station transferred * * * * Says thorough investigation of radio and broadcasting should go far to help many of present evils * * * * FCC Commissioner Stewart makes elaborate talk on radio at Duke University, again airing his ideas on newspaper-owned broadcasting stations and discussing whole broadcast situation in its many ramifications. * * * * FCC Amends its Rule 101.7 * * * * Both Houses of Congress pass radio operators bill.

WIGGLESWORTH SUPPORTS CONNERY RESOLUTION

Representative Wigglesworth of Massachusetts appeared before the Rules Committee of the House on Tuesday in support of the Connery resolution calling for a radio and broadcasting investigation by a committee of the House.

It is understood that the committee wishes to give Representative Connery another chance to appear before the committee before action is taken on the resolution. He is out of town and will not return until next week. Therefore, it is not expected that the Rules Committee will take any action on the resolution until sometime next week at the earliest.

"It is perfectly apparent," Mr. Wigglesworth told the committee on Tuesday, "that certain definite objectives were sought by Congress through the Federal Radio Act of 1927 and the Federal Communications Act of 1934. Among these objectives were the elimination of private ownership in the channels of interstate and foreign radio transmission, the elimination of undesirable trafficking in licenses issued by the Federal government and the elimination of monopoly or the evils of monopoly. No one can read the provisions of the Acts referred to without coming to this conclusion.

"Nevertheless, it appears today that we are confronted by a virtual monopoly in the hands of the three big broadcasting companies of the nation, National, Columbia and Mutual. It also appears in the absence of further explanation that we have failed to eliminate private ownership or its equivalent in radio channels as well as undesirable trafficking in radio licenses, with all the possibilities with which we have been familiar in the past in other fields for the capitalization of earnings and profits to the detriment of the American people.

"The evidence indicates that all of the 40 so-called clear channels are owned, operated or affiliated with the big 3 broadcasting chains. 96% of the broadcasting stations with full time or substantial power are said to be owned or in some way tied in with the three big chains. Of 2,500,000 watts of full time night power allocated to the industry, less than 60,000 watts or 3% is available to stations which are not affiliated with the big 3. No independent full time station is licensed to operate at night with a power of more than 1,000 watts in contrast to some 200 stations affiliated with the big 3, many of which have 50,000 watts, one of which has 500,000 watts. In several states such as North Carolina, Rhode Island and Utah it is said that there is no independent station operated at night. In other states, I am informed, including Arkansas, Connecticut, Florida, Georgia, Iowa, Kentucky, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Virginia and Washington, less than 1% of the power authorized for use at night is available to independent stations. This and other evidence indicates in some measure at least, the extent of monopoly by the big 3.

"The evidence also indicates instance after instance of the transfer of licensed broadcasting stations for a consideration far in excess of the replacement cost of the station transferred. It includes other instances where

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the transfer has been in the form of a lease for periods in excess of the original license, limited by law to a maximum of three years.

"One of the most striking cases of this character is afforded in the transfer of Station KNX, Los Angeles, to the Columbia Broadcasting Station. The replacement value of the station amounted to about $217,000. After the deduction of accounts receivable, cash and good will, the value of the physical property amounted, I am told, to about $63,000. The consideration paid for the assignment was $1,250,000 or about twenty times the value of the physical property. Among the leases referred to is a lease of a station with replacement value of less than $500,000 for an annual rental of $219,000 for a period of seven years; the lease for a period of ten years with an option for renewal for another ten years and still another instance of a lease for a period of 99 years. The lessor in certain instances appears to obtain not only a fixed rental but a substantial percentage of the profits realized by the lessee.

"These transactions in the absence of further explanation appear to indicate that we have failed to date to bring about either the elimination of private ownership or its equivalent in radio channels or the undesirable trafficking in radio licenses. Unless this is accomplished the opportunity remains for the capitalization of government gratuities and for all the scandals of the past in other fields.

"A thorough going impartial investigation into the entire situation should serve to establish the extent and effects of monopoly in the broadcasting field. It should serve to determine the extent to which the elimination of private ownership and trafficking in licenses has been accomplished. It should serve to throw light on the matter of proper program control. It should serve to determine the earnings of the industry, whether or not rates charged are reasonable and what contribution, if any, the industry may be fairly asked to make to the Federal Treasury. The industry today is dependent for its very existence on Federal licenses. It pays nothing for these licenses, yet it commands a gross income which has been estimated for 1937 as amounting to between $125,000,000 and $135,000,000.

"A thorough going investigation seems to me imperative with a view to obtaining the objectives sought by Congress with proper protection for the American people."

FCC AMENDS RULE 101.7

At a meeting of the full membership of the Federal Communications Commission the following amendment to Rule 101.7 of the Commission's rules of practice and procedure, effective immediately, was adopted, with Commissioner Walker dissenting:

"Rule 101.7 is hereby amended by adding after the first sentence thereof a new sentence to read as follows:

" 'The provisions of this rule shall not apply to any person practicing, appearing or acting as an attorney in behalf of any municipality, or State or the Federal Government in any case, claim, contest, or other proceeding before the Commission or before any division or agency thereof.' "

The rule in its entirety, as amended, now reads:

"101.7. No person serving as an attorney at law in the Federal Communications Commission on or after July 1, 1935, shall be permitted to practice, appear, or act as an attorney in any case, claim, contest, or other proceeding before the Commission or before any Division or agency thereof until 2 years shall have elapsed after the separation of the said person from the said service. The provisions of this rule shall not apply to any person practicing, appearing or acting as an attorney in behalf of any municipality, or State or the Federal Government in any case, claim, contest or other proceeding before the Commission or before any Division or agency thereof. The term 'attorney at law' includes attorney-examiner. Nothing herein shall be construed to prevent any former officer or employee of the Federal Communications Commission from appearing as a witness in any hearing, investigation, or other proceeding before it."

RADIO OPERATORS BILL PASSES

The Senate has passed H. R. 3898, which has already passed the House and has gone to the President for signature before it becomes law. The bill amends section 318 of the Communications Act of 1934, dealing with operator's licenses. As it passed both Houses of Congress and becomes law it is as follows:

That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: *Provided further,* That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

The Trane Company, LaCrosse, Wis. (2-2912, Form A-2)
Windsor Land Company, Jersey City, N. J. (2-2913, Form A-1)
Shawnee Pottery Company, Zanesville, Ohio. (2-2914, Form A-1)
Broadway Department Stores, Inc., Los Angeles, Cal. (2-2915, Form A-2)
Hummel-Ross Fibre Corporation, Hopewell, Va. (2-2916, Form A-2)
The Hartford Electric Light Company, Hartford, Conn. (2-2917, Form A-2)
The Connecticut Power Company, New London, Conn. (2-2918, Form A-2)
San Jose Water Works, San Jose, Cal. (2-2919, Form A-2)
Girard Investment Company, Philadelphia, Pa. (2-2920, Form A-2)
Old Diamond Gold Mines Limited, Madoc, Ontario, Canada (2-2921, Form A-1)
Queensboro Gold Mines Limited, Toronto, Canada (2-2922, Form A-1)
Le Roi Company, West Allis, Wis. (2-2923, Form A-2)
Blair Distilling Company, Chicago, Ky. (2-2924, Form A-1)
Truax-Traer Coal Company, Chicago, Ill. (2-2925, Form A-2)
The Dobeckmun Company, Cleveland, Ohio (2-2927, Form A-2)
Commercial Discount Company, Los Angeles, Cal. (2-2928, Form A-2)
General Household Utilities Company, Chicago, Ill. (2-2929, Form A-1)
Gamble-Skogmo, Inc., Minneapolis, Minn. (2-2930, Form A-2)
Gulfboard Oil Corporation, Houston, Texas (2-2931, Form A-1)
Western Auto Supply Company, Kansas City, Mo. (2-2932, Form A-2)
Aetna Ball Bearing Manufacturing Company, Chicago, Ill. (2-2933, Form A-2)
Marine Midland Corporation, Jersey City, N. J. (2-2934, Form E-1)
Boston Fund, Inc., Boston, Mass. (2-2935, Form A-1)
Sonoco Products Company, Hartsville, S. C. (2-2936, Form A-2)
Committee for the Protection of Gold Debentures of Utilities Power & Light Corporation, New York City (2-2937, Form D-1)
Noblitt-Sparks Industries, Inc., Columbus, Ind. (2-2938, Form A-2)
Fedders Manufacturing Company, Inc., Buffalo, N. Y. (2-2940, Form A-2)
The Hinde & Dauch Paper Company, Sandusky, Ohio (2-2941, Form A-2)
United Stockyards Corporation, Chicago, Ill. (2-2942, Form A-1)
G. C. Murphy Company, McKeesport, Pa. (2-2943, Form A-2)

MORE TIME FOR WBAX

Broadcasting Station WBAX, Wilkes-Barre, Pa., applied to the Federal Communications Commission for a change from specified hours on the air to unlimited time. The station operates on 1210 kilocycles, with 100 watts power.

Examiner John P. Bramhall in Report No. I-371, recommended that the application be granted "conditioned upon compliance with Rule 131." He found that "need for additional service in the area proposed to be served has been conclusively shown."

APPLICATION RECOMMENDED FOR DENIAL

John R. and Joe L. Peryatel and Richard R. Beauchamp filed an application with the Federal Communications Commission for a constructive permit for the erection of a new broadcasting station at Raton, N. M., to use 1210 kilocycles, 100 watts power and unlimited time on the air.

Examiner P. W. Seward in Report No. I-369 recommended that the application be denied without prejudice. When the case came on for hearing no appearance was made by the applicants nor was an appearance entered by any attorney representing the applicants. The Examiner has therefore recommended that the application be denied without prejudice.

NORTH CAROLINA STATION RECOMMENDED

H. W. Wilson and Ben Farmer applied to the Federal Communications Commission for a construction permit for the erection of a new station at Wilson, N. C., to use 1310 kilocycles, 100 watts and daytime operation.

Examiner P. W. Seward in Report No. I-368 recommended that the application be granted. He found that a need does not exist in the area proposed to be served for additional daytime broadcast service and that granting of the application would be in the public interest.

STATION DENIAL RECOMMENDED

The Falls City Broadcasting Corporation, filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Falls City, Nebr., to use 1310 kilocycles, 100 watts power and unlimited time on the air.

Examiner Ralph L. Walker in Report No. I-370 recommended that the application be denied. He states that "operation of the proposed station at night will cause objectionable interference, seriously curtailing the service area of an existing station. No objectionable interference will result from operation daytime only." He states on the other hand that "at least two existing stations provide satisfactory signals for primary day service in Falls City, and the area as a whole has good service from a number of additional stations."

DENIAL OF KRLH CHANGES RECOMMENDED

Broadcasting station KRLH, Midland, Texas, filed an application with the Federal Communications Commission asking that its frequency be changed from 1420 to 1210 kilocycles. The station operates on 100 watts and daytime only.

Examiner P. W. Seward in Report No. I-376 recommended that "in view of the fact that applicant seems to have abandoned his application for change of frequency and has failed to prosecute same on the date set by the Commission, it is recommended that the same be denied for want of prosecution."

ALABAMA STATION DENIAL RECOMMENDED

H. O. Davis filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcast station at Mobile, Ala., to use 610 kilocycles, 250 watts night and 500 watts L. S. unlimited time on the air.

Examiner P. W. Seward in Report No. I-374 recommends that the application be denied, because the applicant failed to appear and prosecute his application when the case was called for hearing.

DENIAL RECOMMENDED FOR STATION

Harold Thomas applied to the Federal Communications Commission for a construction permit for the erection of a new station at Pittsfield, Mass., to use 1310 kilocycles, 100 watts night and 250 watts LS unlimited time operation.

Examiner P. W. Seward in Report No. I-375 recommended that the application be denied. He found that "the evidence adduced at the hearing does not establish a need for additional radio service and particularly is the evidence insufficient to show that the station would have adequate commercial support to insure its proper and efficient operation."

RECOMMENDS DENIAL OF PERMISSION TO TRANSMIT PROGRAMS

J. L. Statler doing business as the Baker Hospital at Muscatine, Iowa, applied to the Federal Communications Commission for permission to transmit programs to stations in Canada and Mexico.

Examiner Ralph L. Walker in Report No. I-373 recommends that the application be denied. He found that the testimony concerning the financial condition of the applicant and plans "for technical operation is confined to his own broad general statements, without detailed facts sufficient to form the basis for a definite conclusion with reference thereto." The Examiner found that the granting of the application would not serve the public interest.

RECOMMENDS DENYING APPLICATIONS

J. R. Roberts applied to the Federal Communications Commission for an extension of time to construct a station at Gastonia, N. C., which was to operate with 1420 kilocycles, 100 watts and unlimited time. Also Virgil V. Evans asked for a construction permit at the same place to use the same frequency, power and time.

Examiner John P. Bramhall in Report No. I-378 recommended that both of the applications be denied. He found that granting either of the applications would not be in the public interest.

RECOMMENDATIONS FOR PITTSFIELD AND NEW HAVEN

Broadcasting station WELI, New Haven, Conn., now operating on 900 kilocycles, 500 watts power and daytime applied to the Federal Communications Commission to modify its license to use 930 kilocycles, 250 watts night and 500 watts LS and unlimited time on the air. Also Lawrence K. Miller applied to the Commission to construct a new station at Pittsfield, Mass., to use 930 kilocycles, 250 watts and daytime operation.

Examiner P. W. Seward in Report No. I-372 recommended that the changes requested by WELI be granted but that the application of Miller be denied. Granting of the first application would not cause interference the Examiner found and but in the case of the Miller application he states that the evidence did not show the need for additional radio service in the area proposed to be served.

STEWART DISCUSSES HIS VIEWS ON BROADCASTING

An elaborate presentation of his views on broadcasting was made on Tuesday night by Commissioner Irvin Stewart, vice chairman of the Federal Communications Commission in an address at Duke University.

In connection with his talk Commissioner Stewart said that "the public control of radio is of a fairly recent date. If I have left you with the impression that there are more problems than answers at the present time, I have but reflected the truth. The problems are there. To refuse to admit their experience will not solve them. Upon their solution will depend the eventual reception of radio by the public; and upon that depends the future not only of the public control of radio, but of radio itself."

In connection with his remarks dealing with broadcasting Mr. Stewart said in part:

> The person who has the largest stake in American broadcasting is the listener. While the investment of the individual listener in his receiving set is small compared to that of the broadcast station owner or that of the large advertiser, in the aggregate the total investment in receiving sets is far greater than that in transmitting stations or in advertising time. In theory, broadcasting is for the benefit of the listener. It should be; for its heart is an uncompensated use of public property, and the listener is the man who foots the bill for broadcasting when he pays the cost of governmental regulation and when he buys the advertised product.
>
> One corollary of the American system in which broadcasting is supported by advertising revenue is generally overlooked. Somewhat over-simplified for emphasis, it is that a broadcasting system supported by advertising is one in which broadcast stations are located where the advertisers want them, not where they will best serve the country as a whole. This corollary is not entirely free in its operation for Congress, in setting up the regulatory authority, has said that in granting facilities, the Commission must so distribute them "as to provide a fair, efficient, and equitable distribution of radio service" to each state. This general statutory requirement has operated as a limitation upon the complete freedom of broadcast station owners to locate their stations where the prospect of advertising revenue was the greatest.

Another characteristic of the American system of broadcasting is that the initiative in the establishment of stations for the most part comes from persons who have a private interest, usually financial, in the ownership of the stations. Their primary purpose is not to locate the proposed station so as to serve that portion of the population of the United States most in need of radio service. Generally speaking, the primary consideration of the applicant is that of financial return, not of service rendered. In practice this means intense competition for stations in areas with large population, and little demand for stations where population is comparatively sparse. The result is a distribution of broadcast stations in the United States which no engineer would attempt to defend as an efficient way to deliver broadcasting service to the country as a whole.

SERVICE AREAS

From the standpoint of the transmitted signal, broadcast stations have a primary service area and a secondary service area. In the former the program is transmitted by the ground wave directly and the service is good from the standpoint of the strength and consistency of the received signal. In the latter, the program is transmitted by the sky wave which is reflected back to earth. In strength and consistency, the signal received in the secondary service area varies with the seasons from good, through mediocre, to completely unusable.

Partly as a result of the fortuitous distribution of broadcast stations, a considerable portion of the population of the United States residing in most of its area is dependent upon secondary service. In December 1933, over one-third of the population of the United States residing in more than three-fourths of its total area was dependent upon secondary service at night. These figures have undoubtedly been slightly improved since that time, but there still remains a substantial portion of the population residing in the larger part of the area of the United States which has no radio service reliable at all times.

In 1928, the Federal Radio Commission set up a classification under which broadcast channels were divided into three categories: clear, regional and local. Local channels were designed to provide urban coverage by stations of low power duplicated on the same frequency at frequent intervals. Regional channels were designed to provide coverage for a city and a small surrounding area by stations with intermediate power, two or more stations with sufficient geographical separation being licensed to use the same frequency.

CLEAR CHANNELS

Clear channels were designed to provide rural coverage. On such channels, there was to be but one station operating with comparatively high power, having its secondary service area interference-free in order that large areas might be served.

At this point, the economics of the American system of broadcasting come into play. With clear channel stations designed to provide rural coverage, most of them are located in the larger cities. The New York metropolitan area has four clear channel stations, Chicago four, Philadelphia two and Los Angeles two. Due to the breaking down of certain clear channels, there are now a total of 47 stations operating on the 40 clear channels. Twenty of them are located in metropolitan areas having a population of a million or more; fourteen in metropolitan areas having a population ranging from a quarter-million to a million. Forty-three of the 47 clear channel stations are located in metropolitan areas having a population of 100,000 or over. Thus our urban farmers are bountifully cared for. Perhaps these figures were in the mind of the president of the company which owns all the stock in one of the broadcasting networks, when he recently said: "The rural listener is served on a parity with the city dweller." Or perhaps he had in mind that while over three-quarters of the area of the United States has no primary service, there are 30 broadcast stations in New York City and 19 each in Chicago and Los Angeles.

CHAINS

This leads me to another phenomenon in the American broadcasting picture, the networks or chains. In addition to about 40 local or regional chains there are three chains providing coast-to-coast service at the present time. All of the high power clear channel stations upon which the rural areas depend for broadcast service are owned or are affiliated with one of these three. A result of this is that a considerable portion of the population of the United States is largely dependent upon programs from chain stations. The duplication of programs on chain stations may make it more certain that persons in those parts of the United States dependent upon unreliable secondary service will be able, on any given evening, to receive a particular program from one or more stations. The duplication also means, unfortunately, that the choice of programs is very severely limited. It must be disconcerting to be able to receive only two or three stations satisfactorily and find the same program on all of them, especially if it is not a program that appeals to one's particular taste. The duplication of programs on clear channels raises the fundamental question as to how successfully clear channels are meeting their declared purpose when they are used to pound the same program in on the listener from several stations rather than to give him a selection from which to choose the program to which he wishes to listen.

The three coast-to-coast networks own a comparatively small number of stations, but they provide programs for a total of 249 out of the 696 broadcast stations in the United States, including practically all of the more powerful stations. In affiliating with a chain, the local station usually loses control over some of its most desirable hours for broadcasting, the important evening hours. The national advertiser dealing with the chain has first call upon those hours. The local program, whether sustaining or commercial, can be used during the hours reserved by the chain only if the national claim is not exercised.

CHAIN PROGRAMS

Undoubtedly the chains have made available to small communities programs which it would have been difficult for them to receive otherwise. They have made it possible for national audiences to listen to programs of national importance. But, with three organizations in a position to determine what programs shall be carried on the most powerful broadcast stations all over the country at the times when most people are free to listen, it is small wonder that the cry of monopoly has been raised. At the present time there is pending before the House of Representatives a resolution providing for an investigation of charges of the existence of a monopoly in radio broadcasting.

While Congress in the Radio Act of 1927 and again in the Communications Act of 1934 specifically gave to the Commission power to issue special regulations applicable to radio stations engaged in chain broadcasting, there are no such regulations at the present time, nor have any ever been in effect.

TRANSFERS OF LICENSES

One matter in which there has been a great deal of interest recently is that of transfers of broadcast station licenses. It will be recalled that, in granting station licenses, the Commission is limited by the applications filed with it. Similarly, in connection with applications for consent to the transfer of station licenses, the Commission passes only upon the would-be transferee who has been selected as his successor by the present licensee. Assuming the qualifications of the transferee, there remains an interesting question with respect to the price to be paid for the assignment of the license.

You will recall that broadcast station licenses are issued for six month periods. The licensee has certain physical assets in the form of a transmitter, studios and associated equipment. When he sells his station, subject to the approval of the Commission, what is he selling? Can he transfer an expectancy of the renewal of the license? There has been no determination that he can. Has he any interest beyond that of the value of the physical equipment, and, if so, what is its nature?

According to one school of thought, the consideration paid for the transfer is a matter between the two individuals in which the Commission has no interest. According to another school of thought, the law has been so carefully drawn by Congress to ex-

clude any possibility of any rights in the licensee other than those granted on the face of the license itself, that the Commission should be on guard against anything looking toward the building up of a vested right in a station license.

RADIO LICENSE

My own views coincide with those of the latter group. A radio station license is personal to the licensee, granted after a finding that his holding the license will be in the public interest. There is nothing in that finding which says that he may sell the license to the highest bidder who may be technically qualified. Station licenses are not pieces of merchandise; they are evidences of a privilege to serve the public. Surely this must have been one reason why Congress carefully restricted the license period to not more than three years and the Commission has further restricted it to six months.

There have been suggestions that, if the Commission does not explore its own powers to check sales of broadcast stations at inflated prices, Congress might recapture for the public the profit on the transfer of public property. Bear in mind that broadcasters pay nothing for the privileges they receive from the government, and that the taxpayers pay the cost of the administration which makes it possible for the broadcasters to operate at a profit. Sooner or later broadcasters may be asked what would be unfair about an act of Congress taking in the form of taxes the excess of the sale price over the value of the physical equipment transferred.

The transfer of licenses at prices far in excess of the value of the physical equipment involved will sooner or later offer a tempting field for the middleman.

While licensees have agitated for longer license periods, at the same time they have acted as though they were to be the beneficiaries of an indefinite grant of public facilities. Thus, in one instance, a price of $1,250,000 was paid for a broadcast station where the original cost of the fixed assets was approximately $177,000. This would seem a high price for the privilege of being on the air for the remainder of a six-month period.

LEASE EQUIPMENT

Again holders of a six-month license have leased their physical equipment for periods of from one to fifteen years at annual rentals approximating the value of the equipment. Yet physical equipment without the privilege of transmitting would have only a junk value.

Further, contracts of affiliation between station licensees and the broadcasting chains sometimes run for two years or even for five years, although the station licenses run only for six months.

A fairly recent device has been the sale of stock in certain licensee corporations to the public in a manner to yield the promoters far more than the entire cost of the station while leaving them in control of the station with a majority of the stock.

Some of the things I have mentioned have been with the approval of our Commission and our predecessor, the Federal Radio Commission. I have some fear of the outcome, some fear that the claim may be made that the Government, through the Commission, has in a measure estopped itself. If the short-sightedness and cupidity of station licensees should eventually lead to Government ownership (and I am not an advocate of Government ownership), the Government will undoubtedly be met with wholly fictitious values which it will be claimed it has approved. Likewise, if Congress should in a measure equalize opportunity for the use of broadcasting by making broadcast stations common carriers, a highly inflated rate base is in sight.

A related matter which merits serious attention is the rapid increase in the number of situations where two or more broadcast stations are coming under the same control. This development is occurring through the transfer of existing stations even more than through the construction of new stations. At times it takes the form of a single control of all, or of the more important, stations in a particular community. Again it is in the form of single control of stations in different localities. When the Commission is awarding an invaluable public property of limited proportions, carrying great power with it, and for which there is great demand, how much of it should be allotted to one man for his own benefit? The Commission must find the answer to that question.

NEWSPAPER CONTROL OF BROADCAST STATIONS

Another matter which is in the public eye at the moment is that of newspaper control of broadcast stations. As of February 16, 1937, of the less than 700 broadcast stations, exactly 200 were controlled by or affiliated with newspapers. One factor of great interest in these figures is the length of time in which the newspaper interest has been present in the stations.

Of the 200 newspaper controlled or affiliated stations 99 have a newspaper interest which began sometime in the 13-year period between January 1, 1921, and January 1, 1934, and 101 have a newspaper interest which began sometime in the slightly more than three years between January 1, 1934, and February 16, 1937. On the latter date there were pending 111 applications the granting of which would result in other stations coming under newspaper control. So it is that after a most prodigal grant of newspaper applications, there remain pending what is probably the largest number of newspaper applications in the history of radio.

Is there any element of public interest in this rapid extension of newspaper control over broadcasting? I believe that, at least in certain situations, there is. The community has long been dependent upon the newspaper for its news and its advertising. Its thinking has been influenced by the columns of the newspapers, by the method of presentation as well as by the editor's choice of what he will print and what he will not.

RELIEVES CITIZENS

To some extent the broadcast stations have relieved the citizen of his dependence on the newspaper. The fact that a newspaper does not print all or part of a particular speech loses some of its significance if a man can hear the speech in its entirety on his receiving set. News services are now available to the broadcast station owner as they are to the newspaper. When the newspaper and the station are separately controlled, one can be checked against the other. When they are under the same ownership, how long will this be true? To my mind there is an important public interest involved in that question.

The subject is one on which there is a wide divergence of views. Probably not many people gave much thought to the situation when newspapers had an interest in comparatively few stations. The rapid increase in newspaper stations in the last three years has given rise to fear in some quarters that the public interest might be adversely affected. If the acceleration of the last three years continues for long into the future, the entire broadcasting picture may change.

There is a bill pending in the House of Representatives to divorce newspapers and broadcast stations. Another of similar intent has been promised for the Senate. If either bill is pressed, the ensuing hearings should be as interesting as they promise to be bitter. The cry of monopoly of news and information is being heard to some extent. I think we shall hear more of it. And soon the question will be raised as to whether America is so short of men who can be trusted to control the avenues through which information is passed on to the public, that we must entrust the two principal avenues to the same group of men.

Men will differ in the weight they attach to the matter of newspaper control of broadcast stations as well as in the treatment they will propose. I can not agree with those who contend that the matter has no element of public interest which may be considered by a Commission granting applications under a statutory standard of "public interest, convenience or necessity."

ADVERTISING

One of the complaints most frequently raised against broadcasting is the character of advertising permitted and the length of time occupied by advertising blurbs. The Commission's powers in this field are not well defined and they have never been thoroughly explored. On the one hand, there is the flat statutory bar against censorship of broadcast programs. On the other, there is the equally flat requirement that broadcast stations may be licensed

only when public interest, convenience or necessity will be served thereby. May and should the Commission consider the type of advertising and the character of products advertised in passing upon public interest?

The Commission has declined to renew station licenses in three cases where the stations were used largely for the promotion of questionable ventures in which the station owners were interested. It has called a number of stations for hearing in connection with the advertising of certain products, chiefly patent medicines. It has indicated its displeasure in certain extreme cases where the station owner and the advertiser were so heedless of public responsibility that they joined hands in pushing products the use of which might lead to death or permanent disability—to the profit of the broadcaster and of the advertiser.

How effectively the Commission can regulate advertising has never been shown and need never be shown if broadcast station licensees will accept the public responsibilities that go with a broadcast station license. Good taste can not be legislated, and I suspect that it can not even be administratively required. Good taste, a sense of public responsibility and elementary decency on the part of broadcast licensees should make it unnecessary for the Commission ever to explore the possibilities of its power effectively to regulate advertising.

PROSPERITY FOR BROADCASTERS

At the present time the rising tide of prosperity for the broadcasters may simplify the problem of objectionable advertising. With the increased demand for the inflexible number of hours available on any station, the station owner is in a position to use the increased demand to require better programs and better taste in both programs and advertising announcements on the part of those sponsors whose contracts he accepts. He is equally in a position to increase his rates and to sell the time to the advertiser who will pay the higher rates rather than the one whose programs and whose products are in better taste. This is merely another of the numerous instances where broadcasters are privileged to choose between an enlightened far-sighted selfishness and a short-sighted "bird-in-the-hand" variety. The extent to which the Commission's powers will need to be explored rests upon the decisions of the broadcasters.

PROGRAMS

Broadcast programs vary widely in their quality Variation of content is desirable, of course, as the tastes of individuals vary. The variation in quality, however, is enormous. There are numerous high quality programs of all types. But there are also numerous, perhaps more numerous, programs of all types of mediocre or extremely low caliber. Program content offers an interesting sphere of speculation about Commission power, although it is one in which the Federal Radio Commission and our Commission have done little. On the technical side, the Commission has steadily increased its requirements that a broadcaster should have physical equipment meeting high engineering standards before he receives a license to operate. The necessity for such a requirement seems elementary, and no one today would seriously question the Commission's right and its duty to impose high technical standards.

Is there an analogy in the program field? Can the Commission set up minimum standards of program quality which all licensees would have to meet? Standards of engineering efficiency are fairly easy of formulation and of application. Standards of program quality would be difficult both of formulation and of application. I for one, however, am not prepared at this time to state that standards of program quality are impossible either of formulation or application. The field is one in which the Commission has done nothing—it may possibly remain one in which the Commission will do nothing. The answer must depend upon the broadcaster. Programs of uniformly high caliber voluntarily provided by broadcast station licensees would probably leave the question of the Commission's power to impose program standards and the practicability of the exercise of such power untested and unexplored. Failure of licensees to provide programs of uniformly high quality might lead to an exploration of this field as perhaps more desirable than certain other alternatives.

As elsewhere in dealing with broadcasting we must hold public interest paramount. "Public interest" is more than a phrase to which an applicant for broadcast facilities must give lip service. It is a constant reminder that the station licensee has the temporary use free of all charge of an invaluable facility which belongs to all the people. The American people control the frequencies which are the *sine qua non* of broadcasting; they have merely made a temporary and conditional loan of those frequencies to the present licensees of broadcast stations. The condition is that the operation of their stations will be in the public interest. That should mean good programs at the very least.

CENSORSHIP

As it may be claimed that a requirement that broadcast stations furnish good programs amounts to censorship, I shall discuss that subject next. Indeed no discussion of the public regulation of radio would be complete without some reference to censorship.

Last year the country went through a bitter political campaign. All shades of opinion were expressed in varying degree—in many cases to the point of complete boredom of the listeners—and there was no complaint that the Commission was trying to censor anybody. In three widely publicized incidents which reached the Commission the cry of censorship was raised, but not against the Commission.

In one instance two California stations refused to carry an address of the President of the United States without payment. When some individuals in California complained against this refusal, the Commission stated that the stations acted within their legal rights in declining to carry the President's address.

In the second case the owner of a broadcast station who had carried—for pay—the speeches of Candidates Roosevelt and Landon, refused to carry—for pay—the speeches of Candidate Browder, although the law is very specific that if a station's facilities are made available to any candidate for a public office, they must be made available to all candidates for that office. When the Commission asked the station owner to explain his conduct in the matter, he decided to let Candidate Browder speak.

The third incident was the debate between a Senator and a phonograph record, which some stations refused to carry. Although there was a half-hearted attempt in some quarters to show that the Commission was in some way censoring the Senator, I think that most people, certainly including the Senator himself, realize that the affair was one between the Senator and the broadcast chain which could not make up its mind whether to carry his speech.

I know of no instance of censorship or attempted censorship of broadcasting by the Federal Communications Commission. To complete the picture I want to add, however, that the Commission has the right to look into a licensee's conduct of his station as an aid in determining from a study of his past conduct whether public interest would be served by the renewal of his license. In nine years of Commission regulation under that power, five renewals of licenses have been refused primarily because of past programs. Where appeals were taken from those decisions, the Commission was sustained by the courts, which agreed with the Commission that the past conduct of the licensees indicated that their future holding of station licenses would not be in the public interest. The courts shared the views of the Commission that this was quite different from censorship.

There is another place at which censorship can be sought, however: at the station itself. Congress has not seen fit to make broadcast stations common carriers. In consequence, the station owner can carry such programs as he pleases, and refuse such as he wishes within the broad limits of the Commission's findings on public interest. So it is that the station owner can, and upon occasion does, refuse to carry programs contrary to his own views or his own interests. For a discussion of the subject of censorship by the stations themselves I suggest the pamphlet report by the American Civil Liberties Union entitled "Radio Is Censored!"

Facts regarding censorship are hard to obtain because there is no requirement of records showing refusals of time and the reasons therefor. A bill now before Congress would require each station to keep such records. To date it has not been acted upon.

The refusal of a station owner to permit the use of his facilities for the expression of views inimical to his own may have serious results. In a large part of the country only a very few stations can be heard consistently. When a minority group is refused expression of its views over a single broadcast station, it means that those views can not be heard in a section of the country where that station is the only one received.

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. 3078. University Forum, Inc., and **Delta Theta Chi Sorority,** of 1811 Prairie Ave., **Chicago,** and 354 O'Farrell St., **San Francisco,** respectively, are charged with unfair competition in the sale of books, in a complaint.

Selling and distributing a series of books entitled "University Forum" and "Effective Speech," the respondent corporations are alleged to have represented to prospective customers in different cities that alleged chapters of Delta Theta Chi were being established in such cities as a sorority for professional or business women. It was represented, according to the complaint, that while the prime purpose of the sorority was social, it had certain cultural aspects. Prospective members agree to pay $45 initiation or membership fee, and other annual dues, it is charged.

Prospective members are alleged to have been informed that to further the cultural aspect of the sorority an alleged local chapter would be given two sets each of the "University Forum" and "Effective Speech" series, one set to remain at the local chapter rooms for use of members, the other to be placed in possession of the educational director of the chapter. Prospective members are also alleged to have been told that they would receive instruction under supervision of a college or university professor.

The complaint charges that the representation that Delta Theta Chi Sorority is a professional or business women's sorority is not true, and that the sorority is only an outlet for the publications offered for sale. Delta Theta Chi Sorority is not a sorority in any sense of the word, according to the complaint, and representations to the effect that members would receive supervised instruction under a university professor are not true, it is alleged.

No. 3079. Phoebe Phelps Caramel Co., 74 Fulton St., **Boston,** is charged in a complaint with unfair competition in the sale of candies to wholesalers, jobbers and retailers.

Assortments of candy were so packed and assembled by the respondent company as to involve use of a lottery scheme when resold to consumers, according to the complaint.

No. 3080. A complaint has been issued charging **Louis Kipilman,** trading as **Majestic Laboratories,** 128-04 111th Ave., **Richmond Hill, Long Island, N. Y.,** with unfair competition in the interstate sale of "Kipzeme Ointment."

This product, according to the complaint, was advertised in a manner having a tendency to mislead buyers into believing that Kipzeme heals all leg sores, and is an adequate remedy in the treatment of old, aggravated leg sores, skin eruptions, eczema, and kindred ailments.

The fact is, according to the complaint, that the respondent's representations are false and misleading and the preparation will not accomplish in all cases the results claimed for it.

Nos. 3081 and 3083. Sale of merchandise by means of plans involving lottery schemes, in violation of Section 5 of the Federal Trade Commission Act, is alleged in two complaints.

Albert J. Tarrson, 230 East Ohio St., **Chicago,** is respondent in one complaint. Trading as **National Advertisers Co., A. J. Sales & Manufacturing Co., The Tarrson Co.,** and **Pla-Pal Radio & Television Co.,** Tarrson is engaged in the sale of cameras, pen and pencil sets, radios, safety razors, clocks, and other merchandise.

In the second complaint, the respondents are **Mitchell Bazelon** and **Charles Harris,** 946 Diversey Parkway, **Chicago,** who trade as **Park-Lane Candy Co.,** and **Charris Specialty Co.,** and sell candy, cocktail shakers, watches, pipes, cigarette cases and lighters, and other novelty products.

The respondents in both cases allegedly employ push-card or punch-board lottery methods in selling their merchandise. They are said to distribute the merchandise, together with push cards or punch boards, to retailers direct, or through wholesalers, thus placing in the hands of others the means of conducting lotteries in the sale of such merchandise to ultimate purchasers.

No. 3082. A complaint has been issued charging **The Solvotone Co.,** 4303 Cottage Grove Ave., **Chicago,** and **Jessie Rogers,** individually and as president of the corporation, with unfair competition in the interstate sale of "Solvotone," a medicinal preparation.

This product, according to the complaint, was advertised in a manner tending to mislead buyers into believing that it is a cure for serious and dangerous conditions of the body, such as gallstones, appendicitis, and ulcer of the stomach, and that its use prevents the necessity of surgical operations to relieve such conditions.

No. 3084. A complaint alleging false and misleading representations in connection with the sale of medicinal preparations, designated as "Dr. Warner's Remedies," has been issued against **Warner's Renowned Remedies Co.,** 13 East 25th St., **Minneapolis.**

The complaint charges that use of the preparations in the treatment of certain ailments does not have the beneficial therapeutic value claimed, and that the products are not, as implied in advertising matter, manufactured under the supervision or formula of a member of the medical profession, nor are they generally prescribed by Dr. H. H. Warner.

The preparations which the respondent company is alleged to have falsely advertised in booklets, circulars and show-window displays are known as "Warner's Renowned Vaginal Creme," "Warner's Renowned Frem Pills" and "Warner's Renowned Vigo Tablets."

Stipulations and Orders

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

No. 01546. David H. Fulton, trading as The Vendol Co., 1 West Biddle St., Baltimore, will stop representing that either Vendol or Vendol Laxative Tablets is a herb, a root or vegetable compound; that Vendol will correct any physical ailment, and that it is an effective remedy for certain disorders of the stomach, liver and kidneys, unless confined to the relief of such ailments and when they may be due to conditions that can be benefited by use of Vendol. Fulton agrees to cease publishing any statement purporting to be the formula for any of his preparations, unless it contains all of the ingredients of the preparation, and will stop using the symbol "Rx" to indicate that Vendol was prescribed by a physician.

No. 01547. Gordon E. and Maynard E. Jenks, trading as Jenks Brothers, 144 Bank St., Elkhart, Ind., stipulate that they will desist from representing in advertising matter that the Rectal Ointment they sell is a competent remedy in the treatment of hemorrhoids or piles, and that Lax-A-Ton Herb Tea is a competent remedy in the treatment of constipation or any more effective than ordinary laxatives in relieving temporary constipation. Assertions that Lax-A-Ton Herb Tea is a tonic or recommended by herbial authorities or botanists, will be discontinued.

No. 01548. Konjola, Inc., 18 North Water St., East Port Chester, Conn., agreed that in the sale of Konjola it will cease representing, among other things, that the product is a competent treatment for rheumatism, neuritis, or disorders of the digestive tract, unless limited to palliative relief; that it banishes stomach, digestive or skin disordcrs; helps rid the system of poisons and relieves nervousness or pains caused by intestinal trouble, and that it is a new discovery and nature's remedy for stomach distress.

No. 01549. Omega Chemical Co., 33 34th St., Brooklyn, signed a stipulation to cease advertising that Omega Oil, a preparation for external application, relieves deep-seated or stubborn pain, unless such representations are so qualified as to exclude those pains which cannot be benefited by the product's therapeutic action, and are so worded as not to imply that the product will have therapeutic effect upon the underlying causes of pain in every instance. Other representations to be discontinued are that the medical profession is agreed that the formula for Omega Oil makes it outstanding; that the preparation will afford complete relief within any definite period of time, and that it is a more competent treatment than other preparations of similarly effective ingrediency in the treatment of colds, or quicker or safer in affording palliative relief from the ordinary pain and discomfort of colds.

No. 01550. H. P. Clearwater, Ph.D., Hallowell, Me., engaged in the sale of Clearwater's Treatment, agrees to discontinue advertising that by use of the treatment one may get rid of rheumatism, neuritis, arthritis, sciatica or lumhago, in the sense of preventing further attacks due to the same or other causes. He also will cease representing that rheumatism is caused only by the ahsorption of poisonous toxins, chemically developed in the intestines hy putrefaction of certain undigested food elements, and that uric acid does not cause rheumatism.

Nos. 01551-01553. R. E. Stults, 1623 West Grand Avenue, Chicago, selling a course in detective training, and **Jim Lund, River Falls, Wis.,** vendor of a book entitled "One Thousand Ways to Get Rich," have entered into stipulations to discontinue unfair advertising practices in the sale of these commodities.

Stults, trading as The United Detective System, agrees to stop advertising in connection with the sale of his course that experience is unnecessary in order to he a detective and that the training obtained through his course will of itself actually prepare a person for a good paying and permanent position; enahle one to operate a detective husiness in his own home, no matter where he lives, and that there are thousands of detective positions open each year.

Lund, under his stipulation, will cease advertising that his book, "One Thousand Ways to Get Rich," affords a most unique opportunity, enahling one to make money at home, and that it offers an opportunity worth its weight in gold, gives "twenty ways to make a million," and contains 1,000 formulas, plans and secrets for making money in spare time at home.

No. 01552. H. R. Walde, Lake Wales, Fla., selling Walde's Wonder Salve, agrees to stop advertising it as an effective treatment for all kinds of infections, boils, burns, wounds, sores or sprains and as a protection against infection of any kind, particularly wounds from rusty nails.

No. 01554. American Maize Products Co., 100 East 42nd St., New York, agrees to stop advertising its syrups by means of assertions that dextrose is a "mysterious" element, that it replaces hurned-up body tissues, revives tired muscles and nourishes starved nerves. The company also will stop asserting that any of its syrups is "extra rich" or "extra plentiful" in dextrose, and that any of its products has heen "recommended," as distinguished from "accepted," by the American Medical Association. The respondent company admits that the composition and functions of dextrose in the hody's metaholism have been known for several years, and are not mysterious, and that the company's syrups do not contain dextrose in amounts sufficient to warrant it in representing them as "extra rich" or "extra plentiful" therein.

No. 01555. Trading as **B. C. Remedy Co., Germaine Bernard and C. T. Council, of Durham, N. C.,** stipulate that they will cease representing B. C. Remedy as ranking first in the Nation, unless reliahle statistics show this to he true, and will stop advertising that, hy use of this remedy, one may "banish" headaches or muscular aches or cause them to "vanish." They also agree to cease asserting that B. C. relieves pain within three or four minutes or within any other definite time.

No. 01556. Trading as **Peter Falor Co., Elmer J. Jacobs, 301 West 9th St., Kansas City, Mo.,** has entered into a stipulation to discontinue false and misleasing advertising in connection with the sale of clothing.

Jacohs agrees to cease representing that sweater coats are given free, for advertising purposes, to persons making written requests for them; that any person writing for a free sweater coat will receive one without heing required to purchase anything, and that a free sweater is given to only one person in each locality.

No. 01557. Associated Pharmacists of Baltimore, Inc., 6 East Mulberry St., Baltimore, agrees to stop representing that its product, Q-623, is a competent treatment or an effective remedy for rheumatism, neuritis, sciatica, or lumhago, unless the assertion is limited to the relief of pain resulting from such conditions, and that the product is "a prescription of a famous specialist." In its stipulation the respondent company admitted that while the product may he of some henefit in relieving the pains resulting from the conditions for which it is represented as a remedy, the preparation cannot he depended on to produce results to the extent advertised. The respondent company also admitted that its product is not the prescription of a famous specialist.

No. 01558. Manikin Products, Inc., 200 5th Ave., New York, in the sale of "Manikin Tea," agrees to cease advertising that its use will enable a person to have the sylph-like figure of a fashion manikin, and will produce a fashionahle figure or a youthful, athletic figure. The respondent company also agrees to stop representing that Manikin Tea is "pure and harmless" or "safe," and that it is a competent treatment or an effective remedy for obesity. In its stipulation, the company admits that a preparation of the composition of its product would have laxative and diuretic properties, but in and of itself would have no appreciahle effect in reducing weight. The company also admits that any preparation containing senna or hladderwrach is, according to the concensus of medical opinion, if taken in sufficient quantities over a period of time, capahle of producing harmful effects.

No. 01559. Dr. A. F. Jacobson and Arthur Carlsten, 29 East Madison St., Chicago, trading as D'Arten Pharmacol Co., agree to discontinue advertising that D'R 10 Cream Liniment affords an effective relief from the aches, pains and soreness of rheumatism or arthritis; that it is a "new scientific" compound of "penetrating oils," and that nothing like it was ever offered before or that it has no equal.

No. 01560. Under a stipulation entered into the **Clorox Chemical Co., 850 42nd Ave., Oakland, Calif.,** agrees to discontinue representing that its washing fluid, sold under the name "Clorox," kills typhoid, diphtheria, scarlet fever and many other infectious germs in less than ten seconds.

The company also will cease advertising that Clorox will remove stains and destroy odors, unless such representations are properly qualified. The company admitted that it is not generally practical to use Clorox to kill odors in the air, and that the product will not remove some stains.

No. 1916. Refrigeration Engineering Institute, Inc., 260 West Federal St., Youngstown, Ohio, has entered into a stipulation to discontinue unfair methods of competition in connection with the sale of courses of instruction in electric refrigeration and air conditioning.

The corporation agreed to desist from use of the word "Institute" as part of or in connection with its corporate name; use of the words "Institute" or "Institution" so as to imply that it is an organization of memhers of the refrigeration engineering industry for the purpose of considering and solving the prohlems of such industry, and from use in advertising matter, or in sales talks by its agents, of representations implying, in any manner contrary to the facts, that memhers of the industry are cooperating in conducting the school, that they are glad to employ its graduates, or otherwise lend the school their aid.

Nos. 1936, 1938, 1939, 1941, 1943, 1944, 1950. Six New York retail stores and one in Brooklyn have entered into stipulations to discontinue false and misleading advertising in which they improperly descrihe the materials or fahrics composing certain merchandise sold in interstate commerce.

The **New York** companies signing the stipulations are **James McCreery & Co.,** 5th Ave. & 34th St.; **Gimbel Brothers, Inc.,** 33rd St. & Broadway, which also has a store in **Philadelphia; Hecht Brothers Co., Inc.,** 53 West 14th St., which also has stores in **Baltimore** and **Washington; Roaman's,** 32 West 39th St.; **Lane Bryant, Inc.,** 1 West 39th St., and **Dunham Men's Shop, Inc.,** 315 5th Ave. The **Brooklyn** store signing a stipulation is **Frederick Loeser & Co., Inc.,** Fulton & Bond Sts.

According to the stipulations, the companies misused one or more of such terms as "silk," "satin," "linen," and "Harris Tweed," as descriptive of women's wearing apparel, neckties, men's rohes, coats, and linings for luggage.

Each of the companies agreed to cease and desist from using the word "silk," either alone or with other words, as descriptive of articles of merchandise, or of the fahrics used in making such merchandise, when, in fact, they are not composed of silk; and from the use of the word "silk" in any manner so as to imply that the products to which the word "silk" is related are composed of silk, when such is not a fact.

FTC DISMISSES COMPLAINT

No. 2839. The Federal Trade Commission has dismissed its complaint against **Louis Schear** and **Jack Schrader,** 239 Fourth Ave., **New York,** charging them with unfair competition in the sale of novelties. Trading as **Schear and Schrader,** the respondents were alleged to have sold a novelty game called "Hindu Cones" in imitation of the product of a competitor.

FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Broadcast Division of the Commission this week due to hearings before the entire Commission. A meeting will be held later this week.

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, March 29:

Monday, March 29

HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—Robert Raymond McCulla, Oak Park, Ill.—C. P., **1500 kc.,** 100 watts, daytime.

FURTHER HEARING BEFORE AN EXAMINER

NEW—West Texas Broadcasting Co., Wichita Falls, Texas.—C. P., **1380 kc.,** 1 KW, unlimited time.

NEW—Wichita Broadcasting Co., Wichita Falls, Texas.—C. P. **620 kc.,** 250 watts, 1 KW, LS, unlimited time.

NEW—Faith Broadcasting Co., Inc., Wichita Falls, Texas.—C. P., **1380 kc.,** 1 KW, 5 KW, LS, unlimited time.

KFPL—C. C. Baxter, Dublin, Texas.—Voluntary assignment of license, **1310 kc.,** 100 watts, 100 watts LS (C. P. 100 watts, 250 watts LS), unlimited time.

KFPL—WFTX, Incorporated, Wichita Falls, Texas.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

Wednesday, March 31

HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—Wm. W. Ottaway, Port Huron, Mich.—C. P., **1370 kc.,** 250 watts.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—C. P., **1070 kc.,** 250 watts, daytime. Present assignment: **1070 kc.,** 100 watts, daytime.

NEW—Frazier Reams, Mansfield, Ohio.—C. P., **1370 kc.,** 100 watts, daytime.

Thursday, April 1

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

KGGC—Ex. Rep. No. I-104: The Golden Gate Broadcasting Co. (Robert J. Craig), San Francisco, Calif.—Modification of license, **1420 kc.,** 100 watts, unlimited time. Present assignment: **1420 kc.,** 100 watts, specified hours.

NEW—Ex. Rep. No. I-324: John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—C. P., **1210 kc.,** 100 watts, daytime.

NEW—Ex. Rep. No. I-334: Clarence C. Dill, Washington, D. C.—C. P., **1390 kc.,** 1 KW, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P., **1200 kc.,** 100 watts, daytime.

Friday, April 2

HEARING BEFORE AN EXAMINER
(Broadcast)

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Modification of C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 100 watts, unlimited time.

WSCC—WSOC, Inc., Charlotte, N. C.—C. P., **600 kc.,** 250 watts, 1 KW LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Charles Porter and Edward T. Eversole, Festus, Mo.—C. P., **1420 kc.,** 100 watts, daytime.

APPLICATIONS RECEIVED

First Zone

WDEV—Charles B. Adams, Executor estate of Mary M. Whitehill and Administrator of estate of Harry C. Whitehill, Waterbury, Vt.—Construction permit to install new equipment and increase power from 500 watts to 1 KW. Amended to change name from Mary M. Whitehill, Executrix of estate of Harry C. Whitehill to Charles B. Adams, Executor estate of Mary M. Whitehill and Administrator of estate of Harry C. Whitehill.
550

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—License to cover construction permit (B1-P-1514) for changes in equipment.
1210

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Modification of license to change power from 1 KW night, 5 KW day to 5 KW day and night.
1360

W3XL—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to add the frequencies **31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000-400000, 401000, kc.,** and above, and add A1 and A2 emission.

Second Zone

NEW—The Ohio Broadcasting Co., Salem, Ohio.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts, daytime. Amended to change requested frequency from **1420 kc.** to **780 kc.,** power from 100 watts to 250 watts, change type of transmitting equipment and make changes in proposed antenna system.
780

NEW—The Ohio Broadcasting Co., Marion, Ohio.—Construction permit for a new station to be operated on **880 kc.,** 250 watts, daytime. Amended to change requested frequency from **880 kc.** to **1200 kc.,** power from 250 watts to 100 watts, make changes in transmitting equipment and antenna.
1200

NEW—The Ohio Broadcasting Co., Steubenville, Ohio.—Construction permit for a new station to be operated on **780 kc.,** 250 watts, daytime. Amended to change requested frequency from **780 kc.** to **1420 kc.,** power from 250 watts to 100 watts, change type of transmitting equipment and make changes in proposed antenna system.
1420

WRTD—The Times Dispatch Publishing Co., Inc., Richmond, Va.—Modification of construction permit (B2-P-728) for a new station, requesting approval of vertical antenna, transmitter site at Belle Isle, Richmond, Va., and studio site at 107 S. Seventh Street, Richmond, Va. Amended to make changes in transmitting equipment.
1500

NEW—WAVE, Inc., Louisville, Ky.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.,** 50 watts.

Third Zone

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Modification of license to change frequency from **1450 kc.** to **620 kc.,** power from 1 KW to 500 watts night, 1 KW daytime.
620

WFLA-WSUN—Clearwater Chamber of Commerce, Clearwater, Fla.—Modification of license requesting that the license of WFLA-WSUN be severed in order to form two stations under the call letters WFLA and WSUN, to operate specified hours. WFLA—unlimited Monday, Wednesday and Friday; share, WSUN, Sunday. WSUN—unlimited Tuesday, Thursday and Saturday; share, WFLA, Sunday. WFLA studio at Auditorium Music Hall, Clearwater, Fla. WSUN studio at Recreation Pier, St. Petersburg, Fla.
620

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Modification of construction permit (B3-P-840) as modified for a new station, requesting changes in equipment.
1200

NEW—G. Kenneth Miller, Tulsa, Okla.—Construction permit for a new station to be operated on **1310 kc.,** 100 watts, unlimited time. Amended to make changes in equipment, change in power from 100 watts day and night to 250 watts day and hours of operation from unlimited time to daytime only.
1310

NEW—A. Annas, K. C. Elliott, C. L. Green and C. D. Newton, d/b as Hickory Broadcasting Co., Hickory, N. C.—Construction permit for a new station to be operated on **1370 kc.,** 100 watts, daytime.
1370

KTOK—Oklahoma Broadcasting Co. (formerly KGFG), Oklahoma City, Okla.—License to cover construction permit (B3-P-1463) as modified for equipment changes and move of transmitter and studio locally.
1370

KTEM—Bell Broadcasting Co., Temple, Texas.—Construction permit to make changes in equipment and change power and hours of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time. Amended to change hours of operation from unlimited to daytime.
1370

Fourth Zone

KGFX—Ida A. McNeil, Pierre, S. D.—Involuntary assignment of
630 license from Dana McNeil to Ida A. McNeil. Amended to give assignee's name as Ida A. McNeil, Administratrix of the estate of Dana McNeil, deceased, and change transmitter and studio sites to 203 instead of 510 Summit Avenue.

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Construction permit to in-
680 stall a new vertical antenna and move transmitter 8 miles from Pauline and Elwood Streets, St. Joseph, Mo., to 6¾ miles southeast of St. Joseph, Mo.

WILL—University of Illinois, Urbana, Ill.—Modification of con-
890 struction permit (B4-P-1219) for directional antenna and move of transmitter, requesting extension of completion date from 5-22-37 to 7-22-37.

KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. D.—
1110 Construction permit to make changes in equipment and increase power from 2½ KW to 5 KW.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Construc-
1210 tion permit to install a new transmitter and directional antenna for night use, change frequency from **1210 kc.** to **1450 kc.,** power from 100 watts night, 250 watts day to 1 KW night, 5 KW day and move transmitter from 4706 S. 48th Street, Lincoln, Nebr., to Stevens Creek Township, Sec. 21, near Lincoln, Nebr.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Authority
1210 to install automatic frequency control.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—
1310 Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

NEW—Clark Standiford, L. S. Coburn and A. C. Sidner, Fremont,
1370 Nebr.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts, unlimited time. Amended to add the name of A. C. Sidner to partnership, change frequency from **1420 kc.** to **1370 kc.,** and make changes in proposed antenna system.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—License to
1410 cover construction permit (B4-P-1430) for changes in equipment, new antenna and increase in day power.

NEW—Gazette Printing Co., Janesville, Wis.—Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.,** 2 watts.

Fifth Zone

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Authority
1120 to transfer control of corporation from Frank P. Doherty to J. F. Burke, Sr., and Loyal K. King 10,000 shares of common stock.

NEW—Dan B. Shields, Provo, Utah.—Construction permit for a
1210 new station to be operated on **1200 kc.,** to 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1210 kc.**

KSRO—The Press Democrat Publishing Co., Santa Rosa, Calif.—
1310 Modification of construction permit (B5-P-759) for a new station, requesting changes in authorized equipment, approval of transmitter site at Sebastopol Road, Santa Rosa, Calif., approval of vertical antenna and change studio site from 425-427 Mendocino Avenue to Sebastopol Road, Santa Rosa, Calif. Amended to change requested transmitter site from Sebastopol Road to Stony Point Road, Santa Rosa, Calif., and studio from Sebastopol Road to Press Democrat Building, Santa Rosa, Calif.

NEW—Anne Jay Levine, Palm Springs, Calif.—Construction per-
1370 mit for a new station to be operated on **1200 kc.,** 100 watts night, 250 watts daytime, unlimited time. Amended to change requested frequency from **1200 kc.** to **1370 kc,** change geographic location of proposed transmitter site and make changes in proposed antenna.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers,
1440 Oakland, Calif.—License to cover construction permit (B5-P-1451) for a new antenna and move of transmitter and studio.