

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

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WASHINGTON HIGHLIGHTS

Chicago selected for NAB Convention * * * * NAB Board of Directors decide at meeting in Washington, D. C., to assist in defense of the Montana and Washington State Copyright Laws * * * * endorse both the Duffy Copyright Bill (S. 7) and the Sheppard Copyright Bill (S. 2031) * * * * appoint committee to investigate problem looking to refund of monies paid to the Warner Bros.-owned Music Publishers Holding Corporation * * * * Appraise Havana conference * * * * Board members audition NAB recorded library * * * * authorize officers to proceed with the incorporation of a Bureau of Copyrights.

NAB CONVENTION AT CHICAGO IN JUNE

The Board of Directors at their Spring Meeting selected Chicago, Illinois, as a meeting place for the 15th Annual NAB Convention. The exact date in June will be selected by the Executive Committee at an early date.

NAB DIRECTORATE DIRECTS ASSISTANCE BE GIVEN MONTANA AND WASHINGTON

The Board of Directors of the NAB at a meeting held in Washington, D. C., April 7 agreed that competent counsel should be retained to assist in the defense of the Montana and Washington State Copyright laws and to advise State Associations concerning proposed legislation in their respective states.

NAB ENDORSES FEDERAL COPYRIGHT BILLS

The NAB Directors on April 7 voted to support both the Duffy Copyright Bill (S. 7) and the Sheppard Copyright Bill (S. 2031). The Sheppard Bill is identical with the bill proposed by Ed Craney (KGIR, Butte, Mont.) in his letter to the General Manager of the Ascap on February 7, 1937, copy of which Mr. Craney sent to all NAB members.

COMMITTEE APPOINTED TO INVESTIGATE REFUNDS BY WARNER BROS. MUSIC SUBSIDIARY

President C. W. Meyers, under authority given by the NAB Directorate on April 7, has appointed Joe Maland

(WHO, Des Moines), John Elmer (WCBM, Baltimore), and John Gillin (WOW, Omaha) as a committee of three to investigate and forward plans seeking the refund of monies paid by broadcasting stations to the Music Publishers Holding Corporation, a Warner Bros. subsidiary.

BOARD APPRAISES HAVANA CONFERENCE

The Board of Directors of the NAB this week discussed the many ramifications of the International Radio Conference just concluded at Havana, Cuba. The Managing Director, James W. Baldwin, who spent a week in Havana as an unofficial observer, commended the attitude displayed by the members of the various government delegations and expressed the view that by reason of their technical qualifications and serious intentions very constructive results might be expected at the next conference scheduled to open in Havana November 26th.

The members of the Board were in agreement on the proposal that the problems incidental to a North American Radio agreement should be carefully studied and appraised in the interests of good radio broadcasting.

INITIAL AUDITION NAB RECORDED LIBRARY ENTHUSIASTICALLY RECEIVED BY BOARD OF DIRECTORS

At a meeting of the Board of Directors this week the Director of the Bureau of Copyrights, Edward J. Fitzgerald, gave a one hour audition for the Directors to demonstrate the progress of the Bureau of Copyrights in the building of an electrical transcription library based primarily on public domain music.

The selections performed for the Board members were

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typical examples of one hundred and eighty selections comprising ten hours of music which have been produced by the NAB and which very shortly will be offered to member stations.

The quality of the library may best be measured by the unanimous adoption of a motion by the Board that the Managing Director and his staff should be highly commended for the work thus far accomplished in the building of a music library.

The present schedule of the Bureau of Copyrights calls for a total of twenty-five hours of recordings (approximately 500 selections) by June first.

Just one year ago this month the Board of Directors at a meeting in Chicago approved a plan submitted by the Managing Director which had as its main objective the creation of a library of one hundred hours of music based primarily on music in the public domain. The production and recording of the first 10 hours of music signals the execution of the plan which won the almost universal approval of the NAB members at the 14th annual convention.

The success of the NAB's efforts in building a so-called public domain library is expected to be judged by the ability of the arranging staff to modernize the old musical selections and make them conform to present day needs. This ability on the part of the Bureau of Copyrights is well demonstrated in the variety contained in the first ten hours including the popular swing dance numbers and other modern arrangements.

The creation of an independent supply of music for radio broadcasting should win the hearty approval of those representatives of the ASCAP, who for several years have publicly criticized the use of popular music by radio broadcasting stations and charged that the radio broadcasting industry was responsible for "killing" the sales of popular sheet music. Also, it is expected that the NAB accomplishments in creating for radio a supply of music based primarily on musical selections in the public domain will be cheered by those who have complained so vigorously against the use of phonograph records by radio broadcasting stations.

With the creation of a new corporation which has been authorized by the Board of Directors and which will handle all the business details incidental to distributing the music, definite proposals including cost of materials (recordings and sheet music) will be formally submitted to the membership. It is expected that distribution will begin within 30 to 60 days.

BROADCAST COURT DOCKET

The following broadcast cases are now pending in the United States Court of Appeals for the District of Columbia:

Case No. 6762—Paul R. Heitmeyer (Cheyenne, Wyo.) vs. FCC.
Case No. 6772—Eastland Company vs. FCC.

Case No. 6773—Congress Square Hotel vs. FCC.
Case No. 6818—The Monocacy Broadcasting Company vs. Anning S. Prall et al., as FCC.
Case No. 6852—Great Western Broadcasting Association, Inc. vs. FCC.
Case No. 6853—Great Western Broadcasting Association, Inc. vs. FCC.
Case No. 6854—Intermountain Broadcasting Corporation vs. FCC.
Case No. 6866—Pulitzer Publishing Company vs. FCC.
Case No. 6869—Missouri Broadcasting Company vs. FCC.
Case No. 6870—A. H. Belo Corp. (WFAA) vs. FCC.
Case No. 6906—Red River Broadcasting Company, Inc. vs. FCC.
Case No. 6911—Continental Broadcasting Company vs. FCC.
Case No. 6931—Tri-State Broadcasting Company, Inc. vs. FCC.

CHANGES RECOMMENDED FOR WATR

Broadcasting station WATR, Waterbury, Conn., applied to the Federal Communications Commission to change its frequency from 1190 to 1290 kilocycles, increase its power from 100 to 250 watts and change its hours of operation from sharing with WOAI to unlimited time.

Examiner Melvin H. Dalberg in Report No. I-379 recommended that the application be granted. He found that there is ample program material available for additional hours of broadcasting and that the proposed operation of the station will not adversely affect the interests of any licensed station. Also there are "no pending applications which involve the possibility of objectionable interference to other stations." The Examiner found that the granting of the application would be in the public interest.

BRIEF IN SUPPORT OF STATE COPYRIGHT BILL

Kenneth C. Davis has furnished the NAB with a copy of his brief in support of the State of Washington Copyright Bill (see NAB REPORTS, Vol. 5, No. 14, Page 2010).

Mr. Davis' brief follows:

The states have jurisdiction over a combination of copyright owners or proprietors, in that, "no more than the patent statute was the copyright act intended to authorize agreements in restraint of trade and tending to monopoly."

Straus vs. American Publishers Assn., 231 U. S. 222-224.
Washington vs. ASCAP, 13 Fed. Supp. 141 (Vol. 13, No. 2).

"While the compositions owned and controlled by the defendant American Society of Composers, Authors and Publishers may be copyrighted, a suit to enjoin a conspiracy to restrain commerce and trade in such compositions is not one arising under the copyright laws of the United States." (Citing Straus vs. American Publishers, (supra) and Standard Oil Company vs. U. S., 283 U. S. 163.)

State of Washington vs. ASCAP, 13 Fed. Supp. 141 (Vol. 13, No. 2).

The appointment of a receiver in such a case is merely incidental to the main suit."

Washington vs. ASCAP (Supra).
(There are many cases on this point—see reported decision.)

The states may enforce the monopoly law in their way. —"It cannot be denied that the power of the state to protect the lives, health and property of its citizens, and to preserve good order *and the public morals*, its power to govern man and things within the limits of its dominion" is a power originally and always belonging to the states, not surrendered by them to the general government, nor directly restrained by the constitution of the U. S. and essentially exclusive."

U. S. vs. Knight, 156 U. S. 1 and page 11.

A receiver may be appointed to enforce the Anti-trust laws, and the monopoly laws of a state.

McKinney vs. Kansas Natural Gas Co., 206 Fed. 772 (777).
Malloney, Atty. General of Illinois, vs. American Tobacco Company, 221 U. S. 106.
Clerk on Receivers, Vol. 1, Sec. 243, p. 332.
Washington vs. ASCAP (supra).
United States vs. Union Pacific Railroad, 226 U. S., p. 98.

Copyrights are property.

Ager vs. Murray, 105, 105 U. S. 126.

Mere service of process is not a Federal question.

Germanin Ins. Co. vs. Wisconsin, 119 U. S. 473.

An intangible property may be so used in a state other than the owner's domicile as to give such property a situs analogous to the actual situs of tangible personal property in said state.

U. S. National Bank vs. Main, 284 U. S. at 331.
Palmer vs. Texas, 212 U. S., page 119.

The states have control over all property, tangible or intangible, having its situs there.

U. S. vs. Knight, 156 U. S. 1.

The situs of copyrights are coextensive throughout the United States.

Ager vs. Murray, 105 U. S. 126, 130.

A Texas statute providing that *Special appearances* shall constitute a general appearance does not deny "due process of Law or act as 'deprivation of property rights.'" The Supreme Court of the United States so held in York vs. Texas, 11 Supp. Court 9, and Kaufman vs. Westers, 11 Supp. Court 298, a special appearance based on such a statute thus brings the defendants, non-resident or resident, personally and generally before the court.

The Federal courts would have no jurisdiction under the copyright laws, if any defendant sued for infringement, as the Receiver would have issued a license, and where a license exists, the copyright laws are only incidentally drawn into question; and as the state courts can determine *questions* or rights concerning the *title* of copyrights, and since there is a difference between a *case* and a *question* on copyright, the Federal court would have no jurisdiction until rescission was sought by such plaintiff

of the license issued by the receiver in the State Court. Then too, the Copyright law states the "owner or proprietor" must bring an infringement action, and obviously the title would not be clear, so the infringement suit really involves only a "question" on copyright and not a "case," and the State courts have jurisdiction thereof, and the Federal court has no such jurisdiction under the copyright laws.

McMullen vs. Bowers, 102 Fed. 494; Standard Dental vs. Tooth Co., 95 Fed. 291; Parger vs. Union Co., 20 Fed. 737; Dale Tile vs. Hyatt, 125 U. S. 46; Witteman vs. Witteman, 151 N. Y. S. 814; New Marshall vs. Marshall Co., 223 U. S. 473; Carl Lacmmle vs. Stern, 209 Fed. 129; Hoyt vs. Bates, 81 Fed. 641; Montgomery vs. Car Line, 43 Fed. 329; Hartell vs. Tilghman, 99 U. S. 547; Albright vs. Texas, 106 U. S. 347; Becker vs. Contoure Lab., 29 Fed. (2) 31; Danks vs. Gordon, 272 Fed. 881 (884); Fitch vs. Young, 230 Fed. 743; Hammachor vs. Wilson, 26 Fed. 239; Kelly vs. Porter, 17 Fed. 519; Silver vs. Holt, 84 Fed. 809; Wade vs. Lawden, 17 Supp. Court 425; DeBekker vs. Stokes, 248 Fed. 838; Marsh vs. Nichols, 11 Supp. Court 798.

Then too, Federal Courts follow those decisions of the State courts, which are based on the Criminal statutes of that state. This is so, because the question of whether a crime has been committed, *is not a Federal question.*

Howard vs. Fleming, 191 U. S. 126.
Ughbanks vs. Armstrong, 208 U. S. 481.

The receiver or Anti-monopoly Board can set rates, and the receiver can make new contracts, or even renew old ones, and still, that does not create a Federal Question or violate the United States Constitution.

Washington vs. ASCAP, 13 Fed. Supp. 141.

Most combinations, pools, and groups have taken assignments from their members and have complete title to the copyrights of its members, and those who have signed said membership agreements, whether Publisher, Author, or Composer, giving such combination or entity a five year assignment, have really assigned the entire Copyright. Such assignments are held to be *absolute assignments*; a comparable illustration is the membership agreements of ASCAP which recite the *most* they (ASCAP) are to have, and the member *could not* give them any more. The Supreme Court of the United States held such membership contracts to be outright assignments carrying title. Thus, any title of the Receiver would be a complete title:

Manners vs. Morosco, 258 Fed. 537. Affirmed on this point in 252 U. S. 317.
DRONE on Copyrights, page 337.

The various legislatures may declare that the property of the monopolist shall forfeit to the State after a reasonable time (See Idaho Statutes and many cases on this point).

Congress recently (last session) passed a law giving the several states power to make reciprocal deals with one another for the purpose of endorsing their respective criminal laws. The various state enforcement agencies could work out a per piece system and plan to curb such abuses.

Once a Court of Equity in a state has acquired jurisdiction over a defendant, non-resident or not, *the court may coerce and compel the defendant to act in relation to property not within its jurisdiction.* To illustrate, a court of equity in Vermont, having jurisdiction over the defendant in personum, can compel him to execute a deed to property in Texas.

Carpenter vs. Strange, 141 U. S. 87, 105.

The fact that a *special* appearance is made a *general* appearance by legislative act, and that service is not a Federal question, and that all defendants are doing business in each state where their music is *used*, or their entity performs some function of its charter, all of these will enable the various states to acquire jurisdiction *in personum* as well as in rem. Further, even though the matter is in rem at the start, yet the only known way for them to get a release of their property is by special appearance of special motion, otherwise, the property will be in suspense and under a cloud. If they make such an appearance, it is a general appearance by statute, and the action is then in personum.

If a sale of the *use* of a copyrighted work for public performance takes place in Chicago, and the use is broadened in scope to include Seattle, the owner of said copyrighted work whose sole value is in its *use*, once having obtained a consideration for its *use* and having sold said use for a particular occasion, parts with the right to further restrict that *use*. The Supreme Court of the United States in Hobbs vs. Jennison, 13 Supreme Court Reporter 879, and in Adams vs. Burke, 17 Wallace 453, said:

"Where the patentee, or the person having its rights, sells a machine or instrument, *whose sole value is in its 'use'* he receives a consideration for its *'use'* and parts with the right to restrict that *'use'*."

Injunction is a very proper way of enforcing criminal statutes:

Georgia Trust Co. vs. Georgia, 109 Ga. 756; 35 S. E. 323; 41 Corpus 198.

The act of one conspirator is the act of all, and where an agreement in violation of the Anti-Trust Laws is made, and one party (monopolists) pursues the course of conduct agreed upon, the other *parties* (the users) are liable as aiders and abettors.

State v. Racine, 63 Texas Civil app. 663; 134 S. W. 400; 41 Corpus 127.

A Federal license cannot shield one or operate as a shield in violation of state law—

49 Federal 238; see also Straus case, supra.

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. 3093. Charging unfair competition through use of the term "Virginia" to describe meats or meat food products not obtained from live stock grown in Virginia, a complaint has been issued against **United Corporation**, trading as **Virginia Products Co.**, 212 American Bank Building, **Richmond, Va.**, and **George M. Crump**, individually and as the corporation's president.

The complaint alleges that the respondent company, by using the word "Virginia" in its trade name and on labels on containers of its products, and in other ways, represented to the purchasing public that the meats used in its products are obtained from hogs and cattle grown in Virginia, and that the products have been cured and processed by the well-known Virginia method.

According to the complaint, the respondent company, through arrangements with different meat packers, purchased deviled ham and corned beef ready packed and labeled as specified by the respondent company, but such products were neither obtained from Virginia cattle and hogs nor processed by the Virginia method.

No. 3094. Misrepresentation of the therapeutic value of a medicinal preparation designated "Excel Gland Tablets" is alleged in a complaint issued against **C. J. O'Crowley**, trading as **Excel Products**, 4336 Sheridan Road, **Chicago**.

Advertising in newspapers, magazines and circulars, the respondent allegedly represented that his tablets consist of gland medicines, and are a gland stimulant; that they constitute a competent aphrodisiac, enable one to be young again, and that the results from their use are sure.

Such representations are false and misleading, according to the complaint, which alleges that the respondent's product is not in any sense a gland treatment and is not a competent treatment for natural debility or for debility caused in any manner.

No. 3095. Use of a lottery scheme in selling blankets and bedspreads is alleged in a complaint issued against **Miller, Bain, Beyer & Co.**, 1001 Filbert St., **Philadelphia**. **William F. Allen**, **Charles H. Wolf**, **Edward M. Mullen** and **Charles H. Clark**, individually and as copartners in the firm, also are named respondents.

According to the complaint, the respondents advertise their merchandise and sales plan by means of cards, circulars and letters and sell their products to wholesalers and retailers, clubs, fraternal organizations, hospitals and charitable institutions for resale to the purchasing public.

The respondents' method of distributing their merchandise is described as a "Club Plan", the clubs organized having a fixed number of members, usually 60 or 100, each of whom pays weekly dues, generally 25 cents, for a given period of weeks, usually 20 or 24.

No. 3096. Unfair representations indicating that certain domestic-made products are imported from France, are alleged in a complaint issued against **Chanel, Inc.**, 35 West 34th St., **New York**, dealer in toilet preparations. The complaint alleges unfair competition in violation of Section 5 of the Federal Trade Commission Act.

Perfume products were labeled in a manner purporting to describe and refer to the place of their origin, according to the complaint, by use of the following names: "Glamour de Chanel, Paris, France"; "Chanel-Jasmin, Chanel, Paris"; "No. 5, Chanel, Paris", and "Gardenia de Chanel, Paris".

Use of these representations on cartons and containers is alleged to have had a tendency to deceive buyers into the mistaken belief that the products so named were made or compounded in France and imported into the United States, when, in fact, they were produced in the United States.

STIPULATIONS AND ORDERS

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

No. 1925. **Clarence N. Debaugh**, trading as **C. D. Electric Co.**, **Ruxton, Md.**, in the sale of an electrical apparatus for re-

removal of surplus hair, designated "Monolux Hair Remover", agrees to stop using the words "safe", "painless" or "permanent" in describing this article, without at the same time qualifying such representations in accordance with the facts and the necessary care and skill required to be used in its application. The stipulation points out that use of this device by self-application is not safe, easy, painless, permanent or harmless, as was indicated in the respondent's advertising, unless great care and skill are used in its application.

No. 1926. James D. Boulger, trading as Eastern Textile Co., Power Square, Greenfield, Mass., agreed to cease advertising bundles of dry goods remnants as "dress remnants", so as to imply that the bundles are composed wholly of remnants of dress materials. If the bundles are composed in substantial part of remnants of dress materials, and the words "dress remnants" are used to describe the contents, then such words shall be prominently accompanied by other words so as to indicate clearly that the bundles are not composed wholly of dress remnants, but in part of other materials. Boulger also agreed to stop advertising "Satisfaction Guaranteed or Money Back", so as to imply that in all instances both the purchase price and the postage paid by dissatisfied customers will be returned to them, when such is not a fact.

No. 1928. The Bay Co., trading as American Plaster Co., 305 Bishop St., Bridgeport, Conn., agrees to stop using the word "sterilized" as a brand or mark for absorbent cotton which has not been rendered free from bacteria after being packaged, or in the packing of which the best accepted sanitary precautions have not been followed for the removal and exclusion of all bacteria. The company agrees to cease employing the word "sterilized" in such way as to imply that its products have been sterilized and are sanitary, when this is not a fact.

No. 1929. Use of lottery schemes in the sale of certain food products will be discontinued by **Hiram E. and Lottie Vickers, trading as Dub's Sandwich Co., 460 South Driver Ave., Durham, N. C.,** under terms of a stipulation entered into by these respondents.

Manufacturing peanut-butter and cheese sandwiches, candies and other similar products, and selling them exclusively to the jobbing trade or wagonmen, the respondents are said to have packed them in cartons containing 24 packages, each package holding five sandwiches wrapped in cellophane and selling for five cents each.

No. 1930. Fred P. Weissman, Inc., 270 West 38th St., New York, stipulated that on labels it will discontinue use of the phrase "100% Camel's Hair" as descriptive of those of its coats not composed of camel's hair, and of the words "Camel's Hair" either alone or with "100%", or in any manner so as to imply that the products to which such words apply are composed wholly of camel's hair, when this is not true. The stipulation provides that if the words "Camel's Hair" are used to describe coats made substantially of camel's hair, then such words shall be accompanied by other words in type equally conspicuous so as to indicate clearly that the coats are composed in part of materials other than camel's hair.

No. 1931. Century Metalcraft Corporation, 1105 Lawrence Ave., Chicago, has entered into a stipulation to discontinue certain unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act, in the sale of cooking utensils under the trade name "Silver-Seal".

The corporation agreed to cease representing in advertising matter and through salesmen that the waterless method of cooking with Silver-Seal utensils has been endorsed by leading medical authorities and dieticians, that such method of cooking can be accomplished only by use of Silver-Seal equipment, or that the cooking of foods in water necessarily deprives consumers of mineral salts, vitamins, nourishing elements and natural flavors of the foods, when such are not the facts; and that the eating of foods cooked in Silver-Seal utensils positively will improve health in all instances.

No. 1932. Allen's Poultry Farms and Hatchery, Creston, Ia., stipulates that it will cease using in advertising matter the representation "We assure you prompt delivery," or any similar allegation which may imply that the company's orders are filled promptly, and will also cease alleging that its flocks are "rigidly culled in accordance with the requirements of the Iowa Poultry Improvement Association," when such are not the facts, and that "We guarantee them (Blue Diamond chicks) to satisfy you as to quality, ability to mature, health and type." The company agrees no longer to represent that at the end of 30 days from date of arrival, any chicks which have died or any which have not proved true to type, or are unsatisfactory, will be replaced at one-half price, or that live delivery of the number of chicks or-

dered is guaranteed. These representations will be discontinued unless such guarantees are fulfilled and claims for losses adjusted promptly as represented.

No. 1933. Ezra Hollander, trading as Hollander Brothers, as Superior Laboratories, and as Supreme First Aid Co., 72 Franklin St., New York City, stipulates that he will stop using in advertisements the word "Laboratories" as part of or in connection with any trade name under which he conducts his business, or in any way implying that he owns or controls a laboratory, when this is not a fact. He will also cease using the word "manufacturing," implying that he owns and operates a factory in which his products are made, when this is not true.

The respondent agrees to ban use of the words "sterilized" or "sanitary" in any manner implying that his products have been rendered free from bacteria after being packaged, or that the best accepted sanitary precautions have been followed for removal and exclusion of all bacteria after packaging, or that these articles are sterilized and sanitary, when this is not a fact. He agrees also to stop using the description "Grade-A Absorbent Cotton" on labels affixed to containers in which absorbent cotton not of that grade is packed, and to cease use of the representation that his gauze bandages are made from the best bandage cloth obtainable, when such is not a fact.

No. 1934. Joseph Taylor Fleming, 411 Washington Bank Building, Pittsburgh, trading as **Washington Art Association,** in the sale of photographic enlargements, will cease using the words "Art Association" as part of his trade name, the stipulation pointing out that there was no such organization, except as a trade name under which to carry on this business. Fleming agrees to stop representing that the prices at which enlargements are made are special or reduced below the regular and customary prices; that the work done is by America's foremost portrait artists; that many portraits made by the "Association" are used for exhibition purposes, and that, if a customer's picture is so used, he will be paid for the privilege of making such exhibition.

No. 1935. Samuel Rodin, 33 Myrtle Ave., Brooklyn, manufacturing luggage such as brief cases and Gladstone bags, agrees no longer to use the word "cowhide" alone or in connection with the word "Warranted" or with other words as a stamp or label to describe luggage which is not composed of leather made from the top or grain cut or layer of the cowhide. The stipulation provides that if the luggage is made of leather taken from the inner or flesh cut of the hide, and the word "cowhide" is used as descriptive of it, that word shall be immediately accompanied by other words printed in conspicuous type to disclose clearly that the luggage is not composed of leather made from the top or grain cut or layer of the hide of the cow.

No. 1958. Timm Cap Co., Inc., engaged in manufacturing knitted goods, including knitted caps for boys' wear, in its stipulation, agrees to stop using the word "Timm" as part of its corporate or trade name, or in any way implying that it is the successor of Tim's Cap Corporation, or that its caps are manufactured thereby. Provision is made that whenever the corporate name containing the word "Timm" is used in advertising matter it should be prominently accompanied by the phrase "Established in 1934," to indicate clearly that Timm Cap Co., Inc., is not the successor of Tim's Cap Corporation.

Tim's Cap Corporation is said to have acquired a good will through the excellence of its product, "Tim's Cap," the patent on which expired in 1930. In 1933 Tim's Cap Corporation was formally dissolved, and in 1934 Timm Cap Co., Inc., was organized.

No. 1959. Climax Radio & Television Corporation, manufacturer of radio sets, agrees to discontinue employing the words "Edison," "Elgin," "Hamilton," or "Waltham" as brands or labels for products so as to imply that they are manufactured by or sold under a license or authorization from Thomas A. Edison, Inc., Elgin National Watch Co., Hamilton Watch Co., or Waltham Watch Co., respectively, when this is not a fact.

No. 1960. Manhattan Soap Co., Inc., trading under its corporate name and as Bristol Soap Co., stipulates that it will desist from using fictitious prices on cartons or boxes in which its soap is packed or on the products themselves, and will stop using the word "Doctor" or abbreviation "Dr." to imply that its products are made in accordance with the prescription or under direction of a doctor, or contain special scientific features resulting from medical advice or service. The respondent agrees to cease using the word "medicated," to imply that its products have been treated or impregnated with medicine, or the word "health," to describe soap products so as to imply that they contain ingredients which give the user certain benefits beyond those obtained from using any toilet soap, when these are not the facts.

The respondent corporation agrees to stop using in advertising

matter representations to the effect that its soap is of a dollar quality, contains no cocoanut oil, or has extra beneficial qualities for the skin, when these assertions are not warranted by the facts.

No. 1961. **Union Knitting Mills**, 15 South Third St., Philadelphia, and **Lawson Jaffe**, trading as **Capitol Jewelers**, 5 North Wabash Ave., Chicago, have entered into stipulations with the Federal Trade Commission to discontinue certain unfair representations in the sale of their products.

The knitting mills company, manufacturer of sweaters, trading under its corporate name or under the name **Home Knitting Mills**, agrees to stop employing the words "All Wool" or "All Wool 100 per cent" as a label for products not composed of wool. The company agrees to cease using the word "wool" alone or in connection with the word "all" or with "100 per cent," in ways which imply that its articles are made of wool. The stipulation provides that if the products are composed in substantial part of wool, the word "wool," if used to describe the wool content, shall be prominently accompanied by other words clearly showing that the articles are not made wholly of wool.

No. 1962. **Lawson Jaffe**, a wholesale jeweler distributing birthstones and birthstone rings, agrees to desist from the use of the words "Free Offer" in connection with advertisements featuring the language "Send 10¢ to cover handling—mailing," and a pictorial representation of a ring set with a stone, such representation implying that by paying 10 cents only a customer would be given free a ring set with his birthstone, when this is not a fact.

Use of the words "special" and "limited" when the offer described is not limited or special but is the usual or customary offer, will be discontinued, as will be the use in advertising of the words "cameo," "ruby" or "onyx" to describe mountings of rings which are not set with those stones.

Jaffe will also stop using the word "platinum" alone or in connection with "rhodium", as descriptive of the finish of rings, when in fact such finish has no platinum content.

No. 2323. **The Clark Grave Vault Co.**, 375 East 5th Ave., Columbus, Ohio, has been ordered to cease and desist from false and misleading representations constituting unfair methods of competition in connection with the sale of metal burial vaults.

The respondent company was ordered to discontinue representing in purported certificates of warranty or in advertising matter that its vaults, made of ferrous metal, are absolutely water-proof and air-tight, and will remain so when placed underground for 50 years or for any stated period of time; that they are made of a metal resistant to rust or corrosion, which is proof against moisture and crumbling; that they will afford positive and permanent protection to the coffin and body encased therein, and are warranted for 50 years against water entering the vault due to rust or corrosion.

No. 2578. An order has been issued to cease and desist against **Bear Mill Manufacturing Co., Inc.**, 361 Broadway, New York, distributor of cotton and rayon fabrics, requiring that company to discontinue representing, through use of the word "mills" or "manufacturing", alone or with other words, as part of its corporate name, or in any other way, that it manufactures the products it sells, unless and until it actually owns or controls a mill in which they are made.

The respondent company does not control a factory where its products are made, nor any print works, dye works, bleach works, finishing works, spinners or weavers, but is engaged solely in the sale and distribution of fabrics manufactured by others, according to findings in the case.

No. 2673. An order has been issued requiring **H. Will Elders**, of St. Joseph, Mo., to cease and desist from certain unfair methods of competition in the sale of Dr. H. Will Elders' Filled Prescription for Women, and other preparations.

Elders is directed to discontinue representing that his preparations constitute a cure, remedy, or competent and adequate treatment for sterility in women, or that they are beneficial in treating such condition unless the representations are limited to cases of sterility due to functional weaknesses.

Other similar representations, some of them in the form of advertising testimonials, are directed to be discontinued, under the order.

No. 2941. An order has been served upon **General Electric Co.**, **Westinghouse Electric & Manufacturing Co.**, **Elliott Co.** and **Allis-Chalmers Manufacturing Co.**, an order to cease and desist from entering into or maintaining any conspiracy to fix and maintain uniform delivered prices in the sale of turbine generators and from selling turbine generators by agreement upon uniform performance guarantees. The order directs the respondents to cease and desist from engaging in the following acts in furtherance of any such conspiracy:

Selling turbine generators upon uniform performance guarantees where the guarantees are not based upon actual performance;

From using the pricing sheets of any of the companies as the pricing sheets of any of the others;

From submitting uniform bids.

The order, however, does not prohibit the exchange of scientific information, if not used for unlawful price fixing.

The order was predicated upon a complaint of the Commission charging a price fixing conspiracy in the sale of turbine generators, the purchasers of which are chiefly the Federal Government, state governments, municipal governments, and public utilities, and upon the answers of the companies admitting, for the purposes of the proceeding, only, the said conspiracy and the Commission's finding that the conspiracy had been entered into.

No. 3049. An order to discontinue misbranding certain articles of luggage sold in interstate commerce has been entered against **Samuel Brier**, trading as **Samuel Brier & Co.**, 310 Spruce St., Philadelphia, and **Quakertown Luggage Co., Inc.**, Quakertown, Pa., of which Brier is president.

The order directs the respondents to cease and desist from representing, through use of the words "Warranted Cowhide", "Genuine Cowhide", "All Leather", "Genuine Leather", or any other words of similar import, that luggage made from the inner split of leather is made from the outer split or any part of the hide or skin other than the inner split.

Broadcast Advertising in February

HIGHLIGHTS OF THE MONTH

Total broadcast advertising during February amounted to \$10,182,325, a decline of 1.8% from the level of the previous month but an increase of 25.1% as compared to the corresponding month of last year. National network volume declined 5.7% as compared to January and local advertising dropped 2.5%. Regional network volume increased 4.5% and national non-network business rose 8.7%. All portions of the medium experienced gains as compared to last February. Local advertising increased to the greatest extent, rising 40.8%.

Radio broadcasting during February showed the greatest gain of any major medium as compared to the corresponding month of 1936. Whereas broadcast advertising increased 25.1% in volume, national magazine volume rose 12.8%, national farm paper volume 22.8%, and newspaper lineage 12.5%.

Non-network advertising increased 3.7% in volume over the preceding month and registered a gain of 33.9% over last February. Clear channel stations experienced the greatest increase over January, rising 6.5%. Compared to last February, regional station volume showed a gain of 58.3%. The South Atlantic-South Central area registered the greatest gain as compared to last month. All geographical districts showed substantial gains over last February.

Transcriptions showed the greatest increase of any type of rendition as compared to last month, rising 9.2%. Records and announcements showed the principal gains over last February. Announcements in the national non-network field and records in the local field showed the greatest increases over last month.

Principal gains were shown in the following sponsor groups: national network household equipment and soap and kitchen supplies; regional network tobacco, food-

stuffs and soap and kitchen supplies; national non-network automotive, beverage and soap and kitchen supplies; and local automotive and cosmetics. Retail broadcast advertising amounted to \$971,830, a decline of less than 1.0% from the level of January but 34.0% greater than last February.

TOTAL BROADCAST ADVERTISING

Total broadcast advertising for the month of February is found in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING
1937 Gross Time Sales

<i>Class of Business</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
National networks..	\$6,061,387	\$5,714,443	\$11,775,830
Regional networks..	92,169	96,382	188,551
National non-network	2,313,700	2,517,000	4,830,700
Local.....	1,902,300	1,854,500	3,756,800
Total.....	\$10,369,556	\$10,182,325	\$20,551,881

Total broadcast advertising for the month of February declined 1.8% from the level of last month. This was due mainly to a 5.7% drop in national network business. Local broadcast advertising volume also experienced a decrease, declining 2.5%. Regional network and national non-network volume recorded gains of 4.5% and 8.7%, respectively.

Compared to February of last year, total broadcast advertising registered a 25.1% gain in volume. Local advertising volume increased to the greatest extent, rising 40.8%. National network volume was 19.4% ahead of last February and regional network and national non-network volume experienced gains of 4.2% and 29.3%, respectively.

COMPARISON WITH OTHER MEDIA

National magazine and national farm paper volume increased 39.8% and 49.1%, respectively, over January. Newspaper lineage, contrary to the trend of preceding years, experienced an increase of 4.0%. However, radio broadcasting showed the greatest gain in advertising volume of any major medium as compared to last February. Whereas radio broadcasting volume increased 25.1%, national magazine volume rose 12.8%, national farm paper volume 22.8%, and newspaper lineage 12.5%.

Advertising volume by major media is shown in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA
1937 Gross Time and Space Sales

<i>Advertising Medium</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
Radio broadcasting..	\$10,369,556	\$10,182,325	\$20,551,881
National magazines ¹	9,065,572	12,679,572	21,745,144
National farm papers ¹	541,539	807,703	1,349,242
Newspapers ²	39,486,000	41,082,000	80,568,000
Total.....	\$59,462,667	\$64,751,600	\$124,214,267

¹ Publishers' Information Bureau.

² Estimated.

NON-NETWORK ADVERTISING

Following the usual seasonal trend, non-network broadcast advertising increased 3.7% over the preceding month. Non-network gross time sales showed a 33.9% gain over February of last year. Clear channel and high-powered regional station volume increased 6.5% over the January level and regional station volume showed a gain of 2.0%. Local station volume remained at approximately the same level.

Regional station volume experienced the greatest gain when compared to the corresponding month of last year, rising 58.3%. Non-network advertising over clear channel and high-powered regional stations rose 22.9%, while local station volume increased 11.1%.

Non-network advertising by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION
1937 Gross Time Sales

<i>Power of Station</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
Over 1,000 watts.....	\$1,823,100	\$1,941,700	\$3,764,800
250-1,000 watts.....	1,839,900	1,876,300	3,716,200
100 watts.....	553,000	553,500	1,106,500
Total.....	\$4,216,000	\$4,371,500	\$8,587,500

The South Atlantic-South Central Area experienced the greatest gain in non-network advertising volume of any geographical district as compared to last month. Advertising in this region rose 9.6%. The New England-Middle Atlantic Area alone showed a decline, dropping 3.4%. Non-network advertising in the North Central Area and in the Pacific and Mountain Area rose 6.0% and 3.1%, respectively.

As compared to last February, non-network advertising volume in the New England-Middle Atlantic Area increased 60.8%. The volume in the South Atlantic-South Central Area rose 26.8%, in the North Central Area 25.2%, and in the Pacific and Mountain Area 31.5%.

Non-network broadcast advertising by geographical districts is found in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS
1937 Gross Time Sales

<i>Geographical District</i>	<i>January</i>	<i>February</i>	<i>Cumulative Jan.-Feb.</i>
New England-Middle Atlantic Area.....	\$1,097,900	\$1,060,600	\$2,158,500
South Atlantic-South Central Area.....	783,000	858,200	1,641,200
North Central Area...	1,564,700	1,658,800	3,223,500
Pacific and Mountain Area.....	770,400	793,900	1,564,300
Total.....	\$4,216,000	\$4,371,500	\$8,587,500

NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Transcription business increased to the greatest extent as compared to the preceding month, rising 9.2%. Total live talent and record volume remained at approximately the same levels, while announcements rose 6.1%. Compared to last February, transcription volume rose 20.9%, live talent business 30.6%, record volume 59.7%, and announcements 55.5%.

In the national non-network field, transcriptions increased 13.2% in volume as against last month. Live talent advertising rose 4.1% and announcements 16.2%.

Record volume declined 40.4%. Transcription volume was 15.8% ahead of the level of last February. Live talent business rose 22.4%, announcements 90.8%, and record volume more than tripled.

Declines were fairly general in the local field with the exception of record volume which increased 8.6% over last month. Transcriptions declined 5.6%, live talent 3.4%, and announcements 1.2%. Marked increases over the corresponding month of last year occurred in all types of rendition. Local transcription volume rose 50.7%, live talent 42.1%, records 50.8%, and announcements 34.7%.

National and local non-network advertising by type of rendition is found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	National Non-network		1937 Gross Time Sales		Total		Cumulative Jan.-Feb.
	January	February	Local January	Local February	January	February	
Electrical transcriptions.....	\$710,850	\$804,800	\$190,130	\$179,400	\$900,980	\$984,200	\$1,885,180
Live talent programs.....	1,169,850	1,217,500	1,053,140	1,016,800	2,222,990	2,234,300	4,457,290
Records.....	15,110	9,000	74,200	80,600	89,310	89,600	178,910
Announcements.....	417,890	485,700	584,830	577,700	1,002,720	1,063,400	2,066,120
Total.....	\$2,313,700	\$2,517,000	\$1,902,300	\$1,854,500	\$4,216,000	\$4,371,500	\$8,587,500

SPONSOR TRENDS IN FEBRUARY

Declines were general in the national network field with the exception of the household equipment, soap and kitchen supply and tobacco sponsor groups which registered increases as compared to last month. All groups except clothing, beverage and miscellaneous advertising showed gains over last February. Automotive advertising increased 49.1%, foodstuffs rose 42.2%, household equipment tripled, soap and kitchen supplies rose 52.4%, financial increased 41.3%, and radio set advertising more than doubled.

Foodstuffs, soap and kitchen supplies and tobacco advertising showed the most important gains over last month in the regional network field. Clothing and household equipment advertising experienced the most pronounced declines. As compared to last February, the principal increases were in the gasoline and accessory, cosmetic, beverage and tobacco sponsor groups.

National non-network automotive, beverage, and soap and kitchen supply advertising showed the principal gains over January. Department store advertising declined 16.6% and tobacco advertising 18.2%. The foodstuffs, beverage, confectionery, soap and kitchen supply and tobacco sponsor groups registered important gains over last February.

Local automotive advertising rose 25.2% and cosmetic advertising increased 34.2%, while gasoline and accessory advertising declined 54.8% and confectionery advertising 30.0%. With the exception of drug advertising, all groups showed increases when compared to the corresponding month of last year.

Broadcast advertising during February by major product and sponsor groups is shown in table VI, on page 2033.

Detailed information regarding various sponsor groups during the month of February is as follows:

1a. **Amusements.** As compared to last month, national non-network volume rose 2.9% and local advertising 24.9%. National non-network business 8.1% greater than during last February and local business 3.7% greater.

1. **Automotive.** National network volume declined 10.7% from January, while national non-network and local business showed gains of 91.8% and 25.2%, respectively. As against February, 1936, national network business increased 49.1% and local advertising 12.1%. National non-network volume declined 63.9%.

2. **Accessories and gasoline.** National network volume 11.4% less than during January. Regional network volume increased 6.8% and national non-network volume rose 9.1%. Local advertising declined 54.8%. Compared to the corresponding month of last year, national network and local business remained approximately the same, while regional network volume increased 91.1% and national non-network 7.6%.

3. **Clothing.** Compared to last month, national network volume decreased 17.4%, regional networks 76.3%, and local 16.6%. National non-network business rose 13.4%. National network volume 28.0% below the level of last February and national non-network volume 7.9% less. Regional network and local advertising 28.2% and 47.2% greater, respectively.

4. **Drugs and pharmaceuticals.** Regional network

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(FEBRUARY 1937)

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales</i>				<i>Total</i>
	<i>National Networks</i>	<i>Regional Networks</i>	<i>National Non network</i>	<i>Local</i>	
1a. Amusements.....	—	—	\$6,390	\$36,150	\$42,540
1-2. Automobiles and accessories:					
(1) Automobiles.....	551,501	—	83,880	95,670	731,051
(2) Accessories, gas and oils.....	414,664	17,260	143,610	49,090	624,624
3. Clothing and apparel.....	24,534	790	37,020	225,970	288,314
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	565,705	9,749	504,820	53,600	1,133,874
(5) Toilet goods.....	1,009,238	4,860	131,400	21,760	1,167,258
6-8. Food products:					
(6) Foodstuffs.....	1,198,143	32,091	598,560	276,710	2,105,504
(7) Beverages.....	315,958	8,325	107,670	100,650	532,603
(8) Confections.....	126,048	2,440	60,430	8,160	197,078
9-10. Household goods:					
(9) Household equipment and furnishings.....	118,128	1,235	69,770	178,460	367,593
(10) Soap and kitchen supplies.....	407,710	700	196,430	9,190	614,030
11. Insurance and financial.....	68,559	1,834	22,790	87,100	180,283
12. Radios.....	241,397	—	6,200	16,690	264,287
13. Retail establishments.....	—	800	15,220	156,510	172,530
14. Tobacco products.....	436,473	9,900	117,310	6,930	570,613
15. Miscellaneous.....	236,385	6,398	415,500	531,860	1,190,143
Total.....	\$5,714,443	\$96,382	\$2,517,000	\$1,854,500	\$10,182,325

volume rose 6.2%, while national network volume declined 7.8%, national non-network business 3.2%, and local advertising 12.6%. National network advertising 12.6% above last February and national non-network up 11.5%. Regional network volume down 27.6% and local 17.3%.

5. *Toilet goods.* National network volume 7.0% less than during January. Regional network business remained the same, while national non-network volume declined 1.1% and local advertising rose 34.2%. Gains as compared to February of preceding year as follows: national network 3.4%, regional network 44.6%, national non-network 10.1%, and local 16.9%.

6. *Foodstuffs.* National network volume alone declined as compared to last month, dropping 5.1%. Regional network volume rose 16.3%, national non-network business 1.6%, and local advertising 5.6%. Gains over February 1936 as follows: national networks 42.2%, regional networks 7.6%, national non-network 63.9%, and local 44.1%.

7. *Beverages.* National network 13.9% below January and regional network volume down 19.4%. National non-network business rose 51.2%, while local advertising remained the same. National network volume 15.4% less than February of last year. Regional network volume rose 96.9%, national non-network business 43.3%, and local advertising 61.9%.

8. *Confectionery.* Compared to last month, national network volume declined 3.9%, regional network business 18.6%, and local advertising 30.0%. National non-network business rose 35.0%. Regional network business 46.5% below last February, while national network volume rose 18.3%, national non-network 33.5%, and local advertising 93.3%.

9. *Household equipment.* National network busi-

ness three times as great as last month and national non-network business rose 13.2% and local business 5.7%. Regional network business declined 53.4%. Compared to last February, national network volume tripled and national non-network and local advertising increased 8.3% and 46.5%, respectively. Regional network volume declined 72.6%.

10. *Soap and kitchen supplies.* Gains over January as follows: national network 14.6%, regional networks more than tripled, national non-network 74.5%, and local 2.9%. National network volume increased 52.4% over last February, while national non-network volume was five times as great and local advertising more than tripled. Regional network volume declined materially.

11. *Insurance and financial.* National network volume 7.8% below January and local down 13.3%. National non-network volume increased 17.1%, while regional network business remained the same. National network volume 41.3% greater than during the corresponding month of last year, regional network business doubled, and local business rose 42.8%. National non-network volume declined 42.4%.

12. *Radio.* Compared to January, declines as follows: national network 15.5%, national non-network 4.6%, and local 14.5%. National network volume was more than double that of last February and local advertising rose 54.5%. National non-network business declined 62.1%.

13. *Department and general stores.* Regional business amounted to \$800. National non-network volume dropped 16.6% and local advertising 2.3% as compared to last month. National non-network business down 20.3% and local advertising up 59.7% as against last February.

14. *Tobacco products.* As against last month, national network and regional network volume increased 3.5% and 17.5%, respectively, while national non-network and local advertising declined 18.2% and 7.6%, respectively. Gains over last February as follows: national network 28.8%, regional network 62.5%, national non-network tripled, and local 11.8%.

15. *Miscellaneous.* National network volume declined 23.8% compared to last month. Regional network volume rose 57.2%, national non-network 9.8%, and local 6.6%. National network and regional network volume 38.0% and 40.5% below last February, respectively. National non-network rose 50.4% and local advertising 51.2%.

RETAIL BROADCAST ADVERTISING

Retail broadcast advertising declined less than 1.0% from the level of the preceding month. This is much less than the usual seasonal decline in retail advertising. The volume for February was 34.0% greater than the level recorded in February of last year. Compared to last month, automotive advertising increased 34.8%, gasoline station advertising, 12.7%; drug store advertising, 51.8%; furniture store advertising, 15.5%; radio retailers, 20.0%; and hardware store advertising more than doubled. Clothing volume declined 15.6%, grocery store advertising, 24.8%; and confectionery store advertising 34.3%.

The principal increases as compared to last February were as follows: gasoline stations 37.9%, clothing 46.4%; beauty parlors 43.9%, household equipment dealers 69.0%, furniture stores 68.7%, department stores 46.6%, and hardware stores and radio retailers more than doubled. Drug store advertising declined 34.3%, grocery store advertising, 39.1%; and restaurant advertising 16.8%.

Retail broadcast advertising over individual stations is found in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	1937 Gross January	Time Sales February
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$73,310	\$98,870
Gasoline stations, garages, etc.....	28,140	31,720
Clothing and apparel shops.....	291,610	245,900
Drugs and toilet goods:		
Drug stores.....	9,080	13,790
Beauty parlors.....	7,680	7,600
Food products:		
Grocery stores, meat markets, etc....	51,010	38,320
Restaurants and eating places.....	19,350	19,350
Beverage retailers.....	1,980	1,840
Confectionery stores.....	7,390	4,850
Household goods:		
Household equipment dealers.....	53,820	53,600
Furniture stores.....	103,390	119,500
Hardware stores.....	6,290	13,870
Radio retailers.....	14,330	17,190
Department and general stores.....	176,600	171,730
Tobacco shops.....
Miscellaneous.....	135,000	133,700
Total.....	\$978,980	\$971,830

FTC CASE DISMISSED

No. 3027. The Federal Trade Commission has entered an order dismissing its complaint against **Flori Mothproofing Method, Inc.**, 252 South Broad St., Philadelphia, which had been charged with use of unfair methods of competition in connection with the sale of a liquid preparation designated "Flori", for use on garments, rugs, furniture and other articles as a protection against moths, carpet beetles and insects.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, April 12.

Monday, April 12

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Schuylkill Broadcasting Co., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.
NEW—Pottsville News & Radio Corp., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.

Tuesday, April 13

HEARING BEFORE AN EXAMINER

(Broadcast)

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—C. P., 1450 kc., 1 KW, unlimited time. Present assignment: 1450 kc., 500 watts, unlimited time.

Wednesday, April 14

HEARING BEFORE AN EXAMINER

(Broadcast)

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Modification of license, 1430 kc., 250 watts, unlimited time. Present assignment: 1420 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, April 15

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-104:

KGGC—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. Other participants: None.

Examiner's Report No. 1-324:

NEW—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—C. P., 1210 kc., 100 watts, daytime. Other participants: WSFA, Montgomery, Ala.; Seaboard Investment Co., Inc., Montgomery, Ala.

Examiner's Report No. 1-334:

NEW—Clarence C. Dill, Washington, D. C.—C. P., 1390 kc., 1 KW, unlimited time. Other participants: KQV, Pittsburgh, Pa.; KLRA, Little Rock, Ark.; WLVA, Lynchburg, Va.

Examiner's Report No. 1-338:

NEW—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—C. P., 1370 kc., 250 watts, daytime. Other participants: William W. Ottaway, Port Huron, Mich.

Examiner's Report No. 1-339:

WMAS—WMAS, Inc., Springfield, Mass.—C. P., 560 kc., 1 KW, unlimited time. Other participants: WBZA, Boston, Mass.; WSYR, Syracuse, N. Y.; WIS, Columbia, S. C.; WFIL, Philadelphia, Pa.; WQAM, Miami, Fla.; WTAG, Worcester, Mass.; WMCA, New York City; WSPR, Springfield, Mass. (Intervenor).

Examiner's Report No. 1-342:

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Modification of license, 880 kc., 500 watts, 1 KW LS, shares-WQAN. Present assignment: 880 kc., 500 watts, shares WQAN. *Other participants:* WABC, New York City; WESG, Elmira, N. Y.; WRNL, Petersburg, Va.

Examiner's Report No. 1-351:

NEW—Golden Empire Broadcasting Co., Marysville, Calif.—C. P., 1140 kc., 250 watts, daytime. *Other participants:* Marysville-Yuba City Publishers, Inc., Marysville, Calif.; KVOO, Tulsa, Okla.

Examiner's Report No. I-323:

KFPB—Voice of Greenville, Greenville, Tex.—C. P., 1420 kc., 100 watts, daytime. Present assignment: 1310 kc., 15 watts, specified hours.

Examiner's Report No. I-344:

NEW—Hunt Broadcasting Assn., Greenville, Tex.—C. P., 1200 kc., 100 watts, daytime.

Examiner's Report No. I-348:

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Modification of license, 1210 kc., 100 watts, unlimited time.

Examiner's Report No. I-349:

NEW—Hannibal Broadcasting Co., Hannibal, Mo.—C. P., 1310 kc., 100 watts, unlimited time.
NEW—The Courier-Post Publishing Co., Hannibal, Mo.—C. P., 1310 kc., 100 watts, 250 watts LS. unlimited time.

Friday, April 16

HEARING BEFORE AN EXAMINER (Broadcast)

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami Beach, Fla.—Modification of license, 610 kc., 1 KW, unlimited time. Present assignment: 1300 kc., 1 KW, unlimited time.

FURTHER HEARING BEFORE AN EXAMINER

WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Modification of license, 1500 kc., 100 watts, unlimited time.

WHBB—W. J. Reynolds, Jr., J. C. Hughes, and J. S. Allen, d/b as Selma Broadcasting Co., Selma, Ala.—Voluntary assignment of license, 1500 kc., 100 watts, unlimited time.

APPLICATIONS GRANTED

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted C. P. to use old W.E. 106-B equipment as an auxiliary transmitter and move same from near Des Moines, Wash., to 950 Pacific Ave., Tacoma, Wash., and operate with 1 KW for emergency purposes only.

KRLC—H. E. Studebaker, Lewistown, Idaho.—Granted modification of C. P. approving transmitter site, changes in equipment and installation of vertical radiator.

WILL—University of Illinois, Urbana, Ill.—Granted modification of C. P. extending completion date from May 22 to July 22, 1937.

WHBP—Wilton Harvey Pollard, Huntsville, Ala.—Granted modification of C. P. to make changes in equipment.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted license to cover C. P., 1410 kc., 500 watts night, 1 KW day, unlimited.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Granted license to cover C. P., 1280 kc., 250 watts, unlimited time.

KHUB—F. W. Atkinson, Watsonville, Calif.—Granted license to cover C. P., 1310 kc., 250 watts, daytime only.

WHP—WHP, Inc., Harrisburg, Pa.—Granted license to cover C. P., 1430 kc., 500 watts night, 1 KW day, unlimited.

WSAJ—Grove City College, Grove City, Pa.—Granted modification of license to change studio location and reduce hours of operation to Sundays from 4:30 to 5:30 p. m., and two days each week from 7:15 to 8:45 p. m., EST, and application for renewal of license dismissed from hearing docket.

WBBR—Monmouth Broadcasting Co., Red Bank, N. J.—Granted license to cover C. P. authorizing changes in equipment.

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Granted license for auxiliary transmitter on frequency 900 kc., with 1 KW power.

KMO—KMO, Inc., Tacoma, Wash.—Granted license to cover C. P. and modifications thereof; 1330 kc., 1 KW, unlimited.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted modification of license to increase power from 500 watts, 1 KW LS, to 1 KW day and night.

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted C. P. for new equipment and increase in day power from 100 watts to 250 watts.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted authority to install automatic frequency control.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis., Mobile.—Granted C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 50 watts.

W9XAI—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis., Mobile.—Granted C. P. to make changes in equipment and increase power from 7.5 watts to 50 watts.

NEW—A. H. Belo Corp., Grapevine, Tex.—Granted C. P. for new high frequency broadcast station, frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.

WOTM—Lawrence W. McDowell, VERA LEE.—Granted third class private radio ship station license for a period of 1 year from date.

WOTE—Joseph D. Peeler, ISABEL.—Granted third class private radio ship station license for a period of 1 year from date.

SET FOR HEARING

NEW—Kenneth Baker, Hartwell Gaus, V. A. Bermier, d/b as Key City Broadcasting Co., Kankakee, Ill.—C. P. for new station, 1500 kc., 100 watts, unlimited time.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.

WDNC—Durham Radio Corp., Durham, N. C.—C. P. to move transmitter site locally, install new equipment and directional antenna system for night-time use, change frequency from 1500 kc. to 600 kc., and increase power from 100 watts, unlimited, to 1 KW, unlimited time.

WKEU—Radio Station WKEU, Griffin, Ga.—C. P. to install a vertical radiator, change frequency from 1500 kc. to 1310 kc., increase power and time of operation from 100 watts, daytime only, to 100 watts, unlimited time.

WRC—National Broadcasting Co., Inc., Washington, D. C.—C. P. to move transmitter site locally, install new equipment and vertical radiator, and increase night power from 500 watts to 1 KW and day power from 1 KW to 5 KW.

KVOD—Colorado Radio Corp., Denver, Colo.—C. P. to change transmitter site locally, install directional antenna system for night-time use, change frequency from 920 kc. to 630 kc., and increase power from 500 watts night and day, sharing equally with KFEL, to 1 KW, unlimited time.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modification of C. P. to install new equipment, change frequency from 1200 kc. to 1330 kc., increase night power from 100 to 250 watts and day power from 250 to 500 watts.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Modification of license to change frequency and power to 620 kc., 500 watts night, 1 KW day, unlimited time.

NEW—Dan B. Shields, Provo, Utah.—C. P. for new station, 1210 kc., 100 watts, unlimited time, site to be approved.

NEW—Clark Standiford, L. S. Coburn, and A. C. Sidner, Fremont, Nebr.—C. P. for new station, 1370 kc., 100 watts, unlimited time, site to be determined with Commission's approval.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license (amended 2-24-37) to request change in frequency from 1370 kc. to 1340 kc., increase night power from 100 watts to 250 watts (to be heard May 19, 1937).

SPECIAL AUTHORIZATIONS

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 8 to 9:30 p. m., EST, April 6, in order to broadcast speech of the National Commander of the American Legion.

WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 11 p. m., EST, April 7, in order to broadcast a concert by the Vermont Symphony Orchestra.

WGY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to rebroadcast routine transmissions

of Schenectady Police Dept. radio system on April 5, during dedication program.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m., and from 4 p. m. to local sunset (May sunset 7:15 p. m., EST), May 1, 8, 11, 15, 18, 22 and 28, 1937, in order to broadcast baseball games: also from 2:45 to 4:15 p. m., EST, May 2, 1937, in order to observe Charter Day—College Holiday.

ACTION ON EXAMINER'S REPORT

KRLH—Ex. Rep. 1-376: Clarence Scharbauer, Midland, Tex.—Denied as in cases of default application for modification of license to change frequency from 1420 kc. to 1210 kc. Examiner Seward sustained.

ORAL ARGUMENTS GRANTED

Oral arguments were granted, to be held May 6, 1937, in the following cases:

Ex. Rep. 1-336, Advertiser Pub. Co., Ltd., and Fred J. Hart, Honolulu, T1H. Ex. Rep. 1-360, Central States Broadcasting Co., Council Bluffs, Iowa. Ex. Rep. 1-361, Merrimac Broadcasting Co., Inc. (WLLH), Lawrence, Mass. Ex. Rep. 1-362, Sioux City Broadcasting Co., and C. W. Corkhill, Sioux City, Iowa.

ORAL ARGUMENT CONTINUED

Oral arguments in the following cases, now scheduled to be heard on April 8, 1937, were continued to April 15, 1937:

Ex. Rep. 1-104, Golden Gate Broadcasting Co., San Francisco, KGGC. Ex. Rep. 1-324, John S. Allen, G. W. Covington, Jr., Montgomery, Ala. Ex. Rep. 1-334, Clarence C. Dill, Washington, D. C. Ex. Rep. 1-338, Port Huron Broadcasting Co., Port Huron, Mich. Ex. Rep. 1-339, WMAS, Inc., Springfield, Mass. Ex. Rep. 1-342, Scranton Broadcasters, Inc., WGBI, Scranton, Pa. Ex. Rep. 1-351, Golden Empire Broadcasting Co., Marysville, Calif.

EFFECTIVE DATES EXTENDED

NEW—Ex. Rep. 1-269: Jack E. Brantley, Mrs. J. E. Brantley, and Jack E. Brantley, Jr., Savannah, Ga., and NEW—W. T. Knight, Jr., Savannah, Ga.—Effective date of order extended to May 11, 1937.

NEW—Ex. Rep. 1-295: A. Tornek, d/b as Metro Broadcasting Co., Los Angeles, Calif.—Effective date of order extended to May 11, 1937.

The Commission further extended the effective date of the decision of the Broadcast Division of November 17, 1936, in denying the application of WHB Broadcast Company, Kansas City, Mo., for C. P., Docket No. 3808, from April 8 to April 15, 1937.

APPLICATION DISMISSED

NEW—C. E. Wilkinson Broadcasting Co., Inc., Mason City, Iowa.—Dismissed at request of applicant, application for C. P., 1210 kc., 100 watts, unlimited, heretofore set for hearing.

APPLICATION DENIED

The following application, heretofore set for hearing, was denied as in cases of default for failure of applicant to file an appearance and statement of facts in accordance with Rule 104.6 (c):

NEW—General Electric Co., Nr. Belmont, Cal.—C. P. emission A-3, 9530, 15330 kc., 20 KW, shares W2XAF and W2XAD (Unlimited by reason of difference in International time).

MISCELLANEOUS

Carolina Advertising Corp., Columbia, S. C.—Granted petition to reopen the record to authorize the taking of additional evidence in support of its application for C. P. for a new station at Columbia to operate on 1370 kc., 100 watts, 250 watts LS, unlimited time. (Docket No. 4274.)

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted authority to intervene in the hearing on the application of the National Battery Broadcasting Co., for C. P. to erect

a new broadcast station at St. Paul, to operate on 580 kc., 1 KW, unlimited time.

KGFF—The KGFF Broadcasting Co., Inc., Shawnee, Okla.—Denied 60 day postponement of hearing on its application for modification of license to change frequency from 1420 to 1430 kc., and increase power from 100 watts, 250 watts LS, unlimited time, to 250 watts, unlimited time. (Docket No. 4424.)

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted continuance of hearing on application for modification of license to change power from 100 watts daytime, to 100 watts, 250 watts LS, unlimited time. (Docket No. 4401).

Philadelphia Radio Broadcasting Co.—Granted petition to be made respondent in the hearing of the application of Abraham Plotkin for C. P. for new station in Chicago to operate on 1570 kc., 1 KW, unlimited time.

WFLA-WSUN—Clearwater Chamber of Commerce, Clearwater, Fla.—Denied petition to intervene in the hearing on the application of the Isle of Dreams Broadcasting Corp., licensee of station WIOD-WMBF, for modification of license to change frequency from 1300 to 600 kc. (Docket No. 4425.)

The Yankee Network, Inc., Boston, Mass.—Granted petition to intervene at the hearing of the application of the Broadcasting Service Organization, WORL, Boston, Mass., for C. P. to increase power from 500 watts daytime, to 1 KW, unlimited time, 920 kc. (Docket No. 4206).

KROY—Royal Miller, Sacramento, Cal.—Denied petition to reconsider action in postponing hearing from April 5 to May 19, 1937, on application for modification of C. P. to change frequency from 1210 kc. to 1340 kc., power from 100 watts daytime, to 250 watts, 1 KW LS, unlimited.

KGa—Louis Wasmer, Spokane, Wash.—Granted petition to continue hearing now scheduled for April 6, 1937, to a later date to be fixed by Docket Section. Application is for modification of license to change frequency from 1470 kc., 5 KW unlimited time, to 950 kc., 1 KW, 5 KW LS, unlimited time.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Denied petition asking Commission to continue for an indefinite period the hearing in Dockets Nos. 4251, 4443, 4119 and 4206, now set for May 5, 1937. Docket 4251 is the application of Drovers Journal Publishing Co., for C. P. to install new transmitter, change hours of operation from daytime to unlimited, and increase power from 1 KW daytime only, to 1 KW night, 5 KW LS. Docket 4443 is the application of Geo. W. Young for C. P. to erect a new station at St. Paul, Minn., using directional antenna, on frequency of 920 kc., with power of 1 KW night, 5 KW day, unlimited. Docket 4119 is the application of the National Battery Broadcasting Co., for C. P. to erect a new station in St. Paul, Minn., using directional antenna on frequency of 920 kc., with power of 1 KW, unlimited time. Docket 4206 is the application of the Broadcasting Service Organization, Inc., licensee of station WORL, Boston, operating on frequency of 920 kc., for C. P. to install directional antenna, move transmitter to Cambridge, Mass., change hours of operation from daytime to unlimited, and to increase power from 500 watts daytime only to 1 KW, unlimited.

Ben M. Lidenton and A. L. McCarthy, d/b as Fields McCarthy Co., Poplar Bluff, Mo.—Accepted appearance filed late through misunderstanding, in re application for C. P. for new station at Poplar Bluff, Mo., to operate on 1310 kc., 100 watts, daytime. Hearing scheduled for April 12, 1937, continued to a date to be fixed by the Docket Section.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Denied petition asking Commission to reconsider action of March 16, 1937, in designating for hearing application for transfer of control from Roger W. Clipp and Frank V. Becker to the Delaware Channel Corp., and grant the same without hearing.

WMBQ—Metropolitan Broadcasting Co., Brooklyn, N. Y.—Granted temporary interim authority to Joseph Husid, receiver, to continue the operation of station for a reasonable time, i.e., 60 days, pending decision upon applications from WWBL, Paul J. Gollhofer and Lillian Kiefer for the facilities of WMBQ as well as application for renewal of license of WMBQ and an application from WMBQ for permit to install new equipment, move station, make changes in antenna, which were heard by Examiner Walker, February 16, 17, 18, 1937, not yet reported. The temporary license granted to receiver is specifically subject to recall and cancellation by Commission without advance notice or hearing at any time.

RATIFICATIONS

The Commission ratified the following acts authorized on the dates shown

- KFXR—Exchange Ave. Baptist Church of Oklahoma City, Oklahoma City, Okla.—Granted extension of program test period 30 days from March 26, 1937.
- WSGN—Birmingham News Co., Birmingham, Ala.—Granted extension of program test period 30 days from March 24, 1937.
- WIRE—Indianapolis Broadcasting Inc., Indianapolis, Ind.—Granted extension of equipment test period 10 days from March 29.
- W9XPS—Peoria Broadcasting Co., Peoria, Ill.—Granted authority to operate as licensed on March 30, relay broadcast WMBD Good Neighbor program.
- KABE-KIGA—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority to operate as licensed on 4-4-37, relay broadcast from Ft. Snelling Chapel, near St. Paul.
- WJEP—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate as licensed period, April 5 to 15, inclusive, relay broadcast Safety Campaign Program in Rochester.
- K6SCJ—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted extension program tests to April 30, 1937.
- McLaren Advertising Co., Ltd., Toronto, Canada.—Granted special temporary authority to transmit programs on behalf of the Imperial Oil Co., Ltd., over a Canadian network of National Hockey League playoff games which will be played in Boston, New York and Detroit for a period not to exceed 30 days.
- KOCA—Oil Capital Broadcasting Assn., Kilgore, Tex.—Granted special temporary authority to use studio located at 310½ Main St., Kilgore, Texas, instead of main studio located at Laird Ave., Kilgore, Tex., for a period ending in no event later than 4-20-37.
- WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate 100 watt test transmitter on 580 kc., between midnight and 6 a. m., CST, for the period April 1 to April 10, 1937, for the purpose of adjusting directional antenna authorized by C. P.
- WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 10 a. m., EST, April 1 to April 30, 1937, inclusive, in order to broadcast Rutland County Community programs, provided no further extension is granted unless a formal application specifying a proper antenna is filed.

The Broadcast Division granted the petition of KTSA Broadcasting Co., licensee of Station WACO, to intervene in the proceedings upon the application of T. E. Kirksey for C. P. for new station at Waco, Texas, Docket 4275.

Granted petition of Dr. Geo. W. Young to intervene in the proceedings upon the application of Edward Hoffman, d/b as WMIN Broadcasting Co. (WMIN), for modification of license, Docket 4342.

Granted petition of Sabine Broadcasting Co., Inc. (KFDM), Beaumont, Texas, to intervene in the proceedings upon the application of Beaumont Broadcasting Assn. for C. P. for new station at Beaumont, Texas, Docket 4376.

Granted petition of Magnolia Petroleum Co., Dallas, Texas, to intervene in proceedings upon the application of Beaumont Broadcasting Assn. for C. P. for new station at Beaumont, Texas, Docket 4376.

Granted petition of Carolinas Radio, Inc., to intervene in the proceedings upon the application of WSOC, Inc., Charlotte, N. C., for C. P., Docket 4370.

Denied petition of WHFC, Inc., Cicero, Ill., requesting permission to intervene in the proceedings upon the application of Robert McCulla for C. P. for new station at Oak Park, Ill., Docket 3647.

The Broadcast Division disregarded the petition of the Don Lee Broadcasting System for authority to intervene in the proceedings upon the application of Pacific Acceptance Corp. for C. P. for new station at San Diego, Calif., Docket 2968, and directed that it be returned to the Docket Section to be associated with the record. The Broadcast Division also denied the petition of the Don Lee Broadcasting System for continuance of a period of 30 days of said hearing on Docket No. 2968.

Granted motion of Frazier Reame, Mansfield, Ohio, for continuance of the hearing on his application for C. P., Docket 4315,

and directed that the said hearing be continued until May 17, 1937.

Granted request of The Faith Broadcasting Co. for permission to amend its application for C. P. for new station at Wichita Falls, Tex., Docket 4218, relative to its antenna system, and directed that the amendment to this application be accepted without interrupting the progress of the hearing in the Wichita Falls cases, and further that all parties should be immediately notified.

Granted request of the Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y., for the issuance of a subpoena to compel the attendance of Anthony D'Angelo, Brooklyn, N. Y., President of the Paramount Broadcasting Corporation, in the so-called Brooklyn cases. The Commission denied the request of the Brooklyn Daily Eagle Broadcasting Co., Inc., for subpoena duces tecum to compel the attendance of Salvatore D'Angelo with certain books and documents of the Paramount Broadcasting Corporation.

Approved a form letter to be issued by the Accounting Department granting requests for extension of time for filing Report Form H for Holding Companies for the year 1936 until April 30, 1937, with the understanding that the reports be filed earlier than that date if practicable.

APPLICATIONS RECEIVED

First Zone

- WCAX—Burlington Daily News, Inc., Burlington, Vt.—License to 1200 cover construction permit (B1-P-1448) for changes in equipment, installation of vertical antenna, and increase in power.
- NEW—The Hampden-Hampshire Corp., Holyoke, Mass.—Construction permit for a new station to be operated on 1240 kc., 1 KW, unlimited time. To use directional antenna day and night.
- WNBZ—Earl J. Smith and Wm. Mace, d/b as Smith & Mace, 1290 Saranac Lake, N. Y.—Voluntary assignment of construction permit and license from Smith and Mace to Upstate Broadcasting Corporation.
- WEBR—WEBR, Inc., Buffalo, N. Y.—License to cover construction permit (B1-P-1370) for new transmitter and vertical antenna.
- WMBO—WMBO, Inc., Auburn, N. Y.—Modification of construction permit (B1-P-1467) for new transmitter and vertical antenna, increase in power, and move of transmitter, requesting further changes in equipment and extension of completion date from 7-24-37 to 180 days after grant.
- WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & 1370 Bostwick, St. Albans, Vt.—License to cover construction permit (B1-P-113) as modified for new equipment, change in frequency, power, and hours of operation, and move of studio and transmitter.
- NEW—Utica WUTK, Inc., Utica, N. Y.—Construction permit for 1420 a new station to be operated on 1420 kc., 100 watts, unlimited time.
- NEW—Juan Piza, Mobile, Puerto Rico.—Application for reinstatement of construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 50 watts.
- NEW—Juan Piza, Mobile, Puerto Rico.—License to cover above.
- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new television broadcast station to be operated on 42000-56000, 60000-86000 kc., 7500 watts.
- NEW—National Broadcasting Co., Inc., vicinity of Canton and Enderbury Islands.—Construction permit for a new experimental broadcast station on board U. S. S. *Avocet*, to be operated on 6425, 8655, 12862.5, 17310 kc., 1000 watts.
- NEW—National Broadcasting Co., Inc., vicinity of Canton and Enderbury Islands.—License to cover above.

Second Zone

- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to 530 transfer control of corporation from Lit Brothers Broadcasting System, Inc., to Lit Brothers, 4100 shares common stock.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Authority to 530 transfer control of corporation from WFI Broadcasting Company to Strawbridge and Clothier, 3526 shares of common stock.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-1412) for vertical antenna and move of transmitter, requesting installation of directional antenna for day and night use when WOSU is operating; change hours of operation from specified hours to unlimited; and extend commencement and completion dates.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit to change frequency from 1200 kc. to 1390 kc.; make changes in equipment; increase power from 100 watts night, 250 watts day, to 500 watts day and night, and install directional antenna for night use. Amended to change transmitter site from Page Street between Morgan and Mountain View Streets, Lynchburg, Va., to near Lynchburg, Va.

NEW—Havens & Martin, Inc., Petersburg, Va.—Construction permit for a new station to be operated on 1210 kc., 100 watts night, 250 watts day, specified hours (unlimited except Sundays between 10:30 a. m. to 1:30 p. m., 5:30 p. m. to 7 p. m. and 7:30 p. m. to 9:30 p. m., EST). Requests facilities of WMBG when WMBG changes to 1350 kc.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Construction permit to move transmitter from 16-18 North Main Street, Wilkes-Barre, Pa., to extension North 3d Avenue, Kingston, Pa., and install vertical antenna.

NEW—Summit Radio Corp., Akron, Ohio.—Construction permit 1530 for a new special broadcast station to be operated on 1530 kc., 1 KW, unlimited time. Amended to install directional antenna for night use, for approval of transmitter site at adjacent to Manchester Road, south of city limits, near Akron, Ohio, and studio as site to be determined, business district, Akron, Ohio.

NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—1570 Construction permit for a new special broadcast station to be operated on 1570 kc., 1 KW, unlimited time. Amended: For approval of transmitter site at Whitmore Lake Road, Ann Arbor, Mich., and install directional antenna for night use.

XXX—King-Trendle Broadcasting Corp., Detroit, Mich.—Authority to transmit programs from Station WXYZ to stations of the Canadian Radio Commission.

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., ½ watt.

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—License to cover construction permit.

NEW—WAVE, Inc., Louisville, Ky.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

NEW—WAVE, Inc., Louisville, Ky.—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—570 Construction permit to install a new transmitter.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Construction permit to make changes in equipment and increase power from 1 KW to 1 KW night, 5 KW daytime.

NEW—W. W. Luce, Fort Lauderdale, Fla.—Construction permit 1050 for a new station to be operated on 1050 kc., 1 KW, daytime. Amended to change hours of operation from limited time to daytime, using 1 KW power.

WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Construction permit to install a new transmitter, increase power from 100 watts to 100 watts night, 250 watts daytime.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power, and change frequency from 1200 kc. to 1210 kc. (contingent upon WSOC being granted 600 kc.).

WFTC—Jonas Weiland, Kinston, N. C.—License to cover construction permit (B3-P-944) as modified for a new station. Amended re equipment.

WJNO—Hazelwood, Inc., West Palm Beach, Fla.—Authority to 1200 transfer control of corporation from present stockholders to Jay O'Brien.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Authority 1210 to install automatic frequency control.

WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston-Salem, N. C.—License to cover construction permit (B3-P-808) as modified for new station.

NEW—Radio Enterprises, Inc., Lufkin, Tex.—Construction permit 1310 for a new station to be operated on 1310 kc., 100 watts, daytime. (Sections 12 (b), 17 (k), and balance sheet.)

KONO—Mission Broadcasting Co., San Antonio, Tex.—Voluntary 1370 assignment of license from Mission Broadcasting Co. to Eugene J. Roth, tr/as Mission Broadcasting Co.

KCMC—KCMC, Inc., Texarkana, Tex.—Construction permit to 1420 make changes in transmitting equipment and increase power from 100 watts to 100 watts night, 250 watts day time.

Fourth Zone

WDAF—The Kansas City Star Co., Kansas City, Mo.—Modification of construction permit (B4-P-1418) for a new transmitter and vertical antenna and move of transmitter, requesting further changes in equipment.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—License to 630 cover construction permit (B4-P-642) for changes in equipment and increase in power.

KFBI—The Farmers & Bankers Life Insurance Company, Abilene, 1050 Kans.—Voluntary assignment of license from The Farmers & Bankers Life Insurance Company to The Farmers & Bankers Broadcasting Corp.

WDSM—Fred A. Baxter, Superior, Wisc.—Modification of construction permit (B4-P-770) for a new station, requesting approval of vertical antenna, transmitter site at 38th Street and Tower Avenue, Superior, Wisconsin, and studio at 1507 Tower Avenue, Superior, Wisconsin.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—License to 1200 cover construction permit (B4-P-1507) for a new transmitter.

KRMC—Roberts MacNab Co. (Arthur L. Roberts, R. B. MacNab, 1310 A. J. Breitbach, General Manager), Jamestown, N. Dak.—License to cover construction permit (B4-P-510) as modified, for new station.

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—License to 1320 cover construction permit (B4-P-952) as modified, for new equipment, directional antenna and increase in power.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—1360 Construction permit to make changes in equipment, move transmitter from 128 N. Pulaski Road to 100 N. Pulaski Road, Chicago, Illinois, and studio from same site to 14 N. Western Avenue, Chicago, Illinois. Amended: To install vertical antenna.

WMIN—Edward Hoffman, St. Paul, Minn.—Modification of 1370 license to change frequency from 1370 kc. to 1360 kc., and increase night power from 100 watts to 250 watts. Amended: To change requested frequency from 1360 kc. to 1400 kc.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Authority 1410 to transfer control of corporation from Lloyd C. Thomas to Rockford Consolidated Newspapers, Inc., 10 shares common stock.

NEW—Sam Klaver & Nathan Belzer, Omaha, Neb.—Construction 1420 permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—1460 Authority to transfer control of corporation from Lytton J. Shields to First Trust Co., of St. Paul, Helen B. Shields & Frank J. Anderson, as representatives of the estate of Lytton J. Shields, deceased; Florence E. Brown, Guardian of the estate of James L. Brown, minor, and Florence E. Brown and Emmet Butler, as trustees under the last will and testament of Frank M. Brown, deceased, 1500 shares common stock.

NEW—F. B. Clements & Co., a co-partnership of F. Braden 1500 Clements, Clara D. Clements and C. C. Clements, d/b as Southern Minnesota Supply Co., Mankato, Minn.—Construction permit for a new station to be operated on 1500 kc., 100 watts, night, 250 watts day, unlimited time.

KXBY—First National Television Inc., Kansas City, Mo.—Construction permit to make changes in transmitting equipment, changes in directional antenna and increase in power from 1 KW to 5 KW.

XXX—Mutual Broadcasting System, Inc., Chicago, Ill.—Extension of authority to exchange programs with Station CKLW, Windsor, Ontario, and through the Telegraph office of the Canadian Pacific Railway at Windsor with the Canadian Broadcasting Corp.

NEW—The University of Minnesota, Minneapolis, Minn.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000, 86009-401000 kc., 100 watts. Amended: To omit request for 86000-401000 kc.

NEW—National Broadcasting Co., Inc., Chicago, Ill.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

NEW—National Broadcasting Co., Inc., Chicago, Ill.—License to cover above.

Fifth Zone

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Modification of license to change frequency from 1070 kc. to 1080 kc. Amended: To change hours of operation from limited time to specified hours, 6:00 a. m. to 6:30 p. m. and 9:00 p. m. to midnight, PST, daily.

KGDM—E. F. Pepper, Stockton, Calif.—Construction permit to install a new transmitter, increase power from 1 KW to 5 KW, change frequency from 1100 kc. to 1110 kc., hours of operation from daytime to unlimited time. Amended: To change requested frequency from 1110 kc. to 1150 kc., and install directional antenna for night operation. (Antenna, transmitter site).

NEW—Floyd A. Parton, San Jose, Calif.—Construction permit for a new station to be operated on 1150 kc., 250 watts, daytime.

NEW—Cheyenne Radio Corp., Cheyenne, Wyo.—Construction permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time. Amended: To give studio and transmitter sites, as sites to be determined, Cheyenne, Wyoming.

KGGM—New Mexico Broadcasting, Albuquerque, N. Mexico.—License to cover construction permit (B5-P-1359) for equipment changes, increase in power and move transmitter.

KCRJ—Charles C. Robinson, Jerome, Ariz.—Construction permit to make changes in equipment, install a vertical antenna, increase power from 100 watts to 100 watts night, 250 watts day, change hours of operation from specified hours to unlimited time and move transmitter from 711 Main Street, Jerome, Arizona to Lower Hogback, Jerome, Arizona.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Construction permit to install a new transmitter, erect a vertical antenna, increase power from 1 KW to 1 KW night, 5 KW day and move transmitter from Pickwick Terminal Hotel, 132-152 Broadway, San Diego, California, to site to be determined, San Diego, California. Amended: To request 5 KW power night and day.

KBPS—Benson Polytechnic School (R. T. Stephens, Agent), Portland, Ore.—License to cover construction permit (B5-P-1627) for changes in equipment.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of construction permit (B5-P-1617) for move of transmitter and erection of a vertical antenna, requesting authority to install a new transmitter, change frequency from 1500 kc. to 1360 kc., power from 100 watts night, 250 watts day, to 1 KW, and extend commencement and completion dates.

W6XRE—Ben S. McGlashan, Los Angeles, Calif.—License to cover construction permit for a new high frequency broadcast station.