

The National Association of Broadcasters

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SLOWIE APPOINTED FCC SECRETARY

Thomas J. Slowie, 41, of Clinton, Iowa, was appointed yesterday as secretary of the Federal Communications Commission. The appointment was made by the members of the FCC sitting *en banc*.

Mr. Slowie was educated in the public schools of Clinton, Iowa. He first came to Washington in 1930 as secretary to Representative P. M. Jacobsen of the Second Congressional District of Iowa, remaining in that position until Mr. Jacobsen's death in 1936. Representative Jacobsen was succeeded by his son, W. M. Jacobsen, who retained Mr. Slowie as secretary up to the present time.

Mr. Slowie was in the army during the World War, and at various times has served as City Auditor and City Clerk of Clinton. He was also in the insurance business for several years.

Insofar as it could be learned late yesterday Mr. Slowie has not had any radio experience. Mr. Slowie succeeds Herbert L. Pettey, who resigned the place several months ago.

ANOTHER COPYRIGHT BILL

Senator Guffey, of Pennsylvania, has introduced a bill (S. 2240) to amend and consolidate the copyright act of March 4, 1909. The bill has been referred to the Senate Committee on Patents and is identical with H. R. 5275 which Representative Daly introduced on March 3.

FCC GRANTS NEW STATION

H. W. Wilson and Ben Farmer were granted a construction permit this week by the Federal Communications Commission for the construction of a new broadcast station at Wilson, N. C., to use 1310 kilocycles, 100 watts power daytime operation. The order is effective on June 1 and sustains the recommendation of Examiner P. W. Seward.

WARING VS. WDAS

The appeal by radio station WDAS to the Supreme Court of Pennsylvania from the adverse decision of the Court of Common Pleas of Philadelphia in the case brought by Fred Waring to enjoin the broadcasting of phonograph records was argued in Philadelphia on April 21. Former Attorney General William A. Schnader argued the case for the station and Maurice J. Speiser presented the case for Waring. The decision was reserved by the Court of seven Judges—Chief Justice Kaphart, Stern, Drew, Shaffer, Maxey, Linn and Barnes. No decision is likely before May 24, when the Court reconvenes at Harrisburg.

Mr. Schnader commenced his argument by reading the pleadings and showing the narrow issues involved. He then referred to the hearing before Judge McDevitt of Common Pleas which he characterized as being far more unique than Waring's performances and in which the rules of evidence were suspended for the day. After discussing the testimony, he stated that the findings of Judge McDevitt were based upon evidence which should have been excluded as having no bearing on the issues in the case, pointing out, among other things, that the defendant's name or the name of its station was mentioned only once throughout the entire hearing by the plaintiff and the plaintiff's witnesses. He then referred to the

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failure of Judge McDevitt to find certain facts which were admitted by the pleadings or by the evidence, following which the station filed 137 exceptions to the decision of the court below. The exceptions, he said, were argued before Judge McDevitt and another Judge instead of before three judges, Judge Kun sitting with Judge McDevitt disagreeing vigorously on the argument with Mr. Speiser's contentions and the decision of the court. After a couple of months a unanimous decision came down, however, dismissing the 137 exceptions without assigning any reason or rendering any opinion.

Mr. Schnader then briefly discussed the law involved and argued that there was no authority in any of the English-speaking countries for giving a common law right of property in the manner in which a performer rendered a selection which he did not own. He next argued that if there was any property right in Waring, that he had lost that right when he published the records by allowing the phonograph manufacturers to market them. He explained that the legend on the record "Not licensed for radio broadcasting" did not refer to Waring at all and could only refer to a copyright license from the copyright owners of the song to broadcast that song and that since the station had a license from ASCAP, the legend was of no significance. He further stated that under the many decisions of the United States Supreme Court and other Federal courts, it was impossible for the seller of an article to restrict the use of that article after its outright sale. As to unfair competition, Mr. Schnader said that the plaintiff had not even pleaded such a cause of action.

Mr. Speiser argued at considerable length claiming that there was a common law right of property, that band leaders all over the country were suffering from the broadcasting of phonograph records and claimed that Waring had made an agreement with the R. C. A. Victor Company, in which the records were agreed not to be used for broadcasting and that their use was to be restricted to the homes. He referred to what he called other broadcasting stations were doing in the way of announcements to deceive the public into thinking that the artist himself was in the studio, but had to admit that such practices did not apply to station WDAS. He claimed, however, that the chancellor was entitled to take into consideration what was being done by other stations and stated that none of the findings of Judge McDevitt was based upon what other stations did. He argued that the records made a number of years ago were not up to Waring's present standards and that this was interfering with his activities and that, furthermore, Waring had an exclusive contract with a radio advertiser which the defendant was interfering with by broadcasting Waring's records.

Various members of the court evidenced their interest

in the issues involved by their questions to counsel. One Judge asked if Sarah Bernhardt had spoken lines of a play in a certain way, if that would prevent someone else from speaking it the same way and it was pointed out that it was the contention of Waring that this was so. Another Judge inquired of Mr. Speiser if Waring should have performed "Annie Laurie," which was presumably in the public domain, if he could prevent someone else from performing "Annie Laurie" the same way. Mr. Speiser said that he believed that Waring should be able to prevent this being done. Still another Judge inquired if somebody happened to read Shakespeare aloud in a certain manner if that person could prevent other persons from reading Shakespeare in that identical fashion and Mr. Speiser replied that that was his contention.

It was brought out during the argument that even if a contract did exist between Waring and the phonograph company of the nature claimed by Waring, that the station knew nothing whatever about it and that certainly it could not be bound to observe contracts of which it knew nothing. Mr. Speiser also argued that Waring's right of privacy was violated by using phonograph records. One of the Judges inquired if the station did not use the name of Waring if then there could be no claim of violation of the right of privacy. Mr. Speiser, however, contended that it would make little or no difference if the name were used, that the thing that Waring complained about was the use of his personal performance.

SECURITIES ACT REGISTRATIONS

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

Apex Gold Mines, Ltd., Vancouver, B. C. (2-2978, Form A-1)
 B. F. Avery & Sons Company, Louisville, Ky. (2-2979, Form A-2)
 American Forging & Socket Company, Pontiac, Mich. (2-2980, Form A-2)
 Parkersburg Rig & Reel Company, Parkersburg, W. Va. (2-2981, Form A-2)
 Union Premier Food Stores, Inc., Philadelphia, Pa. (2-2982, Form A-2)
 Hamburger Distillery, Inc., Pittsburgh, Pa. (2-2983, Form A-1)
 Marion-Reserve Power Company, Marion, Ohio. (2-2984, Form A-2)
 Burlington Mills Corporation, Greensboro, N. C. (2-2985, Form A-1)
 Aviation Capital, Inc., New York City. (2-2986, Form A-1)
 North American Oil Company, Baltimore, Md. (2-2988, Form A-1)
 McClelland-Kennard Company, Barnesville, Ohio. (2-2989, Form A-2)
 Investment Corp. of Philadelphia, Philadelphia, Pa. (2-2990, Form A-2)
 Reynolds Spring Company, Jackson, Mich. (2-2991, Form A-2)
 Kane-America Corporation, Fort Worth, Texas. (2-2992, Form E-1)
 Educational Pictures, Inc., New York City. (2-2993, Form A-1)
 Di-Noc Manufacturing Company, Cleveland, Ohio. (2-2994, Form A-2)
 C. D. Marshall et al., Pittsburgh, Pa. (2-2995, Form F-1)
 Clear Springs Water Service Co., Wilkes-Barre, Pa. (2-2996, Form A-2)
 Monarch Machine Tool Company, Sidney, Ohio. (2-2997, Form A-2)

Payne Furnace & Supply Company, Beverly Hills, Cal. (2-2998, Form A-1)
Atlas Press Company, Kalamazoo, Mich. (2-2999, Form A-2)
Air Associates, Inc., Garden City, N. Y. (2-3000, Form A-2)
Macon Gas Company, Macon, Ga. (2-3001, Form A-2)
Binks Manufacturing Company, Chicago, Ill. (2-3002, Form A-1)
Rheem Manufacturing Company, Richmond, Cal. (2-3003, Form A-2)
Kane's, Inc., Boston, Mass. (2-3004, Form A-2)
Fruehauf Trailer Company, Detroit, Mich. (2-3005, Form A-2)
Davidson Bros., Inc., Detroit, Mich. (2-3006, Form A-2)
Earl Fruit Company, San Francisco, Cal. (2-3007, Form A-2)
National Bellas Hess, Inc., Kansas City, Mo. (2-3008, Form A-2)
Thrifty Drug Stores, Inc., Los Angeles, Cal. (2-3009, Form A-1)
Brown-McLaren Mfg. Company, Detroit, Mich. (2-3010, Form A-2)
Davies County Distilling Co., Owensboro, Ky. (2-3011, Form A-1)
New England Fire Insurance Co., Pittsfield, Mass. (2-3012, Form A-2)
S. D. Warren Company, Boston, Mass. (2-3013, Form A-2)
Nashua Gummed & Coated Paper Co., Nashua, N. H. (2-3014, Form A-2)
Scherer Leather Company, Cudahy, Mass. (2-3015, Form A-2)
Columbia American Distillers, Inc., Columbia, Ill. (2-3016, Form A-1)
The Zonolite Company, Libby, Mich. (2-3017, Form A-2)
Wilson & Bennett Mfg. Company, Chicago, Ill. (2-3018, Form A-2)
Hupp Motor Car Corp., Detroit, Mich. (2-3020, Form A-2)
National Oil Products Company, Harrison, N. J. (2-3021, Form A-2)
Federal-Mogul Corporation, Detroit, Mich. (2-3022, Form A-2)
Southern New England Telephone Company, New Haven, Conn. (2-3023, Form A-2)
Fort Howard Paper Company, Green Bay, Wis. (2-3026, Form A-2)
Durham Manufacturing Company, Muncie, Ind. (2-3027, Form A-2)
Independence Fund of N. America, Inc., New York City. (2-3028, Form C-1)
The Hendey Machine Company, Torrington, Conn. (2-3029, Form A-2)
San-Nap-Pak Mfg. Co., New York City. (2-3032, Form A-2)
Shamrock Oil & Gas Corp., Amarillo, Texas. (2-3033, Form A-1)
American Colortype Company, Clifton, N. J. (2-3034, Form A-2)
The Foundation Company, New York City. (2-3036, Form A-2)
The Aro Equipment Corp., Bryan, Ohio. (2-3037, Form A-2)
New Idea, Inc., Coldwater, Ohio. (2-3038, Form A-2)
The Schiff Company, Columbus, Ohio. (2-3039, Form A-2)
Struthers Wells-Titusville Corp., Warren, Pa. (2-3040, Form A-2)
Joslyn Mfg. & Supply Co., Chicago, Ill. (2-3042, Form A-2)
General Reinsurance Corp., New York City. (2-3043, Form A-2)
Berghoff Brewing Corp., Fort Wayne, Ind. (2-3044, Form A-2)
Clark Controller Company, Cleveland, Ohio. (2-3045, Form A-2)
Central Steel & Wire Company, Chicago, Ill. (2-3046, Form A-2)
Vacuum Concrete Corp., New York City. (2-3047, Form A-1)
Rio Grande Brewing Corp., San Francisco, Cal. (2-3048, Form A-1)
Moran Transportation Corp., New York City. (2-3049, Form A-2)
National Gas & Electric Corp., New York City. (2-3050, Form A-2)
Transcontinental Petroleum Corp., Dallas, Texas. (2-3051, Form A-1)
H. T. Poindexter & Sons Co., Kansas City, Mo. (2-3052, Form A-2)
Meier & Frank Company, Portland, Ore. (2-3053, Form A-1)
Consolidated Retail Stores, Inc., St. Louis, Mo. (2-3054, Form A-2)
The Englander Spring Bed Co., Brooklyn, N. Y. (2-3055, Form A-1)
Ryan Aeronautical Company, San Diego, Cal. (2-3056, Form A-2)
King David Mining Company, Salt Lake City, Utah. (2-3057, Form A-1)
O'Sullivan Rubber Company, Inc., New York City. (2-3058, Form A-2)

General Carpet Corporation, Philadelphia, Pa. (2-3059, Form A-2)
Belmont Radio Corporation, Chicago, Ill. (2-3060, Form A-2)
New Amsterdam Casualty Company, Baltimore, Md. (2-3061, Form A-2)
Consumers Steel Products Corp., Detroit, Mich. (2-3062, Form A-1)
General Alloys Company, Boston, Mass. (2-3063, Form A-2)
Gandy Bridge Company, St. Petersburg, Florida. (2-3064, Form A-2)
Standard Fruit & Steamship Corp., New Orleans, La. (2-3065, Form A-2)
Cessna Aircraft Company, Wichita, Kans. (2-3066, Form A-1)
Alco Valve Company, Maplewood, Mo. (2-3067, Form A-2)
Credit Acceptance Corporation, Rochester, N. Y. (2-3068, Form A-2)
Laclede Packing Company, St. Louis, Mo. (2-3069, Form A-2)
Pennsylvania Glass Sand Corporation, Lewiston, Pa. (2-3070, Form A-2)
Solar Aircraft Company, San Diego, Cal. (2-3071, Form A-1)
Neisner Brothers, Inc., Rochester, N. Y. (2-3072, Form A-2)

RECOMMENDS AGAINST KSFO TRANSFER

The Associated Broadcasters, Inc., licensee of station KSFO, San Francisco, Cal., and Western Broadcast Company (now incorporated as Columbia Broadcasting System of California, Inc.) applied to the Federal Communications Commission for consent to the assignment of the license of KSFO to the latter corporation.

Examiner R. H. Hyde, in Report No. I-399 recommended that the application be denied. In connection with the recommendation the Examiner says that:

Examination of the contract, consideration of the evidence regarding the properties proposed to be leased and then immediately replaced for the most part by the lessee, and examination of the business of the station, likewise proposed to be leased and then replaced for the most part, indicates that the chief consideration for the "rental" agreed upon is the use or opportunity to use the operating assignment of Station KSFO, subject to the approval of the Commission. The sums proposed to be paid for this privilege and the other conditions of the so-called lease are matters determined by agreement between the applicants, with notice of, and of course subject to, any laws applicable thereto. Nothing in the contract, in the absence of some affirmative action by the Commission, could possibly change the terms of the station license, which, it may be noted, runs for only a fraction of the time period covered in the contract; no rights to the operating assignment in question or any of the privileges for which a license is required by the Communications Act of 1934 could be established against the regulatory power of the Commission by any agreement between these parties or by any payments which one may make to the other as consideration to stand aside or vacate an operating assignment in favor of the second party. But the terms, including payments proposed to be made in a transaction of this character, are nevertheless considered material to the question as to whether or not approval of a transfer of license would be in the public interest.

The payments proposed to be made in this case by the assignee do not appear to be out of line with the usefulness and value the KSFO operating assignment would have to the assignee. On the other hand, it is obvious that the assignor is requiring payments in amounts which can be explained only by the fact that it has a license from the government giving it exclusive privileges as to the use of the operating assignment desired by the assignee. This use of the privileges granted in the station license does not appear consistent with the condition imposed by law and included in each license; that the licensee use the privileges conferred to the full extent thereof to serve the public interest.

It appears that the acquisition of control of Station KSFO by the assignee would result in improvements to the service of the station in the technical quality of its broadcasts and with respect to the quality of the programs provided for the interest of the public. Also, it is apparent that the acquisition of control of Station KSFO by the assignee would contribute to the further development and maintenance of the national network broadcast system represented by the assignee, and be advantageous to the promotion of the interests of that system. But it does not appear from anything in the evidence regarding this particular system, or regarding the requirements of network broadcasting, that there is any necessity for the acquisition of control of this station by the same interests now controlling a number of other stations.

The applicants have not shown that the granting of the application would serve the public interest, convenience or necessity.

NEW FLORIDA STATION RECOMMENDED

The Metropolis Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at Jacksonville, Florida, to use 1290 kilocycles, 250 watts and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-397 recommended that the application be granted. He found that the proposed station would not cause any objectionable interference. The Examiner states that most of the programs on the existing stations is devoted to chain programs. He feels that the application would be in the public interest.

RECOMMENDS AGAINST IOWA STATION

The Rapids Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Cedar Rapids, Iowa to use 1310 kilocycles, 100 watts power and unlimited time on the air.

Examiner George H. Hill in Report No. I-398 recom-

mended that the application be denied. He found that the operation of the proposed station would result in mutual interference between station KROC and the proposed station. It would also cause interference in the daytime with KRNT and the Examiner states that Cedar Rapids "appears to be receiving ample radio service from existing stations."

CHANGES RECOMMENDED FOR KLPM

Broadcasting station KLPM, Minot, N. D., applied to the Federal Communications Commission to change its frequency from 1240 to 1360 kilocycles, its power from 250 watts to 500 watts night and 1,000 watts day and from sharing time to unlimited time.

Examiner John P. Bramhall in Report No. I-400 recommended that the application be granted. He states that the proposed changes will not adversely affect the interests of WGES, WSBT and KCRC. The Examiner states that granting the application would be in the public interest.

NEW STATION RECOMMENDED

Walter H. McGenty, applied to the Federal Communications Commission for a construction permit for the erection of a new station at Rice Lake, Wis., to use 1210 kilocycles, 250 watts and daytime operation.

Examiner John P. Bramhall in Report No. I-401 recommended that the application be granted. He states that there is a definite need for daytime service in the area proposed to be served, and that the proposed station will not cause any interference with any existing station or proposed one and that the application will serve the public interest.

RECOMMENDS DENYING GEORGIA STATION

The North Georgia Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Rossville, Ga., to use 1200 kilocycles, 100 watts power and daytime operation.

Examiner P. W. Seward in Report No. I-396 recommended that the application be denied. He found that the applicant is not "financially qualified to construct and operate the proposed station", also he states that "the evidence adduced at the hearing does not show that a need exists for additional radio service in the area proposed to be served."

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:

Nos. 3108-3109. Alleging unfair competition through use of lottery methods in the sale of candy, complaints have been issued against **Unique Novelties, Inc.,** and **Winthrop Novelty Co., Inc.,** both of 35-37 Claver Place, Brooklyn.

The complaint against **Unique Novelties, Inc.,** charges use of a game of chance in the distribution of an assortment of caramels together with small and large pennants which allegedly are distributed free to purchasers procuring caramels of a certain color. This company is also alleged to have sold an assortment of chewing gum by a lottery method in which felt pennants were distributed.

Winthrop Novelty Co., Inc., is alleged to have sold an assortment composed of 150 caramels, together with 12 jigsaw puzzles which were given free to purchasers procuring candies having a certain colored center.

The Winthrop company is also charged with representing itself as a manufacturer, when, in fact, it does not own or control a plant or manufacture any of the candy sold by it.

No. 3110. Reliable Typewriter & Adding Machine Co., 303 West Monroe St., Chicago, is charged with unfair competition in the sale of its products, in a complaint.

Representations of the respondent company are alleged to mislead customers into believing that the company's small size adding machines will take the place of large and expensive machines; that its machines are accurate and easy to operate, and that the respondent company manufactures its products and wholesales them at \$1.95 each, when, according to the complaint, these are not the facts.

The complaint alleges that the respondent company's adding machines are not comparable and equivalent to the large and more expensive machines in performance and special features; that the company wholesales its adding machines at less than \$1.95 a unit, and that it does not manufacture its products, nor own a factory, but has its machines made by an independent establishment.

Nos. 3111-3112. Complaints alleging use of unfair methods of competition in the sale of candy by means of lottery methods have been issued against **Deran Confectionery Co.,** 134 Cambridge St., Cambridge, Mass., and **Keeley's, Inc.,** 258 South State St., Salt Lake City.

Under the sales plan used by the Cambridge concern, it is charged that purchasers who select certain pieces of candy from an assortment receive a package or box of candy free.

The plan employed by Keeley's, Inc., it is alleged, involves use of a punch board, certain numbers on which entitle customers to a prize of a box or package of candy.

No. 3113. Charging unfair competition in the sale of cosmetics and toilet articles, a complaint has been issued against **William A. Woodbury Sales Co., Inc.,** 347 Fifth Ave., New York, and **William A. Woodbury, Richard Picard and Arthur Baum,** individually and as officers of the company.

Alleging violation of Section 5 of the Federal Trade Commission Act, the complaint charges the respondents with use of the words "turtle oil cream" in labels attached to containers of a product comprising an emulsion of oils and fats, the major portion of which preparation is allegedly not turtle oil. The complaint points out that many purchasers prefer facial creams with a turtle oil base.

In selling face creams, shaving creams, tooth pastes and other cosmetics and dentifrices, the respondents are alleged to have had printed on their cartons: "Prepared by William A. Woodbury Corporation." This and other similar designations allegedly serve as representations that William A. Woodbury Sales Co., Inc., is a manufacturer and that it manufactures and prepares the products sold by the respondents, when, according to the complaint, this company operates no factory and is not a manufacturer of such articles.

No. 3115. Lechler Laboratories, Inc., 334 Audubon Ave., New York, is charged in a complaint with unfair competition in the interstate sale of its "Lechler '569' Instantaneous Hair Lightener."

The respondent company is alleged to have represented, either directly or by implication, that its hair lightener requires no peroxide; that the bleaching agent of this product is not similar to peroxide, and performs its bleaching action without peroxide, and that the preparation does not contain peroxide and is superior to products which do contain it.

According to the complaint, the respondent company's article is composed of such ingredients that its bleaching action is actu-

ally accomplished by hydrogen peroxide. Allegedly it does contain peroxide, and its bleaching action is not substantially different from other products of which peroxide is a part.

Stipulations and Orders

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

No. 1802. An order has been issued vacating and setting aside an order to cease and desist entered April 3, 1934, against **National Candy Co., Inc.,** St. Louis, prohibiting unfair competition in the sale of candy by methods involving a lottery or game of chance.

The Commission has also issued an amended and supplemental complaint charging this company with practices similar to those alleged in the former complaint, namely, distributing to dealers candy so packed and assembled as to involve use of a lottery scheme when sold to consumers.

Such alleged lottery scheme, according to the amended complaint, was affected through use of assortments of uniform sized candies, a small number of which had centers of a different color. Buyers drawing the pieces of different color or the last piece in the assortment, received a prize, according to the amended complaint.

No. 1968. Stark Calendars, Inc., 203 South Dearborn St., Chicago, agreed to cease using in catalogues or on letterheads such words as "Manufacturers" or "Manufactured By" so as to imply that it makes the calendar pads and stands it sells, or that it owns or controls a plant where such products are manufactured. The corporation also will stop stamping its products with the phrase "Pat. Appl'd For," when, in fact, application for a patent has not been made.

No. 1969. Henry F. Martinat, trading as Martinat Hosiery Mills, Valdesse, N. C., agrees to stop using the phrase "Pure Thread Silk Reinforced with Art Silk," to designate hosiery not composed of silk, and from use of the word "Silk," alone or with other words, to imply that the products so referred to are made of silk. The stipulation provides that should such articles be composed in substantial part of silk, that word, if used to describe such silk content, shall be accompanied by other words in equally bold type to show that the articles are not made altogether of silk.

No. 1970. Eddie Manufacturing Co., 9 West Illinois St., Chicago, will discontinue as a trade name or brand for its radio dials the name "Majestic," either alone or with the words "Radio Corporation" or with any other words so as to create the impression that the dials or the radio sets to which they are attached are manufactured by Grigsby-Grunow Company or its successor in business, Majestic Radio and Television Corporation of Chicago, when such is not a fact. According to the stipulation, the right to use the name "Majestic" is vested in the latter corporation.

No. 1971. Under a stipulation entered into, **Percy S. Lucas and Gerald A. Rice, trading as Edison Electrical Schools,** 1740 University Ave., Berkeley, Calif., will cease using certain unfair methods of competition in connection with the sale of correspondence courses in Diesel and radio engineering.

They agreed to discontinue use of representations in advertisements which may tend to confuse or mislead applicants for employment into the erroneous belief that they are in a position to offer employment to men mechanically inclined. They also will stop advertising their business in newspapers under the classification heading "Help Wanted—Men" or "Reliable Men Wanted," when, in fact, the purpose of such advertising is not to obtain male help but to enroll students for a course of instruction.

No. 1973. G. M. and R. J. Plate, trading as The Plate Manufacturing Co., 1328 Broadway, New York, in selling a powdered ammonia alum product, originally under the trade name "Kant-Run" but more recently as "HoSaver," stipulate that they will desist from use in advertisements of the representation "Protects lingerie and silk and rayon hose against runs, rips, snags and breaks," or of other assertions of like meaning when the preparation will not accomplish the results claimed.

No. 1974. H. O. Schmidt and R. C. Kruger, trading as Delta Manufacturing Co. and Delta Furniture Co., 2939 North Oakley Ave., Chicago, engaged in the sale of telephone cabinets, stipulated that they will cease using the words "Manufacturing" in their trade name, or any other words or assertions of similar meaning, or the pictorial representation of a factory to imply that they make the products they sell, or that they own or operate a plant in which such products are manufactured. They also will discontinue representing that their cabinets are made

of "only the finest woods" or entirely of quartered oak, when such are not the facts.

No. 1975. Dunham Co., Berea, Ohio, selling farm machinery, agreed to cease representations in advertising matter to the effect that throughout the world at the present time there are 450,000 Dunham machines in use, and that such machines work and re-work 110,000,000 acres every year. According to the stipulation, the representations as to the number of machines in operation and the acreage on which such machines are used are not warranted as they are not properly based on accurately compiled facts.

No. 1976. J. P. Smith Shoe Co., 671 Sangamon St., Chicago, according to its stipulation, will stop using the words "British Walkers" to imply that its shoes are of British origin or made in Great Britain, and, if such a phrase is used as a trade name, brand or label for its shoes, it will be accompanied in equally large type by other words clearly showing that such shoes are not of British origin or made in Great Britain. The stipulation points out that at a time subsequent to its use of the foregoing practice the respondent company caused the phrase "Made in U. S. A." to be stamped below the words "British Walkers," but in comparatively small and inconspicuous type.

No. 1977. Herbert R. Johnson, 4554 Broadway, Chicago, trading as **Johnson's Battery Process Co.,** and selling a battery solution, will discontinue in his advertising matter representations to the effect that his product will counteract the corrosive elements of storage battery electrolyte, restore the efficiency of used batteries, remove sulphate from the plates, or give batteries longer life and superior performance, when such are not the facts. Johnson also stipulated that he will stop using the words "Automotive Test Laboratories of America" on his so-called certificates of merit so as to imply that such laboratory is an accredited institution and that his product has been tested by it or by any accredited testing laboratory, when such is not a fact. According to the stipulation, Johnson's product, known as "Johnson's Battery Process" or "Johnson's More Power," will not in any manner change the performance of or be beneficial to a battery, nor has it been tested by an accredited testing laboratory.

No. 2852. I. B. Kleinert Rubber Co., 485 Fifth Ave., New York, has been ordered to cease and desist from representing in advertising matter that a baby garment it sells in interstate commerce under the trade name "Softex," or any other trade name, is free from latex or any other form of gum rubber, or is rubberless, when, in fact, some parts of the garment contain latex or some form of rubber. The respondent company's representations were found to constitute unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act.

No. 2963. Under an order entered, Zion Holy Spiritual Mission and Eustace N. French, trading as **Zion Holy Spiritual Mission Laboratories, 3338 South State St., Chicago,** have been directed to discontinue unfair methods of competition in connection with the interstate sale of medicinal products.

Specifically, the respondents are ordered to cease and desist from representing, through use of the words "laboratories" and "manufacturers," alone or with other words, or through any other means, that they compound or manufacture their medicinal products, until and unless they own and operate or control a laboratory or plant wherein such products are made.

No. 2976. Olson Rug Co., 2800 North Crawford Ave., Chicago, has been ordered to cease and desist from using unfair methods of competition in connection with the interstate sale of rugs which it manufactures from old materials, such as used rugs, carpets and clothing.

Findings in the case are that advertisements in newspapers, catalogues, sample books and other advertising matter contained representations tending to cause a part of the purchasing public to form the mistaken belief that the rugs which the respondent company sells are made from the identical materials sent to it by each customer, together with other materials furnished by the respondent company, such as new wool. It was found that the Olson company does not make a practice of manufacturing the rugs it delivers to customers from the specific materials they send in, but makes them from old materials previously sent in by other customers.

Nos. 3048 and 3080. Orders to cease and desist have been issued against a Chicago distributor of a foot treatment and a New York manufacturer of a skin treatment, directing those companies to stop misrepresenting the healing value of their products.

Pedodyne Co., Inc., 180 North Wacker Drive, Chicago, is ordered to stop asserting that "Pedodyne," sold as a bunion treatment, will banish, cure or heal bunions or give perfect foot comfort, or that it will end bunion torture, give permanent re-

sults, penetrate beneath the outer skin, and is a scientific or recent discovery.

No. 3056. Winifred Sorenson and Edward Beales, trading as **Sorenson-Beales Candy Co., 1114 Fifth St., Sioux City, Iowa,** have been ordered to cease and desist from selling and distributing in interstate commerce candy so packed and assembled that sales to the public are to be made, or may be made, by means of a lottery scheme.

Findings are that the respondents distributed to wholesalers and jobbers certain assortments of candy together with pushcards. The Commission's order directs that the respondents discontinue supplying dealers with such pushcards, either with assortments of candy or separately, for use in the sale of candy to the purchasing public.

No. 3066. An order to cease and desist has been issued against Russek's Fifth Avenue, Inc., Fifth Avenue at Thirty-Sixth St., New York, directing discontinuance of certain unfair methods of competition in the sale of dress goods and garments.

Such merchandise is not to be described as silk, according to the order, when not composed entirely of silk, and the word "satin" is not to be used, alone or with other words, to refer to the fabric of merchandise, dress goods or garments not made wholly from silk.

FTC CLOSES CASES

No. 2730. The Federal Trade Commission has closed its case against W. H. Charleston, who traded as Marajah & Co. and as Kala Products Co., at 5930 South Parkway, Chicago. The case was closed for the reason that the respondent is no longer engaged in the sale of cosmetics and medicinal preparations, and therefore has discontinued the practices alleged in the complaint which the Commission issued against him, and which alleged the use of unfair methods of competition. The case was closed without prejudice to the Commission's right to reopen it should circumstances warrant.

The Commission also dismissed its complaint against the **Chilean Nitrate Sales Corporation** and the **Chilean Nitrate Educational Bureau, Inc.,** a subsidiary, New York corporations with offices at 120 Broadway, New York City.

The complaint was dismissed upon execution of a stipulation with the Commission by the respondent corporations.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, May 3:

Monday, May 3

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—J. Leslie Doss, Sarasota, Fla.—C. P., 1390 kc., 250 watts, daytime.

NEW—KLZ Broadcasting Co., Denver, Colo.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of license, 920 kc., 250 watts, 500 watts LS, unlimited. Present assignment: 920 kc., 250 watts, 500 watts LS, share WRAX.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Authority to transfer control of corporation to John Iraci; 920 kc., 250 watts, 500 watts LS, share WRAX.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification of license, 920 kc., 1 KW, share WRAX day and night. Present assignment: 920 kc., 250 watts, 500 watts LS, share WRAX.

WRAX—WRAX Broadcastng Co., Philadelphia, Pa.—Authority to transfer control of corporation to John Iraci; 920 kc., 250 watts, 500 watts LS, share WPEN.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Modification of license, 920 kc., 1 KW, share WPEN day and night. Present assignment: 920 kc., 250 watts, 500 watts LS, share WPEN.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—C. P., 920 kc., 1 KW, unlimited time. Present assignment: 920 kc., 500 watts, day.

Tuesday, May 4

HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—Clarence A. Berger and Saul S. Freeman, Coeur d'Alene, Idaho.—C. P., 1200 kc., 100 watts, daytime.
KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Modification of C. P., 570 kc., 1 KW, 5 KW LS, unlimited time (directional antenna). Present assignment: 570 kc., 250 watts, 1 KW LS, unlimited time.
WSAJ—Grove City College, Grove City, Pa.—Renewal of license, 1310 kc., 100 watts, specified hours.

Wednesday, May 5

HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—David J. Mercier and Geo. F. Warren, d/b as Northern Broadcasting Co., Traverse City, Mich.—C. P., 830 kc., 500 watts, daytime.
WLB—University of Minnesota, Minneapolis, Minn.—C. P., 760 kc., 1 KW, 5 KW LS, S-WCAL ($\frac{2}{3}$ daytime). Present assignment: 1250 kc., 1 KW S.H.
WCAL—St. Olaf College, Northfield, Minn.—C. P., 760 kc., 1 KW, 5 KW LS, S-WLB ($\frac{1}{3}$ daytime). Present assignment: 1250 kc., 1 KW, $2\frac{1}{2}$ KW LS, specified hours.
WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Modification of license, 1250 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1250 kc., 1 KW, 5 KW LS, specified hours.

Thursday, May 6

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-336:

NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—C. P., 1370 kc., 100 watts, unlimited time.
NEW—Fred J. Hart, Honolulu, T. H.—C. P., 600 kc., 250 watts, unlimited time.

Examiner's Report No. 1-360:

NEW—Central States Broadcasting Co., Council Bluffs, Iowa.—C. P., 1500 kc., 100 watts, unlimited time.

Examiner's Report No. 1-361:

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Special experimental authority, 1370 kc., 10 to 100 watts, unlimited time, synchronously with WLLH. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. 1-362:

NEW—Sioux City Broadcasting Co., Sioux City, Iowa.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.
NEW—C. W. Corkhill, Sioux City, Iowa.—C. P., 1420 kc., 100 watts, unlimited time.

Friday, May 7

HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—W. E. Whitmore, Hobbs, N. Mex.—C. P., 1500 kc., 100 watts, daytime.
WEAN—The Yankee Network, Inc., Providence, R. I.—C. P., 780 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 780 kc., 1 KW, unlimited time.
NEW—Warner & Tamble Radio Service (R. V. Warner and G. H. Tamble), Memphis, Tenn.—C. P., 2558 kc., 25 watts, unlimited.

APPLICATIONS GRANTED

KIDO—Frank L. Hill and C. C. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Granted amended C. P. covering changes in equipment and increase in day power from $2\frac{1}{2}$ KW to 5 KW.
WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted C. P. to install new equipment.

KGCC—The Golden Gate Broadcasting Co. (Robert J. Craig), San Francisco, Calif.—Granted C. P. approving transmitter site and vertical radiator.

KAWM—A. W. Mills, Gallup, N. Mex.—Granted license to cover C. P. as modified, 1560 kc., 100 watts, unlimited time.

WCPO—Continental Radio Co., Cincinnati, Ohio.—Granted license to cover C. P., 1200 kc., 100 watts night, 250 watts day, unlimited time.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted license to cover C. P., 1200 kc., 100 watts night, 250 watts day, specified hours.

WPRR—Puerto Rico Advertising Co., Mayaguez, P. R.—Granted modification of C. P. covering authority to install apparatus other than that previously approved and extend commencement date to 30 days after grant and completion date to 90 days after grant.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Granted authority to make changes in automatic frequency control equipment.

WWJ—The Evening News Assn., Inc., Detroit, Mich.—Granted extension of present license for a period of 1 month.

WSAN—WSAN, Inc., Allentown, Pa.—Granted renewal of license on a temporary basis, pending hearing on renewal application.

WCBA—B. Bryan Musselman, Allentown, Pa.—Granted renewal of license on a temporary basis, pending hearing on renewal application.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted renewal of license on a temporary basis, pending hearing on renewal application.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted extension of present license for a period of 1 month.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted extension of present license for a period of 1 month.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted renewal of license on a temporary basis and application for renewal set for hearing.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, T. H.—Granted renewal of license on a temporary basis and application for renewal set for hearing.

KgXCJ—Honolulu Broadcasting Co., Ltd., Mobile.—Same, except experimental relay broadcast station.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate 8:45 to 9:45 p. m., CST, April 28, 1937, to broadcast debate between South Dakota State College and Yankton College.

SET FOR HEARING

NEW—Continental Radio Company, Denver, Colo.—Application for C. P. for new station to operate on 630 kc., 500 watts night, 1 KW day, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Floyd A. Parton, San Jose, Calif.—Application for C. P. for new station to operate on 1150 kc., 250 watts, day only, exact transmitter site to be determined with Commission's approval.

NEW—William F. Maag, Jr., Youngstown, Ohio.—Application for C. P. for new station to operate on 1420 kc., 100 watts, daytime only, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Havens & Martin, Inc., Petersburg, Va.—Application for C. P. for new broadcast station to operate on 1210 kc., 100 watts night, 250 watts day, specified hours as follows: unlimited, except Sundays, 10:30 a. m. to 1:30 p. m.; 5:30 to 7 p. m., and 7:30 to 9:30 p. m., EST; transmitter and studio sites to be approved. (Applicant requests facilities of WMBG when that station changes frequency from 1210 kc. to 1350 kc.)

NEW—Arthur Lucas, Savannah, Ga.—Application for C. P. for new station to operate on 1310 kc., 100 watts night-day, unlimited time, exact transmitter and studio sites and type of antenna to be determined subject to Commission approval.

NEW—The Hampden-Hampshire Corp., Holyoke, Mass.—Application for C. P. for new station to operate on 1240 kc., 1 KW, unlimited time, using directional antenna system for both day and night-time operation.

NEW—E. B. McChristy, Brownwood, Tex.—Application for C. P. for new station to operate on 630 kc., 250 watts day, exact transmitter and studio sites to be determined subject to Commission approval.

NEW—Utica WUTK, Inc., Utica, Oneida Co., N. Y.—Application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited time, exact transmitter site to be determined with Commission's approval.

KATE—Albert Lea Broadcasting Corp., Albert Lea, Minn.—Application for modification of C. P. for change in studio location locally; install new equipment; change frequency from 1200 kc. to 1420 kc.; increase power from 100 watts to 250 watts, daytime only.

WHKC—Associated Broadcasting Corp., Columbus, Ohio.—Application for C. P., already in hearing docket, amended to request move of transmitter site to site to be determined (locally); install new equipment and vertical radiator; increase night power from 500 watts to 1 KW and day power from 500 watts to 5 KW, limited time.

KFRU—KFRU, Inc., Columbia, Mo.—Application for C. P., already in hearing docket, amended to request move of transmitter site locally to site to be determined; install new equipment; increase night power from 500 watts to 5 KW and day power from 1 KW to 5 KW. To be heard before the Broadcast Division.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFBK, Sacramento, Calif.; **WBBR**, Brooklyn, N. Y.; **WHK**, Cleveland, Ohio; **WHP**, Harrisburg, Pa.; **WTFI**, Athens, Ga.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon the pending application for renewal.

WKBH—WKBH, Inc., La Crosse, Wis.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon the pending application for renewal.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon application for renewal and upon the question of transfer of control of this station.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted conditional renewal of license on a temporary basis only subject to whatever action may be taken upon application for renewal and upon petition of WSPD in opposition to the granting of renewal of license to this station; also subject to the condition that applicant shall not permit the night-time signal intensity without attenuation of station WFEA radiated in the direction of station WSPD to be greater than 62.5 millivolts per meter at a distance of 1 mile from transmitter of WFEA.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, pending receipt and action on renewal application.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, pending receipt and action on renewal application.

WSMB—WSMB, Inc., New Orleans, La.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, pending receipt and action on renewal application.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, subject to such action as may be taken on pending application for renewal.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Present license extended on a temporary basis only for the period May 1 to June 1, 1937, subject to such action as may be taken on pending application for renewal.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only for the period May 1 to June 1, pending receipt and action on renewal application.

W3XDD—Bell Tel. Labs. Inc., Whippany, N. J.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, in exact conformity with existing license.

W8XO—The Crosley Radio Corp., Nr. Mason, Ohio.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, in exact conformity with existing license.

W3XL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, in exact conformity with existing license.

W8XAR—Westinghouse E & M Co., Nr. Saxenburg, Pa.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, in exact conformity with existing license.

W2XKI—National Broadcasting Co., Inc., New York City.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

W1XEH—The Travelers Broadcasting Serv. Corp., Avon, Conn.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

W1XAC—The Yankee Network, Inc., Quincy, Mass.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

W1XEV—Conn. State College, Storrs, Conn.—Granted renewal of experimental broadcast station license for the period May 1, 1937, to May 1, 1938, on an experimental basis subject to change without prior notice or hearing.

W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Granted renewal of high frequency broadcast station license on an experimental basis for the period ending April 1, 1938, subject to change without prior notice or hearing.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—Present high frequency broadcast (experimental) station license extended for a period of one month from May 1 to June 1, 1937, pending receipt and action on application for renewal of license.

SPECIAL AUTHORIZATIONS

WTAW—Agricultural and Mech. College of Texas, College Station, Tex.—Granted special temporary authority to operate from 3:50 to 7 p. m., CST, May 4, 13; from 3:55 to 4:30 p. m., and 5:30 to 7 p. m., CST, May 14; and 2:55 to 6 p. m., CST, May 8 in order to broadcast intercollegiate baseball games.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m., and 4 p. m. to local sunset (April sunset, 6:45 p. m.), April 30, 1937 (instead of May 1, 1937, as granted on April 2, 1937), in order to broadcast baseball games.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted special temporary authority to operate from 9:30 to 10 p. m., EDST, Thursday, April 29, in order to broadcast a speech by James Roosevelt, guest of honor at banquet to be tendered Peter F. Tague, Postmaster, Boston.

WAAF—Drovers Journal Pub. Co., Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, from April 25 to August 31, 1937, in order to conform with the adoption of Daylight Saving Time in Chicago.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted special temporary authority to rebroadcast special NBC program of the coronation of King George VI from 4 to 6 a. m., EST, Wednesday, May 12, 1937.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with station KQV from 8 to 9:30 p. m., EST, Friday, May 14, in order to broadcast a Band Festival of the Oakwood High Schools.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate on Eastern Daylight Saving Time in place of EST for period April 25 to July 1, 1937.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate Daylight Saving Time instead of EST as licensed, during the period that DST is recognized as official time in Burlington, Vt., but for the period beginning April 25 and ending no later than June 1, 1937.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted special temporary authority to operate new WE 100-watt transmitter, style 310A, for period not to exceed 30 days, pending receipt and action on application for C. P.

KDYI—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to operate a 100 watt portable test transmitter on 1290 kc., between the hours of 1 and 6 a. m., MST, for the period ending in no event later than May 10, in order to conduct location survey.

KRMC—Roberts-MacNab Co., Jamestown, N. Dak.—Granted special temporary authority to operate unlimited nighttime for a period not to exceed 30 days or in no event later than June 1 (provided KVOX remains silent).

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted special temporary authority to transmit programs originating aboard the Yacht IORANO for a period not to exceed 30 days.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset (May sunset 7:15 p. m.), to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays, beginning May 1 and ending in no event later than May 30, 1937, pending compliance with Rule 131 on modification of license application requesting this authority.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted special temporary authority to rebroadcast over radio station KGNC the conversation taking place between general experimental portable mobile stations W5XAS and W5XAR, operating on frequency of 31600 kc., for 1 hour between dates of May 1 and May 6, 1937, flying weather permitting.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 p. m. to 4 p. m., CST, May 3 to 6, 1937, inclusive (provided KGGF remains silent), in order to broadcast a special educational program.

WCBF—WCBF, Inc., Chicago, Ill.—Granted extension of special temporary authority to use transmitter of WMBI for the period of 30 days from May 3, pending repair to WCBF's transmitter, which was destroyed by fire.

WHDF—The Upper Mich. Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 1 p. m., CST, May 5, 12, 19 and 26, 1937, in order to broadcast religious programs of Calvary Northland Mission stations of Ontonagon, Mich.

KGGF—Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 P. M., CST, May 11, 13, 18, 20, 25 and 27, and from 8:15 to 9:15 p. m., CST, May 12, 19 and 26 (provided WNAD remains silent), in order that WNAD may remain silent during University examinations and vacation.

Ben S. McGlashan, Aboard Yacht EL PERRITO—Granted special temporary authority to operate ship transmitter WDFL aboard Yacht EL PERRITO as a relay broadcast station utilizing frequencies 1622, 2058, 2150, 2790 kes., in order to broadcast Foreign Trade Week Program sponsored by Los Angeles Chamber of Commerce, for period May 15 to May 22, 1937.

W10XGY—Donald Roebling on board yacht IORANO—Granted special temporary authority to operate general experimental station aboard yacht IORANO as a relay broadcast station to transmit programs, under sponsorship of Smithsonian Institution over station WFLA-WSUN, Clearwater, Fla., for period not to exceed 30 days.

WSAY—Brown Radio Service Lab., Rochester, N. Y.—Granted special temporary authority to operate from 12 midnight to 6 a. m., EST, April 25 through May 10, 1937, for purpose of taking field intensity measurements. However, not permitted to operate during hours prescribed for Commission's monitoring schedule in May.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted special temporary authority to operate with power not to exceed 25 watts on the following frequencies: 550, 590, 650, 710, 780, 830, 890, 940, 990, 1050, 1100, 1140, 1190, 1240, 1300, 1350, 1400, 1460, 1520, 1550 and 1600 kc., between hours of 1 and 6 a. m., for period May 1 to 21, 1937, in order to obtain information on the performance of roof antennas by taking measurements of field produced by new tower at various heights, providing operating schedule is arranged so objectionable interference is not caused to any station maintaining regular program during this period.

EXAMINERS' REPORTS RELEASED SINCE APRIL 20, 1937

WMEX—Ex. Rep. 1-392: The Northern Corporation, Boston, Mass.—Examiner John P. Bramhall recommended grant of application for C. P. to change frequency from 1500 kc. to 1470 kc., and power from 100 watts, 250 watts LS, to 5 KW.

KARK—Ex. Rep. 1-393: Arkansas Radio & Equipment Co., Little Rock, Ark.—Examiner Bramhall recommended grant of modification of C. P. to change power from 500 watts, 1 KW LS, to 1 KW, unlimited.

NEW—Ex. Rep. 1-394: Arthur H. Croghan, Minneapolis, Minn.—Examiner M. H. Dalberg recommended denial of application for C. P. for new station to operate on 1310 kc., 100 watts, daytime.

NEW—Ex. Rep. 1-395: The Journal Company, Milwaukee, Wis.—Examiner R. L. Walker recommended denial of application for C. P. to operate on 1570 kc., 1 KW, unlimited time.

NEW—Mid-Atlantic Corp., Washington, D. C.—Examiner R. L. Walker recommended denial of application for C. P. to operate on 1570 kc., 1 KW, unlimited time.

NEW—Trenton Times, Trenton, N. J.—Examiner Walker recommended grant of application for C. P. for new station to operate on 1570 kc., 250 watts, unlimited.

NEW—Ex. Rep. 1-396: F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—Examiner P. W. Seward recommended denial of application for C. P. for new station to operate on 1200 kc., 100 watts, daytime.

NEW—Ex. Rep. 1-397: The Metropolis Company, Jacksonville, Fla.—Examiner Dalberg recommended grant of application for C. P. for new station to operate on 1290 kc., 250 watts, unlimited time.

NEW—Ex. Rep. 1-398: Stanley Reid and Chas. Withnell Boegel, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Iowa.—Examiner Geo. H. Hill recommended denial of application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited time.

KSFO—Ex. Rep. 1-399: The Associated Broadcasters, Inc., Assignor, and Western Broadcast Co. (now Columbia Broadcasting System of California), Assignee.—Examiner R. H. Hyde recommended denial of application for consent to voluntary assignment of license of station KSFO, San Francisco, to the Columbia Broadcasting System of California, Inc. Station operates on 560 kc., 1 KW, unlimited time.

APPLICATIONS DISMISSED

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

NEW—Ben S. McGlashan, San Diego, Calif.—C. P., 550 kc., 250 watts, daytime.

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Application for 990 kc., 250 watts, 250 watts LS, limited time.

APPLICATION DENIED

NEW—Scott M. Matheson, d/b as Provo Broadcast Co., Provo, Utah.—Denied as in cases of default for failure to file an appearance in accordance with Rule 104.6(c) application for C. P. for 1210 kc., 100 watts, 100 watts LS, unlimited time.

APPLICATION RETIRED TO FILES

WLBL—State of Wisconsin, Wisconsin Department of Agriculture and Markets, Stevens Point, Wis.—Application for 900 kc., 5 KW LS, specified hours, retired to files, inasmuch as a succeeding application to move transmitter, install new equipment and antenna, increase power to 5 KW, and change hours of operation from specified to daytime only, was granted without a hearing on September 22, 1936.

MISCELLANEOUS

KUJ—KUJ, Inc., Walla Walla, Wash.—Denied petition asking Commission to reconsider action denying application in Docket No. 3187, and to remand application to docket section for further hearing. This is an application for modification of license to install new equipment, move transmitter locally, change frequency from 1370 kc. to 1250 kc., and to increase power from 100 watts, unlimited, to 250 watts, unlimited.

WSOC—WSOC, Inc., Charlotte, N. C.—Granted petition to intervene in hearing on application of Carolina Radio, Inc., for C. P. to erect new broadcast station at Charlotte, N. C., to operate on **880 kc.**, 500 watts night, 1 KW LS, unlimited time (Docket 4488).

Columbia Radio Co., Inc., Columbia, S. C.—Granted petition for continuance of hearing on application of Carolina Advertising Corp. Hearing scheduled for May 10, 1937, now fixed for May 24, 1937. This application by Carolina Advertising Corp. is for C. P. to erect new broadcast station at Columbia, S. C., to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Denied petition asking Commission to reconsider its action of April 9, 1937, in designating for hearing application for new broadcast station at Raleigh, N. C., to operate on **1210 kc.**, 250 watts, daytime only, and to grant the same without hearing.

KHUB—F. W. Atkinson, Licensee, Watsonville, Calif.—Granted further extension for 60 days of temporary authority to Anna Atkinson, widow of F. W. Atkinson, who died April 3, 1937, to operate station pending filing of formal application looking toward transfer of license to the widow, sole beneficiary under will.

Robert Raymond McCulla, Oak Park, Ill.—Granted petition asking Commission to continue for 30 days hearing upon application for C. P. to authorize establishment of new broadcast station at Oak Park, Ill., upon frequency **1500 kc.**, 100 watts, daytime (Docket No. 3647).

WSPR—Quincy A. Brackett et al., d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—Granted petition to intervene in hearing of application of Westinghouse Electric & Manufacturing Co. (licensee WBZA, Springfield), for C. P. specifying **550 kc.**, 1 KW, unlimited time (Docket 4120).

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted petition to intervene in proceedings upon application of Radio Broadcasting Service Organization, Inc. (WORL), Boston, for C. P. specifying the operating assignment of **920 kc.**, 1 KW, unlimited time (Docket 4206).

WOAI—Southland Industries, Inc., San Antonio, Tex., and Columbia Broadcasting System.—Granted 60-day postponement of oral argument (now scheduled for April 29) upon pending application for consent to transfer control of WOAI to the Columbia Broadcasting System.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Hearing on application for modification of C. P. reopened. Further hearing is to determine stock ownership of applicant corporation.

EFFECTIVE DATES EXTENDED

NEW—Ex. Rep. 1-345: H. Wimpy, Albany, Ga.—Effective date of order extended to May 4, 1937.

NEW—Americus Broadcast Corp., Albany, Ga.—Effective date of order extended to May 4, 1937.

WSBT—Ex. Rep. 1-315: The South Bend Tribune, South Bend, Ind.—Effective date of order extended to May 11, 1937.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Effective date of order extended to May 11, 1937.

RATIFICATIONS

The Division ratified the following acts authorized on the dates shown:

W10XAL—Columbia Broadcasting System, New York City.—Granted authority to operate as licensed for period of 30 days from April 24.

W2XE—Columbia Broadcasting System, New York City.—Granted extension of equipment tests for period of 10 days from April 22.

WAAK-W4XBT-W4XBZ—Radio Station WSOC, Inc., Charlotte, N. C.—Granted authority to operate as licensed May 1, relaybroadcast program from Charlotte's new Municipal Airport over WSOC.

WCPO—Continental Radio Co., New York City.—Granted extension program test period 30 days from 4/18.

WAAQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority operate as licensed beginning 4/17 to 5/16, inclusive, relaybroadcast interviews with school children.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted authority commence operation under terms of license granted July 22, 1936, and revised time sharing agreement submitted in

December, 1936, inasmuch as WILL has been authorized to commence program tests on **520 kc.**, effective 4/19.

KUSD—University of South Dakota, Vermillion, S. D.—Granted authority commence operation under terms of license granted July 25, 1936, in accordance with revised time sharing agreement submitted by KFNF in December, 1936, inasmuch as WILL has been authorized to commence program tests on **580 kc.**, effective April 19.

WSBC—WSBC, Inc., Chicago, Ill.—Granted special temporary authority to use the facilities of WEDC beginning 6 a. m., CST, April 20, and ending no later than April 29, 1937, during equipment tests.

KSRO—Press Democrat Publishing Co., Santa Rosa, Calif.—Granted special temporary authority to operate a 100-watt test transmitter between 12 midnight and 6 a. m., PST, for period April 25 to May 4, in order to make field intensity survey tests.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m. and from 2 to 3 p. m., EDST, instead of EST, from April 25 to June 30, 1937, provided WBNY remains silent.

Granted petition of WRBL Radio Station, Inc., to intervene in proceedings upon application of John C. Hughes for C. P. to erect new station at Phenix City, Ala., and denied petition of WRBL Radio Station, Inc., to postponement of the hearing upon the above application of Hughes, until such time as it might be heard simultaneously with the application of the petitioner.

Granted petition of WHFC, Inc., to intervene in proceedings upon application of Robert Ramond McCulla for C. P. for new broadcast station at Oak Park, Ill. (Docket 3647).

The Broadcast Division approved a letter to be sent to the licensees of all stations under the jurisdiction of the Broadcast Division requesting the submission immediately to the Commission properly certified copies of all contracts entered into since July 15, 1934 (not previously furnished), which may in anywise affect control of the station.

ACTION ON EXAMINERS' REPORTS

WKZO—Ex. Rep. 1-306: WKZO, Inc., Kalamazoo, Mich.—Granted C. P. to move transmitter from Nichol's Road, west of Kalamazoo, to (site to be determined, subject to Commission's approval), Kalamazoo Twp.; make changes in equipment; change power from 1 KW day to 250 watts night, 1 KW day; and change hours of operation from daytime to unlimited; **590 kc.** Examiner Geo. H. Hill sustained. Order effective June 8, 1937.

NEW—Ex. Rep. 1-329: Bayou Broadcasting Co., Houston, Tex.—Denied application for C. P. for new broadcast station to operate on **1210 kc.**, 100 watts, daytime. Examiner R. L. Walker reversed. Order effective June 15, 1937.

WGBI—Ex. Rep. 1-342: Scranton Broadcasters, Inc., Scranton, Pa.—Granted application for modification of license to increase power from 500 watts to 500 watts night, 1 KW day, **880 kc.**, share with WQAN. Examiner John P. Bramhall sustained. Order effective May 25, 1937.

KALB—Ex. Rep. 1-348: Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted modification of license to change frequency from **1420 kc.** to **1210 kc.**; increase power from 100 watts day to 100 watts day and night; change hours of operation from daytime to unlimited. Examiner John P. Bramhall sustained. Order effective June 15, 1937.

NEW—Ex. Rep. 1-364: Isadore Goldwasser, Anniston, Ala.—Denied application for C. P. for new broadcast station to operate on **1420 kc.**, 100 watts, daytime. Examiner R. L. Walker reversed. Order effective June 1, 1937.

NEW—Ex. Rep. 1-368: H. W. Wilson and Ben Farmer, Wilson, N. C.—Granted application for C. P. for new broadcast station to operate on **1310 kc.**, 100 watts, daytime. Examiner P. W. Seward sustained. Order effective June 1, 1937.

ORAL ARGUMENT

WELI—Ex. Rep. 1-372: City Broadcasting Corp., New Haven, Conn.—Granted oral argument to be held May 27, 1937.

NEW—Lawrence K. Miller, Pittsfield, Mass.—Granted oral argument to be held May 27, 1937.

APPLICATIONS RECEIVED

First Zone

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—**920** Construction permit to make changes in equipment.

WLWL—Missionary Society of St. Paul the Apostle, New York, 1100 N. Y.—Voluntary assignment of license from Missionary Society of St. Paul the Apostle to Arde Bulova.

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to 1280 install a new transmitter.

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—1550 Construction permit to install new equipment, increase power from 1 KW to 5 KW, and give transmitter site as site to be determined, New York, N. Y.

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. Amended to change class of service from relay to experimental broadcast.

NEW—National Broadcasting Co., Inc., vicinity of Canton and Enderbury Islands.—License to cover above.

Second Zone

WQAN—The Scranton Times (copartnership), E. J. Lynett, Wm. 880 R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Scranton, Pa.—Modification of license to use WGBI's transmitter as a main transmitter and increase power from 250 to 500 watts.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—License to use 880 the present transmitter of WQAN as an auxiliary transmitter for WGBI. Contingent upon the granting of application for modification of license to use WGBI's transmitter as WQAN's main transmitter and increase power.

WQAN—The Scranton Times (copartnership), E. J. Lynett, Wm. 880 R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Jr., Scranton, Pa.—License to use present main transmitter as an auxiliary transmitter. Contingent upon the granting of application to use WGBI's transmitter as WQAN's main transmitter and increase power.

KYW—Westinghouse Electric & Manufacturing Co., Philadelphia, 1020 Pa.—Construction permit to make changes in equipment and increase power from 10 KW to 50 KW. Amended to make changes in directional antenna.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification 1210 of license to change hours of operation from specified hours to unlimited time.

WBLY—Herbert Lee Blye, Lima, Ohio.—Construction permit to 1210 make changes in transmitter and increase power from 100 watts to 250 watts.

WBLK—The Exponent Co., Clarksburg, W. Va.—License to cover 1370 construction permit (B2-P-1127) as modified, for a new station, requesting approval of studio site at Robinson Grand Theatre Bldg., 444½ W. Pike Street, Clarksburg, W. Va.

NEW—Richland Broadcasting Co., Mansfield, Ohio.—Construction 1370 permit for a new station to be operated on 1370 kc., 100 watts, daytime. Amended to change name from Frazier Reams to Richland Broadcasting Co.

WSMK—WSMK, Inc., Dayton, Ohio.—Construction permit to in- 1380 stall a new transmitter; increase power from 200 watts to 250 watts night, 500 watts day; change hours of operation

from simultaneous day, specified hours night, to unlimited time; move transmitter from near Dayton, Ohio, to Montgomery County, Ohio; and install directional antenna for night use. Amended to make changes in directional antenna for night use.

Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas.— 570 License to cover construction permit (B3-P-1715) for a new transmitter.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Construction 1400 permit to install a new transmitter, erect a directional antenna for night use, increase power from 500 watts, 1 KW day to 1 KW night, 5 KW day and move transmitter from 38th & Newport Streets, Tulsa, Oklahoma to 6 mi. North of Tulsa, 1½ mi. E. of Turley, Oklahoma.

NEW—A. L. Beaird, Jasper, Ala.—Construction permit for a new 1500 station to be operated on 1500 kc., 100 watts, unlimited time.

WKEU—Radio Station WKEU—Griffin, Ga.—Authority to install 1500 automatic frequency control.

NEW—United Broadcasting Co., Tulsa, Okla.—Construction per- 1550 mit for a new special broadcast station to be operated on 1550 kc., 1 KW, unlimited time.

Fourth Zone

NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.— 920 Construction permit for a new broadcast station to be operated on 920 kc., 1 KW night, 5 KW day, unlimited time. To use directional antenna at night. Amended: To make changes in transmitter.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—License to 1050 cover construction permit (B4-P-736) as modified, for a new station.

WCBD—WCBD, Incorporated, Chicago, Ill.—Construction permit 1080 to install a new transmitter and vertical antenna, and move transmitter from Temple Site, Zion, Illinois to Church Road, Addison Township, Illinois.

NEW—John P. Harris, Hutchinson, Kans.—Construction permit 1200 for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time.

NEW—Decatur Newspapers, Inc., Decatur, Ill.—Construction per- 1550 mit for a new special broadcast station to be operated on 1550 kc., 1 KW, unlimited time.

NEW—Minnesota Broadcasting Corp., Minneapolis, Minn.—Con- struction permit for a new high frequency broadcast station to be operated on 26100 kc., 150 watts. Amended: To delete 26100 kc. and add 26050 kc.

Fifth Zone

None.

Alaskan Zone

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Author- 780 ity to transfer control of corporation from J. P. Hannon to R. E. McDonald, 166 shares Common Stock.