

The National Association of Broadcasters

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STATUS OF RADIO COURT DOCKET

The following radio cases are now pending on the docket of the United States Court of Appeals for the District of Columbia:

Case No. 6762—Paul R. Heitmeyer, Cheyenne, vs. FCC.

No. 6772—Eastland Company vs. FCC.

No. 6773—Congress Square Hotel Company vs. FCC.

No. 6852—Great Western Broadcasting Assn., Inc., Logan, Utah, vs. FCC.

No. 6853—Great Western Broadcasting Assn., Inc., Provo, Utah, vs. FCC.

No. 6854—Intermountain Broadcasting Corporation vs. FCC.

No. 6866—Pulitzer Publishing Company vs. FCC.

No. 6869—Missouri Broadcasting Company vs. FCC.

No. 6906—Red River Broadcasting Company, Inc., vs. FCC.

No. 6911—Continental Radio Company vs. FCC.

No. 6931—Tri-State Broadcasting Company, Inc., vs. FCC.

No. 6990—Saginaw Broadcasting Company vs. FCC.

In the District Court of the United States for the District of Columbia:

Case No. 64232—Black River Valley Broadcasters, Inc., vs. Anning S. Prall et al.

NEW STATION RECOMMENDED

Chase S. Osborn, Jr., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Fresno, Cal., to use 1440 kilocycles, 500 watts and unlimited time on the air.

Examiner John P. Bramhall in Report No. I-439 recommended that the application be granted "on condition that an antenna site be selected which meets with the approval of the Commission." He found that "need for additional service in the area proposed to be served has been established." The Examiner found that the granting of the application would not cause any interference with any existing station.

DENIAL RECOMMENDED FOR NEW STATION

The Waterloo Times-Tribune Publishing Company applied to the Federal Communications Commission for a

construction permit for the erection of a new station at Waterloo, Iowa, to use 1370 kilocycles, 100 watts and daytime operation.

Examiner George H. Hill in Report No. I-441 recommended that the application be denied. He found, among other things, that "the financial showing of the applicant is unsatisfactory." The Examiner found also that "it does not appear that there is any substantial need for the proposed station."

RECOMMENDS NEW STATION

Elmira Star-Gazette, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Elmira, N. Y., to use 1200 kilocycles, 250 watts and daytime operation.

Examiner Robert L. Irwin in Report No. I-438 recommended that the application be granted. The Examiner states that "there is need for the daytime service proposed to be rendered in the area by the applicant." He states also that the operation of the proposed station would not result in objectionable interference "to the recognized good service area of any existing station."

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. 3151. Allegedly engaged in a conspiracy to represent falsely the quality and value of certain pianos sold in interstate commerce, **W. W. Kimball Co.**, 306 South Wabash Ave., Chicago, and **Victor G. Williams**, trading as **Williams Music Store**, 30 East Broad St., Columbus, Ohio, are respondents in a complaint. The Kimball company manufactures pianos, and Williams is a retailer and sales agent for Kimball products in the Columbus area.

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The Kimball company's sales manager, Ben F. Duvall, and one of its employees, George H. Kranz, also are named in the complaint, which charges use of unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

In newspaper advertisements, the respondents allegedly represent that they have for sale repossessed pianos on which purchasers had been unable to finish payment; that to return the pianos to the factory would be very expensive, and that they will sell them at sacrifice prices for the unpaid balances due.

In answer to inquiries concerning the pianos so advertised, Williams, the complaint charges, transports them from his place of business to persons making inquiry, each piano exhibited having a purported regular retail price stamped on a tag affixed to the instrument.

No. 3152. General Motors Corporation and General Motors Sales Corporation, of Detroit, are charged with unfair competition and practices tending to create monopoly in the sale of automobile parts, accessories and supplies, in a complaint. The complaint alleges violation both of Section 5 of the Federal Trade Commission Act prohibiting unfair competition and of Section 3 of the Clayton Act forbidding exclusive dealing contracts.

Principal unfair practices alleged are the use of intimidation, oppression and coercion to compel dealers handling General Motors cars, against their will, to purchase parts, accessories and supplies for use on such cars only from General Motors subsidiaries or affiliates.

These practices are alleged to have been effected by six General Motors subsidiaries for three years prior to October, 1936, and by General Motors Sales Corporation subsequent to that time, the Sales Corporation having acquired the assets of the dissolved subsidiaries, Chevrolet Motor Car Co., Buick Motor Car Co., Pontiac Motor Car Co., Olds Motor Works, Cadillac Motor Car Co., and General Motors Parts Corporation.

No. 3153. Mutual Rosenbloom Corporation, 498 Seventh Ave., New York, a garment manufacturer, is charged with unfair competition in the sale of women's dresses in a complaint.

Representations of the respondent company are alleged to have deceived buyers into believing that certain of its dresses are made of silk, when such is not a fact and to have created the impression among buyers that when they order dresses from the respondent company specifying that such garments be made of silk jersey they actually receive dresses so manufactured, when in fact they receive merchandise made from material other than silk, according to the complaint.

No. 3154. Charging a conspiracy to fix prices, control sources of supply and channels of distribution in window glass, and to bring about a system of discriminatory prices, a complaint has been issued against a group of manufacturers and distributors said to dominate the window glass industry in the United States.

The Window Glass Manufacturers Association, 19 West 44th St., New York, and **The National Glass Distributors Association,** 2217 Tribune Tower, Chicago, and their officers, directors and executive committeemen also are named respondents.

Violation of both the Federal Trade Commission Act and the Robinson-Patman Anti-Price Discrimination Act is alleged in the complaint.

Manufacturers named as respondents, who constitute the membership of the **Window Glass Manufacturers Association,** are **Pittsburgh Plate Glass Co.** and **American Window Glass Co., Pittsburgh;** **Libbey-Owens-Ford Glass Co., Toledo, Ohio;** **Harding Glass Co., Fort Smith, Ark.;** **Adamston Flat Glass Co. and Rolland Glass Co., Clarksburg, W. Va.;** **Schoy Sheet Glass Co., Sistersville, W. Va.,** and **Blackford Window Glass Co., Vincennes, Ind.**

The Fourco Glass Co., Clarksburg, W. Va., is joined as a respondent and is said to be the owner of Harding Glass Co. and the exclusive selling agent for the Harding, Adamston, Rolland Schoy and Blackford companies.

The complaint alleges that the respondent manufacturers own practically all the factories making window glass in the United States and produce most of the window glass sold and distributed.

Distributors specifically named as respondents, and who are described as representative members of the **National Glass Distributors Association,** are **Postlewait Glass Co., Kansas City, Mo.;** **Patek Bros., Inc., Milwaukee;** **Schrenk & Co., Hoboken, N. J.;** **Bennett Glass Co., Salt Lake City;** **Pritchard Paint & Glass Co., Charlotte, N. C.;** **Hires Turner Glass Co., Philadelphia;** **Toledo Plate & Window Glass Co., Toledo, Ohio;** **W. P. Fuller & Co., San Francisco,** and **Binswanger & Co., Richmond, Va.**

The complaint also is directed against all other members of the distributors' association, numbering about 150, who are alleged to constitute a group so large and influential as to be able, by themselves and in cooperation with manufacturers, to control and influence the window glass industry in the country.

No. 3155. A complaint has been issued alleging unfair methods of competition on the part of **Jules Chain Stores Corporation,** 315 Fourth Ave., New York, operating the **Liberal Credit Department Store** at 415 Seventh St., N. W., Washington, D. C.

Engaged in the sale of wearing apparel for men, women and children, the respondent company, in newspaper advertisements and handbills, allegedly offered free gifts, such as blankets and silverware, to customers purchasing a specified amount of merchandise.

The complaint charges that such advertisements are false and misleading in that the gifts advertised are not free, their cost being included in the price to be paid by purchasers of the amounts of merchandise specified.

No. 3156. Golden Peacock, Inc., Paris, Tenn., engaged in the sale and distribution of toilet preparations, is charged in a complaint with the use of certain false and misleading representations in advertising two of its products, **Golden Peacock Bleach Cream** and **Miracream.**

Among representations made by the respondent company in radio broadcasts, newspapers and other advertising matter, and which the complaint charges are false, are that **Golden Peacock Bleach Cream** contains costly, refined ingredients imported from France and Spain which revitalize the skin and change it to a child-like whiteness and texture, and that it is a new discovery developed after many years of experimentation by eminent doctors and skin specialists.

The complaint further charges that use of either of the preparations will not, as allegedly advertised, remove deep-seated skin discolorations and blemishes over-night or in any other period of time; and will not bleach the skin white and keep it so in all cases, or nourish, revitalize and rejuvenate the skin.

No. 3157. Hay & Peabody Cement Vault Co., 201-05 Arlington St., Watertown, Mass., in a complaint is charged with unfair methods of competition in the sale of its products.

The respondent company is alleged to have advertised its burial vaults as insuring positive protection for all time and as being absolutely water-proof, sweat-proof, vermin-proof, and air-tight, when, according to the complaint, these are not the facts.

The respondent company is also alleged to have represented that while wood decays and metal rusts and disintegrates, concrete improves with age, and the longer a cement vault remains in the ground the better and stronger it becomes because moisture and other underground conditions further solidify cement. The complaint charges that these results do not take place in all cases, and that the respondent company's vault will, and often does, disintegrate and permit both air and water to enter, under burial conditions.

Stipulations and Orders

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

No. 01693. Raymond Stotter, trading as The Raymond Press, 313 Madison Ave., New York, in selling a book designated "Beauty Unmasked", agreed to cease representing that the book reveals secrets that have brought astounding beauty to many men and women, and that the information it contains will enable a person to learn how to change his facial features and to remove scars, signs of age and skin blemishes.

No. 01694. B. C. Burden, trading as Lincoln Engineering School, Lincoln, Nebr., will stop advertising that his correspondence courses of instruction in radio and electrical engineering are more than equivalent to any other courses now being offered and are sold for only a fraction of the cost of comparable courses; that graduates of his school are so trained as to be able to obtain hundreds of thousands of positions paying \$125 to \$350 a month; that the courses cover the complete electrical field, and graduates are equipped to compete successfully with college-trained men.

No. 01695. The Filbertone Co., Inc., 608 Hoyt St., Saginaw, Mich., agreed to cease representing that **Filbertone Powder** or **Filbertone Pills**, when used separately or in combination, will constitute an effective remedy for rheumatic aches and pains, nervousness, neuritis, indigestion, skin eruptions, and bladder or stomach troubles.

No. 01696. **R. Flores, trading as Sana-Cutis Chemical Co., Joplin, Mo.,** will cease representing that Sana-Cutis is a competent remedy in the treatment of eczema, ringworm, athlete's foot, or dry, itching skin. The respondent further stipulated that he will not use the words "chemical company" in his trade name until he operates a chemical company, or the word "manufacturer" unless he manufactures the products he sells.

No. 01697. **Wecker Laboratories, Inc., 3859 Broadway, New York,** selling Klearol Acne Lotion, agreed to stop representing that the product will banish pimples and acne and clear up the skin, and that it contains costly ingredients.

No. 01698. **Donald S. Kenyon, 2608 Nicollet Ave., Minneapolis, trading as Kondon Manufacturing Co.,** will cease representing that Kondon's Nasal Jelly will stop a head cold, or is other than a palliative treatment for the pains and discomfitures of head colds, or that it will protect against chest colds, and bring immediate relief in all cases.

No. 01699. Use of certain false and misleading representations in advertising poultry remedies will be discontinued under a stipulation entered into by **S. R. Johnson, D. V. M., 2030 Broadway, Kansas City, Mo., trading as Johnson Laboratories.**

The respondent's products are designated generally as Johnson's Poultry Remedies, but have individual brand names.

Among the representations to be discontinued are that Kamala Nicotine Tablets will remove tapeworms or all species of roundworms; that Iriquin or Mercolated Tablets will restore poultry to the best of health, stop coccidiosis, and prevent intestinal disorders; that Avispray or Ivacol will prevent roup, colds, brooder pneumonia or respiratory infections, and that Mercolated Tablets or Mixed Bacterin (Avian) will constitute a competent treatment for chicken cholera, fowl typhoid, or other bacterial diseases of the digestive system.

No. 01700. **Bristol-Myers Co., International Building, Rockefeller Center, New York,** agreed to stop representing that its hair tonic, Vitalis, retards falling hair, unless limited to indicate excessive falling hair; that the product, combined with a massage treatment, brings new life and looks to the hair by giving it a chance to grow at the roots and scalp, and that it contains oils that hair requires for health.

No. 01702. **Forty-second Street Sales Co., 820 North Michigan Ave., Chicago,** stipulated that it will discontinue representing that Forty-second Street Super Cleansing Cream will condition and reduce the size of the pores and prevent dryness of the skin or prevent wrinkles; that Forty-second Street Tissue Cream is deeply penetrative, will refine skin texture, and is an effective treatment for helping banish signs of age, and that Forty-second Street Hand Cream penetrates the pores almost instantly and will enrich the skin.

No. 01703. **R. S. Agnew, trading as The Genuaid Co., Clarion, Pa.,** will discontinue advertising that Genuaids will remove the cause of minor aches and pains and rheumatism, and that by its use a person can guard against colds, indigestion, fatigue and high blood pressure.

No. 01704. **Cosmos Chemical Corporation, 81 Washington St., Boston,** selling Sanovan, a deodorant, stipulates that it will stop advertising that this product will permanently rid any place of any odor. In its stipulation, the respondent company admits that although the preparation is a deodorant while being used, it will not protect against recurrence if the source of the odor is not removed. The respondent company will not represent Sanovan as being the only deodorant capable of completely eliminating odors.

No. 01705. **Atkins Chemical Co., Inc., 44 East 63rd St., New York,** engaged in the sale of Bonnox, stipulated that it will cease representing that the preparation is a competent treatment for kidney, bladder or prostate disorders; that it will prevent any ailment from developing into more dangerous stages, and that it is a competent home treatment for nervousness, neuralgia and other ailments.

No. 01706. **Laura Phillips, 4532 Murdock Ave., New York,** in the sale of Laura's Rapid Tonic and Hair Formula, agrees to desist from the representation that 18 treatments will grow new hair; that use of these preparations will stimulate dormant roots and stop falling hair, unless, in connection with the latter assertion, the representation is limited to the stopping of excessive loss of hair. The respondent will cease asserting that Laura's Realization Face Cream will eliminate wrinkles, make the skin firm, smooth and white, or do away with sallown complexion.

No. 01707. **John F. Coleman, trading as Typists' Information Service, Smithboro, N. Y.,** selling a folio of instruction designated "Typing Tips for Typists", will discontinue asserting in advertising that all details explaining how typists may earn \$15 to

\$20 a week are furnished by him upon receipt of a stamp. Coleman admitted that upon receipt of a stamp he merely furnishes information concerning the booklet he sells. He also agreed to cease representing by publication of advertisements in "Help Wanted" columns or otherwise that he has employment to offer, and to stop making unmodified claims of earnings in excess of the average earnings of purchasers of his folio of instruction.

No. 1708. **Dr. J. F. True & Co., Inc., Auburn, Me.,** agrees to quit advertising that Dr. True's Elixir is useful in treating the ordinary ailments of children, and that it safeguards health, gives children double protection and contains no harmful ingredients.

No. 01709. **Chas. H. Phillips Chemical Co., 170 Varick St., New York,** agrees to stop advertising that Phillips' Milk of Magnesia Texture Cream helps to correct certain ugly skin blemishes and that this preparation and Phillips' Milk of Magnesia Cleansing Cream help to neutralize the fatty acid accumulations on the skin, unless, in this latter representation, the language is qualified to mean excess fatty acid accumulations. The respondent company stipulates that it will not advertise Phillips' Milk of Magnesia Tooth Paste as providing the best way yet discovered or as science's latest discovery for cleaning teeth. The respondent company will also cease asserting that its tooth paste contains more milk of magnesia than any other tooth paste, unless such representation is true at the time it is made. The respondent company admits in its stipulation that there is no evidence that its dentifrice contains more milk of magnesia than any other tooth paste.

No. 01710. **A. Carolus Becker, 22 Hale Ave., Brooklyn,** is engaged in the sale of pamphlets, variously designated, containing information relative to astrology and numerology. He stipulated that he will cease representing that any booklet sold by him will enable the purchaser to become a medium, or to construct his own horoscope or arrive at his own astrological predictions; that any of his booklets covers the subjects of numerology thoroughly, or contains information on astrology or forecasts and enables the purchaser to determine his vocation, financial prospects and psychic powers.

No. 01711. **J. M. Simmons, trading as J. M. Simmons & Co., 19 West Jackson Boulevard, Chicago,** also dealing in pamphlets on the subjects of astrology and numerology, entered into a stipulation substantially the same as that signed by A. Carolus Becker.

No. 01712. **The Methusa Co., 10427 St. Clair Ave., Cleveland,** agrees to cease stating that its preparation Methusa will enable the user to get rid of nervousness, rheumatism, arthritis and certain other ailments of different degrees of seriousness, unless the assertion is specifically limited to temporary, palliative relief from symptoms. Other representations to be discontinued are that through the use of Methusa the weight of years and age are removed, and that this product will completely recondition the human system. The term "Manufacturing Chemists" or any other term implying that the respondent company manufactures Methusa or any other preparation, will no longer be used, according to the stipulation.

No. 01713. **W. J. Latimer, trading as The Midwest Art Co., 514 North Prior Ave., St. Paul, Minn.,** selling pictures of motion picture stars, in connection with which a missing word contest is conducted, will cease representing that it is possible for a person supplying the missing word to win \$1000 without expenditure of "one red cent", and that in event of a tie for any one prize, there will be as many prizes reserved as there are participants tied.

No. 01714. **Bristol-Myers Co., International Building, Rockefeller Center, New York,** in the sale of Ipana tooth paste, will cease advertising that this preparation and massaging will correct any unhealthy gum condition; that Ipana and the use of a tooth brush will restore to the gums the stimulation they need to remain firm and healthy; that modern dental science or the country's dentists urge or approve the use of Ipana and massaging in the care of teeth and gums, and that Ipana and massaging will prevent one from becoming a "dental cripple".

No. 01715. **United Milk Crate Corporation, trading as The Lifetime Portrait Society, 1041 Evans St., Cincinnati,** selling pictures enlarged and processed by a method designated as "Por-Ce-Lite Process", will stop advertising that three motion picture studios have ordered pictures of their stars treated by this process, and that the bonus offered by the respondent will pay sales agents \$140 extra a month. It is further stipulated that the respondent company will cease using the words "Society" and "Lifetime" in its trade name or otherwise, and will discontinue representing that portraits treated by its process will never fade, warp or soil, and will last for generations.

No. 01716. **Alfred J. Paul, and Arthur Smith, trading as Johnson Smith & Co., 6615 E. Jefferson Ave., Detroit,** entered into a stipulation to cease the following representations: That their book of instruction in piano playing, entitled "The Vamping Tutor", will enable one to play the piano without lessons or personal instruction, and without any knowledge of music, and to play by ear the accompaniment to any song; and that their book on hypnotism enables one to strengthen his will power, banish fear and worry, and overcome bad habits. The respondents also will stop advertising that Japanese rose bushes grown from seed they sell will bloom "all the year round" or every 10 weeks, winter or summer.

No. 01717. **H. M. Cheney, 1218 Adams St., Toledo, trading as Cheney Medicine Co. and as F. J. Cheney Co.,** stipulates that, in the sale of Hall's Nasal Catarrh Medicine, he will stop asserting that it is a competent treatment for sinusitis or an effective remedy for the symptoms of sinus troubles, unless this latter assertion is limited to relief of headaches occurring in cases where an excessive amount of nasal congestion prevents the proper drainage of the sinus cavities.

No. 01718. **Herman Nagel, 633 Plymouth Court, Chicago,** engaged in selling Formula B, a so-called vitality restorer, will quit asserting that use of its tablets will restore vitality and bring back one's youth, and that this preparation consists mainly of extracts of tropical herbs which have been used for centuries for their vivifying effects.

No. 01719. **The Cream of Wheat Corporation, 730 Stinson Building, Minneapolis,** agrees to stop representing that by eating Cream of Wheat a person may increase resistance to disease, unless this assertion is limited to the cereal's value as a nourishing food. The respondent company will also cease advertising that Cream of Wheat has been especially created to help youngsters escape contagion, and that a child burns up as much or more energy than a full-grown athlete unless a comparison is made between an active child and an adult and in proportion to weight.

No. 01720. **Bristol-Myers Co., International Building, Rockefeller Center, New York,** will cease representing that its preparation, Sal Hepatica, is used in cases of constipation to prevent more serious physical conditions or trouble, and that it is a competent treatment for headaches, indigestion, and certain other ailments, unless this claim is limited to such conditions when due to hyperacidity or constipation. The respondent company agrees to cease asserting that Sal Hepatica will cleanse the system thoroughly, unless this is limited or qualified to indicate cleansing of the intestinal tract, and that Sal Hepatica will correct or counteract acid conditions, unless this is qualified or limited to indicate gastric hyperacidity. In its stipulation, the respondent company admitted that, according to scientific opinion furnished the Commission, Sal Hepatica is an effervescent salt which, when taken in small doses, will act as a laxative, and in larger doses as a cathartic, and that therefore it can be relied upon neither as a competent treatment for colds, headaches, indigestion, upset stomach, or unnatural fatigue, nor as a preventive of more serious physical conditions in cases of constipation.

No. 01721. **Louis J. Schuck, 155-65 One Hundred Sixteenth Drive, Jamaica, N. Y.,** selling certain designated medical preparations, stipulates that he will cease representing, inferentially or otherwise, that any of his preparations or any of the ingredients thereof, are imported from Indo-China or any other country, unless this is true. He will also cease asserting that Kandu Tabs will be of benefit to one in need of "pep" or that either Kandu Tabs or a specified tonic or a combination of both will stir up, wake up or strengthen weak or tired glands.

No. 01722. **B. W. Rucker, trading as DeSala Enterprises and Vincent DeSala, Buechel, Ky.,** in the sale of a book entitled "This Power Called Hypnotism", will stop representing that persons studying this book will gain dynamic power and become masterful, successful and happy, and that its price formerly was \$10 or any other price different from that at which it was regularly sold.

No. 01723. **C. E. Richards, 404 Morase St., Lewistown, Mont.,** selling Nu Way Method, agrees to desist from the representations that his prescription, called a system cleaner, will clean the system, break up a case of typhoid, remove gall-stones and has other accomplishments, or that it has any therapeutic value except as a laxative and that there is no danger of spreading tuberculosis when the respondent's treatment is used. The respondent will also cease asserting that Indian Root Treatment treats the body by means of medicated air, or that he, through the use of his preparations, can do more for a person than can a Doctor of Medicine.

No. 01724. **Spear Brand Mills, Inc., Kansas City, Mo.,** selling Spear Brand Chick Feed, will discontinue advertising that this product is capable of producing healthier, sturdier chicks quicker and at less cost than any other feed on the market and that it contains all the vitamins and minerals necessary for rapid, healthy and sustained growth.

No. 01725. **E. B. Graham, trading as Golden West Co., Knoxville, Tenn.,** "Golden West Compound", for stomach, kidney, blood and liver disorders, indigestion and rheumatic pains.

No. 01726. **Western Chemicals, Inc., Vance Building, Seattle, Wash.,** "Alcoban", for alcoholism.

No. 01727. **E. L. Morris, trading as Nuway Products, Frankford, Del.,** "Vim Tabs", a stimulant for glands or nerves.

No. 01728. **W. F. Young, Inc., 111 Lyman St., Springfield, Mass.,** "Absorbine, Jr.", for inducing sleep.

No. 01729. **Chemm, Incorporated, 245 Fifth Ave., New York,** agrees to stop representing that Chemm is a balanced food drink. Other allegations to be discontinued are that Chemm develops healthful beauty, causes children to drink more milk and supplies all required amounts of Vitamins A, B and D.

Nos. 01730-01733. A dealer in machines to stamp impressions on coins and a distributor of book matches and other printed material have entered into stipulations to discontinue certain false and misleading advertising practices in the sale of their products.

The respondents are **H. W. Boetticher, 124 East Larned St., Detroit,** trading as **Blue Dot Stamp Co., and Bannen Printing Co., 110 North Second St., Rockford, Ill.,** known also as **All-Trades Printing Service.**

Both respondents agree to stop making representations that opportunities exist for prospective salesmen to earn amounts in excess of those actually earned by their regular salespersons under normal conditions.

No. 01731. **W. M. Akin Medicine Co., 108 N. Governor St., Evansville, Ind.,** "Dr. R. A. Armistead's Ague Tonic", for colds and influenza.

No. 01734. **Omar Baking Co., Omaha, Nebr.,** a subsidiary of **National Baking Co., Omaha,** also named as a respondent, will quit advertising that Omar Bread is balanced as a diet is balanced, is capable of furnishing tremendous over-generosity of calcium and is a daring contribution to the science of bread-making. The respondent company will also stop asserting that calcium is the sole requisite for strong, hard bones and sound, white teeth, and that lack of it is the cause of malnutrition.

No. 01735. **Northwestern Yeast Co., 1750 N. Ashland Ave., Chicago,** stipulates that it will desist from representing that the typical every-day diet is sadly deficient in Vitamin B, and that the use of the respondent company's yeast foam tablets will restore a person's digestive and eliminative system to normal, healthy function, provided the latter claim is limited to such conditions when due to a deficiency of Vitamin B complex. The respondent company will no longer advertise that its yeast preparation is capable of correcting skin blemishes, and that its Animal-Poultry Yeast Foam when fed to dogs, has a capacity to help a dog get all the nourishment available from his food, or when fed to chickens, can cause coccidiosis or other intestinal diseases to disappear.

No. 01736. **Charles Keller, trading as Keller Co., Mechanicsburg, Ohio,** "Bukots", for weakness and irritation of the bladder.

No. 01737. **Margaret Vorhees Doyle, trading as the Estate of C. A. Vorhees, M. D., 426 Chelton Ave., Philadelphia,** "Bumstead's Worm Syrup", for worms in either children or adults. This respondent also will discontinue representing that the manufacturer of this preparation is a practicing physician or that the originator of the formula is now alive.

No. 1956. Trading as **United States Marble & Granite Co., Asa L. Wooten, Oneco, Fla.,** has entered into a stipulation to discontinue representations in advertising matter implying that he manufactures the tombstones and monuments he sells in interstate commerce.

According to the stipulation, the products sold by Wooten are manufactured at plants which he does not own or operate, although his advertising matter contained assertions such as "Sell Direct From Factory To You" and "From Stone Quarry To Monument Factory Direct To You."

No. 1994. **Wayne County Produce Co., Green Point, Long Island, N. Y.,** agrees to stop using a so-called gift offer of a skillet having an alleged value of \$1.25 or other purported value, when in fact such designated value is greatly in excess of the price at which the article is regularly sold. The respondent company manufactures bottled, canned and packed food products, including cider, vinegar, jelly, preserves and apple sauce.

No. 1995. Fragrant Perfumers, Inc., 40 East 19th St., New York, engaged in assembling perfumes and in the sale thereof as well as of other toilet articles, stipulates that it will stop the use on labels of exaggerated or misleading representations concerning the value of a perfume or the price at which it is sold or intended to be sold. Fragrant Perfumers, Inc., also stipulates that it will quit using the word "France" in connection with its sale of this perfume so as to imply that it is made in France, when such is not a fact.

No. 1996. Reliable Stores Corporation, 1 South Howard St., Baltimore, distributor of furniture, house furnishings, jewelry and related commodities, and operating retail stores in different States, including the National Furniture Co., 7th and H Sts., N. W., Washington, agrees to cease use in advertising matter of the words "free" or "gift" alone or in connection with each other or with other words as descriptive of certain articles represented to be given with the purchase of other merchandise, when in fact the price of the so-called "free" or "gift" merchandise is included in the price asked for the goods sold. The corporation also will stop employing the words "free" or "gift" in any way implying that the articles to which such words refer are in fact gifts or are given free or as a gratuity to the buyer of other merchandise, when such is not a fact.

No. 2004. B. Altman & Co., 5th Ave. and 34th St., New York, department store, has entered into a stipulation to discontinue certain unfair representations in the sale of women's blouses.

Certain blouses were designated as "Diagonal Crepe Shirts" and "Diagonal Crepes", when in fact, according to the stipulation, they were not composed of silk but of materials other than silk.

No. 2420. American Grain Distillers, Inc., 634 Lafayette Building, Detroit, has been ordered to cease and desist from representing that it is a distiller of alcoholic beverages, when such is not a fact. The order does not apply as to gins produced through a rectification process in which alcohol purchased by the respondent company is redistilled over juniper berries and other aromatics.

Findings are that the company formerly engaged in the liquor business solely as a wholesaler and rectifier, and that it is now insolvent, but still maintains its corporate existence and the Commission is not assured that upon a reorganization the name might not be resumed in the absence of a prohibitive order.

No. 2706. J. G. McDonald Chocolate Co., Salt Lake City, Utah, has been ordered to cease and desist from selling and distributing to dealers, candy so packed and assembled that sales to the public may be made by means of a lottery, gaming device or gift enterprise.

The order also prohibits packing in the same assortment pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy to be given as prizes to purchasers procuring pieces of candy with centers of a particular color.

Nos. 2708-2837-2848. Cease and desist orders have been issued requiring three candy companies to discontinue selling and distributing to dealers, candy so packed and assembled that sales to the public may be made by means of a lottery, gaming device or gift enterprise.

The respondent companies are **Shupe-Williams Candy Co., 2605 Wall Ave., Ogden, Utah; Ostler Candy Co., 143 South State St., and Glade Candy Co., 232 South Fifth East St., both of Salt Lake City.**

The orders also prohibit the Shupe-Williams and Ostler companies from packing in the same assortment pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy or a small package of candy or other merchandise, to be given as prizes to purchasers procuring pieces of candy with centers of a particular color.

Nos. 2704-2697-2699-2705. Under orders to cease and desist, four candy companies are required to discontinue selling and distributing to dealers candy so packed and assembled that sales to the public may be made by means of a lottery, gaming device or gift enterprise.

The respondent companies are **Williams-Crahan Co., Woody Candy Co., and Fine-Reding Candy Manufacturing Co., Inc., all of Oklahoma City, Okla., and Startup Candy Co., Provo, Utah.**

The orders also prohibit the Williams-Crahan and Startup companies from packing in the same assortment pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy or small packages of candy, to be given as prizes to purchasers procuring pieces of candy with centers of a particular color.

No. 3114. Prohibiting certain unfair competitive methods in the sale of an herb tea and an orange pekoe tea, an order to cease and desist has been issued against **Germania Tea Co., 608 First Ave., North, Minneapolis, and Consolidated Drug Trade Products, Inc., 544 South Wells St., Chicago.**

The respondent companies are directed to stop representing that Germania Herb Tea performs any functions in a reducing program other than those of a laxative or purgative, and that Germania Orange Pekoe Tea performs any function or has any value in treating obesity, or in a reducing program, other than in the caffeine supplied through its consumption.

FTC CLOSES TWO CASES

No. 1846. The Federal Trade Commission has issued an order vacating and setting aside an order to cease and desist issued in September, 1933, against **Magnecoil Co., Inc., Salt Lake City,** manufacturer of blankets and other appliances with electrical connections, for use in treating certain diseases.

The Commission directed resumption of testimony on the charges of the complaint in this proceeding. The former order to cease and desist prohibited certain misrepresentations concerning the therapeutic value of the respondent company's product.

No. 1856. The Commission has also closed its case against **J. V. Linehan and C. A. Weldt, trading as Lion Manufacturing Co., Chicago,** for the reason that the respondents have discontinued the unfair methods of competition alleged in the complaint.

The respondents were charged with misrepresentation of certain blankets they sold in interstate commerce, and with use of a lottery scheme in promoting the sale of such blankets. The Commission closed the case without prejudice to its right to reopen it should the facts warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

There was no meeting of the Broadcast Division of the Commission this week. The next broadcast meeting is scheduled for June 29.

The Commission granted the petition to withdraw from the Commission files the petition of WLWL for reconsideration of the action of the Broadcast Division of November 24, 1936, in granting the application for the transfer of control of WOV.

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, June 28:

Monday, June 28

FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—El Paso Broadcasting Co., El Paso, Tex.—C. P., 940 kc., 1 KW, unlimited time.
- NEW—World Publishing Co., Tulsa, Okla.—C. P., 940 kc., 1 KW, 5 KW LS, unlimited time.
- KGKL—KGKL, Inc., San Angelo, Tex.—C. P., 940 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited.
- NEW—The Tribune Co., Tampa, Fla.—C. P., 940 kc., 1 KW, 5 KW LS, unlimited time.
- NEW—Earl Weir, St. Petersburg, Fla.—C. P., 1370 kc., 100 watts, unlimited time.

HEARING BEFORE AN EXAMINER (Broadcast)

- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—C. P., 1450 kc., 1 KW, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited.
- KRE—Central California Broadcasters, Inc., Berkeley, Calif.—C. P., 1440 kc., 500 watts, 1 KW LS, unlimited. Present assignment: 1370 kc., 100 watts, 250 watts LS, unlimited.

Tuesday, June 29

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—WSMB, Inc., New Orleans, La.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited.
NEW—WDSU, Inc., New Orleans, La.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited.

Wednesday, June 30

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Zenith Radio Corp., Chicago, Ill.—C. P., 42000-56000, 60000-86900 kc., 1 KW, 1 KW LS, unlimited time in accordance with Rule 983 (a).
NEW—Dr. William States Jacobs Broadcasting Co., Houston, Tex.—C. P., 1220 kc., 1 KW, unlimited time (using directional antenna at night).
WRBC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—C. P., 930 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 930 kc., 1 KW, unlimited.
NEW—The Birmingham News Co., Birmingham, Ala.—C. P., 590 kc., 1 KW, unlimited time.

Thursday, July 1

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-382:

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

Examiner's Report No. 1-393:

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Modification of C. P., 890 kc., 1 KW, unlimited time. Present assignment: 890 kc., 500 watts, 1 KW LS, unlimited.

Examiner's Report No. 1-394:

NEW—Arthur H. Croghan, Minneapolis, Minn.—C. P., 1310 kc., 100 watts, daytime.

Examiner's Report No. 1-396:

NEW—F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—C. P., 1200 kc., 100 watts, daytime.

Examiner's Report No. 1-398:

NEW—Stanley Reid and Charles Withnell Boegel, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Iowa.—C. P., 1310 kc., 100 watts, unlimited time.

Examiner's Report No. 1-399:

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Voluntary assignment of license to Columbia Broadcasting System of Calif.; 560 kc., 1 KW, unlimited.

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Fall River Herald News Publishing Co., Fall River, Mass.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited.

Friday, July 2

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Centennial Broadcasting Corp., Dallas, Tex.—C. P., 1500 kc., 100 watts, daytime.
NEW—William F. Maag, Jr., Youngstown, Ohio.—C. P., 1420 kc., 100 watts, daytime.
NEW—The Colonial Network, Inc., Providence, R. I.—C. P., 720 kc., 1 KW, limited time.
NEW—Geraldine Alberghane, Pawtucket, R. I.—C. P., 720 kc., 1 KW, daytime.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Renewal of license, 1500 kc., 100 watts, unlimited time.

WSMK—WSMK, Inc., Dayton, Ohio.—C. P., 1380 kc., 250 watts, 500 watts LS, unlimited. Present assignment: 1380 kc., 200 watts, simultaneous day with KQV, specified hours night.

APPLICATIONS RECEIVED

First Zone

WAAB—The Yankee Network, Inc., Boston, Mass.—Modification 1410 of license to change power from 500 watts, 1 KW day, to 1 KW day and night.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—1460 Construction permit to install a new transmitter; increase power from 10 KW to 50 KW; install a new directional antenna for day and night use; and move transmitter from Mt. Vernon Highway, near Potomac Yards, 1½ miles north of center of Alexandria, Va., to 4 miles due east of Wheaton four corners, Wheaton, Md.

WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—Construction permit for replacement of transmitter, reduce power from 10000 watts to 500 watts.

WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—License to cover above.

Second Zone

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Extension of 700 special experimental authorization to operate with power of 500 KW day and 500 KW night using directional antenna, for period from 8-1-37 to 2-1-38.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—License to 700 cover construction permit (B2-P-1557) for changes in equipment.

WTAR—WTAR Radio Corp., Norfolk, Va.—License to cover construction permit (B2-P-1074) for increase in power, new directional antenna, and move of transmitter.

NEW—George B. Storer, Pontiac, Mich.—Construction permit for 800 new station to be operated on 680 kc., 1 KW power, daytime operation. Amended to change requested frequency from 680 kc. to 800 kc., and transmitter and studio sites from site to be determined, Detroit, Mich., to site to be determined, Pontiac, Mich.

WQAN—The Scranton Times (co-partnership), E. J. Lynett, Wm. 880 R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Jr., Scranton, Pa.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—1420 Modification of license to change hours of operation from unlimited day, share WEED night, to unlimited time. Contingent upon the granting of WEED's application for change in frequency.

Third Zone

WSM—The National Life and Accident Insurance Co., Nashville, 650 Tenn.—License to use old Western Electric Transmitter as an auxiliary, at old location, 1501 Weston Ave., Nashville, Tenn., 5 KW power.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—880 Modification of construction permit (B3-P-1434) for changes in equipment, requesting extension of completion date from 7-10-37 to 9-10-37.

KRGV—KRGV, Incorporated, Weslaco, Texas.—License to cover 1260 construction permit (B3-P-1190) for changes in equipment and increase in power.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

NEW—William C. Smith, Bogalusa, La.—Construction permit for 1310 a new station to be operated on 1470 kc., 100 watts, daytime (7 a. m. to 7 p. m.). Amended: To change frequency from 1470 kc. to 1310 kc. and hours of operation from daytime (7 a. m. to 7 p. m.) to unlimited time.

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Texas.—1370 Authority to transfer control of corporation from R. S. Bishop to Ruth G. Roosevelt, 313 shares common stock.

NEW—M. M. Valentine, Laredo, Texas.—Construction permit for 1500 a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time. Amended: To change requested frequency from 1310 kc. to 1500 kc.

- NEW—Lamar Life Insurance Co., Jackson, Miss.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 ke., 50 watts.
- NEW—A. H. Belo Corporation, Dallas, Texas.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 ke., 75 watts.

Fourth Zone

- WILL—University of Illinois, Urbana, Ill.—Construction permit 580 to make changes in transmitting equipment and increase power from 1 KW to 5 KW.

Fifth Zone

- KEHE—Hearst Radio, Inc., Los Angeles, Calif.—License to cover 780 construction permit (B5-P-1759) for an auxiliary transmitter at KEHE's present site.
- NEW—Hollenbeck Heights Christian Church, Los Angeles, Calif.—1170 Construction permit to erect a new station to be operated on 1170 ke., 100 watts power, limited time.
- KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico.—

- 1180 License to cover construction permit (B5-P-1492) as modified, for a new transmitter.

- KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico.—1180 Authority to determine operating power by direct measurement of antenna.

- KTMS—News Press Publishing Co., Santa Barbara, Calif.—Modification of construction permit (B5-P-982) to make changes in authorized equipment, approval of vertical antenna and approval of transmitter site at near Goleta, California. Amended: To install directional antenna for day and night use.

- NEW—Anna Jay Levine, Palm Springs, Calif.—Construction permit 1370 for a new station to be operated on 1370 ke., 100 watts night, 250 watts day, unlimited time. Amended: To change transmitter site from Riverside Co. to Palm Canyon Drive, near Morongo Road, Palm Springs, California, and studio site from Palm Canyon Drive and Tahquitz Road to Palm Canyon Drive near Morongo Road, Palm Springs, California.

- NEW—KLZ Broadcasting Co., Denver, Colo.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 ke., 1 watt.