

Broadcasters Urged to Preserve Station Autonomy in AFM Dealings

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Special NAB Convention Votes to Reorganize Association

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FCC Abolishes Divisions—Seven Members to Act on all Matters

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In Re AFM Dealings

RESOLUTION CONSIDERED AT AND ACTED UPON BY THE BOARD OF DIRECTORS OF THE NATIONAL ASSOCIATION OF BROADCASTERS AT A SPECIAL CONVENTION HELD AT THE WALDORF ASTORIA HOTEL, NEW YORK CITY, OCTOBER 12 AND 13.

WHEREAS, the broadcasting stations of the United States are licensed by the federal government under a mandate to serve the public interest, convenience and/or necessity; and

WHEREAS, radio broadcasting constitutes the greatest medium of simultaneous mass communication the world has ever known; and

WHEREAS, every consideration should and is being given by the industry to the social aspects of unemployment, in giving relief, the radio industry must keep foremost its grave responsibility to protect the freedom and growth of this marvelous facility for public service; and

WHEREAS, the broadcasting stations by virtue of long experience in rendering public service, have found that the public interest requires, in addition to locally produced programs by union musicians, the broadcasting of other local programs and of network and transcription programs; and

WHEREAS, there has not been and there is not now any dispute between the broadcasting industry and the American Federation of Musicians, in regard to wages, hours or working conditions; and

WHEREAS, negotiations between the American Federation of Musicians and committees representing a substantial part of the broadcasting

industry have resulted in a conclusion as to the degree of re-employment acceptable to the American Federation of Musicians; but

WHEREAS, the American Federation of Musicians seeks to impose upon the broadcasting industry, by uniform contract, a system which in effect gives to the American Federation of Musicians the sole right to license the procurement by those stations of network and transcription programs; and

WHEREAS, such contract in effect transferring the control of the operation of any station may be sufficient ground for revocation of that station's federal license to broadcast, and also may constitute a violation of the federal statutes relating to restraint of trade; therefore now be it

RESOLVED, That the Board of Directors of the National Association of Broadcasters recom-

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mends to broadcasters that any agreement entered into between the American Federation of Musicians and broadcasting stations should specifically provide that such agreements shall not contain any restrictions designed to prevent any station from broadcasting network, transcription or any other programs including those of civic, educational, religious, fraternal and public events character construed by it to be in the public interest; and that each station should consult its own counsel in all matters affecting (1) arbitration, (2) sympathetic strikes, (3) inviolability of contracts, (4) possible restraint of trade, and (5) its obligations to serve the public interest in providing educational and entertainment programs.

PROPOSAL FOR REORGANIZATION OF NAB

The following Resolution was adopted unanimously at the Special NAB Convention held at the Waldorf Astoria Hotel, New York City, October 12 and 13, 1937.

RESOLVED:

1. That the Bureau of Copyrights of the National Association of Broadcasters be and it is hereby divorced from the Association and required to function henceforth as a separate and private business enterprise, the Association, however, to continue its stock ownership in the Bureau, and the Board of Directors to be authorized by majority vote from time to time to appropriate funds of the Association for the purpose of further support of the Bureau, but only if and to the extent that a real need for such support develops and upon a clear showing by the Bureau of the nature and extent of such need.

2. That the proposal for increase in membership dues, now before this meeting for consideration, be adopted.

3. That a Committee of five members of the Association, consisting of Mark Etheridge, Chairman; Ed Allen, Ed Craney, Walter J. Damm, and John Shepard, III, be and it is hereby created, and charged with the duty of perfecting and presenting to the Association detailed plans for the reorganization and future development of the Association, and the Board of Directors of the Association is hereby instructed to appropriate and pay for the Committee's expenses, including the employment of a secretary and any necessary personnel.

4. That at this meeting the Board of Directors of the Association fix a time and place for the next regular meeting of the Association, at which the report of said Committee of Five shall be considered.

The above points were explained as follows:

Paragraph 1

The Bureau of Copyrights was created under a resolution adopted by the membership of the Association. It has been developed by the Managing Director under the supervision of the Board of Directors. Today it is a

separate corporation. Nevertheless it is being conducted within the offices of the Association and is making use of the Association's personnel, finances and facilities. All of this was necessary to give effect to the resolution adopted by the Association.

There is now a widespread feeling among the members that the Bureau is ready to proceed on its own feet and that it will make better progress as an independent organization; in other words, that the period during which the Association willingly gave liberal support to the Bureau is now over, and that with its present public domain library and transcribed selections, the Bureau will go forward more rapidly if it must look to its own work to produce revenue to meet its expenses instead of being dependent upon the Association for such revenue. These members believe that the funds of the Association must henceforth be devoted to the general work of the Association and cannot be further diverted to the purposes of the Bureau.

In order that the benefit of the pioneering work heretofore done may not be lost, it is hoped that the Bureau will devote more effort to a vigorous promotion and sales program for the service which the Bureau has to offer. Members of the Association are urged to support it by purchase of the library as insurance against future withdrawals of licenses by any licensing organization. To meet the case where a real need develops at any time in the future for support of the Bureau by the Association, it is suggested that the Board of Directors be given authority to appropriate funds for this purpose, but only upon a clear showing by the Bureau as to the nature and extent of this need.

Paragraph 2

This point needs little discussion. Members consulted have stated they are ready and willing to pay increased dues, and pay willingly, for the performance of what they believe are the necessary and proper functions of the Association. If the program herein outlined is to be carried out, a substantial increase in dues must be approved. Failure of this proposal will defeat the program.

Paragraph 3

In a meeting such as this it is obviously impossible to develop a detailed plan for the future. It is unfortunate that such a plan has not been presented for consideration of the members in advance of this meeting. Even if such plan were ready, however, it would be impossible to put it into effect for the very good reason that this is a special meeting, called for a special purpose, and the Association's Constitution and By-Laws will not permit actions other than those outlined in the resolution summoning the meeting. Many valuable suggestions for reorganization of the Association have been advanced, and

some of these have received consideration in recent meetings of the Board and other groups. The purpose of the proposed Committee of Five is to give thought and study to these suggestions, weigh them in the light of the needs of the industry, set up the objectives to be achieved, and recommend the necessary changes in the Constitution and By-Laws of the organization to permit achievement of these objectives.

Conceivably, this Committee would give thought and study to such suggestions as the employment of a President who might be compensated for his services and recommend such changes in the basic law of the Association which would define the scope of his authority and his duties. It is hoped and expected that it would adopt policies so sound in principle that each and every unit of this industry, from the largest networks to the smallest part-time station would be proud of its membership in the organization, and that provision would be made to make such policies effective by binding each member to adhere strictly to them. If it is the will of the industry to appoint and compensate such a leader, then each member should bind himself to follow his leadership.

These are merely illustrations. Many more must be considered. But it would be the duty of this Committee to draft a report, complete in detail, place a copy of it in the hands of each member at least 60 days in advance of the date for the next meeting and invite criticism of the recommendations contained in the report. The Committee would then be expected to redraft its report in the light of the suggestions and criticisms of the members and send copies of such revised report to each and every member at least 30 days in advance of the meeting in order that each member may come to the meeting prepared to act formally and finally upon the report. The report in its finished form should contain estimates of cost, and if further increases in dues payments are necessary, the necessary changes in the By-Laws should be recommended. The report should be complete in detail, the recommendations definite, and there should be included therewith, drafts of all amendments to the Constitution and By-Laws required to give effect to the recommendations. Through the work of this Committee, the regular meeting of the membership would be in position to take definite and decisive action upon the program for the future development of the Association. To complete the task expected of it, the Committee of Five will necessarily need the assistance of personnel, including a secretary, and will have other expenses. The Board of Directors should, therefore, have authority to meet these expenses.

Paragraph 4

This meeting has the power to fix a time and place for the next annual meeting. At such regular annual meeting the terms of all officers and one third of the members

of the Board will terminate, elections will be held, and the recommendations of the Committee of Five may be approved or rejected. The complete reorganization program which is being started here should be carried to conclusion at that meeting. The meeting ought to be held in January and in any event not later than February.

LOUCKS ACTS AS COUNSEL FOR RE-ORGANIZATION COMMITTEE

The Committee created at the Special NAB Convention to perfect and present to the Association detailed plans for the reorganization and future development of the Association has retained Phillip G. Loucks, formerly Managing Director of the NAB, and presently practicing law in Washington, D. C., as Counsel to the Committee. Mr. Loucks has accepted the assignment to serve until the work of the Committee is completed.

247 STATIONS REPRESENTED AT NAB CONVENTION

A total of 334 persons representing 247 stations registered during the two-day session of the Special NAB Convention at the Waldorf Astoria Hotel, New York, N. Y., October 12-13, 1937.

The transcript of the proceedings will be printed at the earliest possible date.

NAB ENGINEERING COMMITTEE SUBMITS RECOMMENDATIONS ON TECHNICAL ASPECTS HABANA RADIO CONFERENCE

The Engineering Committee of the NAB has recommended to the Board of Directors of the NAB that the Committee be authorized and directed to present the following recommendations to the U. S. Delegation to the Habana Radio Conference to begin November 1, 1937:

The NAB Engineering Committee endorses in principle the resolutions adopted at the March Habana Conference (outlined in mimeograph form No. 23201) as applying internationally but with the reservation that it recommends:

(a) That the standards of interference and protection shall not be binding upon any nation as determining such factors as applied between stations located within its own boundaries.

(b) That the permissible intensity of interfering signal specified on page 20 of the "Final Minutes of the Regional Radio Conference convened in the City of Habana from March 15th to March 29, 1937" (outlined in mimeograph No. 20769) with reference to Class I stations using Class A clear channels shall not permit a decrease in the distances set forth in the Table on page 8.

(c) That the contours within which interference is to be measured, as specified in the same table should be measured by day for daytime interference and by night for nighttime interference, and should be specified for lower values of signal intensity for each class other than Classes I and II, than are there set forth.

(d) That the definitions and tables should be revised so as not to conflict with the foregoing recommendations.

BROADCAST ADVERTISING VOLUME TO BE COMPUTED IN TERMS OF UNIT HOURS INSTEAD OF DOLLARS

By unanimous agreement, the members of the NAB soon will discontinue the computation of broadcast advertising volume in terms of dollars. Instead, they will indicate the volume of business in terms of unit hours. This change in policy was effected at the Special Convention by the adoption of a resolution offered by Harold Hough, NAB Treasurer, and General Manager of WBAP, Fort Worth, Texas.

John Elmer, NAB President, appointed the following committee to work out necessary details to effect the change: Harold Hough, Chairman; H. M. Beville, Jr. (NBC), Ralph R. Brunton (KJBS), Tom C. Gooch (KRLD), John Karol (CBS), Lambdin Kay (WSB), Gene O'Fallon (KFEL), and Robert A. Schmid (MBS).

Mr. Hough has taken the matter up with officials of the network companies and reports that the matter is under advisement. The committee expects to make an early announcement concerning the rules, regulations and definitions required to establish uniformity in procedure.

The text of the resolution follows:

"Whereas, It has been the custom of agencies, broadcasting stations, and the management of the chains to use the term 'dollars' in referring to gains and losses and amount of broadcasting business; and,

"Whereas, This method does not present a true, fair, accurate picture of the business of the broadcasting industry, particularly, in relation of the receipts to the stations.

"Whereas, The published revenue, as submitted to the public by the agencies, stations and chains, does not show that portion being actually received by the stations, but makes a misleading analysis, as no account is published of the percentage going to the stations, percentage for commissions, or the percentage for line charges, which is misleading to the public, the Federal Communications Commission, and the advertisers; therefore be it

"Resolved, That it is the wish of the National Association of Broadcasters that the standard yard stick of measurement on broadcast business, in the future, be computed and published in the terms of unit hours instead of gross dollars; be it further

Resolved, That the National Association of Broad-

casters urge all agencies, member stations and non-member stations to adopt the policy of presentation of unit hours, instead of gross dollars; and be it further

Resolved, That a request be made to the National Broadcasting Company, the Columbia Broadcasting System, the Mutual Broadcasting System, and any other chain, to use the practice of presenting any volume in phrases of unit hours instead of gross dollars; be it further

Resolved, That the president of the National Association of Broadcasters appoint a committee to confer with the chain management and to present to them the views of the National Association of Broadcasters.

FCC ABOLISHES DIVISIONS—SEVEN MEMBERS TO ACT ON ALL MATTERS

The Federal Communications Commission has announced that effective November 15 it will abolish its three divisions which came into existence in July, 1934.

In this connection Chairman McNinch made public the following statement at a press conference on Thursday:

By unanimous vote the Federal Communications Commission has adopted an order, proposed by Chairman Frank R. McNinch, which abolishes the three divisions, Broadcast, Telegraph and Telephone, effective November 15.

Following is a copy of Order No. 20, as adopted:

"The divisions of the Commission created by Commission Order No. 1, adopted July 17, 1934, are hereby dissolved and abolished as of November 15, 1937, and all powers and functions heretofore and presently vested in such divisions shall thereafter be exercised by the Commission.

"Chairman McNinch, with such assistance as he may require, is hereby directed to prepare for submission to the Commission at the earliest practicable date such new and supplementary rules and regulations and such modifications of the present rules and regulations as are made necessary by this order."

Chairman McNinch stated that approval of Order No. 20 by the members of the Commission "was not merely that of assent but that, after a thorough and full discussion of the proposed order, it was clear that it had the unreserved approval of the judgment of every member of the Commission."

"Some of the reasons," said Chairman McNinch, "underlying this fundamental change of organization policy are that experience has shown that to subdivide a small Commission has a divisive effect and tends away from cooperation and mutual understanding; the assignment of such important work as has heretofore been handled by divisions theoretically composed of three Commissioners, but in fact functioning with two Commissioners because of the impracticability of the Chairman's keeping himself

currently informed and attending meetings, has resulted in two members of the Commission carrying an unnecessary load of responsibility and exercising an undesirably large portion of the power and functions of the Commission, while at the same time denying the other Commissioners any practical opportunity to participate in decisions. When such major phases of the Commission's work, as Broadcasting, Telephone, and Telegraph, have been committed to the handling and decision of only two members, these two members have been denied opportunity to exchange views with and profit by free discussion and expression of opinions by the other Commissioners. Commissioners not on a particular Division have felt a natural reluctance to inquire into the work committed to others, hence, they were denied effective expression of their views upon pending matters. Furthermore, the segregation of Commissioners into units, with power to act, unavoidably requires that they specialize in their thought and action upon limited phases of the Commission's work and this, with other reasons above mentioned, prevents a rounded development of every Commissioner's knowledge of and experience in the whole field of the Commission's work.

"A Commission functioning as such," continued Chairman McNinch, "has the benefit of the free discussion and exchange of views, it learns better to cooperate, the Commissioners gain a better understanding of each other, and they influence and share in every important responsibility. The aggregate wisdom and judgment of seven minds is surely greater than any two or three of the seven.

"I am delighted at the hearty approval given by my colleagues to the proposed reorganization plan and I am confident we are thereby laying a solid foundation and making a real start toward functioning cooperatively and much more effectively."

In connection with the abolition of the three divisions the Commission also automatically abolished the offices of the directors of the three divisions.

Dealing with this matter the Chairman made the following statement:

Before adopting Order No. 20 abolishing the divisions, the Commission faced squarely and honestly the fact that the abolishing of the divisions would have the unavoidable consequence of abolishing the positions of Director of the three divisions. This was a genuine cause of regret to the Commission, as the Commission spoke highly of the Directors and they are regarded as uniformly loyal, faithful and capable of performing their present duties. However, under the language of the statute, there is unfortunately no provision for their continuance in their present capacity. If any or all of them are able to qualify under the statute and also meet the requirements of any position now open or hereafter available, the Commission would find pleasure in giving preferential consideration to them.

RADIO LEGISLATION AT SPECIAL SESSION

President Roosevelt has called a special session of Congress to convene on November 15.

There is much radio legislation which will be pending as the session convenes. All of the bills which were introduced at the last session and on which no action was taken will be in a position for action at the coming special session.

Details of the pending radio legislation were printed in Volume 5, Number 36 of NAB REPORTS.

RULE AMENDED ON CALL LETTER ANNOUNCEMENTS

The Federal Communications Commission this week made public an amendment of its Rule 175, dealing with the announcement of call letters by broadcast stations. The Commission's statement is as follows:

Rule 175, as amended, reads as follows:

"Each licensee of a broadcast station shall announce the call letters and location as frequently as practicable during the hours of operation, and in any event before or after each program being broadcast. In no event shall more than 30 minutes elapse between such announcements, and in so far as practicable these announcements shall be made on the hour and half hour. These requirements are waived when such announcements would interrupt a single consecutive speech, play, symphony concert or operatic production of longer duration than 30 minutes; and in such cases the announcement of the call letters and location shall be made as soon as possible."

The Commission announces the following interpretation of the second sentence which reads: "In no event shall more than 30 minutes elapse between such announcements, and in so far as practicable these announcements shall be made on the hour and half hour."

Call letters of stations need not be announced within *exactly* 30 minutes or less of the previous announcement but shall be made as near thereto as practicable. During variety-show programs, baseball game broadcasts, etc., of an hour or more in duration, the call letter announcements shall be made on the hour and half hour within a 5-minute period thereof. That is, the half hour announcement shall be made between 25 and 35 minutes after the hour, and likewise the hour announcement shall be within 5 minutes of the hour.

The interpretation given above in no way affects the waiver clause given in the last sentence of this rule.

RECOMMENDS DENIAL OF CALIFORNIA STATION

Richard Field Lewis applied to the Federal Communications Commission for a construction permit for a new

station at Oakland, Calif., to use 1160 kilocycles, 1,000 watts, and daytime operation.

Examiner P. W. Seward, in Report No. I-501, recommended that the application be denied. He states that "the evidence adduced at the hearing does not show a need for additional daytime radio broadcast service in the area proposed to be served." It is further stated by the Examiner that the granting of the application would be in violation of the Communications Act "in that it would increase the apparent excessive radio broadcast service available in the area proposed to be served and would not be a fair, efficient, and equitable distribution of radio service."

DENIAL RECOMMENDED FOR NEW MICHIGAN STATION

The Genesee Radio Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new station at Flint, Michigan, to use 1200 kilocycles, 100 watts and 250 watts LS, and specified hours of operation.

Examiner P. W. Seward, in Report No. I-500, recommended that the application be denied. He found that the evidence did not disclose a need for additional radio service in the area proposed to be served. The Examiner states also that "the evidence adduced at the hearing shows that the proposed station would be owned and controlled by virtually the same individuals who own and control the only other radio broadcast station in Flint." The Examiner states that the granting of the application would not be in the public interest.

CHANGES RECOMMENDED FOR KPQ

Broadcasting station KPQ, Wenatchee, Wash., operating on 1500 kilocycles, 100 watts, 250 watts LS, and unlimited time, applied to the Federal Communications Commission to change its frequency to 1360 kilocycles, and increase its power to 1,000 watts, with unlimited time.

Examiner Melvin H. Dalberg, in Report No. I-499, recommended that the application be granted. He states that "the broadcast service provided by the applicant is and has been of a meritorious nature, and of considerable interest to the agricultural industry of the community." The Examiner stated further that the need for the proposed additional service was fully established in the case. He says that the interests of KGER "would be affected to a very small extent."

FEDERAL TRADE COMMISSION ACTION

Complaints

The Federal Trade Commission has alleged unfair competition in complaints issued 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. 3235. Misrepresentation of the therapeutic value of certain medicinal products he sells in interstate commerce is alleged in a complaint issued against **Earl C. Noyes**, trading as **Seyon Products Company, Inc.**, and as **End-O-Corn Laboratories, Inc.**, with his principal place of business at 129 State St., Rutland, Vt., and 4 East Garfield Blvd., Chicago.

Products sold under the names Seyon Fluid, Seyon Ointment and Seyon Lax-O-Tabs allegedly are advertised by Noyes as constituting competent and effective remedies and cures for neuritis, lumbago, neuralgia, rheumatism, arthritis and sciatica. According to the complaint, such representations are false and misleading in that the preparations are not effective in the treatment of the ailments or diseases named, and will not relieve pain incident to such conditions or have any beneficial effect on the causative factors thereof.

The complaint charges that the respondent also falsely represents that Seyon Ointment is a competent remedy for headaches and head and chest colds and that his preparation known as End-O-Corn will competently remove corns.

No. 3236. Use of certain unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act, is alleged in a complaint issued against **Fox-Weis Company**, 1130 Chestnut St., Philadelphia, engaged in the sale of furs and fur garments.

The complaint charges that the respondent company in advertising matter designates certain of its fur garments as "black seal", "Hudson seal" and "French seal", the advertisements in some instances not qualifying such designations, while in others the words "dyed coney" or "dyed muskrat" appear in substantially smaller type, so as not to be easily readable, and are not in close proximity to, but are widely separated from, the designations.

According to the complaint, the garments bearing the designations referred to are not made from furs and skins of the seal, but from rabbit or muskrat skins so dressed and dyed as to resemble garments manufactured from furs and skins of the seal. It is alleged that rabbit and muskrat skins are inferior to sealskins in pliability and durability of the leather and in wearing quality and luster of the fur.

No. 3238. Three individuals trading under various names in the sale and distribution of premium certificates, coupons and cards redeemable in silverware, chinaware and earthenware, are charged with unfair competition in a complaint. The respondents are **William C. and Lorina Steffy**, and **G. N. Parkinson**, 549 West Washington Boulevard, Chicago. The complaint also charges use of an alleged sales promotion plan involving a lottery.

Representations of the respondents are alleged to have created the impression among purchasers that retailers buying certificates, coupons or cards from the respondents are dealing directly with the manufacturers; that the respondents would redeem certificates with silverware, chinaware or earthenware of the same grade and quality as samples displayed; that full sets of such ware would be furnished to purchasers of certificates, and that the respondents would redeem certificates calling for silverware in "Genuine Rogers 1847 Silverware", when, according to the complaint, these were not the facts and the respondents' representations were highly deceptive, false and misleading.

No. 3239. Misrepresentation of the composition of certain fabrics is alleged in a complaint issued against **Colonial Mills, Inc.**, 469 7th Ave., New York, engaged in the manufacture and sale of silk, rayon and other cloths.

Garment manufacturers purchasing certain fabrics from Colonial Mills, Inc., were supplied by the respondent company with tags and labels to be attached, and which were attached, to the garments manufactured from such fabrics, according to the complaint. On these tags and labels, it is alleged, were the words "This garment is made of Satin Amorosa Pure Dye with Crown Rayon Yarn", the words "Satin Amorosa Pure Dye" appearing in much larger and more conspicuous type than the words "with Crown Rayon Yarn".

The complaint charges that other labels furnished customers bore the words "Amora Crepe Pure Dye of Celanese Yarn", while in newspaper advertisements fabrics were described as "Satin Amorosa".

No. 3240. A complaint has been issued charging **Harland L. Herb**, 644 Diversey Boulevard, Chicago, with unfair competition in the sale of Prostories, represented as a new discovery and as a treatment and cure for disturbances of the prostate gland. The

respondent is in business under the name National Scientific Products Co.

According to the complaint, the respondent's product is not a new medical discovery or scientific development of a new medical principle, and does not constitute a competent and effective remedy or cure for certain diseases and disorders of the prostate gland.

Stipulations

The Commission has entered the following stipulations:

No. 01878. L. C. Cleveland, trading as Dr. Cleveland and as Dr. L. C. Cleveland, 503 Missouri Ave., East St. Louis, Ill., in the sale of dental plates, agrees to stop asserting that it is easier for a layman to take impressions than for "someone to do it for you", and that results are guaranteed. Cleveland also stipulates that he will not advertise the plates as being capable of correcting stomach ailments, or that one's health depends on good fitting plates, and he will cease asserting, inferentially or otherwise, that the plates will correct an old or wrinkled appearance.

No. 01879. M. R. Temple, 625 Kansas Ave., Topeka, Kans., trading as The Bartow Company, will discontinue advertising Dr. Robison's Foot Powder as constituting a competent treatment or effective remedy for athlete's foot, unless specifically limited to relief of local manifestations and symptoms thereof. He will cease asserting that this product will afford relief in all cases of foot pain and that it is guaranteed.

No. 01880. Excelsior Laboratory, Inc., 205 East 42nd St., New York, in the sale of D. Gosewisch's Garlic Tablets, will discontinue representing that this preparation is of any value in the treatment of high blood pressure, unless the assertion is limited to the relief of dizziness, headaches or other symptoms accompanying high blood pressure, or to the relief of high blood pressure when the preparation is used continuously and in specified doses at prescribed intervals. He stipulates that neither the tablets nor any element thereof will be advertised as being capable of normalizing glandular action, purifying the blood stream, adequately supplying minerals needed by the body, or neutralizing poisons in the system.

No. 01881. The Benjamin Air Rifle Company, St. Louis, Mo., agreed to cease advertising that its products are the only genuine compressed air rifles and pistols on the market, unless such claim is limited to those types of rifles and pistols in which the use of compressed air as the propellant force is an exclusive feature of the respondent company's equipment. The company will stop representing that the Benjamin air rifle is the hardest shooting air rifle made, unless limited to such types of its air rifles as are known to employ a greater propellant force than similar types sold by competitors. The company also will discontinue representing that ammunition is given free, when the purchase of any product or the rendering of a service is required in order to obtain the product which is offered free.

No. 01882. Bathasweet Corporation, 1901 Park Ave., New York, agrees to discontinue representing that Bathasweet, a chemical compound for softening water, contains the secret of beautiful body skin, and that through the use of this preparation in the bath water, skin imperfections will disappear.

No. 01883. Ethel Townsend, 126 West 46th St., New York, trading as Granwell Sales Co., agrees to stop advertising Dawson's Cream as being competent for use in "correcting" the eyebrows, and to cease representing that it will remove all hairs, that it discourages hair growth, is prepared from natural materials, and is absolutely safe.

No. 01884. Fred Reppert, Decatur, Ind., stipulated that he will refrain from advertising that by subscribing to his home study course in auctioneering a person can make any definite sum or have an income equal to or better than the average income from a business investment of \$50,000. He also will stop representing that testimonial letters relate to his home study course, when in fact they are written by persons not familiar with it, or not written with such course in mind, and that the course may be obtained free when a price is charged therefor and the amount paid is merely credited as part payment for another course of instruction offered. The respondent agreed to discontinue issuing certificates to the effect that a subscriber to his course is a qualified auctioneer, unless an adequate plan is adopted and followed to determine whether or not such is a fact, and unless the issuance of such certificates is limited to those who fulfill the requirements of the plan.

No. 01885. R. B. Hanson, trading as F. & H. Radio Laboratories, Fargo, N. Dak., stipulates that he will cease representing that his aerial eliminator will give results equal to those obtained from a 75-foot wire aerial; that it will enable the user to

get nation-wide reception, unless this claim is limited to its use with modern, high-powered sets; that it will improve the selectivity, tone and volume of receiving sets and reduce fading, and that it is used in Government hospitals.

No. 01886. Makers of Kal, 2354 West Washington Blvd., Los Angeles, engaged in selling Kal, recommended as a food supplement, will stop advertising that two teaspoonsful of the product contain calcium in an amount equal to that present in three pints of milk, and that glowing skin, healthy nails, strong teeth and bones, or a harmonious nervous system depend on calcium or on a quickly available source of calcium. The respondent corporation also agrees to discontinue representing that Kal protects the body from the harmful or devitalizing effects of malnutrition, and that through its use one may enjoy health, energy, vitality, or fight old age.

No. 01887. H. M. Heefner, 750 M. E. Taylor Building, Louisville, Ky., trading as Heefner Arch Support Company, agrees to cease representing that use of the Heefner Arch Support will cure foot ailments and enable one to walk normally; that the product is an effective remedy for bunions or rheumatism; that it restores the natural structure of the arch, unless this claim is limited to its aid to nature in the restoration thereof, and that any result which may be effected by use of the arch will be permanent.

No. 01888. Coleman Lamp and Stove Company, 250 North St. Francis Ave., Wichita, Kans., has entered into a stipulation to discontinue certain unfair representations in the sale of its lamps and lanterns.

The respondent company will cease making certain assertions to the effect that its lamps are more efficient than other lamps on the market, such as the representation that one Coleman lamp produces more light than any number of any specific watt electric light bulbs; gives 300 candlepower live pressure light, or is 4 to 20 times brighter than any non-pressure wick-type lamp. These assertions are to be discontinued unless competent scientific tests support the claims.

No. 01889. I. Putnam, Inc., Elmira, N. Y., operating as Hart & Co., will stop advertising that use of its device known as Klutch will make loose dental plates firm and prevent them from dropping or chafing; that it will be of value in improving the fit of artificial teeth except in cases where slight inaccuracies occur, and that it will be of substantial value in cases where changes in gum tissue or improper fitting make correction of the plates necessary.

No. 2058. G. Fox & Co., Inc., Main St., Hartford, Conn., and A. & J. Engel, Inc., 20 West 33rd St., New York, have entered into a stipulation to discontinue false and misleading representations in connection with the advertising and sale of fur garments. According to the stipulation, the Engel company ships fur products to the Fox company department store, and the two corporations cooperate in the sale of such products.

The companies agreed to cease representing, designating or describing fur products in any manner other than by use of the correct name of the fur of which the products are composed as the last word of the description, which word shall be printed in type not less conspicuous than that in which the accompanying descriptive words appear.

No. 2061. Max Leavitt and the Estate of Morris Bell, trading as Cape Ann Manufacturing Company, Gloucester, Mass., in the sale of trousers, agree to cease use of the words "Government Khaki" as descriptive of their products, and the word "Government" with "Khaki" or other words so as to imply that the products to which such words refer are made by or for the United States Government or in accordance with governmental specifications. They also will stop employing the word "water-proof" alone or with the word "guaranteed" to describe trousers which are not impervious to water.

No. 2062. Monness & Shapiro, 513 Broadway, New York, also engaged in the sale of trousers, signed a stipulation substantially the same as the one (2061) entered into by Cape Ann Manufacturing Company.

No. 2063. United Clothing Company, Inc., 739 Seventh St., N. W., Washington, D. C., operating a retail clothing store, stipulates that it will discontinue using in advertising matter the word "free" alone or with other words as descriptive of merchandise represented to be given free with the purchase of other merchandise, when, in fact, the article is not given as a gratuity but only for and in consideration of the purchase of some other article.

No. 2064. Under a stipulation entered into, the Perfect Circle Company, Hagerstown, Ind., will cease certain misrepresentations in advertising a piston ring which it manufactures and sells under the name X-90.

The company agrees to discontinue use in advertising matter or otherwise of representations, the effect of which is to imply that by equipping old, worn motors with its piston rings, the power, speed and acceleration of a new car will in all cases be instantly restored; that all improvements and developments in piston rings since 1907 have come out of the Perfect Circle laboratories, or that the X-90 piston ring will operate at maximum efficiency at all speeds, when such statements are not warranted by the facts and not supported by the weight of scientific evidence.

No. 2065. Metropolitan Vineyards Company, Inc., 17 Fulton St., Brooklyn, engaged in the manufacture of wine from grapes, agrees to stop employing the word "vineyards" as part of the corporate or trade name under which it sells grape wines, and to cease using the word "vineyards" in any manner implying that it actually owns and operates a vineyard or vineyards in which are grown the grapes used in the manufacture of its wines as sold under the corporate name containing the word "vineyards", when such is not a fact. The stipulation points out that the respondent company, although leasing a small vineyard, purchases a substantial part of its grape supply from vineyards which it neither owns and operates nor controls.

No. 2066. John E. Gramling, trading as Nu-Grape Bottling Company, having headquarters at Opelika, Ala., and warehouses at Alexander City, Ala., and LaGrange, Ga., agrees to stop using any sales plan involving a lottery or gift enterprise in the sale of his beverages. According to the stipulation, Gramling's soft drink known as Wynola was sold in bottles capped with so-called "flicker" crowns, some of which bore numerals such as 5, 10 or 25 on the inside, so as to be completely hidden from the view of customers until after removal of the cap or cork. A customer purchasing one of the bottles with the cap revealing such a number received by lot or chance, either the indicated amount of cash or merchandise according to the stipulation.

No. 2067. Kee Lox Manufacturing Company, Rochester, N. Y., in the sale of carbon paper, agrees to stop the use in advertising of the words "The only non-grease carbon paper", or of other phrases of similar meaning, so as to imply that there are no other non-grease carbon papers on the market, or that competitive products on the market are made with the use of grease.

The stipulation points out that the respondent company's carbon paper is not now and for some time past has not been the only non-grease carbon paper on the market.

No. 2068. Edison Pen Company, Inc., Petersburg, Va., trading as Southern Pen Company, agrees to cease furnishing resellers of its products, for their use, with labels, bands or other printed matter bearing false or fictitious prices in excess of the prices at which the Edison company's products actually are sold, or prices which misleadingly exaggerate the true value of its products.

The respondent company also stipulates that it will cease furnishing resellers of its articles with so-called guarantee certificates representing that products sold by Edison Pen Company, Inc., will be repaired without charge, when such is not a fact. The stipulation points out that the respondent company requires purchasers to remit 30 cents for postage and insurance, and that this amount fully compensates the company for any and all repair work over and above mailing and insurance costs.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, October 18:

Monday, October 18

HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Voice of Detroit, Inc., Detroit, Mich.—C. P., 1120 kc., 500 watts night, 1 KW LS, unlimited.
- NEW—Martin R. O'Brien, Aurora, Ill.—C. P., 1250 kc., 250 watts, LS, daytime.
- NEW—George B. Storer, Pontiac, Mich.—C. P., 800 kc., 1 KW LS, daytime.
- NEW—Gerald A. Travis, La Porter, Ind.—C. P., 1420 kc., 250 watts, LS, daytime.

NEW—WWPO, Inc., Pittsburgh, Pa.—C. P., 1120 kc., 250 watts, LS, unlimited.

NEW—Times Printing Co., Chattanooga, Tenn.—C. P., 1120 kc., 500 watts night, 1 KW LS, unlimited (using directional antenna day and night).

NEW—Cadillac Broadcasting Corp., Detroit, Mich.—C. P., 1140 kc., 500 watts, daytime.

FURTHER HEARING BEFORE AN EXAMINER

NEW—Fred M. Weil, Grand Coulee, Wash.—C. P., 1420 kc., 100 watts night, 250 watts, LS, unlimited.

Tuesday, October 19

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Sam Houston Broadcasting Assn., H. G. Webster, Pres., Huntsville, Texas.—C. P., 1500 kc., 100 watts, daytime.

NEW—Pacific Radio Corp., Grants Pass, Ore.—C. P., 1320 kc., 500 watts, daytime.

NEW—Shirley D. Parker, Yakima, Wash.—C. P., 1310 kc., 100 watts, 250 watts, LS, unlimited.

NEW—Kanawha Valley Broadcasting Co., Charleston, W. Va.—C. P., 1500 kc., 100 watts, unlimited.

Wednesday, October 20

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—O. C. Burke, Dickinson, Texas.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Chas. F. Engle, Natchez, Miss.—C. P., 1210 kc., 100 watts, 250 watts, LS, unlimited.

KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., San Luis Obispo, Calif.—Modification of license, 1200 kc., 100 watts, 250 watts, LS, unlimited. Present Assignment: 1200 kc., 250 watts, daytime.

KVOL—Evangeline Broadcasting Co., Inc., Lafayette, La.—C. P., 1310 kc., 100 watts night, 250 watts, LS, unlimited. Present Assignment: 1310 kc., 100 watts, unlimited.

Thursday, October 21

ORAL ARGUMENT BEFORE BROADCAST DIVISION

Examiner's Report No. 1-434:

WMBH—Joplin Broadcasting Co., Joplin, Mo.—C. P., 1380 kc., 500 watts, unlimited time. Present Assignment: 1420 kc., 100 watts, 250 watts, LS, unlimited.

Examiner's Report No. 1-437:

NEW—Valley Broadcasting Co., Youngstown, Ohio.—C. P., 1350 kc., 1 KW, unlimited time.

Examiner's Report No. 1-407:

NEW—Juan Piza, San Juan, P. R.—C. P., 1500 kc., 100 watts, 250 watts, LS, unlimited.

Friday, October 22

HEARING BEFORE THE BROADCAST DIVISION

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Modification of license, 6040, 11790, 15250, 21460, 9550, 11730, 15130, 21500 kc., 20 KW, unlimited time, according to Rule 983.

W9XF—National Broadcasting Co., Inc., Downer's Grove, Ill.—C. P., 6100, 9550, 11730, 15130, 17780, 21500 kc., 50 KW, unlimited, according to Rule 983.

W2XAD—General Electric Co., Schenectady, N. Y.—C. P., 9500, 15330, 21500 kc., 100,000 watts, unlimited time, according to Rule 983.

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Gila Broadcasting Co., Safford, Ariz.—C. P., 1420 kc., 100 watts, 250 watts, LS, unlimited.

NEW—Richland Broadcasting Co., Mansfield, Ohio.—C. P., 1370 kc., 100 watts, LS, daytime.

KFBI—The Farmers & Bakers Broadcasting Corp., Wichita, Kans.—C. P., 1050 kc., 5 KW, unlimited time. Present Assignment: same facilities (requests a move from Abilene, Kans. to Wichita, Kans., exact site to be determined).

APPLICATIONS GRANTED

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted C. P. to make changes in equipment and increase day power to 250 watts.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted C. P. to move transmitter locally; install new equipment and make changes in directional antenna system.

KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted C. P. to move transmitter and studio location to site to be determined with Commission's approval; install new equipment and vertical radiator; increase day power to 250 watts.

WGN—WGN, Inc., Chicago, Ill.—Granted C. P. to move transmitter to 2½ miles SE of Schaumburg, Ill.; move studio to 441 No. Mich. Ave., Chicago; install new equipment and vertical radiator.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted license to cover C. P., 1440 kc., 1 KW night, 5 KW day, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

WJBV—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted license to cover C. P.; 1210 kc., 100 watts night, 250 watts day, unlimited time.

WOKO—WOKO, Inc., Albany, N. Y.—Granted license to use WE 106-B transmitter as auxiliary with 500 watts power.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted license to cover C. P.; 1310 kc., 100 watts night, 250 watts day, unlimited.

KPFA—The Peoples Forum of the Air, Helena, Mont.—Granted license to cover C. P. as modified; 1210 kc., 100 watts night, 250 watts day, unlimited.

KSOO—Sioux Falls Broadcasting Assn., Inc., Sioux Falls, S. Dak.—Granted license to cover C. P.; 1110 kc., 2½ KW day, limited time.

KELO—Sioux Falls Broadcasting Assn., Inc., Sioux Falls, S. Dak.—Granted license to cover C. P. as modified, for new station; 1200 kc., 100 watts, unlimited time.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted modification of C. P., approving transmitter and studio at 321 E. Main St. changes in authorized equipment and approval of vertical radiator.

KWNO—Winona Radio Service, Winona, Minn.—Granted modification of C. P. for changes in equipment, increase in day power to 250 watts; extension of commencement date to 30 days after grant and completion date to 180 days thereafter.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted authority to determine operating power by direct measurement of antenna input, compliance terms of Rule 137.

KVI—Laura M. Doernbecher, Executrix of Estate of Edward M. Doernbecher, deceased, Tacoma, Wash.—Granted authority for involuntary transfer of control of corporation from Puget Sound Broadcasting Co., Inc., from Edward M. Doernbecher, deceased, to Laura M. Doernbecher, executrix of estate of Edward M. Doernbecher; 570 kc., 1 KW night, 5 KW day, unlimited time.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Granted license to cover C. P. as modified; 1260 kc., 1 KW night, 5 KW day, unlimited. Also granted authority to determine operating power by direct measurement of antenna input, compliance terms of Rule 137.

NEW—Don Lee Broadcasting System, Mobile (Area of Southern Calif.), (2 Applications).—Granted C. P. for new relay station; frequencies 31100, 34600, 37600 and 40600 kc., experimental; 2 watts.

NEW—Southwestern Sales Corp., Mobile (Area of Tulsa, Okla.), (2 Applications).—Granted C. P. for new relay station; frequencies 39700, 39900, 40800 and 41400 kc., experimental; 20 watts.

W4XB—Isle of Dreams Broadcasting Corp., Miami Beach, Fla.—Granted modification of C. P. to move transmitter locally, extend commencement date to 60 days after grant and completion date to 180 days thereafter.

NEW—Indianapolis Power & Light Co., Mobile (Indianapolis, Ind.).—Granted C. P. for new relay station; frequencies

31100, 34600, 37600, 40600 kc., experimental; 40 watts, unlimited.

NEW—Birmingham News Co., Mobile (Area of Birmingham, Ala.), (2 Applications).—Granted C. P. for new relay station; frequencies 31100, 34600, 37600, 40600 kc., experimental; 2 watts power, unlimited.

SET FOR HEARING

NEW—Evening News Press, Inc., Port Angeles, Wash.—C. P. for new station; 1500 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P. to move transmitter site locally to site to be determined with Commission's approval; install new equipment; change frequencies from 1270 kc. to 1010 kc., power from 500 watts night and day, sharing WASH to 250 watts, unlimited time.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—C. P. for move of transmitter to ¼ mile west of O. E. Holder Homeplace, Oldtown Township, N. C. Install new equipment with directional antenna system; change frequencies from 1310 to 900 kc., increase power from 100 watts, unlimited time, to 1 KW night, 5 KW day, using D. A. nighttime use.

WKBN—WKBN, Broadcasting Corp., Youngstown, Ohio.—Amended modification, C. P. to install directional antenna for day and nighttime operation when WOSU is operating; increase operation from specified hours to unlimited; extend commencement date to 30 days after grant and completion date to 6 months thereafter.

KEHE—Hearst Radio, Inc., Los Angeles, Calif.—Modification of license to increase night power from 1 KW to 5 KW. To be heard before the Broadcast Division.

KANS—Charles C. Theis, Wichita, Kans.—Transfer control of KANS Broadcasting Co. licensee KANS, to Herbert Hollister and Don Searle; 1210 kc., 100 watts, unlimited.

RENEWAL OF LICENSES

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

KFAC, Los Angeles; KGB, San Diego; KRIS, Corpus Christi, Texas; KSCJ, Sioux City, Iowa, and auxiliary; KTBS, Shreveport, La.; KTUL, Tulsa, Okla.; WADC, Village of Tallmadge, Ohio; WALA, Mobile, Ala.; WAWZ, Zarephath, N. J.; WBIG, Greensboro, N. C.; WCKY, Covington, Ky.; WGAR, Cleveland, Ohio; WHAZ, Troy, N. Y.; WHBL, Sheboygan, Wis.; WHDL, Olean, N. Y.; WHEC, Rochester, N. Y.; WHK, Cleveland, Ohio; WIRE, Indianapolis; WLAC, Nashville, Tenn.; WMBD, Peoria, Ill.; WNBC, New Britain, Conn.; WQDM, St. Albans, Vt.; WROK, Rockford, Ill.; WSAI, Cincinnati; WSAR, Fall River, Mass.; WTAQ, Green Bay, Wis.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted renewal of license for the period ending April 1, 1938.

The following stations were granted renewal of International Broadcast experimental station licenses:

W2XE, Wayne, N. J.; W2XE, Wayne, N. J.; W8XAL, Mason, Ohio; W2XAD, So. Schenectady, N. Y.; W2XAF, So. Schenectady, N. Y.; W4XB, Miami Beach, Fla.; W9XF, Downer's Grove, Ill.; W3XAU, Newton Square, Pa.; W1XK, Millis, Mass.; W8XK, Saxonburg, Pa.

WJLF—WBNS, Inc., Mobile.—Granted renewal of relay broadcast station license for the period ending October 1, 1938.

SPECIAL AUTHORIZATIONS

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted special temporary authority to use Model 105-C WE transmitter in place of transmitter now licensed, for period not to exceed 7 days, due to mechanical difficulties with present transmitter and while same is undergoing repairs.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 5 p. m., October 16, in order to broadcast football game, and 10:30 a. m. to 12:30 p. m. and 2 to 5 p. m., CST, October 23, in order to broadcast parade and game.

KGEK—Elmer G. Boehler, Sterling, Colo.—Granted special temporary authority to operate Saturdays, October 16, 23 and 30, from 1:30 to 2:30 p. m., MST, in order to broadcast the livestock auctions from local sales pavilion.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneously with WSMK from 6 to 6:30 p. m., EST, October 9, 16, 23 and 30, in order to broadcast Notre Dame football games.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate on Saturdays, October 9, 16, 23 and 30 and November 6, 2 to 3 p. m., EST, in order to broadcast weekly safety talks, football scores and general news; Sundays, October 10, 17, 24, 31, and November 7, 1937, 8:30 to 10 a. m. and 2 to 3 p. m., EST, in order to broadcast various religious programs in morning and the Catholic Evidence Guild in p. m.; to operate 8:30 to 10 a. m. and 2 to 3 p. m., EST, October 12, in order to broadcast news and variety musical programs in a. m. and Columbus Day program p. m.

WGNV—Peter Goelet, Newburgh, N. Y.—Granted special temporary authority to operate simultaneously with WGBB between hours of 11 a. m. and 3 p. m., EST, Wednesday, October 13, in order to broadcast ceremonies in connection with dedication of new Poughkeepsie Post Office, on which occasion the President will speak.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Granted special temporary authority to operate simultaneously with KGFL from 6:30 to 7:30 p. m., EST, October 15 and 29, and from 4:30 to 5:30 p. m., MST, November 11, in order to broadcast Clovis high school football games.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 9:45 to 10 a. m., CST, October 18, 20, 22, 25, 27, 29; November 1, 3, 5, 8, 10, 12, 15, 1937, in order to broadcast Chapel Service direct from Earlham College.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 1:45 to 5 p. m., EST, October 23 and 30 and November 20, in order to broadcast home games of the football season.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 4 p. m., CST, November 2, 3, 4, 9, 10, 11, 16, 17, 18, 23 and 30, and from 10:30 a. m. to 11:30 a. m., CST, November 2, 3, 4, 9, 10, 11, 16, 17, 18, 23 and 30, in order to broadcast special educational programs (provided KGFF remains silent).

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneously with WSMK from 5:15 p. m. to 5:30 p. m., EST, Sundays only, November 7, 14, 21 and 28, in order to broadcast religious programs.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (November, 5:15 p. m.) to 9 p. m., CST, using 100 watts power, on Sunday, November 7, 14, 21 and 28, in order to broadcast services of the Kelly Memorial Methodist Church, Longview, Tex.

ORAL ARGUMENT

The Broadcast Division granted oral argument to be held January 13, 1938, in re Ex. Rep. 1-494, Earl Yates, Las Cruces, N. Mex.

EXAMINERS' REPORTS RELEASED SINCE OCTOBER 5, 1937

KPQ—Ex. Rep. 1-499: Wescoast Broadcasting Co., Wenatchee, Wash.—Examiner Melvin H. Dalberg recommended grant of C. P. to change frequency from 1500 kc. to 1330 kc., power from 100 watts, 250 watts LS, to 1 KW.

NEW—Ex. Rep. 1-500: Genesee Radio Corp., Flint, Mich.—Examiner P. W. Seward recommended denial of C. P. for new station to operate on 1200 kc., 100 watts, 250 watts LS, specified hours.

NEW—Ex. Rep. 1-501: Richard Field Lewis, Oakland, Calif.—Examiner P. W. Seward recommended denial of C. P. for new station to operate on frequency 1160 kc., 1 KW, daytime.

APPLICATIONS DISMISSED

The following application, heretofore set for hearing, was dismissed at request of applicant:

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—C. P., 610 kc., 500 watts, 1 KW LS, unlimited.

APPLICATIONS DENIED

NEW—Richland Broadcasting Co., Mansfield, Ohio.—Application for C. P., 1370 kc., 100 watts, daytime, heretofore set for

hearing, was denied as in case of default for failure of applicant to file an appearance.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Denied special temporary authority to operate from local sunset (October sunset, 5 p. m.) to 8 p. m., EST, October 17 to 31, inclusive, and from local sunset (November, 4:30 p. m.) to 8 p. m., EST, November 1, in order to broadcast elections for Mayor, City Council and School Committee.

MISCELLANEOUS

Granted petition of Don Lee Broadcasting System (KGB) to intervene in the proceedings upon the application of Union Tribune Broadcasting Co. for new station at San Diego to use 1480 kc., 5 KW, unlimited time.

Granted petition to George Roy Clough (KLUF), Galveston, Tex., to intervene in the proceedings upon the application of O. C. Burke for a new station at Dickinson, Tex., to use 1500 kc., 100 watts, unlimited time.

Granted petition of Pacific Agricultural Foundation, Ltd. (KQW), to intervene in the proceedings on the application of Floyd A. Parton for a new station at San Jose, Calif., to use 1170 kc., 250 watts, daytime.

Granted petition of Radio Station KFJ Company to intervene in the proceedings upon the application of the Farmers & Bankers Broadcasting Corp. for C. P. to move from Abilene, Kans., to Wichita, Kans.

Granted petition of KANS Broadcasting Co. to intervene in the proceedings on the application of Farmers & Bankers Broadcasting Corp. for C. P. to move station.

Granted petition of Michigan Broadcasting Company (WMBC) to intervene in the proceedings on the application of Cadillac Broadcasting Corp. for new station at Detroit, Mich., using 1140 kc., 500 watts, daytime.

Granted petition of Walker & Downing Radio Corp. to intervene in the proceedings upon the application of WWPO, Inc., Pittsburgh, Pa., or C. P., using 1120 kc., 250 watts, unlimited.

Denied petition of W. C. Ewing and Harry Layman, tr/as Cumberland Broadcasting Co., to defer decision upon the application of C. Frank Walker and Waldo W. Prima, d/b as Radio Station WFNC, for new station at Fayetteville, N. C., using 1210 kc., 250 watts, daytime.

Denied motion of Magnolia Petroleum Co., Sabine Broadcasting Company and Port Arthur College for postponement of oral argument and decision upon application of Beaumont Broadcasting Assn. for new station at Beaumont, Tex., to use 1420 kc., 100 watts, unlimited.

Denied petition of Southland Industries, Inc. (WOAI), San Antonio, Tex., for continuance of hearing upon application of the Valley Publishing Co., Harlingen, Tex., for C. P., to establish a new station, using 1200 kc., 100 watts, 250 watts LS, unlimited time.

Granted petition of respondent WWPO, Inc., to waive rule and accept answer to applicant's appearance, Times Printing Co., for new station at Chattanooga, Tenn., to use 1120 kc., 500 watts, 1 KW, unlimited.

Granted motion of Tom Olsen to withdraw his application for C. P. to use 1500 kc., 250 watts, daytime, without prejudice, station to be located at Port Angeles, Wash.

Granted petition to withdraw without prejudice application of W. A. Barnette for new station located at Greenwood, S. C., to use 1370 kc., 250 watts, daytime.

Granted request of Tri-State Broadcasting Co., Inc. (WDAH), to withdraw without prejudice application for modification of license to use 1200 kc., 100 watts, 250 watts LS, unlimited time.

Granted petition of George B. Storer to withdraw, without prejudice, his application for new station at Pontiac, Mich., to use 800 kc., 1 KW, daytime only.

Granted petition of Carl Latenser for order to take depositions of two witnesses at Atchison, Kans., in support of his application for new station at Atchison, Kans., to use 1420 kc., 100 watts, daytime.

The Commission dismissed the petition of Richard E. O'Dea for reconsideration of the action of the Broadcast Division in denying his protest in the matter of the application for transfer of control of Station WOV, New York City, from John Iraci to Arde Bulova (Docket 4245).

Pursuant to Stay Orders issued by the United States Court of Appeals for the District of Columbia in Causes No. 7044, Voice of Brooklyn, Inc., v. Federal Communications Commission, and 7045, United States Broadcasting Corp. v. Federal Communications Commission, and in compliance with said Orders, the Commission

extended existing temporary licenses of WLTH and WARD for the period beginning November 1, 1937, to continue subject to the further order of the Court and the Commission pending determination of the issues raised by said appeal.

RATIFICATIONS

The Broadcast Division ratified the following actions taken on the dates shown:

- KSO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted extension program test period 30 days from October 12.
- KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, N. Dak.—Granted extension program test period 30 days from October 8.
- WTMJ—The Journal Co., Milwaukee, Wis.—Granted extension equipment test period 10 days from October 7.
- WMBO—WMBO, Inc., Auburn, N. Y.—Granted extension program test period 30 days from October 8.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted authority to operate auxiliary transmitter as main transmitter for period not exceeding 10 days.
- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 2 to 4:30 p. m., EST, October 6 to 12, inclusive in order to broadcast sponsored World Series baseball games.
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted extension special temporary authority to operate from local sunset (October 5:30 p. m., November sunset, 5 p. m.) to 6 p. m., CST, for the period October 8 to November 6, in order to broadcast news bulletins, football scores, and other special events.
- WLB—University of Minnesota, Minneapolis, Minn.; WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted extension of special temporary authority to conduct joint broadcast between 1:45 p. m. Saturdays, to include the following dates: November 6, 13, 20 and 27, using the 5 KW transmitter of WTCN in order to broadcast U. of M. football games. Action taken, October 7.
- KAXZ—United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority, to operate already licensed aircraft radio transmitter aboard plane owned by United Air Lines Transport Corp. bearing call letters KHAZT, as a relay broadcast station on frequency 2790 kc., on October 11, to relay broadcast news broadcast for rebroadcast over station WENR. Also for the period beginning October and ending no later than October 15, weather permitting, relay broadcast Lights of Ages Celebration for rebroadcast over station WCFL. Action taken, October 9.

Granted petition of Cumberland Broadcasting Co. to intervene in the proceedings upon the application of Burl Vance Hedrick for new station at Salisbury, N. C. Action taken 10-8.

Granted petition of Cadillac Broadcasting Corp. to intervene in the proceedings upon the application of Voice of Detroit, Inc., for new station at Detroit, Mich. Action taken 10-2.

Granted motion of Badger Broadcasting Co., Inc., Intervener, for a continuance of the hearing upon the application of Four Lakes Broadcasting Co. until such date as may be designated for the hearing upon the application of Madison Broadcasting Co. Action taken 10-7.

Granted petition of Lynchburg Broadcasting Corp. for a continuance of the hearing upon its application for C. P., now scheduled for October 5, and directed that said hearing be continued until December 7. Action taken 10-2.

Granted petition of Larry Rhine for continuance of hearing upon his application for C. P., now scheduled for October 6, and directed that said hearing be continued until December 6, 1937. Action taken 10-2.

Granted motion of Karl L. Achbacker for a continuance of hearing upon his application for modification of license, now scheduled for October 13, and directed that said hearing be continued until November 22, the same date that his application for voluntary assignment of license is to be heard. Action taken 10-5.

Granted petition of Brown Radio Service & Lab. (WSAY) for a continuance of the hearing upon its application for C. P., until November 18. Action taken 10-6.

Granted the request of WREN Broadcasting Co. for postponement of the oral argument upon its application, Docket 4415, until October 28, 1937.

Granted the request of Red River Valley Broadcasting Corp. (KRRV) Sherman, Texas, to withdraw without prejudice its application for C. P. to install new equipment; change frequencies from

1310 to 1450 kcs., increase power to 500 watts day and night, unlimited; (request contingent upon granting of KTB's application for change in frequencies), and directed that an order dismissing said application without prejudice be entered accordingly and forwarded to all interested parties.

SPECIAL AUTHORIZATIONS

KGGF—Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 8:15 to 9:15 p. m., CST, November 24, and from 7:15 to 9:15 p. m., CST, November 25 (provided WNAD remains silent), in order that KGGF may broadcast during time WNAD is silent for University Thanksgiving vacation.

WNAD—University of Oklahoma, Norman, Okla.—To remain silent on above dates.

APPLICATIONS RECEIVED

First Zone

WSNJ—Eastern States Broadcasting Corp., Bridgeton, New Jersey.—Authority to determine operating power by direct measurement of antenna.

W1XOJ—The Yankee Network, Inc. Within 50 miles of the City of Boston, Mass.—Modification of construction permit (B1-PHB-39) for a new high frequency broadcast station, requesting approval of transmitter site at Summit Mt. Wachusett, Princeton, Massachusetts.

NEW—WDRC, Incorporated, Hartford, Conn.—Construction permit for a new relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 15 watts.

NEW—C. M. Jansky, Jr., & Stuart L. Bailey, d/b as Jansky & Bailey, Vicinity, District of Columbia—Construction permit for a new high frequency broadcast station to be operated on 40300 kc., 5000 watts. Amended: To change power from 5000 watts to 1000 watts.

Second Zone

NEW—Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.—1500 Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended: To change requested hours of operation from unlimited to daytime and make changes in corporate structure.

WRTD—The Times Dispatch Publishing Co., Inc., Richmond, Va.—Voluntary assignment of license from Times-Dispatch Publishing Co., Inc., to Times-Dispatch Radio Corp.

Third Zone

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Construction permit to make changes in directional antenna for night use and change power from 1 KW night, 5 KW day, to 5 KW day and night.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—1120 Construction permit to make changes in equipment and increase power from 500 watts to 1 KW.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—License 1210 to cover construction permit (B3-P-1224) as modified for a new station.

WAIR—C. G. Hill, George D. Walker and Susan H. Walker, 1250 Winston-Salem, N. C.—Modification of license to change hours of operation from daytime to unlimited time, using 250 watts power.

KRQA—J. Laurance Martin, Santa Fe, N. Mex.—Voluntary assignment of license from J. Laurance Martin to I. E. Lambert.

NEW—Radio Enterprises, Inc., Lufkin, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction 1500 permit to install a new transmitter; install directional antenna for night use; change frequency from 1500 kc. to 1240 kc.; and increase power from 100 watts night, 250 watts day, to 1 KW day and night.

NEW—Panama City Broadcasting Co., Panama City, Fla.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime. Amended to make changes in equipment and change requested power from 100 watts to 250 watts.

NEW—The National Life & Accident Insurance Co., Inc., Nashville, Tenn.—Construction permit for a new experimental broadcast station to be operated on 309000, 330000, 360000 kc., 15 watts.

NEW—The National Life & Accident Insurance Co., Inc., Nashville, Tenn.—License to cover above construction permit.

Fourth Zone

WDGY—Dr. George W. Young, Minneapolis, Minn.—Modification of construction permit (B4-P-1420) as modified for a new transmitter, further requesting change in type of equipment.

W9XRM—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Bloomington, Ill.—License to cover construction permit (B4-PRE-82) for a new relay broadcast station.

NEW—Mason City Globe-Gazette Co., area Mason City, Iowa.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—Mason City Globe-Gazette Co., area Mason City, Iowa.—License to cover above construction permit.

NEW—Mason City Globe-Gazette Co., area Mason City, Iowa.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 125 watts.

W9XUO—Radio Station KFH Co., Wichita, Kans.—License to cover construction permit (B4-PRE-87) for a new relay broadcast station.

Fifth Zone

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, 710 Calif.—Special experimental authorization to operate unlimited time experimentally for period from 8-1-37 to 2-1-38. Amended: To change name from Beverly Hills Broadcasting Corp. to KMPC, The Station of the Stars, Inc.

W6XBL—Radio Service Corporation, Utah, Mobile—Salt Lake City, Utah.—Reinstatement and modification of construction permit (B5-PRE-56) for a relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 5 watts, requesting change in power from 5 watts to 17 watts and changes in equipment.

W6XBK—Radio Service Corporation of Utah, Mobile, Salt Lake City, Utah.—Reinstatement and modification of construction permit (B5-PRE-57) for a new relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 5 watts, requesting change in power from 5 watts to 17 watts and changes in equipment.

NEW—Fisher's Blend Station, Inc., Area of Seattle, Wash.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 15 watts.