

FCC REORGANIZATION COMPLETED COMMISSIONERS DELEGATED POWERS

With the announcement on Tuesday by Chairman Frank R. McNinch of two new orders by the Federal Communications Commission delegating various powers to individual Commissioners, it is understood that the major reorganization plans for the Commission have been completed.

It is said that later there may be some minor amendments needed in the event that things do not work out the way they are expected. Also it is possible that a further delegation of powers may have to be made at a later date, but with the announcement of the new powers for the Commissioners, the main reorganization work is finished. The new orders provide that the powers delegated to the various Commissioners shall be rotated every month.

The Commission also set specific days of the week for meetings to act on various subjects—the broadcast matters will be taken up on Wednesday of each week at which time the Commission will sit en banc to decide broadcast cases, whereas in the past this has been done by the Broadcast Division, which like the Telegraph and Telephone Divisions was abolished on November 15. The new plan became effective as of December 1.

In an official explanation of the new orders the Commission says:

"Order No. 28 provides for delegation to members of the Commission and all staff heads the authority to act upon many matters of a routine, engineering or emergency character. Nearly all of the matters thus delegated require prompt action and some of them emergency action. Hence, each day there is a considerable number of matters that must, in the public interest, be acted upon that day. The purposes of Order No. 28 are, therefore, two-fold:

"(1) To assure certainty and promptness in acting upon all such matters where time is of the essence, and

"(2) To relieve the Commission of a great deal of detail and routine, which can just as effectively be handled by a member of the Commission. This procedure will leave for Commission handling in regular meetings all matters of major importance and for the handling of

A couple of issues of NAB REPORTS have been omitted recently owing to the fact that there has been no action on broadcasting matters at the Federal Communications Commission for three weeks. Members of the Commission have been giving all of their attention to reorganization which has now been completed. Regular meetings of the Commission to take up broadcast matters will begin on December 8 and be held thereafter on every Wednesday.

which the Commission will have available more of its time than heretofore.

"Order No. 28, paragraph (1), delegates to the Secretary of the Commission the handling of matters heretofore handled by him, such as applications for operators' licenses and for amateur and ship stations.

"To the Chief Engineer, in paragraph (2), is likewise delegated those purely engineering matters which have heretofore been delegated to and handled by him, such as operation without an approved frequency monitor or without thermometer in automatic temperature control chamber; without antenna ammeter; or with temporary antenna system; or with new or modified equipment pending replacement of existing equipment; specifications for painting and lighting of antenna towers; relocation of transmitter in the same building; approval of types of equipment, and many similar matters which are set out specifically in the Order.

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"The delegation of functions to the several Commissioners are comprised within six groups covered by paragraphs (3) to (8) inclusive of Order No. 28.

"These delegations of functions and duties are to be for a period of one month and the duties covered by the several paragraphs will be rotated among the Commissioners from month to month.

"The immediate delegations of functions and duties run for the month of December, 1937, and are as follows:

"Paragraph 3 of the Order to Commissioner Payne. This covers applications for aeronautical, aircraft, geophysical, motion picture, airport, municipal and state police, marine relay, marine fire, and emergency and special radio facilities and other matters therein recited.

"Paragraph 4 to Commissioner Craven. This covers applications for licenses following construction which comply with construction permit; for extensions of time to commence and complete construction; modifications of construction permit involving only change in equipment; to install frequency control, auxiliary equipment; or special temporary authorization; change of name of licensee where ownership or control is not affected and other matters therein recited.

"Paragraph 5 to Commissioner Sykes. This covers all radio matters (except broadcast, operators' licenses and amateur and ship stations) within the territory of Alaska.

"Paragraph 6 to Commissioner Brown. This covers issuance of certificates of convenience and necessity; authorization of temporary or emergency wire service as provided in Section 214 of the Act.

"Paragraph 7 to Commissioner Walker. This delegates all matters arising in connection with the administration of tariff circulars adopted pursuant to Section 203 of the Act, including the waiver of notice of the filing of tariffs.

"Paragraph 8 to Commissioner Case. This paragraph contemplates setting up a Motions Docket and delegates the hearing and determining of matters arising under the Rules of Practice and Procedure relating to withdrawals, dismissals or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; also to hear and determine all interlocutory motions, pleadings and related matters of procedure.

"Having adopted the foregoing procedure for handling of the above matters the Commission has now adopted an order appointing regular meeting dates for the handling of all matters coming before the Commission itself and for oral argument, as follows:

"Effective Monday, December 6, 1937, the schedule of regular meetings and the subjects to be considered and acted upon therein will be as follows:

Each Tuesday, 10 A. M., Telephone, wire and radio; Telegraph, wire and radio.

Each Wednesday, 10 A. M., Broadcasting.

Each Thursday, 10 A. M., Oral Argument.

"The Commission will begin regular meetings next week pursuant to the above schedule, and will continue with oral arguments on the dates now set unless for reasons hereafter found compelling the Commission may revise the oral argument schedule, in which event all parties interested would be given due notice."

The orders are as follows:

ORDER NO. 28

Under the authority of the Communications Act of 1934, as amended, particularly Sections 5(e) and 409 thereof,

IT IS ORDERED:

(1) That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations;

(2) That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;

(3) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine

relay, marine fire, and emergency and special emergency radio facilities;

(4) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorizations; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations;

(5) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska;

(6) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;

(7) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to determine and act upon all matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs; and

(8) That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

This Order shall become effective December 1, 1937.

ORDER NO. 29

(1) Order No. 27 assigning to Commissioners Sykes and Brown authority to act upon certain emergency applications is hereby revoked.

(2) For the month of December, 1937, the work, business and functions of the Commission specified and described in Paragraphs (3) through (8), both inclusive, of Order No. 28, are hereby assigned and referred as follows:

- (a) That in Paragraph (3) to Commissioner Payne;
- (b) That in Paragraph (4) to Commissioner Craven;
- (c) That in Paragraph (5) to Commissioner Sykes;
- (d) That in Paragraph (6) to Commissioner Brown;
- (e) That in Paragraph (7) to Commissioner Walker;
- (f) That in Paragraph (8) to Commissioner Case.

This Order shall become effective December 1, 1937.

STATEMENT ON CASH DISCOUNTS

The statement on cash discounts which was recently distributed by the American Association of Advertising Agencies touches upon a matter of very great importance to the radio broadcasting industry. Broadcasters should not take any action in this matter until the question has been thoroughly investigated and a comprehensive report thereon can be furnished to all stations. Such a report will be compiled by the NAB.

INTERNATIONAL COPYRIGHT CONVENTION

The Senate Committee on Foreign Relations has recommended that the Senate consent to the International Convention of the Copyright Union as revised and signed at Rome on June 2, 1928. This report goes to the Senate calendar and may be acted upon any day.

One of the provisions in the report provides for a period of one year in which the Copyright Act of 1909 may be amended. This provision reads as follows:

"In order that there might be generous time for appropriate adjustment by persons interested in copyright, it is further recommended that, in accordance with article 25, paragraph (3) of the convention, the day for its entry into force as to the United States be fixed at one year from the date of its approval by the Senate."

It is understood that the Duffy Copyright Bill will come up for consideration early during the regular session which will be convened in January.

FREE TIME FOR GOLDEN GATE INTERNATIONAL EXPOSITION

Arthur Linkletter of the Golden Gate International Exposition has advised that all the radio time they have used so far has been furnished gratis and that they cannot see their way clear to spend any money for radio time.

Broadcasters are justified in believing that when the time comes the Golden Gate International Exposition will buy newspaper space and other forms of printed advertising. These expositions are definitely of commercial character and are not entitled to free radio time. Broadcasters are urged to refuse free time to advertise the Golden Gate International Exposition.

TRANSFER OF WROK RECOMMENDED

Rockford Broadcasters, Inc., licensees of Station WROK, Rockford, Ill., applied to the Federal Communications Commission for authority to transfer control of the station to Rockford Consolidated Newspapers, Inc., through its purchase of ten shares of stock in the licensee company from Lloyd C. Thomas, a minority stockholder. The proposed transferee now owns 245 shares, or 49% of the 500 shares which are authorized and outstanding.

Examiner Melvin H. Dalberg in Report No. I-527 recommended that the application for transfer of the station be granted. In his conclusions in this case the Examiner says:

"The proposed transferee is qualified to hold a controlling interest in the stock of the licensee of radio Station WROK. The licensee, under the control of the proposed transferee, will be legally, technically, financially and otherwise qualified to continue the operation of this station in the public interest.

"In view of the return on the investment entailed in this proposed sale of stock, the original cost and replacement cost of the equipment and property, and inasmuch as 2% of the stock which is sought to be purchased represents control of the corporation, the difference between \$31.26, the price proposed to be paid per share, and the fraction of the total station assets represented by each share of stock appears to be reasonable and cannot properly give rise to any suggestion that the parties to the agreement involved herein have placed a monetary value on the station license.

"This application may be granted within the purview of Section 310 of the Communications Act of 1934, as amended by the Act of June 5, 1936.

"It is therefore believed that the granting of the application will serve the public interest, convenience and necessity."

RENEWAL RECOMMENDED FOR STATION WDEV

Broadcasting Station WBZA, Springfield, Mass., operating on 990 kilocycles, 1,000 watts and unlimited time, applied to the Federal Communications Commission to change its frequency to 550 kilocycles. Also Station WDEV, Waterbury, Vt., operating on 550 kilocycles, 500 watts, daytime, asked the Commission for a license renewal.

Examiner R. H. Hyde, in Report No. I-525, recommended that the application of WBZA be denied and that the license of Station WDEV be renewed. He states that "the evidence relative to Station WDEV indicated that the continued operation of that station would serve the public interest, convenience and necessity."

POWER INCREASES RECOMMENDED

Broadcasting Station KQV, Pittsburgh, Pa., operating on 1380 kilocycles, 500 watts and operating simultaneously with WSMK daytime and sharing night hours, applied to the Federal Communications Commission to increase its power to 1,000 watts and to operate unlimited time. Also broadcasting Station WSMK, Dayton, Ohio, operating on the same frequency with 200 watts on the same day and specified night hours as KQV asked to increase its power to 250 watts and 500 watts LS and to operate unlimited time.

Examiner Melvin H. Dalberg, in Report No. I-524, recommended:

1. That the application of KQV Broadcasting Company, Pittsburgh, Pennsylvania, for unlimited time operation on the 1380 kilocycles frequency with power of 1 kw. and the use of a directional antenna at night be *granted*; and

2. That the application of WSMK, Incorporated, Dayton, Ohio, for unlimited time operation on the 1380 kilocycles frequency with power of 250 watts night and 500 watts until local sunset with the use of a directional antenna at night be *granted*.

RECOMMENDS NEW PUERTO RICAN STATION

United Theatres, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new station at San Juan, Puerto Rico, to use 570 kilocycles, 1,000 watts and unlimited time on the air.

Examiner Tyler Berry, in Report No. I-523, recommended that the application be granted. He states that "there is a need for additional service in the area proposed to be served." The Examiner states that granting of the application would be in the public interest.

ASSIGNMENT OF WNBZ RECOMMENDED

Smith & Mace, licensees of Station WNBZ, Saranac Lake, N. Y., applied to the Federal Communications Commission for authority to voluntarily assign the construction permit and license to the Upstate Broadcasting Corporation. The station operates on 1290 kilocycles, 100 watts and daytime.

Examiner George H. Hill, in Report No. I-526, recommended that the application for the assignment be granted. He states that the Upstate Corporation "proposed to

render to the Saranac Lake area an improved program service." The Examiner states also that there is a definite need for the continuation of the service from the station and the granting of the application would be in the public interest.

RECOMMENDS NEW FLORIDA STATION

Nathan N. Bauer applied to the Federal Communications Commission for a construction permit for a new station to be located at Miami, Florida, to use 1420 kilocycles, 100 watts and unlimited time on the air.

Examiner P. W. Seward, in Report No. I-528, recommended that the application be granted. He states that "a need does exist in the proposed service area for additional radio service, particularly of a local nature and to provide additional advertising facilities." The Examiner states that granting of the application would not cause any interference and it would be in the public interest.

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. 3267. Alleging use of certain unfair methods of competition in connection with the interstate sale of Nailife, a preparation for the nails, a complaint has been issued against **Leopold Levoy** and **Nathan C. Blacher**, trading as **Sunbeam Laboratories**, 3704 Washington Boulevard, **Los Angeles**.

In newspapers, magazines, catalogues and other printed matter, the respondents allegedly advertise that Nailife constitutes a competent and effective treatment for dry, brittle and splitting nails; that it is the perfect food for nourishing the nails and will make them strong and healthy; that it is a scientific preparation, and will transform irregular, broken nails into well-formed, symmetrical ones.

No. 3268. Unfair disparagement of the products of competitors is alleged in a complaint served upon **Perma-Maid Company, Inc.**, **Toledo, Ohio**, engaged in the manufacture and sale of steel cooking utensils.

Certain representations made by the respondent company in advertising matter and by its sales agents, the complaint charges, lead customers to believe that the consumption of food prepared or kept in aluminum utensils will cause ulcers, cancerous growths and various other ailments and diseases; that the food so prepared is detrimental to the health of the users, and that preparation of food in aluminum utensils causes formation of poisons.

No. 3269. Selling and distributing ladies' handbags, fastening devices and zippers, **Waldes Koh-I-Noor, Inc.**, 47-52 Twenty-seventh St., **Long Island City, N. Y.**, has been served with a complaint charging unfair competition in the sale of its products. The Grey Advertising Agency, Inc., 128 West 31st St., **New York**, is also named a respondent.

Advertisements placed by **Waldes Koh-I-Noor, Inc.**, in cooperation with the advertising agency, are alleged to have featured certain low-priced domestic-made handbags along with higher priced articles of this class purchased in France. The domestic-made handbags were advertised at \$2.95 and were alleged to have been exact copies of the Paris bags advertised in *Vogue* magazine as for sale from \$35 to \$80.

The complaint charges that in fact the imported bags advertised were not actually sold in the United States, and had no actual retail value or price, and that the advertisements appearing in *Vogue* magazine were pure subterfuge calculated to give the

domestic bags a false and fictitious value by virtue of the false comparison, thus creating a preference and exceptional demand therefor.

No. 3270. **Universal Handkerchief Mfg. Co., Inc.**, 309 Fifth Ave., **New York**, is charged in a complaint with certain unfair methods of competition in connection with the interstate sale of packaged handkerchiefs.

Through use of the abbreviation "Mfg." in its corporate name, the words "manufacturers" and "makers" in advertising matter, and the representation that it has factories at Passaic, N. J., and Ellenville, N. Y., the respondent company, the complaint alleges, falsely represents that it manufactures the handkerchiefs it sells. According to the complaint, the company does not have factories at Passaic or Ellenville or elsewhere, but purchases and sells handkerchiefs manufactured by others.

No. 3271. Allegedly representing themselves to be manufacturers of certain prophylactics, when such is not a fact, **Harry J. Katz** and **Louis Black**, trading as the **Nutex Company**, 322 South 7th St., **Philadelphia**, are charged in a complaint with using unfair methods of competition in violation of the Federal Trade Commission Act.

The complaint alleges that on cartons containing the respondents' products appear the words "Mfg. by The Nutex Co., Philadelphia, Pa.", while on business stationery they represent themselves to be "manufacturers and distributors of druggists' sundries."

No. 3272. Alleging false and misleading representations in the sale of jewelry, a complaint has been issued against **Elmer Sussman**, trading as **Diamond Brokerage Company**, Palace Building, 4th & Nicollet Ave., **Minneapolis**.

Advertising by means of price lists, catalogues, and other printed matter, the respondent is alleged to have made representations having the effect of misleading buyers into believing that certain of his products are composed of superior materials and have superior value; that Sussman is liquidating a distress stock of diamond rings and other merchandise at a fraction of their original cost; that his products have been obtained from bankrupt stocks and other distress sources; that the watches he sells are the latest models and possess the values represented; that diamonds sold by the respondent are 100 per cent perfect, and that Sussman is a diamond broker.

No. 3273. **Gimbel Brothers, Inc.**, operating a department store at 33rd St. and Broadway, **New York**, is charged in a complaint with use of certain unfair methods of competition in connection with the sale of women's wearing apparel.

In advertising matter, the respondent company allegedly represented certain garments as containing "12½% to 25% silk and wool," and on labels attached to some of the garments appeared the words "12½% silk and wool—10% wool."

No. 3274. Alleging unfair competition in the sale of a hair preparation, a complaint has been issued against **Monroe Chemical Company**, **Quincy, Ill.**, and its subsidiary, **Mary T. Goldman Company**, **St. Paul, Minn.**

Mary T. Goldman's Gray Hair Color Restorer, according to the complaint, was advertised by these companies in a manner tending to create the impression that its use would restore gray, streaked or faded hair to its original or youthful color; erase or remove all trace of gray hair, and produce warm, youthful color or original color of the user's gray, streaked or faded hair.

The complaint alleges that use of this preparation will not accomplish the results claimed, but that it acts as a dye or stain and the color produced is artificial.

Cease and Desist Orders

The Commission has issued the following cease and desist orders:

No. 2725. An order to cease and desist from certain unfair methods of competition in connection with the sale of Kimball Tablets has been entered against **John J. McCloskey**, 727 West Wisconsin Ave., **Milwaukee**, trading as **H. B. Kimball Company**, **H. B. Kimball** and **Kimball Laboratories**.

The order directs the respondent to discontinue representing, directly or through the use of testimonials or indorsements, or in any other manner, that Kimball Tablets constitute an effective remedy or cure for, or have any therapeutic value in the treatment of, stomach trouble, ulcers of the stomach, constipation, indigestion, dyspepsia, and gastritis.

The respondent also is prohibited from advertising that the product is a competent remedy or cure for, or will remove the cause of, gas pains, intestinal toxic conditions, acidosis, bloating after

meals, and symptoms of dyspepsia, provided, however, that the respondent is not prevented from representing the product as a palliative treatment for temporary relief of such ailments.

No. 2877. Health Guard, Inc., 110 East Utica St., Buffalo, N. Y., has been ordered to cease and desist from false and misleading representations concerning the function and effectiveness of a device called Health Guard, designed to be attached to gas heaters and stoves for the purpose of removing or reducing the amount of carbon monoxide gas expelled from them.

The respondent company is directed to cease representing in advertising matter or otherwise that use of the device will change carbon monoxide passing through it to a harmless gas; that it is a safe substitute for stove pipes, and that stove pipes are not necessary when the device is used; that it is effective or sure in its operation, and that its use will afford protection against the dangers of carbon monoxide poisoning.

No. 2978. Nineteen corporations manufacturing metal window products and their trade association, **Metal Window Institute,** 1427 I St., Washington, D. C., have been ordered to cease and desist from certain unlawful practices, the effect of which has been to establish and maintain fixed minimum prices for the products of the industry.

The order also is directed against officers of the respondent corporation and of the institute. The practices prohibited were found to constitute unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Comprising substantially all of the manufacturers and distributors of metal window products in the United States, the respondent corporations sell a substantial portion of their output to the Federal and State governments and municipalities for use in the construction of public buildings. They manufacture various types of metal windows as well as industrial doors, frames, mechanical operators, screens, and stools, which products are made principally from solid or formed sections of steel, iron, bronze, aluminum, or other metal or alloy.

No. 3038. Under an order to cease and desist, **The Electric Appliance Company, Burlington, Kans.,** is directed to discontinue certain unfair representations regarding the value of its electric belts and insoles in the treatment of disease.

Electric belts and insoles sold by the respondent company are no longer to be advertised as having therapeutic value in treating diseases. Findings are that the respondent's products, advertised for use in treating nervous diseases, rheumatism, heart trouble and other ailments, do not have the curing qualities claimed for them.

No. 3014. Under an order, **Nelson E. Woolman and Lyle G. Jackson,** trading as **Power Seal Company,** 1601 South Broadway, Los Angeles, are directed to cease and desist from making certain false and misleading representations concerning the merits of Power Seal, a preparation sold in pellet form for use in internal combustion engines.

The respondents recommend Power Seal as a product capable of releasing rings in engines when such rings are gummed, of causing valves to seat properly, and of acting as a lubricant.

No. 3028. **Julius Goodman & Son, Inc.,** 43 South Main St., Memphis, Tenn., retail jeweler, has been served with an order to cease and desist from certain representations in violation of the Federal Trade Commission Act.

Under the order, the respondent company is instructed to cease representing directly, or through failure to disclose the true nature, character and condition thereof, that certain old, used and reconditioned silverware is new.

No. 3079. **Phoebe Phelps Caramel Company,** 74 Fulton St., Boston, has been served with an order to cease and desist from certain sales methods involving a lottery or gift enterprise.

The respondent company is directed to stop selling and distributing to dealers candy so packed and assembled that sales to the public may be made by means of a lottery, and to cease supplying dealers with assortments of candy which may be used without alteration of the contents to conduct a lottery in its sale to the public.

No. 3148. **Wally Frank, Ltd.,** 10 East 45th St., New York, distributor of pipes and smokers' supplies, has been ordered to cease and desist from misrepresenting the nature of its business, the origin or character of its products, and the prices at which certain such products are sold.

The order directs the respondent company to discontinue advertising in newspapers, magazines, in its monthly publication, on labels, or otherwise, that it is a British or English concern, and that it has a place of business in London or any other city where it does not actually maintain such a place; that it is a manufacturer or that its pipes are shipped direct from the manufacturer, unless it owns and operates or directly controls a factory in which

its products are made, and that it deals exclusively in imported goods, unless such is a fact.

Stipulations

The Commission has entered into the following stipulations:

No. 01920. Zo-Ak Company, 62 West 45th St., New York, will cease advertising that Zo-Ak Tablets, for men and women, represent the very latest development in gonadal replacement therapy; that they are either a competent or effective remedy for temporary impairment of vitality due to fatigue, overwork or remediable weakness of the glandular system, or that they are harmless.

No. 01921. Dr. Pepper Company, 429 Second Ave., Dallas, Tex., selling a flavoring syrup used in the manufacture of Dr. Pepper, a carbonated beverage, agrees to stop representing that there are more calories per pound in Dr. Pepper than in oranges, lemons, pineapples, spinach or buttermilk; that the beverage is "packed" with energy, helps to melt fat away, or is the perfect pick-up for tired minds, tired nerves or tired bodies, and that drinking of three or any other number of Dr. Peppers a day makes one healthy.

No. 01922. R. E. G. Zaleski, trading as **Zal's Laboratories,** 7554 South Halsted St., Chicago, will stop representing that Zal's Medicine is helpful as a general tonic and is a competent treatment for the relief of ulcers, gastritis, acidosis, indigestion, and related stomach troubles; that the most stubborn cases yield to this preparation or its adjunct treatment; that it will remove all irritation from inflamed and weakened parts, and that it is the result of many years of research.

No. 01923. De Forest's Training, Inc., 1109 Center St., Chicago, selling a correspondence course of instruction in radio, television and sound equipment engineering, has entered into a stipulation to discontinue certain unfair advertising of its courses.

Under the stipulation, De Forest's Training, Inc., will no longer represent that Dr. Lee De Forest is now actively or financially associated with the respondent corporation's business, or that pupils of the respondent are under the tutorage of Dr. De Forest or that its salesmen are associated with the De Forest organization of Chicago.

The respondent company also will stop representing, through the publication of Help Wanted advertisements, that it has positions available or that employment will be offered to those who answer the advertisements, when in fact such advertisements are really contact advertisements used in connection with the sale of the courses.

No. 01924. W. W. Metcalf and Mrs. Fred E. Grant, trading as **Dr. Fred E. Grant Company,** 706 Davidson Building, Kansas City, Mo., in selling a remedy for epilepsy, will stop representing that the preparation is a private prescription which controls epilepsy attacks and is a competent treatment for convulsions, falling sickness or fits. The respondents will desist from asserting that their offer to sell the medicine at a reduced price will be held open for 90 days or any limited period, unless the higher price is charged after the expiration of such period. It was admitted by the respondents that the therapeutic value of their product is limited to relieving the severity and lessening the frequency of attacks of epilepsy.

No. 01925. John L. and Nancy E. Hatch, trading as **Slimmets Company,** 853 Seventh Ave., New York, agree to refrain from advertising that by use of their Slimmets method of reducing one can get rid of superficial fat or can reduce quickly, safely and easily, unless this claim is qualified by a statement defining such method. The respondents also will cease representing that their method of weight reduction is safe, does not involve the use of harmful drugs, and does not include diets or exercises.

No. 01926. E. S. Bullock, Philadelphia, trading as **Keystone Service** and as **Keystone Company,** agreed to stop representing that the horoscopes he sells will enable one to know about his opportunities in life; that his "The Forbidden Books of Moses" is referred to by millions who never undertake any important step in life relating to finance or health without seeking guidance and advice from its pages; that any of his books provides a simple guide to character reading, makes astrology easy and enables one to know his future by means of palmistry, and that his charms, amulets and seals will give one victory over every earthly enemy, and are effective for insuring business success and promoting health.

No. 01927. The Lavena Corporation, 141 West Jackson Boulevard, Chicago, will stop advertising that Lavena will permanently rid the skin of blemishes, unless this claim is limited to

temporary conditions due to external causes; that it stimulates or enlivens the skin, tissues or sluggish pores and cleanses the pores "to their very depths"; that it has an amazing effect on blackheads and other skin disorders, and is "the year's cosmetic sensation."

No. 2098. Under a stipulation entered into the **Old Dominion Veneer Company, Bristol, Va.**, will stop making misleading representations of its veneer products by using the phrase "oriental walnut" to describe veneers not made of wood derived from trees of the walnut tree family.

No. 2100. Under a stipulation entered into **Eagle-Picher Lead Company and Eagle-Picher Sales Company**, both of Cincinnati, with offices in the Temple Bar Building, have agreed to discontinue misleading representations in the sale of certain rock wool insulating material.

In selling Eagle Home Insulation, the Eagle-Picher companies agreed to stop the use in advertising of the words "Lightest weight" as descriptive of this insulation, when in fact there are competitive products as light and even lighter than the respondent companies' article. The respondent companies also agreed to cease employing the words "lightest weight" in any manner implying that all competitive products are heavier or substantially heavier than their advertised product.

FEDERAL COMMUNICATIONS COMMISSION ACTION

There has been no action by the Commission in other than routine broadcast cases for the past three weeks owing to the reorganization of the Commission itself under the new Chairman. Beginning next week, however, on December 8, broadcast cases will be taken up every Wednesday by the Commission meeting en banc.

Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, December 6.

Tuesday, December 7

HEARING BEFORE AN EXAMINER (Broadcast)

- WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—C. P., 1390 kc., 500 watts, unlimited time. Present assignment: 1200 kc., 100 watts night, 250 watts LS, unlimited.
- WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—1390 kc., 1 KW, unlimited. Present assignment: 1390 kc., 1 KW LS, daytime.
- NEW—Jack W. Hawkins and Barney H. Hubbs, d/b as Odessa Broadcasting Co. (a partnership).—C. P., 1310 kc., 100 watts LS, daytime.

Wednesday, December 8

HEARING BEFORE AN EXAMINER (Broadcast)

- WILL—University of Illinois, Urbana, Ill.—C. P., 580 kc., 5 KW LS, daytime. Present assignment: 580 kc., 1 KW LS, daytime.
- NEW—Wm. F. Huffman, Wisconsin Rapids, Wis.—C. P., 580 kc., 250 watts, unlimited time. *Using directional antenna at night.*
- NEW—W. H. Kindig, Hollywood, Calif.—C. P., 710 kc., 500 watts, limited time (requests facilities of station KMPC).
- KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Renewal of license, 710 kc., 500 watts, limited time.

Thursday, December 9

ORAL ARGUMENT BEFORE THE COMMISSION

Examiner's Report No. 1-470:

- NEW—WRBC, Inc., Cleveland, Ohio.—C. P., 890 kc., 1 KW, unlimited time.

Examiner's Report No. 1-471:

- KWTN—Greater Kampska Radio Corp., Watertown, S. Dak.—C. P., 1340 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, unlimited, requests facilities of KGDY.
- KWTN—Greater Kampska Radio Corp., Watertown, S. Dak.—Renewal of license, 1210 kc., 100 watts, unlimited.
- KGDY—Voice of South Dakota, Huron, S. Dak.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1340 kc., 250 watts, daytime, requests facilities of KWTN.
- KGDY—Voice of South Dakota, Huron, S. Dak.—Renewal of license, 1340 kc., 250 watts, daytime.
- KGDY—F. Koren, Robert J. Dean and W. M. Plowman, Transfers, and Greater Kampska Radio Corp., Transferee, Huron, S. Dak.—Authority to transfer control of corporation; 1340 kc., 250 watts, daytime.

Examiner's Report No. 1-473:

- NEW—Roberts-MacNab Co., Bozeman, Mont.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.
- NEW—Gallatin Radio Forum, Bozeman, Mont.—C. P., 1420 kc., 250 watts, daytime.

Friday, December 10

HEARING BEFORE AN EXAMINER (Broadcast)

- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Modification of license, 880 kc., 1 KW night, 1 KW LS, shares with WQAN. Present assignment: 880 kc., 500 watts night, 1 KW LS, shares WQAN.
- WBNX—WBNX Broadcasting Co., Inc., New York City.—C. P., 1350 kc., 1 KW, 5 KW LS, shares with WAWZ. Present assignment: 1350 kc., 1 KW, shares with WAWZ.
- WMBG—Havens & Martin, Inc., Richmond, Va.—C. P., 1350 kc., 1 KW, unlimited. Present assignment: 1350 kc., 500 watts, unlimited.

APPLICATIONS RECEIVED

First Zone

- WEAN—The Yankee Network, Inc., Providence, R. I.—Modification of construction permit (B1-P-1605) for changes in equipment and increase in power, requesting changes in requested equipment.
- WEAN—The Yankee Network, Inc., Providence, R. I.—License to cover construction permit (B1-P-1605) as modified for changes in equipment and increase in power.
- WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of construction permit (B2-P-1055) requesting changes in directional antenna and approval of transmitter site at Cedar Street, Newington, Connecticut.

Second Zone

- WRNL—WLBG, Inc., Richmond, Va.—License to cover construction permit (B2-P-667) as modified for move of transmitter and studio, installation of new transmitter, and changes in antenna.
- NEW—King-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit for a new station to be operated on 1010 kc., 250 watts, unlimited time.
- WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Modification of license to change power from 250 watts day to 100 watts night, 250 watts day, and hours of operation from daylight to unlimited time.
- WLAP—American Broadcasting Corporation of Kentucky, Lexington, Ky.—Construction permit to change frequency from 1420 kc. to 1270 kc.; install a new transmitter and directional antenna for night use; increase power from 100 watts night, 250 watts day, to 1 KW; move transmitter from Walton Bldg., Main and Esplanade Sts., Lexington, Ky., to northwest of Lexington, Ky., and studio from Walton Bldg., Main and Esplanade Sts., Lexington, Ky., to Short and Walnut Sts., Lexington, Ky.
- NEW—Hal Broadcasting Co., Inc., Camden, N. J.—Construction permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.

Third Zone

- KTBC—State Capitol Broadcasting Association (R. B. Anderson, 1120 President), Austin, Tex.—Modification of construction permit (B3-P-932) for a new station, requesting authority to install new transmitter and vertical antenna. Amended to change studio site from Driskill Hotel, corner Sixth and Brazos Sts., Austin, Tex., to 605-607 Brazos St., Austin, Tex., and extend commencement and completion dates.
- WAPI—Board of Control of Radio Station WAPI, Alabama Polytechnic Institute, University of Alabama and Alabama College, Birmingham, Ala.—Construction permit to install new transmitter, directional antenna for night use; change frequency from 1140 kc. to 1020 kc., power from 5 KW to 50 KW; and move transmitter from On Sandusky Mt., near Pratt City, Birmingham, Ala., to site to be determined, Alabama.
- WAPI—Alabama Polytechnic Institute, University of Alabama, 1140 Alabama College (Board of Control of Radio Station WAPI), Birmingham, Ala.—Special experimental authorization to operate on the frequency 1020 kc., with unlimited hours of operation, and install directional antenna for night use, for the period of six months.
- WOLS—O. Lee Stone, Florence, S. C.—License to cover construction permit (B3-P-1104) as modified for a new station.
- WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—1210 Construction permit to change frequency from 1210 kc. to 590 kc.; change power from 100 watts night, 250 watts day, to 250 watts day and night, and make changes in antenna.
- WGCM—WGCM, Inc., Mississippi City, Miss.—Construction permit to move transmitter and studio from Great Southern Golf Club (East Beach, Gulfport), Mississippi City, Miss., to site to be determined, Mobile, Ala., and install a new vertical antenna.
- WGRM—P. K. Ewing, Grenada, Miss.—License to cover construction permit (B3-P-829) as modified for changes in equipment and move of transmitter.
- WGTM—H. W. Wilson and Ben Farmer, Wilson, N. C.—Voluntary 1310 assignment of license from H. W. Wilson and Ben Farmer to WGTM, Inc.
- NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—Construction permit for a new station to be operated on 1370 1370 kc., 100 watts, unlimited time. Amended to give type of transmitting equipment and give transmitter site as site to be determined, near Asheville, N. C.
- NEW—Spartanburg Herald-Journal Co., Spartanburg, S. C.—Construction permit for a new station to be operated on 1420 1420 kc., 100 watts night, 250 watts day, unlimited time. Amended to make further changes in vertical antenna and give transmitter site as 2.55 miles west, northwest from center of City of Spartanburg, S. C.
- WLAC—WLAC, Inc., Nashville, Tenn.—Construction permit to 1470 install a new transmitter and make changes in antenna and increase power from 5 KW to 50 KW. Amended to install directional antenna for night use and move transmitter from 5 miles from city limits, Nashville, Tenn., to near Jordonia, Tenn.
- W4XFJ—Miami Broadcasting Co., area Miami, Fla.—License to cover construction permit (B3-PRE-142) for a new relay broadcast station.

Fourth Zone

- WBAA—Purdue University, West Lafayette, Ind.—Construction 890 permit to install new transmitter; make changes in antenna;

change power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; change hours of operation from specified hours to unlimited time; and give transmitter and studio sites as site to be determined, Marion County, Indiana. Amended to make changes in requested equipment, install directional antenna for day and night use, and give transmitter site as W. 38th St. near Route No. 52, Indianapolis, Ind.

- KRMC—Roberts-MacNab Co. (Arthur L. Roberts, R. B. MacNab, 1370 A. J. Breitbach, Gen. Mgr.), Jamestown, N. Dak.—Construction permit to install a new transmitter and antenna to be determined; change frequency from 1370 kc. to 900 kc., power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day. Amended to give transmitter site as site to be determined, Jamestown, N. Dak.
- NEW—Indianapolis Power & Light Co., area of Marion City, Ind.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 40 watts.
- NEW—Indianapolis Power & Light Co., area of Marion County, Ind.—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 40 watts.
- NEW—Star-Times Publishing Co., St. Louis, Mo.—Construction permit for a new facsimile broadcast experimental station utilizing equipment of high frequency broadcast station W9XOK on frequencies 31600, 35300, 38600, 41000 kc., 100 watts.
- W9XXM—Indianapolis Power & Light Co., Indianapolis, Ind.—License to cover construction permit (B4-PRE-134) for a new relay broadcast station.
- W9XXZ—Indianapolis Power & Light Company, area Marion County, Ind.—License to cover construction permit (B4-PRE-143) for a new relay broadcast station.
- W9XXT—KCMO Broadcasting Co., Kansas City, Mo.—License to cover construction permit (B4-PRE-140) for a new relay broadcast station.

Fifth Zone

- KBPS—Benson Polytechnic School (R. T. Stephens, Agent), Port- 1110 land, Ore.—Modification of license to change hours of operation from share KXL, 1/7 time, to unlimited (contingent upon KXL's application for construction permit B5-P-1968 to change frequency from 1420 kc. to 1110 kc. being granted).
- KELA—Central Broadcasting Corp., between Centralia and Che- 1440 halis, Wash.—License to cover construction permit (B5-P-1477) as modified for a new station.

Puerto Rican Zone

- WPRA—Puerto Rico Advertising Co., Mayaguez, P. R.—Construction permit to change frequency from 1370 kc. to 780 kc.; 1370 make changes in antenna; change power from 100 watts night, 250 watts day, to 1 KW night, 2½ KW day; change hours of operation from specified hours to unlimited time; and make changes in transmitting equipment. Amended to change transmitter site from 350 feet from Insular Road No. 2, Mayaguez, P. R., to site to be determined, Mayaguez, P. R.
- WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.— 1370 Modification of license to change hours of operation from specified hours to unlimited time.