NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 8, No. 51, December 20, 1940

THE WEEK IN WASHINGTON

The Supreme Court this week upheld the right of broadcasters to use phonograph records they had purchased in the open market. The court's decision is effective everywhere but in Pennsylvania. (P. 4897.)

Twenty-one of the 34 most popular tunes of the day will be available to broadcasters after the expiration of their ASCAP licenses. BMI now has 555 members. Neville Miller calls victory "assured." (P. 4898.)

Numerous stations have cooperated in the NAB's "Fifty million radio sets by Christmas" drive. (P. 4900.)

Time "chiseling" falls off, the Bureau of Radio Advertising reports. (P. 4900.)

The FCC will authorize sixty day extensions of experimental FM licenses expiring January 1. (P. 4901.)

Supreme Court Upholds Record Broadcast Decision

Last summer the broadcasters hailed as the most important radio decision of the year the decision of the Circuit Court of Appeals for the Second Circuit, which reversed the Trial Court and held that broadcasters were free to use phonograph records they had purchased in the open market. (NAB REPORTS, p. 4465.) The United States Supreme Court on Monday, December 16th, finally disposed of the controversy by denying the petitions for writs of certiorari filed by Paul Whiteman and RCA Manufacturing Co., Inc.

The Circuit Court of Appeals decision can now be fairly said to represent the law of the forty-eight states, except Pennsylvania, where a different rule prevails by reason of the State Supreme Court's decision in Waring v. WDAS. The decisions of the Circuit Court of Appeals for the Second Circuit are generally followed throughout the country.

The Circuit Court of Appeals decided that if the record manufacturer and the recording artist had common law rights, they were lost by the sale of the records in the ordinary channels of trade.

It further decided that the restrictive notice on the records—"Not Licensed for Broadcast"—did not prevent the loss of the alleged common law rights upon the public sale of the records and was not binding upon the purchaser. The Court went on to say that the broadcasting by Station WNEW of phonograph records did not amount to unfair competition.

A further angle considered by the Court was that the station did not interfere with the terms of the record manufacturer's contract with its distributor, which provided that the records were to be sold only for home use. Notice of the distributor's agreement was stamped on the record envelopes.

The decision is of vital importance to almost all broadcasters and particularly independent stations having no network affiliations.

The RCA Manufacturing Company, it will be recalled, following its successful decision in the Trial Court, initiated a licensing system whereby the stations would have paid substantial royalties to the manufacturer. When WNEW appealed the case, RCA Manufacturing Company suspended its licensing activities pending the determination of the appeal. The National Association of Performing Artists, which financed the litigation for Paul Whiteman, was expected to initiate a licensing system had it been successful.

The expense of the defense of the suit by the station was underwritten by NAB, which retained as counsel, Crawford & Sprague, represented by Stuart Sprague, and White & Case, represented by Colonel Joseph M. Hartfield.

BMI FEATURE TUNES
December 23-30

1. THERE I GO
2. I GIVE YOU MY WORD
3. SO YOU'RE THE ONE
4. MAY I NEVER LOVE AGAIN
5. YOU WALK BY
6. I HEAR A RHAPSODY
7. GYPSY MOON
8. AN OLD-FASHIONED CHRISTMAS
9. HIGH ON A WINDY HILL

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* C. E. Arney, Jr., *Assistant to President*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place. *Counsel;* Lynne C. Smeby, *Director of Engineering*

BMI DEVELOPMENTS

Of the thirty-four numbers listed by the New York *Enquirer* as song leaders on the air for last week, nineteen were BMI numbers and two were published by the Southern Music Company and will be included in the music licensed by BMI next month.

There I Go reached the number one spot on the Hit Parade last week as the acknowledged top hit of the country. Also on the Parade were BMI's *I Give You My Word* and *So You're the One* and Southern's *Frenesi. There I Go* is mounting toward the leaders among the national sheet music best sellers, standing at number four on the *Variety* list and at number seven in *Billboard. I Give You My Word* and *So You're the One* also appear on the best seller lists, while *There I Go* and *I Give You My Word* show up among the biggest money makers on the coin machines. It is interesting to note that Southern's *Frenesi* has recently joined all of these lists also.

The M. M. Cole Publishing Company sends us word that they have theme songs on three leading radio programs: Gene Autry's Melody Ranch on Sundays; the Tom Mix program, daily; and Pappy Cheshire program from Missouri, daily.

The continued rush of radio stations to enlist in the support of BMI gives conclusive proof both of the solidarity of the entire broadcasting industry of the United States in its determination to adjust the matter of radio music on a new and equitable basis and also of the success which BMI has already achieved in meeting the musical needs of broadcasters. ASCAP's shop-worn thesis that BMI was a project only of the major networks and their affiliates is conclusively answered by the fact that a large majority of all independent stations in the country are now aligned with BMI. During the time since ASCAP's Paine announced 420 as the probable limit of the BMI membership, additional stations have joined the BMI ranks at such a rate that it has been at times difficult to keep the newspapers up to date. As of December 18th the BMI stations, pledged and subscribed, number 555. We welcome the following newcomers to the list:

WDEF—Chattanooga, Tenn.
KELD—Eldorado, Ark.
WIBM—Jackson, Mich.
WKAQ—San Juan, Porto Rico
WJRD—Tuscaloosa, Ala.
WSVA—Harrisonburg, Va.
KRLD—Dallas, Texas
WJBY—Gadsden, Ala.
WHBB—Selma, Ala.
WRDO—Augusta, Maine
WCHV—Charlottesville, Va.
KGKY—Scottsbluff, Nebr.
WBML—Macon, Ga.
KGNF—North Platte, Nebr.
KWIL—Albany, Ore.
KFPW—Fort Smith, Ark.
KSCJ—Sioux City, Iowa

Writers of some of the leading BMI hits entertained the advertisers at luncheon on December 18th. M. E. Tompkins, BMI's vice president and general manager, introducing the performers, said, "To me and to the rest of us who are at work up there in our shop the most thrilling, exciting part of the job is the chance to find these talented youngsters, to help them develop, and to watch them achieve such success with the public."

Milton Rettenberg, well-known pianist who is chief of BMI's Editorial Board, played a medley of BMI best-sellers. Joan Whitney sang three of her own songs, "Got a Letter from my Kid Today," "So You're the One," and "High on a Windy Hill." She was accompanied at the piano by Alex Kramer, who collaborated with her in writing the songs. Ernest Gold, composer of "Practice Makes Perfect," played his own instrumental number, "The Shining Hour," and accompanied by Don McCray when the latter sang "You're a Mystery to Me," a new number by Gold for which McCray wrote the words.

Mr. Rettenberg and Robert Sour, head of the lyrics division of the Editorial Board, illustrated the work of revision done on one song before publication. Rettenberg told the audience that "in 99% of the cases" where the BMI staff does such work it is done as a part of the editorial service and no BMI staff member is "cut in" on the royalties or given credit in the by-lines.

Others introduced to the audience were Hy Zaret, author of "There I go," and Norman Weiser, associate editor of *Radio Daily,* whose song "Here's My Heart," is published by BMI.

The cash prize awarded to the holder of the lucky number drawn at the end of the luncheon went to BMI's Ernest Gold.

The National Council of State Liquor Dealers' Associations, which last spring at its National Convention appointed a committee to explore ways and means of combating the practices of ASCAP which its members felt to be arbitrary and oppressive, held its mid-year meeting at Philadelphia on November 19. The meeting unanimously adopted the following resolution:

WHEREAS, under the United States copyright laws, the American Society of Composers, Authors and Publishers, commonly called "ASCAP," is permitted to and in fact does levy arbitrary and unreasonable "fees" upon the users of copyrighted musical works, proprietors of entertainment places, restaurants, inns, cafes, hotels, theatres, radio stations, and other establishments wherein are operated amusements and entertainments involving the use of copyrighted musical works, and

WHEREAS, there is at present no statutory limit to the "fees" which may be charged by the American Society of Composers,

Authors and Publishers for the use of copyrighted musical works, and

WHEREAS, the affiliated associations of this Council are in accord with the premise that the author of a copyrighted musical work should receive proper and adequate compensation, and

WHEREAS, it is the belief of this Council that the fairest method of insuring such proper and adequate compensation to the author would be the establishment of an equitable system of fees to be paid in compensation for the use of copyrighted musical works, and

WHEREAS, an organization known as Broadcast Music, Inc., has endeavored to establish such an equitable system between the authors and users of copyrighted musical works,

THEREFORE BE IT RESOLVED by the Board of Directors of the National Council of State Liquor Dealers' Associations, assembled this 19th day of November, 1940, at Philadelphia, that this Council petition the manufacturers and distributors of phonograph machines by means of which recorded music is played in taverns to cooperate to the fullest extent with Broadcast Music, Inc., and install wherever possible BMI records, and

BE IT FURTHER RESOLVED that this Council urge the tavern operators of the country to request the installation of BMI records in phonograph machines on their premises.

What does the general listening public think about BMI? Here are extracts from twelve-page letter from Detroit: "Popular music has been my hobby since 1934. I watch new songs shoot up and pass others. It's fun and is just like a race. Last August I was listening as usual and then out of nowhere came two grand tunes, *Practice Makes Perfect* and *The Same Old Story*. That same month I was at Wurlitzer Music House in Detroit and found (they) were published by Broadcast Music, Inc. That was a new firm to me. I left the store praising Broadcast Music, Inc., as turning out miracle songs all at once over night. Then this fall I've been reading all about BMI and its purpose. I'm 100 per cent for you. BMI can handle the music situation."

District Meetings

DISTRICT 1

District One broadcasters met Thursday, December 12, in Worcester, Massachusetts, to review the whole music situation. Neville Miller and Carl Haverlin, BMI Station Relations Director, explained how ASCAP was "on the run" and, in some detail, how the average station could operate successfully without ASCAP music after December 31. Their talks were received enthusiastically. Paul W. Morency, WTIC, District President, presided.

Among those present:

Sterling V. Couch and Walter Haase, WDRC; R. W. Davis and Ralph Kanna, WNBC; C. Glover DeLaney and L. H. Martineau, WTHT; Thomas C. McCray, Paul W. Morency and Grace Sapsuzian, WTIC; Edwin J. Morey and Gerald J. Morey, WNLC; James T. Milne. Jimmy Morgan and Charles H. Wright, WELI; Jack Henry, WBRY; James Parker and Harold Thomas, WATR; Philip G. Daniels and Creighton E. Gatchell, WGAN; Albert W. Smith, WCSH; John McNamara, WBZ-A; Del Castillo, WEEI; R. L. Harlow, Yankee Network; Warren M. Greenwood and James L. Spates, WHAI; Haskell Bloomberg and Robert Danahue, WLLH; Albert M. Hiorne and Irving Vermilya, WNBH; Quincy A. Brackett, William W. Harvey and Wayne H. Latham, WSGR; A. W. Marlin and Paul Pelletier, WMAS; William T. Cavanagh, E. E. Hill, George H. Jaspert and Katherine Norsten, WTAG; Earle Clement and Sherwin Greenlaw, WLNH; Carl Haverlin, B.M.I.; Cy Langlois, Lang-Worth Feature Programs, Inc.; Bill Gartland, NBC Thesaurus; T. F. Allen, WFCI; John J. Boyle, WFAR; H. William Koster, WPRO; Neville Miller, NAB.

DISTRICT 4

How a broadcasting station should prepare to operate without an ASCAP license after December 31 was the theme that ran through the entire meeting of District Four in Washington, D. C., on Friday, December 13. John A. Kennedy, District President, was in the chair. Neville Miller and Carl Haverlin, BMI Station Relations Director, spoke at length, and Mr. Haverlin answered dozens of questions raised by the broadcasters attending.

Among those present:

Harry C. Butcher, CBS; Wilfred H. Wood, WMBG; A. D. Willard, Jr., WJSV; Frank Blair, WOL; George H. Roeder, WCBM; John Elmer, WCBM; Madeline Ensign, WOL; Joseph L. Miller, NAB; G. Richard Shafto, WIS; K. H. Berkeley, WMAL; George W. Smith, WWVA; Waughn M. Bradshaw, WTAR; Edward E. Bishop, WGH; Bevo Whitmire. WFBC; Joseph Imbrogulio, WFBR; Fred Johnstone, WSLS; E. D. Naff, WRVA; C. T. Lucy, WRVA; W. P. Heffernan, WBTM; Edwin M. Spence, WWDC; Lewis M. Milbourne, WCAO; Lloyd Dennis. WJSV; Joseph B. Matthews, WGKV; G. C. Blackwell, WBLK; E. J. Gluck, WSOC; Dan Crosland, WMRC; Paul J. Miller, WWVA; Kathryn Riddich, WJLS; Ruth Cohn Tepping, WJSV; F. M. Russell, WRC; Alden Aarve, WCHV; Mike Layman, WSAZ; A. Rauch, WPAR; Bob Van Camp, WSTP; Wilbur M. Havens, WMBG; Gill Murray, WRAL; Fred Fletcher, WRAL; R. J. Stratton, WBNC; Irvin G. Abeloff, WRVA; Jack Weldon, WDBJ; J. Robert Beadles, WRVA; H. W. Batchelder, WRBR; Bert Hanauer, WFBR; Flem Evans, WCHS; Robert B. Bingham, WWNC; Don S. Elias, WWNC; Andrew W. Bennett, NAB; Charles G. Hicks, Jr., WSOC; Dyke Cullum, WWDC; James L. Howe, WBTM; Howard Wolfe, WMMN; John W. Shultz, WSTP; Charles Klaton, WAIR; Willis Conover, WTBO; Frank V. Becker, WTBO; G. Mallory Freeman, WRNL; E. S. Whitlock, WRNL; Howard L. Chernoff, WCHS; Fred Shawn, NBC; J. F. Skinnell, WMBG; Robert E. Mitchell, WMBG; Jack Hooper, WMBG; E. D. Johnston, attorney; George L. Filling, WCAO; W. A. Wynne, WEED; Ray P. Jordan, WDBJ; Eric F. Lund, WLVA; John D. Langlois, Lang-Worth; "Cy" Langlois, Lang-Worth; Carl Haverlin, BMI; Graham B. Poyner, WPTF; John A. Kennedy, WPAR, WCHS, WBLK; Sterling Wright, WSPA-WORD; A. E Joscelyn, WBT.

DISTRICT 5

The Florida Association of Broadcasters were host to the Fifth NAB District at Orlando on Tuesday, December 10, for a meeting called by W. Walter Tison, District Director. Special guests were President Neville Miller of NAB, Washington, and Carl Haverlin of BMI, New York.

Florida Association explained to the assembled group status of Florida anti-monopoly suit now before the supreme court. Director Tison presided and presented NAB story. Neville Miller gave BMI story and Carl Haverlin gave BMI working arrangement and explained library.

I. T. Cohen, of Atlanta office, represented ASCAP and was afforded opportunity to speak to the group.

President Frank King, of the Florida Association, introduced each station head from participating groups during the session. Those attending the meeting were:

Walter Tison, WFLA; Ralph Rogers, WDBO; Fred Mizer, WQAM; J. M. Pedrick, WDBO; Hal Davis, WTMC; John C. McCloy, WKAT; Louis J. Link, WSUN; James W. Young, WJHP; Henry G. Wells, WJHP; Victor J. Andrew, Chicago; Jerry A. Wigley, WSUN; Jack Maxey, WTSP; J. Leonard Reinsch, WSB; Don Ioset, WAGA; W. Wright Esch, WMFJ; C. O. Langlois, Lang-Worth; Mr. and Mrs. Gilbert Freeman, WTAL; Millie Williams, WTAL; James E. Wetherell, Andrew Engineers; Westar E. Britt, WCOV; E. Caldwell Stewart, WSFA; W. E. Benns, Jr., WFTM; F. W. Borton, WQAM; Bob Brown, INS; K. G. Marshall, WBRC; Paul M. Jones, WFLA; Truman Green, Tampa Tribune & WFLA; S. P. Willis, WJNO; Geo. A. Hazlewood, WLOF, Orlando; Henry Bryan, WFTL, Ft. Lauderdale; R. M. Tigert, WFTL, Ft. Lauderdale; John Van Cronkhite, WLOF, Orlando; H. P. Danforth, WDBO; Fred P. Pfahler, WTOC; Weldon Herrin, WTOC; Robt. R. Feagin, WBML, Macon, Ga.; Chas. W. Pittman, WBML, Macon, Ga.; John Fulton, WGST, Atlanta, Ga.; Bert Arnold, WLAK, Lakeland; Arch Robb, WIOD, Miami; Jack Hopkins, WJAX; Harry E. Cummings, Station Repr.; L. S. Mitchell, WDAE; Ken Skelton, WDAE; Neville Miller, NAB; Frank King, WMBR; Glenn Marshall, WMBR; Charlie Stone, WMBR; I. T. Cohenm, A.S.C.A.P.; Geo. C. Johnston, WDBO; Joe Sears, WLOF, Orlando.

DISTRICTS 7 AND 8

Districts Seven and Eight held a joint meeting Thursday, December 19, in Detroit. More than 100 broadcasters, representing 50 stations, attended. C. E. Arney, Jr., assistant to the President, represented the NAB, while Carl Haverlin, BMI Station Relations Director, outlined the accomplishments to date of that organization.

DISTRICT 9

The broadcasters of Illinois and Wisconsin held a meeting at the Stevens Hotel in Chicago, Wednesday, December 18. This is the area covered by the Ninth NAB District, and Director William H. West of WTMV, East St. Louis, called the meeting to order with seventy in attendance. Twenty-six Illinois and 10 Wisconsin stations were represented by one or more persons.

Carl Haverlin, Stations Relations Manager of BMI, and C. E. Arney, Jr., of the NAB staff, were present.

A full discussion of the music situation was had and as a result of the session, six stations previously unsigned with BMI either executed the agreements or indicated their intention to do so.

At the conclusion of the meeting a motion was unanimously passed in which complete confidence in BMI was expressed.

A further resolution requested BMI to assist the broadcasters of Illinois and Wisconsin in setting up a central copyright clearance bureau, and Director West was called upon to appoint a committee to negotiate with respect to this matter with BMI.

Those present agreed that the meeting was the most successful and enthusiastic held in Ninth District history.

50 MILLION SETS BY CHRISTMAS

WLS, the Prairie Farmer Station, Chicago, Ill., is participating aggressively with the "50,000,000 Radio Sets by Christmas" idea. On December 10, Harold A. Safford, program director, wrote:

"Glad to have your folder on '50,000,000 Radio Sets by Christmas' and you may be sure that we will give this campaign every possible support on WLS. In fact we have started using the announcements already."

WTMA, Charleston, S. C., is well started on a program of "spreading radios throughout our listening area," according to W. D. Workman, Jr., station manager.

A $14.95 Zenith is awarded every day on the "Wiz-Quiz," locally produced show. The contest is based on answers submitted in writing to three questions daily.

Because the program has been so successful, Mr. Workman expects that "Wiz-Quiz" will run far beyond its original expiration date, December 21.

MAN POWER

A special Man Power announcement was mailed stations in nine states on December 17 at the request of the United States Civil Service Commission.

It sought inspectors for mechanical engineering materials. Jobs are open in Chicago and Milwaukee and their need was declared "most urgent" by the Commission.

Station executives in Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin received the "SOS."

FREE OFFERS "OFF"

Maybe it's an early manifestation of the Christmas spirit, but the NAB Bureau of Radio Advertising notes with gratification that the business of time-chiseling has been notably "off" during the past few weeks. Only one actual "free offer" has been reported by members, while several others have sought to place "cost-per-inquiry" advertising on stations.

In keeping with the custom established last year, this will be the last actual listing of free offers until 1941, in deference to the spirit of the holiday season.

Free Offers

The Cook's Digest, New York City.

Cost-Per-Inquiry

De Soto Chemical Company, Arcadia, Fla.

Casper Pinsker, 150 Nassau St., New York City (Caxton House, Inc.).

Thos. B. Sammons, Jr., Weslaco, Texas (Flavor-Tex Fruit).

Jacques F. Goulde, 2131 John R. Street, Detroit, Mich. (Waltham Pens and Pencils).

The Bureau of Radio Advertising has sent the usual letter of explanation to the above concerns, inviting them to buy time on the regular basis and thus maintain the continued goodwill and cooperation of the broadcasting industry, at the same time obtain a full measure of radio's ability to sell their wares.

COST OF LIVING

The Labor Department reports that the cost of living in large cities dropped 0.1 per cent from October 15 to November 15.

FEDERAL LEGISLATION

H. R. 10720 (Voorhis, D., Calif.) ADVERTISING—To provide funds for the national defense; to prevent avoidance of taxes by unlimited investment in advertising; to control uneconomic advertising expense engaged in by the liquor, tobacco, and luxury trades; to discourage advertising on the public highways and to derive revenue therefrom; and for other purposes. Referred to the Committee on Ways and Means.

FEDERAL COMMUNICATIONS COMMISSION

AID FOR FM

To assist FM during its transition from experimental to a commercially recognized broadcast service, the FCC on Thursday announced that it will authorize, on appropriate request, a 60-day extension of experimental licenses which are due to expire January 1.

Under previous arrangement, all frequency modulation experimental station licenses were to automatically expire on that date. It is indicated, however, that more time is needed in which to switch over from the experimental to the regular program phase in this high frequency service.

At the same time, the Commission indicated that it will deny request of permittees for temporary authority to broadcast commercially unless it is shown that the permittee has complied substantially with the terms of his permit. Special temporary authority will, however, be granted for bona fide technical experimental work in connection with construction of FM stations.

Up to the present time the Commission has granted a total of 25 commercial FM licenses, and there are 33 experimental FM licenses outstanding.

BROADCAST ENGINEERING STANDARDS NOW AVAILABLE IN PRINTED FORM

For the first time, the FCC's "Standards of Good Engineering Practice Concerning Standard Broadcast Stations" are available in printed form. The Commission is unable to make free distribution to other than broadcast licensees, but copies may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 30 cents each.

The standards interpret and elaborate on the Rules and Regulations, which form the basis of good engineering practice as applied to broadcasting on the 550 to 1600 kilocycle band. First made effective on August 1, 1939, these principles have been revised to July 20, 1940, in the printed edition.

Such compilation is published for the convenience of those interested in standard broadcast station operation. Familiarity with the standards is essential in the construction and operation of standard broadcast stations, to meet the requirements of technical operation in the public interest along lines not specifically enunciated in the regulations.

These standards represent the consensus of opinion of the broadcast industry as expressed in conferences with radio engineers and manufacturers, augmented by extensive field surveys conducted by the Commission's field technicians.

It is not expected that material deviation will be made from fundamental principles, since the standards are sufficiently flexible to accommodate new developments and other progress.

GENERAL MEETING CALLED

Following a recent meeting, the Defense Communications Board announced that a general meeting of the Board with its various committees will be held on Monday, January 6, at 10:30 a. m., in Hearing Room A, Interstate Commerce Commission Building, to discuss general policies and procedure.

Individual meetings of the various committees will be held in the afternoon for the purpose of electing committee chairmen and secretaries, and also to consider tentative agenda of work.

None of these sessions will be open to the public, admission being limited to members and their accredited representatives.

The Board also announced that the following companies have been added to the membership of Committee II (Aviation Radio Committee) to represent wire telegraph interests:

American Telephone and Telegraph Co.
Postal Telegraph, Inc.
Western Union Telegraph Co.

FCC BROADCAST MEASUREMENTS

During the month of November FCC experts measured 707 broadcast stations leaving 162 not measured.

Of those measured 650 showed a maximum deviation

within 0-10 cycles; 52 a maximum deviation within 11-25 cycles; 4 a maximum deviation within 26-50 cycles. No stations showed a maximum deviation over 20 cycles, while one station showed a maximum deviation of over 50 cycles.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are set before the Commission for the week beginning Monday, December 23, because of the holiday.

FUTURE HEARINGS

During the past week the Commission has announced the following dates for future broadcast hearings. They are subject to change.

January 17

WWL—Loyola University, New Orleans, La.—Renewal of license, **850 kc.,** 50 KW night, 50 KW LS, specified hours.

NEW—William H. Amesbury, Minneapolis, Minn.—C. P., **630 kc.,** 1 KW night, 1 KW day, unlimited, DA night and day.

January 27

NEW—Edward J. Doyle, Rochester, N. Y.—C. P., **1340 kc.,** 1 KW night, 1 KW day, unlimited, DA day and night.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—C. P., **1340 kc.,** 1 KW night, 1 KW day, unlimited, DA day and night.

January 29

WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WTNJ and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WTNJ and WCAM.

WTNJ—WOAX, Inc., Trenton, N. J.—Renewal of license, **1280 kc.,** 500 watts night, 500 watts LS, shares WCAM and WCAP.

WTNJ—WOAX, Inc., Trenton, N. J.—C. P., **1230 kc.,** 1 KW night, 1 KW day, unlimited, DA day and night.

NEW—Trent Broadcast Corporation, Trenton, N. J.—C. P., **1230 kc.,** 1 KW night, 1 KW LS, unlimited time, DA day and night.

February 3

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—C. P., **1420 kc.,** 250 watts night, 250 watts day, unlimited.

NEW—Atlantic Broadcasting Corp., Miami, Fla.—C. P., **1280 kc.,** 500 watts night, 1 KW day, unlimited.

NEW—Seaboard Broadcasting Corp., Tampa, Fla.—C. P., **1530 kc.,** 1 KW night, 1 KW day, unlimited.

NEW—Robert V. Lee, Bradenton, Fla.—C. P., **1500 kc.,** 250 watts night, 250 watts day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

NEW STATIONS GRANTED

Albert Joseph Meyer, Powell, Wyo.—Granted construction permit for new station to operate on **1200 kc.,** with 250 watts night and day, unlimited time; exact transmitter site to be determined subject to Commission's approval (B5-P-2593).

C. T. Sherer Co., Inc., Worcester, Mass.—Granted construction permit for new station to be located in Worcester, Mass., to operate on **1200 kc.,** 250 watts, unlimited time, with three 100-watt amplifier stations to be located near Auburn, Whitinsville, and Marlborough, Mass. (B1-P-2963).

R. G. LeTourneau, Toccoa, Ga.—Granted construction permit for new station to operate on **1420 kc.,** 250 watts, unlimited time (B3-P-2767).

Oscar C. Hirsch, Cairo, Ill.—Granted construction permit for new station to operate on **1500 kc.,** 250 watts, unlimited time, transmitter location and antenna system to be determined subject to Commission's approval (B4-P-3022).

RELAY LICENSES RENEWED

Renewal of licenses for the following relay broadcast stations were granted for the period ending Dec. 1, 1941:

KEJN, Tacoma, Wash.; KEHR, Kalispell, Mont.; and WELK, Springfield, Ill.

The following licenses for relay broadcast stations were further extended upon a temporary basis only, pending receipt and determination upon application for renewal for the period ending Feb. 1, 1941:

WEGV, Champaign, Ill.; WENW, Champaign, Ill.; WEIX, Memphis, Tenn.; KIJG, Brownsville, Tex.; KEMA, Shenandoah, Iowa.

Licenses for the following stations were extended upon a temporary basis for the period ending Feb. 1, 1941, pending determination upon applications for renewal, with the following condition: That the frequency **2022 kc.** be deleted and **2074 kc.** be substituted therefor, subject to condition that no interference is caused to Government stations on adjacent channels:

WAHJ, WBGN, Champaign, Ill.; WABG, Memphis, Tenn.

POWER, FREQUENCY, ETC., CHANGES GRANTED

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted modification of license to increase time of operation from daytime to unlimited, using 100 watts power, day and night; frequency **1200 kc.** (B2-ML-1024).

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted construction permit to increase power from 5 KW to 50 KW, move transmitter location, install new transmitter, install directional antenna for day and night use; **1480 kc.** (B1-P-2902).

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted construction permit to increase power from 1 KW night, 2½ KW LS, to 1 KW night, 5 KW day; install new transmitter; **1410 kc.,** unlimited time (B3-P-2969).

WELI—City Broadcasting Corp., New Haven, Conn.—Granted construction permit to increase night power from 250 watts to 500 watts and day power from 500 watts LS to 1 KW, and make changes in directional antenna for nighttime operation; **930 kc.** (B1-ML-868).

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of construction permit for approval of directional antenna for day and night use and approval of transmitter site at Roosevelt Road. Baton Rouge. La., 1.6 miles from the center of the city; **1120 kc.,** 5 KW day using directional antenna, 5 KW night, unlimited time (B3-MP-1122).

ASSIGNMENT OF LICENSE GRANTED

WNBF—Howitt-Wood Radio Co., Inc. (Assignor), Binghamton, N. Y., Wylie B. Jones Advertising Agency (Assignee).—Granted consent to voluntary assignment of license from Howitt-Wood Radio Co., Inc., to Wylie B. Jones Advertising Agency; **1500 kc.,** 250 watts, unlimited time (B1-AL-289).

DESIGNATED FOR HEARING

WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Construction permit to change frequency from **1450 kc.** to **590 kc.**; increase power from 1 KW day, 500 watts night, to 1 KW night, 5 KW LS; move transmitter location; install new

equipment and directional antenna for night use (B3-P-2938).

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction permit to install new transmitter, change antenna system, change frequency from **1500 kc.** to **1450 kc.**, and increase power from 250 watts, unlimited, to 500 watts night, 1 KW LS (contingent on WAGA changing to **590 kc.**) (B3-P-2966). The above two applications will be heard together.

Worcester Broadcasting, Inc., Worcester, Mass.—Construction permit for new station to operate on **1200 kc.**, 250 watts night and day, unlimited time, with two 100-watt amplifier stations to be located in Marlborough, Mass., and Whitinsville, Mass. (B1-P-2929).

Butler Broadcasting Corp., Hamilton, Ohio.—Application for construction permit for new station to operate on **1420 kc.**, with 250 watts power, unlimited time; exact transmitter site and antenna system to be determined subject to Commission's approval (B2-P-2937).

Old Colony Broadcasting Co., Inc., Brockton, Mass.—Application for construction permit for new station to operate on **1160 kc.**, with 500 watts power, daytime only (B1-P-2448).

MISCELLANEOUS

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted modification of construction permit (B1-P-2200, which authorized installation of new transmitter, directional antenna for night use, change in hours of operation, increase in power and move of transmitter) for change in type of transmitting equipment, changes in directional antenna for night use and extension of commencement and completion dates to 30 and 180 days after grant, respectively.

WELL—Federated Publications, Inc., Battle Creek, Mich.—Granted license to cover construction permit (B2-P-2689 which authorized installation of new transmitter), changes in antenna system and increase in power to 250 watts (B2-L-1289).

WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted license to cover construction permit (B1-PSB-13), which authorized new equipment, antenna, increase in power from 1 to 5 KW, and move of transmitter. Also granted authority to determine operating power by direct measurement of antenna power (B1-L-1277 and B1-Z-573).

WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted license to cover construction permit (B2-P-2992) which authorized changes in directional antenna system; also granted authority to determine operating power by direct measurement of antenna power (B2-L-1288 and B2-Z-604).

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted license to cover construction permit (B3-P-2688), which authorized changes in equipment and increase in power to 250 watts on **1200 kc.** (B3-L-1290).

KRJN—Perkins Bros. Co. (The Sioux City Journal), Portable-Mobile, Area of Sioux City, Iowa.—Granted construction permit to decrease power in relay broadcast station to 1.2 watts, and change equipment (B4-PRE-375).

Juan Piza, San Juan, P. R.—Granted construction permit for new relay broadcast station; frequencies **156750, 158400, 159300, 161100 kc.**, 20 watts; to operate as relay broadcast station to transmit programs of WNEL to transmitter of said station only in event regular wire line circuit is not available (B-PRE-374).

WAFK—A. Frank Katzentine, Portable-Mobile, area of Miami Beach, Fla.—Granted license to cover construction permit (B3-PRY-207), which authorized a new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, 40 watts; to be used with applicants broadcast station WKAT (B3-LRY-209).

WOL—American Broadcasting Co., Washington, D. C.—Granted construction permit to move formerly licensed transmitter from 1111 H St. N. W., to Ager Road, near Chillum, Md., for use as an auxiliary transmitter using 100 watts power.

KRLC—H. R. Studebaker, Lewiston, Idaho.—Granted construction permit to make changes in equipment.

WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Granted modification of construction permit (B2-P-2582) which authorized a new station, for approval of transmitter and studio sites, vertical antenna and change in type of transmitting equipment.

WHYN—The Hampden-Hampshire Corp., Holyoke, Mass.—Granted modification of construction permit (B1-P-1701, which authorized a new station) to change type of transmitting equipment and approving antenna and transmitter site at Canal St., So. Hadley, Mass.

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted modification of construction permit (B3-P-2476) to change type of requested transmitting equipment and extend commencement and completion dates to 30 and 180 days after grant, respectively.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted modification of construction permit (B4-P-1990 which authorized increase in night power and changes in directional antenna for day and night use) to install a new transmitter.

WITH—The Maryland Broadcasting Co., Baltimore, Md.—Granted modification of construction permit (B1-P-2792, which authorized a new station) to change type of requested transmitting equipment and extend commencement date from December 29 to 30 days after grant and completion date to 180 days thereafter.

WSBT—The South Bend Tribune, South Bend, Ind.—Granted modification of construction permit (B4-P-900 which authorized changes in equipment, installation of directional antenna, change frequency, hours of operation and move of transmitter) for move of transmitter to west side of Ironwood Road, between Jackson Road and Kern Road, and extend commencement and completion dates to 60 and 180 days after grant, respectively.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from State-Lake Bldg., Chicago; 100 watts for visual 25 watts for aural; in order to conduct tests, for period December 20 to January 18, in accordance with construction permit.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted request for waiver of Sec. 3.71 and special temporary authority to operate from 8 a. m. to 2:30 p. m. and 5 to 6:45 p. m., CST, December 25th, conditionally.

WCLE—United Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate from 5:15 p. m. EST, to the conclusion of East-West football game on January 1, in order to broadcast said game only.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from 4:45 to 5 p. m., EST, December 15, in order to broadcast speech by Dr. Boynton Merrill, Chairman of Congressional Christian Committee for Assistance to War Victims only.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8 to 10 p. m., EST, on December 11, in order to broadcast special ASCAP Musical Festival only.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., CST) to 6:15 p. m., CST, January 1, in order to broadcast East-West All Star football game only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to operate from 8 p. m., EST, to conclusion of East-West football game on January 1, in order to broadcast said game only.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 to 11 a. m., from 1 to 3 p. m., and from 8 to 12 p. m., EST, on December 25, and January 1, in order to broadcast programs of a holiday character (provided WOSU remains silent).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 11:30 p. m., EST, until conclusion of Christmas Mass December 24, in order to broadcast said program only.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted authority to determine operating power by direct measurement of antenna input.

KGFX—Ida A. McNeil, Administratrix of Estate of Dana McNeil, Deceased, Pierre, S. Dak.—Granted authority to determine operating power by direct measurement of antenna input.

WBBR—Watchtower Bible and Tract Society, Inc., Brooklyn, N. Y.—Granted authority to determine operating power by direct measurement of antenna input.

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Granted authority to determine operating power by direct measurement of antenna input.

KRBA—Redlands Broadcasting Assn., Lufkin, Texas.—Granted authority to make changes in automatic frequency control equipment, upon condition that said authorization shall

not be construed as a finding by the Commission upon revocation proceedings pending and awaiting final decision.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted authority to install new automatic frequency control equipment.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to operate on frequency **44.1** instead of **43.4 mc.,** in order to continue experiments in rebroadcasting high frequency broadcast station W2XMN emissions, which are to be rebroadcast by W1XOJ, for period December 20 to January 1.

WAPI—Ala. Polytechnic Institute, etc., Birmingham, Ala.—Granted authority to determine operating power by direct measurement of antenna input, upon condition that said grant is not to be construed as finding upon application for renewal of license pending in hearing docket.

William H. Amesbury, Minneapolis, Minn.—Granted motion to continue hearing now scheduled for December 16, until January 17, 1941, in re application for new station to operate on **630 kc.,** 1 KW, unlimited time, DA night and day.

Central Carolina Broadcasting Corp., Burlington, N. C.—Granted petition to accept amendment to application for a new station so as to request frequency **890** instead of **1420 kc.,** and 250 watts daytime only, instead of 100 watts, unlimited.

KFOR—The Sidels Co. (Transferor), Star Printing Co. (Transferee), Lincoln, Neb.—Granted petition of transferor and transferee to dismiss applications for transfer of control of stations KFOR and KFAB, without prejudice.

KFAB—The Sidels Co. (Transferor), Star Printing Co. (Transferee), Lincoln, Neb.—Granted petition of transferor and transferee to dismiss applications for transfer of control of stations KFOR and KFAB, without prejudice.

KRVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with KRKO from 2 to 4 p. m., PST, on December 15, 22, 29 and January 5, 1941, in order to broadcast basketball games only.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to remain silent on December 25th, and on January 1, in order to observe the holidays; to remain silent from 7:30 to 8:30 a. m. and from 2:30 to 3:30 p. m., CST, on December 20, 21, 23, 24, 26, 27, 28, 30 and 31; January 2, 3, 4 and 6, in order to observe vacation and to operate from 10:45 to 11:30 a. m., CST, on said dates instead, in order to broadcast holiday programs only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m., EST, December 23, 24, 25, 26, 27, 30, 31, 1940, and January 1, 2, and 3, 1941, in order to broadcast sustaining musical programs as described in letter of December 6 (provided WSVS remains silent).

WCAT—So. Dak. State School of Mines, Rapid City. S. Dak.—Granted special temporary authority to remain silent for the period December 21, 1940, to January 5, 1941, in order to observe Christmas vacation.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate additional time on December 16th, in order to broadcast speech by Paul Armstrong, Ill. State Director of Selective Service only.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted consent to transfer control of Knickerbocker Broadcasting Co., Inc., licensee of station WMCA, from Donald J. Flamm to Edward J. Noble for the sum of $850,000. Station operates on **570 kc.,** 1 KW, unlimited time (B1-TC-252).

The Thumb Broadcasting Co., Brown City, Mich.—Designated for hearing application for new station to operate on **600 kc.,** 250 watts, daytime only (B2-P-1886).

World Peace Foundation, Abraham Binneweg, Jr., Oakland, Cal.—Denied petition for rehearing in re application for a new developmental broadcast station which was denied by the Commission November 20, 1940.

WRBL—Columbus Broadcasting Co., Inc., Columbus, Ga.—Dismissed the protest and request for reconsideration directed against the action of the Commission November 13, 1940, granting the application of La Grange Broadcasting Company for a new station in La Grange, Ga., to operate on frequency **1210 kc.,** 250 watts, unlimited time.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Retired to the closed files the application for modification of CP granted October 10, 1939, authorizing changes in equipment and increase in power (B3-MF-856).

In the Matter of Investigation of Chain Broadcasting—Granted extension of time to January 2, 1941, to all parties for filing supplemental briefs in re the matter of Investigation of Chain Broadcasting (Docket 5060).

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with KTHS on **1060 kc.,** from 11:45 p. m., Dec. 24, to 2 a. m., EST, Dec. 25, in order to broadcast Midnight Mass from St. Ignatius Church in Baltimore.

WGNY—WGNY Broadcasting Co., Inc., Newburgh, N. Y.—Granted special temporary authority to operate from midnight to 1:30 a. m., EST, Dec. 25, in order to broadcast Catholic Church program only.

WINS—Hearst Radio, Inc., New York City.—Granted modified special temporary authority to operate from 7 p. m., Dec. 16, to 11 a. m., EST, Dec. 17, in order to broadcast the Hearst Diamond Belt Boxing Finals from Madison Square Garden and music, program to be sponsored and proceeds turned over to New York City Milk Fund.

WJOB—G. E. Richardson and Fred L. Adair (a partnership), Hammond, Ind.—Granted special temporary authority to operate simultaneously with WFAM from 4:15 to 6 p. m., CST, Dec. 28, in order to broadcast basketball game tournament only.

WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 10 to 10:30 p. m., EST, on Dec. 30, in order to broadcast basketball game only (provided WKBN remains silent).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted request for waiver of the requirements of Sec. 3.71 and granted special temporary authority to operate from 9 a. m. to 2 p. m., Dec. 25.

WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast on a sustaining basis the Metropolitan Opera programs on Saturdays, to be received from international broadcast stations WNBI and WRCA over station WNEL, for a period not to exceed 30 days.

WMOR—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 8 p. m. to 11 p. m.. December 13, 20, 27, 1940, January 3, 4, and 10, 1941, in order to broadcast basketball games only; to operate from 4:30 p. m. to 5:30 p. m., December 22, 1940, in order to broadcast religious cantata; from 8 p. m. to 12 p. m., December 24, 1940, in order to broadcast basketball game and religious music in evening; from 4:30 p. m., December 31, 1940, to 1 a. m., CST, January 1, 1941, in order to broadcast New Year's Day celebration in Aurora only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to conclusion of basketball games on Dec. 20, 28 and Jan. 3, 4, 7, 8, 10 and 11, in order to broadcast games only.

KOAC—Oregon State Agric. College, Corvallis, Ore.—Granted special temporary authority to remain silent on Dec. 25 in order to observe the holiday.

KGEK—Elmer G. Beehler, Sterling, Colo.—Denied special temporary authority to operate from 1:30 to 4:30 p. m., MST, on Dec. 25, in order to broadcast Christmas programs only.

The following actions were taken by (Walker, Commissioner) on December 16:

KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate with power of 250 watts from local sunset (Dec. 4:45 p. m., CST), Dec. 31, to 12:30 a. m., CST, Jan. 1, in order to broadcast special New Year's services only.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 10 p. m., CST, on Jan. 2, 6, 11, 13 and 28, in order to broadcast Purdue University basketball games only.

WEW—The St. Louis University, St. Louis, Mo.—Granted special temporary authority to operate from midnight, Dec. 24, to 1:30 a. m., CST, Dec. 25, in order to broadcast midnight Mass only.

W1XER—Yankee Network, Inc., Boston, Mass.—Granted construction permit to change frequency from **42340** to **43900 kc.,** increase power from 500 watts to 1 KW, emission from A3 to special for FM, and change type of transmitter (BH-B1-284); also granted license to cover same (LH-BL-69).

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10 p. m. to 10:30 p. m.,

EST, on December 14, 1940, in order to broadcast the Westover Fields opening Christmas Ball and incidental matters to said ball only.

KFUO—Evangelical Lutheran Synod of Mo., Etc., Clayton, Mo.—Granted special temporary authority to operate from 3 to 4 a. m., CST, on December 14, in addition to the authority granted to operate from 2 to 3 a. m., Dec. 14, in order to broadcast a DX program only.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 10 to 10:30 p. m., EST, on Dec. 14, in order to broadcast the Westover Fields opening Christmas Ball and incidental matters to said ball only.

APPLICATIONS FILED AT FCC

570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y. —License to cover construction permit (B1-P-2980) to move old Composite transmitter to site of new main transmitter, emergency use only, with power of 1 KW, directional antenna day and night.

580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—License to cover construction permit (B2-P-2739) for increase in power and installation of directional antenna.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Authority to determine operating power by direct measurement of antenna power.

630 Kilocycles

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-2475) as modified, for new transmitter, directional antenna for day and night use, increase in power and move of transmitter, requesting extension of completion date from 1-27-41 to 3-27-41.

780 Kilocycles

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

830 Kilocycles

WEEU—Berks Broadcasting Co., Reading, Pa.—Construction permit to install directional antenna for night, change hours of operation from daytime to unlimited time, using power of 1 KW day and night.

920 Kilocycles

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Modification of construction permit (B3-P-2901) to install directional antenna for night use; change hours of operation from daytime to unlimited time, using power of 1 KW day and night; move transmitter, further requesting authority to install new transmitter, increase power from 1 KW to 1 KW night, 5 KW day, and move transmitter location from Saxon Mills, S. C., to near Lowe, S. C., and extend commencement and completion dates to 30 days after grant and 180 days thereafter, respectively.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Modification of construction permit (B5-P-2577) for new transmitter, directional antenna for day and night use, increase in power, requesting move of transmitter from 5580 West 20th Ave., near Denver, Colorado, to 5350 West 20th Ave., near Denver, Colo.

1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Construction permit to install directional antenna for night use; change in frequency from **1050** to **780 kc. (790 kc.** under North American Regional Broadcasting Agreement). and hours of operation from limited to unlimited time. Amended to move transmitter.

1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of construction permit (B3-P-2766) for increase in power, new equipment and directional antenna for night use, requesting approval of transmitter site at Roosevelt Road, Baton Rouge, La., and approval of directional antenna for day and night use.

1170 Kilocycles

NEW—Capital City Broadcasting Co., Inc., Topeka, Kansas.—Construction permit for a new station to be operated on **1170 kc.,** 5 KW, daytime, Class II station. Transmitter site, Tecumseh, Kansas.

1180 Kilocycles

KOB—Albuquerque Broadcasting Company, Albuquerque, N. Mex. —Modification of construction permit (B5-P-2783) as modified, for changes in equipment, increase in power, requesting extension of completion date from 1-7-41 to 3-8-41.

1200 Kilocycles

WESX—North Shore Broadcasting Co., Salem, Mass.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—License to cover construction permit (B2-P-2871) as modified, for a new station.

WAJR—West Virginia Radio Corp., Morgantown, W. Va.—Authority to determine operating power by direct measurement of antenna power.

1210 Kilocycles

WSIX—WSIX, Incorporated, Nashville, Tenn.—Construction permit to install new transmitter, directional antenna, for night use, change in frequency from **1210** to **950 kc. (980 kc.** under NARA), increase power from 250 watts to 1 KW, 5 KW day, and move transmitter from N. E. corner Boscubel & Third Sts., Nashville, to Buena Vista Park and Moorman Arm Road, Nashville, Tenn.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, Louisiana. —Construction permit to change frequency from **1210** to **580 kc.** (Class II-B), increase power from 250 watts to 1 KW, install a new transmitter, install directional antenna for night use, and move transmitter from upper 4th St., Alexandria, La., to Alexandria, La.

WSOC—Radio Station WSOC, Inc., Charlotte, N. C.—Modification of construction permit (B3-P-2893) for new antenna, move of studio and transmitter, increase power, further requesting authority to install new transmitter, and extend commencement and completion dates.

1300 Kilocycles

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Modification of construction permit (B3-P-1849) for installation of directional antenna, for night use, increase power, requesting further changes in directional antenna system, and extension of commencement and completion dates from 12-29-40 and 6-29-41 to 30 days after grant and 180 days thereafter, respectively.

1310 Kilocycles

KUSF—New Mexico Broadcasting Company, Inc., Santa Fe, New Mexico.—Construction permit to install new transmitter, new vertical antenna, move transmitter and studio from 759 Cerrillos Road, Santa Fe, New Mexico, to South Cerrillos Road, Santa Fe, New Mexico, change frequency from **1310** to **1230 kc.,** and increase power from 100 watts to 1 KW. Contingent on granting KGGM application B5-P-2918. Amended: re transmitter site, Santa Fe, New Mexico.

WMFF—Plattsburg Broadcasting Corporation, Plattsburg, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—License to cover construction permit (B1-P-2543) as modified; for new transmitter and antenna, increase in power and move of transmitter.

1330 Kilocycles

WSAI—The Crosley Corporation, Cincinnati, Ohio.—Modification of construction permit (B2-P-2221) as modified, for increase in power, installation of directional antenna, move

transmitter to new site, requesting extension of completion date from 1-15-41 to 7-15-41.

1370 Kilocycles

KOKO—The Southwest Broadcasting Co., La Junta, Colo.—Authority to determine operating power by direct measurement of antenna power.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—License to cover construction permit (B2-P-3013) for new transmitter.

1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Construction permit to change frequency from **1390 kc.** to **1010 kc.,** under North American Regional Broadcasting Agreement; change power from 5 KW to 50 KW; install new transmitter; move transmitter; and make changes in directional antenna for night use.

1420 Kilocycles

WMAS—WMAS, Inc., Springfield, Mass.—Construction permit to change frequency from **1420** to **880 kc. (910 kc.** under North American Regional Broadcasting Agreement); install a new transmitter; install directional antenna for day and night use; and move transmitter from West Street, Springfield, Mass., to Riverdale St., opposite Morgan Road, West Springfield, Mass.; increase power from 250 watts to 1 KW night, 5 KW day.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of construction permit (B3-P-1939) as modified for increase in power, change in frequency, installation of new transmitter and directional antenna for night use, and move of transmitter, requesting authority to make changes in directional antenna system for night use, make changes in equipment, and extend commencement and completion dates.

1440 Kilocycles

KXYZ—Harris County Broadcasting Co., Houston, Tex.—Authority to determine operating power by direct measurement of antenna power.

1450 Kilocycles

WHOM—New Jersey Broadcasting Corporation, Jersey City, N. J.—Construction permit to install new transmitter and directional antenna for day and night use; increase in power from 500 watts night, 1 KW day, to 10 KW day and night; change frequency from **1450** to **1560 kc.** (under North American Regional Broadcasting Agreement); and move transmitter from foot of Washington St., Jersey City, N. J., to New Town Creek, Long Island City, N. Y.

1470 Kilocycles

WLAC—J. T. Ward, tr. as WLAC Broadcasting Service, Nashville, Tenn.—Construction permit to install new transmitter, install directional antenna for night use, increase power from 5 KW to 50 KW, and move transmitter from near Nashville, Tenn., to near Jordonia, Tenn. Amended: To move transmitter to Nashville, Tenn., changes in directional antenna system and transmitting equipment.

1490 Kilocycles

NEW—Broadcasters, Inc., San Jose, Calif.—Construction permit for a new station on **1500 kc. (1490 kc.** under North American Regional Broadcasting Agreement), 250 watts, unlimited time.

1500 Kilocycles

NEW—Natchez Broadcasting Co., Natchez, Miss.—Construction permit for a new station to be operated on **1500 kc.,** 250 watts, unlimited time, Class IV. Amended to give transmitter site as Highway "61", Natchez, Miss.

WWSW—Walker & Downing Radio Corporation, Pittsburgh, Pa.—Construction permit to install new transmitter, directional antenna, day and night use; change frequency from **1500** to **940 kc.;** increase power from 250 watts to 1 KW, 5 KW day; move transmitter from 341 Rising Main St., Pittsburgh, Pa., to approximately 1½ miles north of McKees Rocks Boro, Stowe Township, Pennsylvania.

FM APPLICATIONS

NEW—WHFC, Inc., Cicero, Ill.—Construction permit for a new high frequency broadcast station to be operated on **47500 kc.,** coverage, 2885 square miles, population 3,835,000. Amended: To change frequency from **47500** to **46700 kc.,** coverage from 2885 to 11,100 square miles, population from 3,835,000 to 4,868,500, and change type of transmitter and antenna.

NEW—WFIL Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on **45300 kc.,** coverage of 10,900 square miles, population 4,760,200.

NEW—Rockford Broadcasters, Inc., Rockford, Ill.—Construction permit for a new high frequency broadcast station to be operated on **45100 kc.,** coverage 6000 square miles, population 394,500. Amended: re antenna changes.

TELEVISION APPLICATION

W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile, Area of New York, N. Y.—Modification of construction permit (B1-PVB-46), which authorized a new television broadcast station, requesting extension of completion date from 1-7-41 to 7-7-41.

MISCELLANEOUS

WDBJ—Times-World Corporation, Roanoke, Va.—Modification of construction permit (B2-P-2522) for installation of directional antenna for night use, increase power to 5 KW, for approval of transmitter location at present licensed site and approval of directional antenna as specified under construction permit.

NEW—Columbia Broadcasting System, Inc., area of Los Angeles, Calif., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **33380, 35020, 37620, 39820 kc.,** 100 watts power, A-3 emission.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

Federal Trade Commission has alleged unfair competition 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.

Alma's Home Made Candies—Use of lottery methods in the sale of candy is alleged in a complaint issued against Mrs. Alma Loughran and Lee R. Loughran, trading as Alma's Home Made Candies, 2737 West Madison St., Chicago.

The respondents, according to the complaint, sell to wholesalers, jobbers and retail dealers certain assortments of candy so packed or assembled as to involve the use of a game of chance, gift enterprise or lottery scheme, when sold to the consuming public. Push card devices are used, the complaint alleges.

Charging that the respondents' practices have been of a sort which are contrary to Federal Government public policy and in violation of the criminal laws and the Federal Trade Commission Act, the complaint grants the respondents 20 days for filing answer. (4409)

Hartig Drug Company, trading as H. K. Pharmaceutical Laboratories, 756 Main St., Dubuque, Iowa, engaged in the sale and distribution of medicinal preparations, including treatments designated "Menstruaid Nos. 1, 2, 3, 4 and 5" is charged in a complaint with misrepresentation.

In advertisements disseminated through United States mails and other media in the various States, the complaint charges, the respondent has represented that the preparations constitute a competent and effective remedy for delayed menstruation; are harmless, and constitute a scientific remedy which is fully guaranteed.

The complaint alleges that the respondent's preparations and practices do not justify the claims made and that the products are not safe or harmless, as they contain certain drugs in quantities sufficient to cause serious and irreparable injury to health if used under conditions prescribed in the advertisements, or under such conditions as are customary or usual.

The complaint also charges that the advertisements disseminated by the respondent constitute false advertisements for the further reason that they fail to reveal that the use of the preparations under the conditions prescribed in the advertisements, or under such conditions as are customary or usual, may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and, in case of pregnancy, may cause uterine infection and blood poisoning. (4406)

Health Ray Manufacturing Company, Inc., Deep River, Conn., in the sale of its "Twin-Arc Health Ray Sun Lamp," is alleged to disseminate advertisements in newspapers, periodicals and other advertising literature, in which it represents, directly or by implication, that its device is a sun lamp emitting ultra-violet rays of the same wave lengths and intensity as natural midsummer sunlight and giving benefits to the skin and individual health equivalent to or exceeding those given by such sunlight; that the device is suitable and safe for unsupervised use in the home in treating diseases; that such use for home treatment helps build strong bones and teeth; that it tones up the system, acts as a tonic, builds up bodily resistance, increases gland activity and serves as a cure, remedy or competent treatment for athlete's foot, acne, pimples and other skin ailments. (4408)

Samuel H. Moss, Inc., 36 East 23rd St., New York, processor, manufacturer and distributor of rubber stamps, is charged with price discrimination in violation of the Robinson-Patman Act in a complaint.

The complaint alleges that among the general practices pursued by the respondent in discriminating in price is the sale to some customers of rubber stamps 3 inches or less in length of 3/8 of an inch or less in height at 4¢ a line, plus 4¢ for each additional line or any fraction thereof, while other customers purchasing the same type of rubber stamp of like grade and quality, are charged varying prices of 5¢, 7¢, 8¢, 15¢, 20¢ or 30¢ a line of the same dimensions, plus, in each instance, an additional sum for each additional line or any fraction thereof.

Among the respondent's general practices, the complaint continues, is the sale at approximately the same time of rubber stamps of like grade and quality at varying prices of 4¢, 5¢ and 15¢ a line, 2 inches or less in length and 3/8 of an inch or less in height plus, in each instance, an additional sum for each additional line or any fraction thereof.

The complaint alleges that the effect of the respondent's price discriminations has been and may be substantially to lessen competition and to injure, destroy and prevent competition between the respondent and its competitors in the sale and distribution of rubber stamps in commerce, and has been and may be to tend to create a monopoly in the respondent in the rubber stamp business. (4405)

Rockdale Monument Company—James J. Collins, Charles J. Hepp and Catherine Hepp, trading as Rockdale Monument Company, Joliet, Ill., engaged in the manufacture and sale of imitation granite monuments and markers, are charged, in a complaint with misrepresentation of their products.

In advertisements, in magazines, circulars and other advertising matter, the complaint charges, the respondents have represented that "You buy from us at wholesale prices.", "We are the only company offering an easy payment plan on the purchase of monuments or markers by mail at the low prices as shown in our catalog.", "A lasting memorial that will endure through the years." and "Flint-like hardness. Made of the finest grades of granite aggregates."

The complaint alleges that these representations are false and misleading, as the prices at which the respondents offer their products for sale are not wholesale prices nor special or reduced prices; that the respondents are not the only dealers offering monuments or markers for sale at low prices on the installment or partial payment plan; that the products are not of natural granite but are cast stone or artificial stone, being a mixture of cement and granite chips molded into the desired forms and ground and polished to resemble natural granite; and that the products are not of a permanent nature but deteriorate much more rapidly than natural granite. (4404)

Royal River Packing Corp.—Five corporations operating sardine canning plants in Maine have been served with complaints alleging violation of the brokerage provision of the Robinson-Patman Act.

Respondents are: Royal River Packing Corporation, Yarmouth, Me.; Belfast Packing Company, Belfast; North Lubec Manufacturing & Canning Company, North Lubec; Union Sardine Company, Lubec; and Booth Fisheries Corporation, Chicago, operating a sardine business through its subsidiary, Booth Fisheries Sardine Company, which has its principal office at Eastport and its canning plant at Lubec, Me.

The complaints allege that the respondents have granted and allowed substantial brokerage fees and commissions and allowances and discounts in lieu thereof to certain of their customers.

In some instances, according to the complaints, the respondents effect sales of their sardines through brokers whom they employ as selling agents. In other instances, the complaints continue, sardines are sold by the respondents directly to purchasers, among which class of purchasers are some of the respondents' brokers, who, on occasions, purchase sardines for their own account for resale. When sales of sardines are effected through brokers, the complaints allege, the respondents pay to such brokers a brokerage fee or commission usually amounting to five per cent of the price at which the respondents invoice such sardines to the purchasers.

Among the methods employed by the respondents in granting and allowing the brokerage fees or allowances, the complaints allege, is the granting of an allowance or discount in lieu of brokerage to some of their customers the sales to whom are effected directly by the respondents. This allowance or discount is alleged to be granted by selling sardines to such customers at a price which reflects a reduction from the prices at which the respondents currently sell sardines to other customers. The amount of the reduction, according to the complaints, represents brokerage currently being paid by the respondents to their brokers for effecting sales of sardines to other purchasers.

A further method employed, according to the complaints, is the granting of an allowance or discount in lieu of brokerage by the respondents to other of their customers the sales to whom are effected through brokers to whom the respondents do not pay the full brokerage customarily paid to their brokers for effecting sales of sardines. This allowance or discount, according to the complaints, is granted by selling sardines to such customers at prices reflecting a reduction from the prices at which the respondents currently sell sardines to other customers. It is alleged that the reduction reflects brokerage in an amount representing and approximately equalling the difference between the full brokerage customarily paid by the respondents to their brokers for effecting such sales and the amount of brokerage actually paid by the respondents to their brokers for effecting such sales. (4410-4414 incl.)

Ultra-Violet Products, Inc., Los Angeles, Calif., in the sale of its "Life Lite," a quartz lamp device of the so-called "cold" type, whereby a mercury arc is burned in quartz, is alleged to disseminate advertisements through the mails and in newspapers and periodicals in which it represents, directly or by implication, that its device is a sun lamp giving benefits to the skin and to individual health comparable to that produced by natural sunlight, and that it is safe for unsupervised use in the home for self-treatment.

Further representations of the respondent, according to the complaint, are that use of the device provides a cure, remedy or competent and adequate treatment for, and will relieve, chronic infections and bacterial skin diseases, as well as those of fungus origin; and that it will provide such cure and relief for athlete's foot impetigo, eczema and similar ailments, and for asthma, hay fever, bronchitis and similar ailments.

The complaint alleges that the respondent represents that use of its device stimulates skin tissues, builds resistance to disease, produces a chemical reaction that keeps the blood stream

in balance, aids in overcoming red or white corpuscle deficiency, stimulates the endocrine glands, soothes the nerves, acts as an antacid, improves metabolism, and relieves pain. (4407)

STIPULATIONS

During the week the Commission has entered into the following stipulations:

Carbola Chemical Company, Inc., Natural Bridge, N. Y., stipulates that it will cease representing, directly or by implication, that its preparation "CCC Rat Killer" attracts both rats and mice because it is sweetly flavored; that it attracts, will be eaten by, or kill mice of kinds other than house mice; that it kills entire families of rats or mice or is 100 per cent effective, and that the preparation is absolutely safe for use about the house, farm, public markets, grain houses, meat markets, etc., or in any place where small children, pets, poultry or other animals might eat it. (02681)

DeGroodt & Associates, Inc., trading under the name "Mrs. Sothern Home Made Sweets," 426 Greenwich St., New York, has entered into a stipulation in which it agrees to cease making certain representations in the sale of candy.

The respondent corporation stipulates that it will cease using the words "Home Made" as part of its trade name or in any way as descriptive of its factory-made products, the effect of which tends to convey the impression that its products are made at home and thus differ from factory-made products.

Among other representations which the respondent corporation agrees to discontinue is use of the statement "The only candy which is delivered fresh from the kitchen to your place of business," so as to imply that the respondent's products are actually made in its own kitchen or that it owns, operates or controls the plant or factory in which such products are made or is the only concern which delivers products from kitchen to consumer (3003)

Dundes & Frank, Inc., 64 West 48th St., New York, according to its stipulation, disseminated advertisements of "Silver Pine Hair Tonic" on behalf of the distributor, Henry Charambura, trading as Silver Pine Manufacturing Company, 45 Astor Place, New York. The respondent advertising agency agrees that, in disseminating advertising for Silver Pine Hair Tonic, it will cease representing in the advertisements, directly or by implication, that this preparation retards or stops falling hair or stops the loss of hair; that it develops healthy scalps or keeps scalps healthy, and that Silver Pine Hair Tonic eliminates or destroys dandruff. (02682)

Gellman Manufacturing Company, Rock Island, Ill., in the sale of "Beauty Builder and Beauty Fount" vapor-electric bath cabinets, agrees to cease representing, directly or by implication, that these products have a direct value in the permanent reduction of excess weight; that the devices, by means of vapor heat, infra-red or ultra-violet rays, help eliminate excess fat; that the use of the cabinets will rid the body of harmful toxins or "cure," "banish," or "erase" fatigue, or that they will benefit nervous or underweight persons. (02680)

Louis Pierce Hartley, 302 North Main St., Janesville, Wis., engaged in business under the trade name "Natural Color Photo Service" and selling photo supplies and colored or tinted snapshots made from films sent in by customers, stipulates that, in connection with the advertisement or sale of snapshots, he will cease using the words "Natural Color" as part of his trade name and will discontinue using the words "Natural Color" or "Natural Color Prints", or words of similar import, the effect of which tends to convey the impression that the snapshots are the result of natural color photography. The stipulation points out that the respondent's snapshots are hand-tinted or hand-colored and are not the result of natural color photography. (3002)

Linco Products Corporation, 2155 West Eightieth St., Chicago, stipulates that it will cease advertising, directly or by implication, that its product 'Linco" will remove all stains or discolorations, or any stains or discolorations other than those which are capable of oxidation; that the respondent's preparation kills all germs, positively disinfects, and is a positive sterilizer; and that all bacteria and infectious germs are removed by the product.

F. Lucas, 174 West 65th St., New York, in the sale of "Flu-Mous-Ded," agrees to cease representing, directly or by implication, that the product is sure death to mice; that mice destroyed by it will leave no decomposition odors; that it is the most effective rodenticide, and that it is used everywhere by pest control operators, warehousemen, and feed men, and in food packing plants or places used for similar purposes. (02678)

Neff & Fry Company, Camden, Ohio, builder of concrete burial vaults or so-called "Surface-Sepulchers" for the entombment of the dead, agree to cease using any representation the effect of which tends to convey the impression that its vaults either will last unimpaired throughout eternity or will afford permanent or absolute protection to, or lasting preservation of, bodies encased therein; to discontinue representing that, at the time of its interment, each vault is waterproof or will continue to be or to remain impervious to water, dampness or moisture, and to cease representing that the initial appearance of the cast stone lid or top or a vault will endure or forever remain unmarred, as by checking, chipping or cracking. (3000)

Neo-Products Company of America—Charles J. Ahsbahs, trading as Neo-Products Company of America, 72 Leonard St., New York, engaged in selling a medicinal preparation designated "Activanad", has entered into a stipulation in which he agrees to cease and desist from certain representations concerning the product.

The respondent stipulates that he will cease representing, directly or by implication, that the preparation is praised or recommended by eminent physicians or psychiatrists that it strengthens the body or is beneficial for persons afflicted with fear, anxiety, irritability, worry or fatigue; that it benefits failing physical processes, and prevents chronic disorders, or, otherwise, that the preparation has any therapeutic value in the prevention of any ailment or disease.

Under his stipulation, the respondent further agrees to cease representing, directly or by implication, that use of his preparation prevents fatigue; builds up the body; promotes formation of new blood or is of any therapeutic value in the treatment thereof; strengthens the muscles; promotes sleep; increases capacity for mental concentration; provides new reserves of power, new funds of energy, better poise or self-confidence; provides energy for the body and strengthens the nerves; is an effective aphrodisiac; produces a striking or prompt effect; or is beneficial following childbirth or physical collapse. (02676)

D. Schwartz Hat Works—David Schwartz, trading as D. Schwartz Hat Works, 534½ South Spring St., Los Angeles, manufacturer of so-called specialty and novelty hat items, agrees to desist from representing in any manner that products made in whole or in part from second-hand, old, worn or used materials, are new or composed of new materials. The respondent also stipulates that he will cease representing that products made in whole or in part of second-hand, old, worn or used materials, are new or are composed of new materials, by failure to properly disclose, as by stamping on the sweatbands or bodies of the hats, in conspicuous terms which cannot be removed without mutilating the stamped part, a statement that such products are composed of or contain second-hand, old, worn or used materials. (3001)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders;

Bell & Company, Inc., Orangeburg, N. Y., has been ordered to cease and desist from misrepresentations in the sale of its medicinal preparation advertised as "Bell-Ans".

Commission findings are that in extensive advertisement of its product in newspapers and streetcar and subway advertisements, the respondent represented that Bell-Ans is a cure or remedy for indigestion; that it will correct other digestive disturbances due to acid conditions and afford permanent relief from various symptoms of digestive disorders, when in fact it has no therapeutic value in treating these ailments in excess of furnishing temporary relief when the disorder is due to gastric hyperacidity.

The Commission order directs that the respondent cease representing, directly or indirectly, that its preparation is a cure or remedy for indigestion or that it has any therapeutic value in treating this ailment in excess of furnishing temporary relief when the condition is due to gastric hyperacidity; that the preparation is a cure or remedy for symptoms of digestive disorders, such as flatulence, vertigo, dizziness and other symptoms, or that it is a competent treatment for such conditions in excess of furnishing temporary relief when they are symptomatic of gastric hyperacidity; and that the preparation will correct sour stomach or digestive disturbances due to acid condition or has any value in treating these disorders in excess of furnishing temporary relief when they are due to gastric hyperacidity. (2859)

Cup & Container Institute, Inc.—An order has been issued requiring the Cup and Container Institute, Inc., 420 Lexington Ave., New York, 8 of its officers and directors and 12 corporations controlling more than 60 per cent of the national output and sale of products of the paper drinking cup and paper food container industry, to cease and desist from a combination and conspiracy to restrain trade through the fixing and maintaining of uniform or minimum prices.

The respondents include Granville P. Rogers, president and executive director of the institute; Dale H. Eckerman, vice president and director; K. L. Stoler, secretary and director, and Henry Nias, director, all of New York; Robert J. Kieckhefer, Milwaukee; William S. Bacon, Kensington, Conn.; E. W. Skinner, Fulton, N. Y., and R. L. Allsion, Springfield, Mass., directors; Dixie-Vortex Company, Chicago and Easton, Pa.; Lily-Tulip Cup Corporation, New York and its subsidiary, Crystal Paper Service Corporation, Los Angeles; Herz Cup Company, a division of Herz Manufacturing Corporation, New York; American Lace Paper Company and Milwaukee Lace Paper Company, both of Milwaukee; Eagle Cup Corporation, Brooklyn; The American Paper Goods Company, Kensington, Conn.; Logan Drinking Cup Company, a division of the United States Envelope Company, Springfield and Worcester, Mass.; Sutherland Paper Company, Kalamazoo, Mich., and Sealright Company, Inc., a division of the Oswego Falls Corporation, Fulton, N. Y., all members of the respondent institute, and Cupples-Hesse Envelope and Lithographing Company, St. Louis. The last-named company, while not a member, was found to have cooperated with the institute and to have participated in some of the activities related in the findings.

Commission findings are that beginning in 1933, the corporate respondents, and certain other manufacturers cooperating with them and the institute, through the respondent institute, have carried out agreements and understandings for prevention of price competition by fixing and maintaining in many instances uniform prices for some of the industry's products. (4034)

Electrolysis Associates, Inc., and Louis Zinberg, an officer of the corporation, trading as Beautiderm Company, 1451 Broadway, New York, have been ordered to cease and desist from misrepresentations in the sale of "Beautiderm Midget", a device recommended for use in the electrolytic removal of hair.

Commission findings are that in newspapers, circulars, and other advertising matter the respondents represented their device as being an effective, efficient, safe and scientific apparatus for electrolytic removal of excess hair by individual self-application in the home. They were also found to have advertised that removal of such hair is permanent, and that use of the device is painless and harmless, and will have no ill effects.

The respondents' device, according to findings, will not accomplish the results claimed, and is not safe, painless, and harmless when used by the unskilled lay public.

Findings are further that the respondents have disseminated false advertisements in that such advertisements failed to reveal that use of their device by the unskilled under conditions prescribed in the advertisements or under customary and usual conditions may result in serious or irreparable injury to health, such as local infections, erysipelas, skin burns, scarring and permanent disfigurement.

The Commission order directs that the respondents cease disseminating advertisements which represent, directly or through inference, that their device or apparatus is an effective, efficient and scientific apparatus for the electrolytic removal of superfluous hair by individual self-application in the home; that its use is painless, safe and harmless and will have no ill effects upon the body when used by the unskilled lay public; that the removal of such hair is permanent; or which advertisements fail to reveal that use of the device or apparatus by untrained persons may result in permanent disfigurement, or cause infections or other irreparable injury to health.

Upon petition of the Commission, the U. S. District Court for the Southern District of New York had issued an order restraining the respondents from further dissemination of certain advertisements of their product pending issuance and final disposition of the Commission's complaint.

The Commission, in September, issued findings as to the facts and a cease and desist order against the respondents concerning misrepresentation of their device, but later vacated the findings, and the order and a stipulation as to the facts entered into by the respondents, because of having reason to believe that the respondents did not fully understand the character of the stipulation executed by them. The case was then remanded to the Commission's trial calendar. (4144)

Miller Drug Company—Julius Miller and Jessie Miller, trading as Miller Drug Company, 1160 North Clinton Ave., Rochester, N. Y., engaged in the sale and distribution of a medicinal preparation designated as "Belite", "Reducers" and "Miller's Reducing Prescription", have been ordered to cease and desist from false advertisements with reference to their products.

The Commission finds that, in advertisements circulated by the United States mails and other methods in commerce, the respondents represented that their medicinal preparation is a cure or remedy for obesity, constituting a safe, competent and effective treatment for obesity and the reduction of bodily weight. The Commission finds these representations to be false and misleading and that the preparation contains desiccated thyroid extract in quantities sufficient to cause serious and irreparable injury to the health if used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

Commission findings are further that the respondents' advertisements constituted false advertisements in that they failed to reveal that use of their preparation under these conditions may result in serious and irreparable injury through accelerating the rate of metabolism, thereby burning the body tissues in excess of that which is normal, and causing permanent injury to vital organs.

The respondents are ordered to cease and desist from disseminating or causing to be disseminated any advertisement in commerce which represents, directly or through inference, that the preparation is a cure or remedy for obesity or constitutes a safe, competent or effective treatment for obesity or the reduction of body weight; or which advertisement fails to reveal that use of the preparation may result in permanent injury to the heart, thyroid gland and other vital organs.

On petition of the Federal Trade Commission, the United States District Court for the Western District of New York recently issued an order restraining Julius Miller, trading as Miller Drug Company, from further dissemination of certain advertisements of the preparation, pending final disposition of the Commission's complaint against the respondents under its regular procedure. (4363)

Morehouse Manufacturing Company, trading as The Shaving Powder Company, Savannah, Ga., engaged in the manufacture and sale of a preparation for use in removing hair designated "Magic Shaving Powder", has been ordered to cease and desist from misrepresentation of the product.

The Commission finds that in advertisements in newspapers having a general circulation, the respondent has represented among other things, that "At last science has found a way to remove a beard without shaving", and readers were advised to "shave without a razor" and "merely apply Magic Shaving Powder as directed, then wipe off leaving a clear, smooth skin." These representations, the Commission finds, are deceptive and exaggerated in that the powder is a depilatory which accomplishes results by dissolving hair rather than by cutting as in shaving. Commission findings are further that the preparation does not comprise a new method and is not harmless in all cases. Two of the active ingredients of the powder, the findings continue, are barium sulphide and calcium hydroxide which, when the

respondent's product is used under customary and usual conditions, may be harmful to the skin and its underlying structures in people who have tender skin, and its use may also result in injury to the eyes of careless users.

According to findings, the respondent has discontinued all newspaper, periodical and direct letter advertising.

The Commission order directs the respondent to cease and desist from disseminating advertisements in commerce which represent, directly or through inference, that Magic Shaving Powder is a new method for removing hair or that the method prescribed for the use of Magic Shaving Powder constitutes shaving, or which advertisements fail to contain cautionary statements to the effect that Magic Shaving Powder should not be used by those having a tender skin and should not be allowed to get into the eyes of users thereof. (3721)

Charles H. Phillips Chemical Company, New York, has been served with an order directing it to cease and desist from misrepresentations in the sale of "Phillips' Milk of Magnesia Cleansing Cream" and "Phillips' Milk of Magnesia Texture Cream."

In advertising these preparations in newspapers, periodicals, advertising matter, and by radio broadcasts and other means in commerce, the respondent corporation, according to Commission findings, represented, directly or by implication, that there is a disease or abnormal pathological condition known as "acid skin" and that this condition and skin ailments which it causes can be cured or overcome by use of the respondent's preparations; that use of the preparations neutralizes external excess fatty acid accumulations in the same way that milk of magnesia neutralizes excess acid in the stomach; that use of the texture cream improves skin texture and frees the skin from oiliness, and that the cleansing cream penetrates the pores and thoroughly cleans the skin.

Commission findings are that there is no disease or abnormal pathological condition properly described as "acid skin"; that the respondent's products, in excess of affording certain temporary relief and aiding in the removal of dirt, foreign matter, or skin excretions, will not generally accomplish the results claimed; that the healthy and normal skin and its exudations are slightly acid, and that, although such acid may be neutralized by external applications of either or both of the respondent's preparations, such neutralization is not accomplished in the same way as milk of magnesia neutralizes excess acid in the stomach, and such neutralization is not necessary to the maintenance of a healthy skin condition.

The Commission order directs that the respondent cease disseminating advertisements which represent, directly or through inference, that there is a disease or condition properly described as "acid skin," which may be cured by use of the respondent's preparations or which causes skin blemishes, blackheads, enlarged pores, oily shine or dry, scaly roughness; that use of the respondent's preparations will cure or overcome skin blemishes; that use of either or both preparations have value in treating roughness of the skin in excess of temporarily relieving roughness when due solely to dryness; that either or both will remove blackheads or have value in such removal in excess of aid through removing accumulated dirt, foreign matter or skin excretions lodged in the exterior openings of the pores or present on the skin surface; will reduce enlarged pore openings or are of value in the treatment thereof in excess of aiding in their reduction when caused solely by accumulated dirt, foreign matter or skin excretions lodged in exterior openings of the pores; and will overcome or are of value in treating oily shine or oiliness of the face, in excess of temporarily removing accumulated oil from the skin surface.

The order also directs the respondent to cease representing that use of either or both preparations neutralizes excess fatty acid or other acid accumulations on the skin in the same way that milk of magnesia neutralizes acid in the stomach, or that the neutralization of a normal fatty acid or other acid accumulation on the skin is necessary to the maintenance of a healthy skin condition; that the preparations or either of them change or affect the texture of the skin, and that the use of the respondent's cleansing cream or of any other product of substantially similar ingredients penetrates the pores of the skin or thoroughly cleans the skin, except as it acts upon dirt or other matter which may be present on the skin surface or in the exterior openings of the pores. (3959)

Sorbol Company—Charles Keller, doing business as Sorbol Company and as Keller Company, Mechanicsburg, Ohio, engaged in the sale and distribution of two medicinal preparations known as "Sorbol-Quadruple" and as "Buckets," has been ordered to cease and desist from certain misrepresentations of the products and false advertising concerning them.

The Commission finds that by advertisements in newspapers, periodicals and other media the respondent has represented that the preparation "Buckets" eliminates excess acid and waste from the body and thereby constitutes a cure or remedy for frequent and scanty flow of urine, rheumatic pains, backache and leg pains, which it claims are due to excess acid and waste, and that "Sorbol-Quadruple" constitutes a cure or remedy for simple goiter, and possesses substantial therapeutic value in the treatment of such condition, and that the preparation is entirely safe and harmless.

The Commission finds that the respondent's representations are false and misleading; that the conditions enumerated by the respondent generally are not due to excess acid or waste, and that the preparation "Buckets" is of no substantial value in eliminating excess acid or waste, and possesses no therapeutic value in excess of that of a mild diuretic. The Commission finds further that "Sorbol-Quadruple" is not a cure or remedy for goiter and is not in all cases safe or harmless, as it contains the drug potassium iodide in a quantity sufficient to cause, in some instances, injury to health if taken under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondent is ordered, in connection with the sale or distribution of the preparations, to cease and desist from disseminating any advertisements in commerce which represent, directly or through inference, that the conditions known as frequent and scanty flow of urine, rheumatic pains, backache or leg pains are usually or generally due to the presence in the body of excess acid or waste; that the preparation "Buckets" is of any substantial value in eliminating excess acid or waste from the body, or constitutes a cure or remedy for frequent or scanty flow of urine, rheumatic pains, backache or leg pains, or possesses any substantial therapeutic value in the treatment of such conditions, or any therapeutic value in excess of that of a mild diuretic; that the preparation "Sorbol-Quadruple" constitutes a cure or remedy for goiter of any kind, or that it possesses any substantial therapeutic value in the treatment of such condition; or which advertisement with respect to the preparation "Sorbol-Quadruple" fails to reveal that the preparation should not be used by those having tuberculosis or any form of goiter other than simple goiter (provided, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label thereof, when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or any form of goiter other than simple goiter). (4368)

Union Starch & Refining Co. and its sales subsidiary. Union Sales Corporation, Columbus, Ind., with a corn refining plant at Granite City, Ill., have been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act in the sale of glucose or corn syrup unmixed. This syrup, one of the principal products derived in the refining of corn, is used as a major raw material in the manufacture of candy.

Between June 19, 1936, and July 23, 1937, according to Commission findings, the respondents sold such syrup at higher delivered prices per 100 pounds to purchasers located in certain cities other than Chicago, Danville, North Chicago, Dixon, and Zion, Ill., and Milwaukee, Wis., than they had sold it in containers of like size and type to purchasers located in these cities; and between July 23, 1937 and the present time, the respondents have sold syrup to purchasers located outside of Chicago at higher prices per 100 pounds than they have sold such syrup in containers of like size and type to Chicago purchasers. These higher prices were not uniformly higher, according to findings, but varied with the geographical location of the purchasers paying the prices; for example, they varied from $2.09 in Chicago to $2.89 in Fort Worth, Tex., as of August 1, 1939, while at the same time Chattanooga purchasers paid $2.51 and St. Louis customers $2.27.

According to findings, the respondents, by selling their syrup at the different prices as found (the differences between which prices have not been justified by the respondents), have discriminated in prices between such purchasers who have paid the different prices.

Commission findings are that the respondents' policy has been to sell and deliver their syrup in several sizes and types of containers at prices per hundredweight which increase over the tank car price per hundredweight according to the size and type of container.

As a result of the respondents' discriminations, the findings continue, untavored purchasers paying the higher prices for the syrup are under a competitive disadvantage. Not only is the quantity of such syrup used significant, but the price paid therefor by such purchasers is a substantial part of the cost of the raw materials used in particular candies having a relatively high syrup content, as well as of the total cost of manufacturing an extensive line of candies having a wide range of syrup contents. The costs of the unfavored of such purchasers, according to findings, increase over the costs of the favored purchasers directly as the amount of the discrimination between them increases, and as the syrup content of the candy increases.

The Commission order directs that the respondents cease and desist from discriminating in price between different purchasers of glucose or corn syrup unmixed, of like grade and quality, either directly or indirectly in the manner and degree as found by the Commission; from continuing or resuming such discriminations; from otherwise discriminating in price in a manner and degree substantially similar to the discriminations found, and from otherwise selling such product to some purchasers at different prices than to other purchasers where the effect may be to violate the Robinson-Patman Act. (3804)

FTC CASES CLOSED

The Federal Trade Commission has closed its case against Leon Hood, trading as St. Joseph School of Flying, St. Joseph, Mo., without prejudice to its right to resume proceedings, should future facts so warrant. The respondent had been charged with misrepresentation in the sale of a correspondence course in aviation.

The Commission was informed that the respondent had discontinued and abandoned the sale of home study courses in aviation, and had left the country, his present whereabouts being unknown.

The Commission has issued an order dismissing a complaint which had charged the General Baking Company, 420 Lexington Ave., New York, with violation of the Robinson-Patman Act in the sale of bread. The Commission entered its order because it appeared that the allegations of the complaint had not been sustained by the evidence.