

THE WEEK IN WASHINGTON

A C. E. Hooper, Inc., survey showed that the radio listening audience increased after the ASCAP music went off the air. Neville Miller said that the industry was "delighted with the way the radio stations all over the United States had been able to continue their excellent entertainment without ASCAP music." (p. 27)

The NAB-AAAA Conference Committee approved a new station facilities contract for the NAB to recommend to stations. Copies are included with this issue. (p. 28)

Another series of District meetings starts Monday, January 13, with a Sixth District meeting at Nashville. The NAB's Associate Membership campaign will get under way next week. Ed Kirby, NAB Public Relations Director, was appointed this week to the Army's General Staff where he will organize and administer a radio broadcasting division. Samuel J. Henry, Jr., resigned as Director of the Bureau of Radio Advertising. (pp. 29-30)

January 15 was the closing date for entries in the George Foster Peabody Radio Awards contest. Radio has placed 200,000 workers in National Defense jobs. (p. 31)

Senator Tobey has introduced a resolution to investigate the broadcasting industry and the FCC. (p. 31)

The Supreme Court held that an employer must reduce to the form of a written contract any agreement he reaches with a labor union at the union's request. (p. 33)

Neville Miller was elected chairman of the Domestic Broadcasting Committee of the Defense Communications Board. The FCC Budget Bureau estimates it will need \$1,930,000 for national defense work during the next fiscal year. (p. 33)

BMI Developments

A special survey by C. E. Hooper, Inc., showed that the total audience listening to 21 programs was nearly five per cent greater on January 2, 3 and 4 than during the corresponding period in December. This was the answer to ASCAP's claim that the radio audience had decreased considerably since December 31.

A joint meeting of the NAB Executive Committee, the Board of Directors of Broadcast Music, Inc., and the Executive Committee of Independent Radio Net Work Affiliates was held in Washington, D. C., on January 7. At the close of the meeting Neville Miller issued the following statement:

"We had a general discussion of all phases of the music situation. Of course all of us were delighted with the way that radio stations all over the United States have been able to continue their excellent public entertainment without ASCAP music. In our opinion this means that radio has won its fight to break ASCAP's strangle-hold on American music and creative talent."

BMI FEATURE TUNES

January 13-20

1. HIGH ON A WINDY HILL
2. IT ALL COMES BACK TO ME NOW
3. HERE'S MY HEART
4. YOU WALK BY
5. I CAN'T REMEMBER TO FORGET
6. BECAUSE OF YOU
7. ACCIDENT'LY ON PURPOSE
8. LET'S DREAM THIS ONE OUT
9. WALKIN' BY THE RIVER
10. THE WISE OLD OWL

Four out of the top fifteen sheet music best sellers throughout the nation for last week were BMI songs: *There I Go*, *I Hear A Rhapsody*, *So You're The One*, and *I Give You My Word*. In addition to these songs which are BMI's own publications, the number one song both among the sheet music best sellers in the nation and among the best selling records is *Frenesi* which is covered by the BMI license.

Stations, most of which have previously been pledged to BMI, have continued to swell the ranks of the BMI member stations. If any of the following have already been announced, we are still glad to welcome them twice. Here are the latest additions to BMI's family:

WDSM—Superior, Wis.
KVOL—Lafayette, La.
WMSL—Decatur, Ala.

WAGF—Dothan, Ala.
WSAM—Saginaw, Mich.
KYSM—Mankato, Minn.

(Continued on page 28)



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

(Continued from page 27)

WSLI—Jackson, Miss.
KFJZ—Fort Worth, Tex.
KABC—San Antonio, Tex.
WACO—Waco, Tex.
KGKL—San Angelo, Tex.
KRRV—Sherman, Tex.
KFVS—Cape Girardeau, Mo.
WKBH—LaCrosse, Wis.
WDSU—New Orleans, La.
WGBB—Freeport, N. Y.
WLOL—Minneapolis, Minn.
WRR—Dallas, Tex.
KTRB—Modesto, Calif.
KCMC—Texarkana, Tex.-Ark.
KNOW—Austin, Tex.
KBST—Big Springs, Tex.
KRBC—Abilene, Tex.
KFOX—Long Beach, Calif.
KYCA—Prescott, Ariz.

The Curtis Publishing Company, which maintains a large distributing organization to deal with news-stands, book-stores, and so forth, is about to launch a new make of phonograph records which will be sold on the news-stands. Known as Viking Records and manufactured by the Nu-Phonic Corporation, the new platters will be advertised under the slogan, "Two Hits—Two Bits." Most, if not all, of the numbers recorded will probably be BMI tunes. The first two records to be offered for general sale will be played by Jack Teagarden's orchestra. One will have *Frenesi*, as an instrumental, backed by Norman Weiser's song, *Here's My Heart*, with the vocal chorus by David Allen. The other record will have Ernest Gold's *Accident'ly On Purpose*, with vocal chorus by Lynne Clark, backed by a new number from the Whitney-Kramer-Zaret combination—*It All Comes Back To Me Now*, with vocal chorus by David Allen.

It is expected that the first two records will be on the news-stands about February 5 and it is planned to release one record a week thereafter.

BMI is not only publishing house and licensing agency—it also does much of the work of a school. Otto Cesana, well-known teacher of theory and composition, one of whose pupils is Ernest Gold, has written BMI "as one teacher to another." Mr. Cesana said: "I know that your method of paying your composers is what makes it possible for Ernest not only to support himself but to continue his studies as well. From working with him I know also that he profits greatly from his contact with your editors and from their comments and criticism . . . BMI's attitude of taking a personal interest in the de-

velopment of composers plus its plan of compensating them for the use of their material will do a great deal toward fostering the development of American composers who will some day produce the important, serious American music."

Milton Rettenberg, chief of the editorial staff, hesitated to give publicity to this aspect of BMI's work. He said, "If you tell what we're doing in the way of working with young writers, you'll have ten thousand swooping down on us and wanting interviews on their songs. Of course we can do it with only a few—the most promising one in a hundred maybe. But it's worth while. There are so many of these kids with real talent who have never had a chance to study or if they have studied there's still a flavor of the classroom and the exercise book in what they write. All they lack is a sort of professional polish and it is certainly true that we can help them in that way."

Mr. Rettenberg, who might be said to head the BMI "faculty," has a record of more than 3,500 radio performances as a pianist, has written the music for many radio shows, first became nationally famous when he took the late George Gershwin's place as solo pianist with Paul Whiteman. The BMI board includes also Graham Harris, who has appeared as conductor with the New York Philharmonic, London Symphony, and other orchestras, and Arthur Gutman, whose compositions have been played by leading orchestras.

Sales

NAB RECOMMENDS NEW STATION FACILITIES CONTRACT

After meeting in New York last Monday, and jointly with the AAAA on Tuesday, the NAB-AAAA Conference Committee met again Tuesday evening and reported out unanimously a new station facilities contract for the NAB to recommend to stations. The committee's action was taken pursuant to a resolution of the Executive Committee adopted December 5, 1940.

Although unable, after numerous conferences with the AAAA Committee, to reach agreement on several points, the NAB Committee reports that in its opinion the recommended contract is fair and equitable both to stations and to agencies and to advertisers. Both our Conference Committee and the Executive Committee have deemed it important that these recommendations be laid before stations at this time for their consideration. As directed by the Executive Committee, the NAB will upon request of member stations supply, free of charge, mats for the printing of the back of the contract.

The new contract, two copies of which are enclosed as

a supplement to this issue of NAB REPORTS, is recommended to stations for use on new business. The committee has sought to recommend a contract that it believes is representative of the practices of the great majority of stations. It recognizes, however, that some of the recommended provisions may not be in accordance with the policy of some stations. Individual stations will, of course, make any changes necessary to adapt the contract to conform with their particular policies. It should be noted that the contract is so drawn as to be capable of use in selling time to a local advertiser as well as a recognized agency.

For convenience to all concerned it is suggested that all stations use size 8½" x 11" paper, and that the three copies be (1) white, (2) canary yellow, and (3) salmon pink.

Contracts submitted by agencies may be different from the NAB recommended contract. Stations should examine such contracts carefully to ascertain whether they conform to the recommended form, if station decides to adopt it.

Upon being advised of the committee's action by Chairman Wilder, Neville Miller, in behalf of the membership, expressed his deep appreciation of the untiring efforts of the committee, the members of which have devoted an enormous amount of their time and energies to a difficult and tedious task.

Present at the joint meeting on the contract were: Ned Midgley, Batten, Barton, Durstine and Osborne, Chairman; C. T. Ayres, Ruthrauff and Ryan, Inc.; Carlos Franco, Young and Rubicam; William Fricke, AAAA; Fred Gamble, AAAA; John Hymes, Lord and Thomas; William Maillefert, Compton Adon, Inc.; and R. T. Turnbull, AAAA, of the AAAA Committee, and, Harry C. Wilder, WSYR, Chairman; R. L. Harlow, Yankee Network; Richard H. Mason, WPTF; Edward Petry, Edward Petry and Co., Inc.; Frank A. Seitz, WFAS; Dale Taylor, WENY; Lee B. Wailes, Westinghouse; and Paul F. Peter and Russell P. Place, NAB, of the NAB-AAAA Conference Committee.

The full NAB Committee was also in attendance at the Monday meeting and the Tuesday evening meeting.

The committee is still considering an invoice form. Considerable progress was made at the Tuesday meeting and definite recommendations will probably be reported by the end of this month.

Present at the joint meeting on the invoice were the members of the NAB Committee above-named and the following members of the AAAA Fiscal Committee: Mr. Bell, Ruthrauff and Ryan, Inc.; Mr. Beurmann, Campbell-Ewald; Mr. W. A. Fricke, AAAA; Mr. Fred Gamble, AAAA; Mr. R. T. Turnbull, AAAA; Mr. Van Utt, Erwin Wasey; and, Mr. Vasoll, Kenyon and Eckhardt.

HIGHLIGHTS OF RECOMMENDED CONTRACT

Face of Contract:

The instrument is a contract and not an order. It should be signed in duplicate by both parties and doubtless a third copy will be found useful. If the contract is made with an advertiser, all references in the contract to agency apply to advertiser.

Back of Contract:

The "Conditions of Contract" on the back are part of the contract. The following highlights should be noted:

2. **TERMINATION.** Twenty-eight days of broadcasting is contracted for before termination can become operative; after fourteen days broadcasting, termination may be effected on fourteen days written notice.

3. **INABILITY TO BROADCAST.** Station is liable only for pro rata reduction in time charges irrespective of whether commercials are omitted or interrupted.

5. **RATES.** This is the portion of the contract that some stations may find not adapted to their use under their rate policies; it should be carefully studied. It is believed by the committee to represent the policies of the great majority of stations, and to be self-explanatory.

7. **INDEMNITY.** Station indemnifies for station material. Station material consists of (1) all material used in programs furnished by station except material furnished by agency in connection with such programs, and (2) copyrighted musical compositions performed under the BMI license. (This applies to such BMI material whether in live talent programs or on transcriptions. Station is in turn indemnified by BMI and has the benefit of the insurance policy taken out by BMI. The BMI license itself also runs in favor of agencies and advertisers.) Everything else is "agency material" as to which agency indemnifies station.

SALES PROMOTION CALENDAR

The sales promotion calendar issued annually by the National Retail Dry Goods Association can be obtained through the NAB Bureau of Radio Advertising at \$2.50 a copy. The calendar lists all the important anniversaries, "weeks," etc., useful for both programming and selling.

NAB

DISTRICT MEETINGS SCHEDULED

A continuation of the series of District meetings which took place prior to the first of the year will get under way next Monday, January 13, with a meeting of the broadcasters of Tennessee, Arkansas, Louisiana and Mississippi. Director Edwin W. Craig, WSM, of the Sixth NAB District, has invited all broadcasters, regardless of membership in NAB or BMI, to be on hand to review the music situation and to be brought up to date on other industry matters.

Ed Kirby, Public Relations Director of NAB, will discuss general industry problems and Association activities, while Carl Haverlin, Stations Relations Manager of BMI, will deal with the music situation.

The next meeting in point of time is that of the Six-

teenth District to be held at the Ambassador Hotel in Los Angeles at 10:00 a.m., Friday, January 17. Director Harrison Holliway, KFI-KECA, has also invited all Southern California, Arizona and New Mexico broadcasters, regardless of membership in NAB or BMI, to participate. This meeting will be covered for NAB by C. E. Arney, Jr., Assistant to the President, and by Carl Haverlin of BMI.

These two then proceed to San Francisco for a meeting on Saturday, January 18, where Director Howard Lane, KFBK, has invited the Northern California, Nevada, and Hawaii broadcasters to meet at the St. Francis Hotel at noon. A District Director's election will be held in connection with this meeting.

The next stop on the tour is at Portland, Oregon, where on Wednesday, January 22, C. W. Myers, KOIN-KALE, Seventeenth District Director, has summoned the broadcasters of Oregon, Washington, and Alaska. A District Director's election will be held in connection with this meeting.

Following the Portland meeting, Haverlin and Arney proceed to Omaha, Nebraska, to assist Director John J. Gillin, Jr., of WOW in bringing to the broadcasters of Iowa, Missouri, and Nebraska, information with relation to developments in the music situation and other industry matters, on January 25.

Gene O'Fallon, KFEL, District 14 Director, has called a meeting for January 27 at Denver. Messrs. Arney and Haverlin will attend.

This concludes the present setup for District meetings. When this tour is completed all but two of the NAB Districts will have been covered since the Board's meeting in New York on December 6. Directors in these two remaining Districts are expected to call meetings early in February.

ASSOCIATE MEMBERSHIP CAMPAIGN

On next Wednesday, the first release to prospective Associate Members, under the new plan adopted by the Board, will be sent out from headquarters. Those to whom an invitation to become Associate members will be sent are: station representatives, broadcasting equipment companies, market research organizations, transcription companies, news services, and telephone companies and telegraph companies.

NAB members can materially assist in making this campaign a success by supplementing the invitation from headquarters with a personal invitation to those with whom they directly transact business.

If every member would write to his station representative and urge him to take out Associate Membership in NAB, we have no doubt but that it would do some good. Do the same thing to transcription companies, to those from whom you buy your equipment, to the news service

which you are using, and the market research organizations.

Let us also remind you so you can pass the word along, that only Associate Members are going to be permitted to exhibit or maintain reception headquarters in the hotel where the NAB convention is held. Theirs will be official exhibits. The cooperation of members is urged.

KIRBY TO WAR DEPARTMENT

With the approval of the President, Secretary of War Henry L. Stimson last Tuesday appointed Ed Kirby, NAB Director of Public Relations, to a post on the General Staff of the Army where he will organize and administer a radio broadcasting division. Kirby will act as industry liaison between the industry and the War Department. He will serve as a "dollar a year man," having been given an indefinite leave of absence by the NAB Board at the request of the War Department. It is expected that he will assume his new duties in about two weeks.

HENRY RESIGNS

Samuel J. Henry, Jr., has resigned as director of the NAB Bureau of Radio Advertising. Following are his letter of resignation and Neville Miller's reply:

January 2, 1941.

Mr. Neville Miller
National Association of Broadcasters
Washington, D. C.

DEAR MR. MILLER:

Please accept my resignation as director of the NAB Bureau of Radio Advertising, to become effective February 1, 1941.

It is with genuine regret that I leave the staff of the National Association of Broadcasters, with whom I have been privileged to work for some time. The associations which I have enjoyed here in Washington have been most pleasant, and it is my sincere hope that my future radio and advertising work will provide frequent opportunity to keep those associations alive.

While I have made no definite decision relative to connections, I have several matters in mind and I should like to feel free to conduct negotiations that may involve an earlier leave-taking.

Please convey to the entire staff of NAB my warmest personal regards and appreciation of their many courtesies. With best wishes to you and yours for the New Year.

Sincerely,

SAMUEL J. HENRY, JR.

Mr. Samuel J. Henry, Jr.
National Association of Broadcasters
Washington, D. C.

January 2, 1941.

MY DEAR SAM:

This is an acknowledgment of your letter of January 2, submitting your resignation as Director of the NAB Bureau of Radio Advertising, effective February 1.

I want to express to you my sincere appreciation for the energy and ability which you have devoted to the Bureau's work during the year and one-half in which you have nursed it from its infancy to its present respectable standing.

I sincerely hope that some of the prospects about which you told me develop satisfactorily and that you make a connection which befits your capabilities. In this connection I want to assure you that if in order to avail yourself of such connection it is necessary for you to leave before the first of February, we shall be very pleased to cooperate with you in that regard.

I know that I voice the sentiment of the entire staff when I extend you every good wish for a successful future.

My kindest personal regards,

Sincerely,

NEVILLE MILLER.

Promotion

PEABODY AWARDS

January 15 is the closing date for entries in the George Foster Peabody Radio Awards contest, sponsored by The University of Georgia in cooperation with the National Association of Broadcasters.

The procedure as set forth in a recent University bulletin, is as follows:

"Nominations of candidates for these awards shall be made in writing to the Dean of the Henry W. Grady School of Journalism, The University of Georgia, Athens, Georgia. Each nomination must be accompanied by complete and self-evident data setting forth clearly the claim to consideration of one of these awards. Program subjects, program outlines, program transcripts, recordings, letters and other pertinent data should be so presented as to comprise an exhibit which will be a faithful record of the station's particular contribution to public service offered for consideration in this connection.

"Competition for one of these awards will be limited to work done during the calendar year ending December 31 next preceding. The first award will be made in 1941, based on public service programs of 1940."

There are to be separate awards for small, medium-sized, and large stations, and for chain broadcasts.

Awards will be made at a date and place to be announced later, upon the recommendations of the Advisory Board, membership of which consists of:

Dr. S. V. Sanford, Chancellor, University System of Georgia, ex-officio.

Bruce Barton, President, Batten, Barton, Durstine, and Osborne, Advertising, New York City.

John H. Benson, President, American Association of Advertising Agencies, New York City.

Virginius Dabney, Editor, Richmond (Va.) Times-Dispatch.

Norman H. Davis, Chairman, American Red Cross, formerly Acting Secretary of State, etc., Washington, D. C.

Jonathan Daniels, Editor, Raleigh (N. C.) News and Observer.

Mark F. Ethridge, Vice President and General Manager, Louisville (Ky.) Courier-Journal and Times.

Waldemar Kaempffert, Science Editor, The New York Times.

Alfred A. Knopf, Publisher, New York City.

Dr. John W. Studebaker, United States Commissioner of Education and Chairman, Federal Radio Education Committee, Washington, D. C.

Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody and President of "Yaddo", Saratoga Springs, New York.

Edward Weeks, Editor, The Atlantic Monthly, Boston, Massachusetts.

Miss Grace Moore, Metropolitan Opera Singer, New York City.

RADIO FILLS 200,000 JOBS

Up to January 1, 1941, through the help of radio, over 200,000 workers have been placed in National De-

fense jobs in the War Department and in the Navy Department.

"It's almost fantastic," an official declared, "to think that the broadcasting stations have been able to locate so many tens of thousands of qualified workers in less than six months time when, previously, they could not be found."

When broadcasters started to recruit workers, on July 24, 1940 doubt was expressed in some quarters that radio would prove equal to the job. But the skeptics were neither broadcasters nor Civil Service people.

Station executives from one end of this country to the other got behind the industry's own National Defense promotion from the word go. And so far they have been able to keep up with requirements.

Believing that broadcasters would be interested in learning exactly what these 200,000 workers are producing, Civil Service was queried. This is a partial list: naval guns—all sizes; small arms; torpedoes; other munitions of all kinds; armor plate; engines; tools; optical instruments; tanks; fighting ships; other defense ships; airplanes; airplane engines, and airplane instruments.

Monitoring officers and radio operators have also been secured. Inspectors of every kind have been put to work as have engineers for the procurement of materials.

WOW CLAIMS REMOTE RECORD

WOW, Omaha, is latest claimant for single station, long distance, remote control pick-up. Claim submitted by Bill Wiseman, publicity manager, is based on station's recent series of pick-ups from the Pacific Coast. Says Mr. Wiseman:

"I note in NAB REPORTS of December 13 some claims for honors for long-distance remote control broadcasts. WOW has both of these claims put to shame!

"On January 6 a four-man WOW special events crew returned from a 5,000-mile automobile trip, on which it broadcast from Phoenix, Hollywood, Pasadena, Los Angeles, San Francisco, and several in-between points.

"The expedition was sent out in connection with the University of Nebraska football team's appearance in the Rose Bowl. Included in the group were Foster May, news and special events editor, and Tom Dailey, sports editor."

Legislation

TOBEY ASKS INVESTIGATION

Senator Tobey (R—N H) has introduced a sweeping resolution (S.R. 20) to investigate both the broadcasting industry and the FCC. We print it in full below. Representative Wigglesworth (R—Mass) has introduced a resolution for an investigation similar to the one introduced by him in the last Congress; a printed copy is not available as we go to press.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1941

MR. TOBEY submitted the following resolution; which was referred to the Committee on Interstate Commerce

RESOLUTION

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to (1) the existence, extent, formation, legality, and effect upon the public or any individual or group, of any monopoly in radio broadcasting or any phase thereof or in the production, sale, or distribution of radio-receiving or broadcasting apparatus; (2) the administration by the Federal Communications Commission of those provisions of the Communications Act of 1934, as amended, which relate in any manner to radio communication; (3) the manner of exercise by licensees of the Federal Communications Commission of the privileges conferred upon them by their licenses from the Federal Communications Commission; (4) the effect upon the public interest of any contract pertaining to radio to which any such licensee or any broadcasting network is a party; and (5) any attempts made by any such licensee, broadcasting network, or any person, company, or corporation, engaged in any business relating to radio, or by any attorney, agent, or representative of any such licensee, network, person, company, or corporation to unduly influence any public official in the exercise of his duties with respect to any matter pertaining to radio. The committee shall report to the Senate, at the earliest practicable date, the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-seventh and succeeding Congresses, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

COLORADO "ANTI-ASCAP" BILL

A so-called "anti-ASCAP" bill, similar to those previously introduced in other states, has just been introduced in the Colorado Legislature. The NAB Board of Directors went on record last December as opposed to the encouragement or support of legislation of this character.

FEDERAL LEGISLATION

HOUSE

H. R. 123 (CULKIN, R., N. Y.) LIQUOR ADVERTISING—To amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio. Referred to Committee on Interstate and Foreign Commerce.

H. R. 125 (CULKIN, R., N. Y.) LIQUOR ADVERTISING—To prohibit the advertising of alcoholic beverages by radio, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 126 (CULKIN, R., N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertisements of intoxicating liquors, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 132 (CULKIN, R., N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertise-

ments of alcoholic beverages, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

H. R. 533 (BLAND, D., Va.) COMMUNICATIONS ACT—To amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. Referred to Committee on Merchant Marine and Fisheries.

H. R. 999 (PETERSON, D., Fla.) COMMUNICATIONS ACT—To amend the Communications Act of 1934 so as to prevent monopolies and to prohibit excessive duplication of broadcast programs in any area. Referred to Committee on Interstate and Foreign Commerce.

H. R. 1082 (DITTER, R., Penna.) COMMUNICATIONS ACT—To amend the Communications Act of 1934 in order to preserve and protect liberty of expression in radio communication. Referred to Committee on Interstate and Foreign Commerce.

HOUSE JOINT RESOLUTION

H. J. Res. 32 (DITTER, R., Penna.) COPYRIGHT—To define the principle of international reciprocity in the protection of American patents, trade-marks, secret formulas and processes, and copyrights by providing a method for assuring the payments of amounts due to persons in the United States from users thereof in countries restricting international payments from their territories. Referred to Committee on Patents.

SENATE

S. 157 (CAPPER, R., Kansas) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of advertisements of alcoholic beverages, and for other purposes. Referred to Committee on Interstate Commerce.

SENATE RESOLUTION

S. Res. 20 (TOBEY, R., N. H.) MONOPOLIES—Authorizing the Committee on Interstate Commerce to investigate possible monopolies in radio broadcasting, equipment, and communication. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

COLORADO:

H. 17 (CROWLEY, ET AL.) COPYRIGHT REGULATIONS—To remove monopolistic abuses wrongfully practiced under copyrights in the state by price-fixing combinations, monopolies and pools, and to encourage production of copyrighted works of citizens of Colorado. Repealing certain acts, creating state anti-monopoly board. Referred to Committee on Judiciary.

MASSACHUSETTS:

H. 189 (SOC. AGAINST COPYRIGHT ABUSES) COPYRIGHTED MUSICAL COMPOSITIONS—Relative to public performing rights in copyrighted musical compositions and dramatic-musical compositions, providing for licensing of the same, and levying a tax on the gross receipts from licensing of such rights. Referred to Committee on Constitutional Law.

H. 193 (SULLIVAN) RADIO NEWS GATHERER—Making it a crime to interfere with any news photographer reporter, or radio news gatherer or commentator or reporter, in the exercise of his calling. Referred to Committee on Constitutional Law.

H. 194 (SULLIVAN) JOURNALISM, RADIO AND TELEVISION—To create and protect the right of confidence in the profession of journalism, radio and television. Referred to Committee on Constitutional Law.

H. 307 (REP. CAMERON) PUBLISHED LIBELLOUS STATEMENTS—Making writers of published libellous statements civilly and criminally liable therefor. Referred to Committee on Constitutional Law.

H. 324 (RICHARD J. HATCHFIELD) COPYRIGHT—In aid of federal copyright laws. Referred to Committee on Constitutional Law.

STATE LEGISLATION
REPRESENTATIVES

The persons whose names are listed below have been designated by the Directors of their respective Districts

to keep NAB informed of the introduction in state legislatures of any legislation affecting broadcasting. They will serve as a clearing-house for information obtained from broadcasters in their states and any other sources. The legislatures of 44 states will be in session this year.

DISTRICT 1

CONNECTICUT: Paul W. Morency, WTIC, Hartford
MAINE:
MASSACHUSETTS:
NEW HAMPSHIRE: Charles G. H. Evans, WFEA, Manchester
RHODE ISLAND: John Boyle, WJAR, Providence
VERMONT: Charles P. Hasbrook, WCAX, Burlington

DISTRICT 2

NEW YORK:

DISTRICT 3

DELAWARE: J. Gorman Walsh, WDEL, Wilmington
NEW JERSEY: Theodore C. Streibert, WOR, Newark
PENNSYLVANIA: C. G. Moss, WKBO, Harrisburg

DISTRICT 4

MARYLAND: George Roeder, WCBM, Baltimore
NORTH CAROLINA: Richard H. Mason, WPTF, Raleigh
SOUTH CAROLINA: G. Richard Shafto, WIS, Columbia
VIRGINIA: C. T. Lucey, WRVA, Richmond
WEST VIRGINIA: Howard Chernoff, WCHS, Charleston

DISTRICT 5

ALABAMA: J. C. Bell, WBRC, Birmingham
FLORIDA: Gilbert Freeman, WTAL, Tallahassee
GEORGIA:

DISTRICT 6

ARKANSAS: G. E. Zimmerman, KARK, Little Rock
LOUISIANA: Harold Wheelahan, WSMB, New Orleans
MISSISSIPPI: Wiley P. Harris, WJDX, Jackson
TENNESSEE: Edwin W. Craig, WSM, Nashville

DISTRICT 7

KENTUCKY: George Norton, Jr., WAVE, Louisville
OHIO: J. H. Ryan, WSPD, Toledo

DISTRICT 8

INDIANA: Gene Pulliam, WIRE, Indianapolis
MICHIGAN: Owen Uridge, WJR, Detroit

DISTRICT 9

ILLINOIS: Harold L. Dewing, WCBS, Springfield
WISCONSIN: W. J. Damm, WTMJ, Milwaukee

DISTRICT 10

IOWA: Luther Hill, KSO, Des Moines
MISSOURI:
NEBRASKA: Glenn Foe, Lincoln

DISTRICT 11

MINNESOTA: Earl H. Gammons, WCCO, Minneapolis
NORTH DAKOTA: P. J. Meyer, KFYZ, Bismarck
SOUTH DAKOTA: A. A. Fahy, KABR, Aberdeen

DISTRICT 12

KANSAS: Ben Ludy, WIBW, Topeka
OKLAHOMA: Neil Barrett, KOMA, Oklahoma City

DISTRICT 13

TEXAS: Ted Taylor, KGNC, Amarillo

DISTRICT 14

COLORADO: Eugene P. O'Fallon, KFEL, Denver
IDAHO: Frank Hurt, KFXD, Nampa

UTAH: Earl J. Glade, KSL, Salt Lake City
WYOMING: D. L. Hathaway, KDFN, Casper
MONTANA: K. O. MacPherson, KPFA, Helena

DISTRICT 15

CALIFORNIA: Howard Lane, KFBK, Sacramento
NEVADA: Wallie D. Warren, KOH, Reno
HAWAII: J. Howard Worrall, KGMB, Honolulu

DISTRICT 16

ARIZONA: Fred A. Palmer, KOY, Phoenix
NEW MEXICO:

DISTRICT 17

OREGON: W. Carey Jennings, KEX, Portland
WASHINGTON: Donald G. Graham, KOMO-KJR, Seattle

Labor

WRITTEN CONTRACTS

The Supreme Court held this week that an employer must reduce to the form of a written contract any agreement he reaches with a labor union, at the union's request.

"A business man who entered into negotiations with another (business man) for an agreement having numerous provisions, with the reservation that he would not reduce it to writing or sign it, could hardly be thought to have bargained in good faith," Mr. Justice Stone wrote.

However, the court pointed out that the Wagner Act "while requiring the employer to bargain collectively, does not compel him to enter into an agreement." (H. J. Heinz Company v. N.L.R.B.)

FEDERAL COMMUNICATIONS COMMISSION

MILLER ELECTED CHAIRMAN OF DEFENSE COMMITTEE

Neville Miller, was elected chairman of the domestic broadcasting committee of the Defense Communications Board at an organization meeting on Monday. Andrew D. Ring of the FCC was elected secretary.

Complete list of officers elected by the various committees at Monday's meeting are as follows:

Industry Advisory Committee:

Mr. Walter S. Gifford, Chairman
(American Telephone and Telegraph Co.)
Dr. C. B. Jolliffe, Secretary
(Radio Corporation of America)

Labor Advisory Committee:

Mr. Robert J. Watt, Chairman
(American Federation of Labor)
Mr. Paul E. Griffith, Secretary
(National Federation of Telephone Workers)

- I. Amateur Radio Committee:
Mr. George W. Bailey, Chairman
(American Radio Relay League)
Mr. E. M. Webster, Secretary
(Federal Communications Commission)
- II. Aviation Communications Committee:
Mr. Paul Goldsborough, Chairman
(Aeronautical Radio, Inc.)
Mr. Ford Studebaker, Secretary
(American Export Airlines, Inc.)
- III. Cable Committee:
Mr. C. Mills, Chairman
(Mexican Telegraph Co.)
Mr. J. A. Kennedy, Secretary
(Federal Communications Commission)
- IV. Domestic Broadcasting Committee:
Mr. Neville Miller, Chairman
(National Association of Broadcasters)
Mr. A. D. Ring, Secretary
(Federal Communications Commission)
- V. Interdepartment Radio Advisory Committee:
Mr. E. K. Jett, Chairman
(Federal Communications Commission)
Dr. J. H. Dellinger, Vice Chairman
(Department of Commerce, c/o Bureau of Standards)
Mr. Gerald C. Gross, Secretary
(Federal Communications Commission)
Mr. P. F. Siling, Assistant Secretary
(Federal Communications Commission)
Note: IRAC did not meet on January 6. The names are those of the regular officers.
- VI. International Broadcasting Committee:
Mr. Walter Evans, Chairman
(Westinghouse Electric & Mfg. Co.)
Mr. P. F. Siling, Secretary
(Federal Communications Commission)
- VII. Radiocommunications Committee:
Mr. E. M. Webster, Chairman
(Federal Communications Commission)
Mr. F. M. Ryan, Secretary
(American Telephone & Telegraph Co.)
- VIII. State and Municipal Facilities Committee:
Capt. Donald S. Leonard, Chairman
(International Association of Chiefs of Police)
Mr. E. L. White, Secretary
(Federal Communications Commission)
- IX. Telegraph Committee:
Mr. E. R. Shute, Chairman
(Western Union Telegraph Company)
Mr. W. J. Norfleet, Secretary
(Federal Communications Commission)
- X. Telephone Committee:
Mr. Z. Z. Hugus, Chairman
(American Telephone & Telegraph Co.)
Mr. Clyde S. Bailey, Secretary
(U. S. Independent Telephone Assn.)
- XI. United States Government Facilities Committee:
Mr. A. G. Simson, Chairman
(Department of Agriculture)
Mr. T. L. Bartlett, Secretary
(Federal Communications Commission)

FCC DEFENSE FUND

FCC Budget Bureau estimates for 1942 provide a lump-sum appropriation to carry out the national defense program, which was begun the latter part of the year with \$1,600,000 allocated by the President from the emergency fund given him. The bureau approved an appro-

priation of \$1,930,000, an increase of \$320,000, to carry on this work during the next fiscal year.

The fund is to be used to purchase land and equipment to establish monitoring stations in all parts of the country to guard the air waves from being used for subversive activities. The fund also is to be used for the employment of additional personnel, including radio inspectors and an attorney investigator, as well as the necessary clerical and administrative assistance.

The estimates also call for the use of 80 vehicles as mobile monitoring stations to be used in ferreting out unlicensed radio stations and stations alleged to be used in subversive activities. The cost of the operation of these vehicles is estimated at \$7,000.

882 STATIONS

During the month of December, 1940, the Federal Communications Commission issued operating licenses to six stations and granted construction permits to six stations. A comparative table by months follows:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1
Operating	765	769	771	775	779	783	791	799	806	810	816	825	831
Construction	49	48	51	48	47	53	56	58	57	54	52	51	51
	814	817	822	823	826	836	847	857	863	864	868	876	882

WMCA DECISION

FCC has dismissed a petition filed December 23, requesting it to reconsider its action of December 17, giving consent to a transfer of control of the Knickerbocker Broadcasting Company, Inc., licensee of Station WMCA, New York City, from Donald J. Flamm, to Edward J. Noble.

The decision and order of the Commission on petition to reconsider, with Commissioner Craven not participating:

This is a petition filed December 23, 1940, by Donald J. Flamm, New York City. It requests the Commission to reconsider its action of December 17, 1940, giving consent to a transfer of control of Knickerbocker Broadcasting Company, Inc., licensee of Radio Station WMCA, New York City, from Donald J. Flamm to Edward J. Noble, upon application filed December 2, 1940, by Donald J. Flamm, transferor, and Edward J. Noble, transferee (B1-TC-252), and upon such reconsideration, to dismiss the application.

In support of the petition it is alleged that the application for consent to transfer control of the Knickerbocker Broadcasting Company, Inc. (WMCA), through the transfer of all the stock from Donald J. Flamm to Edward J. Noble was filed December 2, 1940; that on December 14, 1940, petitioner's counsel received a letter from the Commission requesting further information, and stating that before action would be taken on the application it would be necessary to supply the Commission with such information; that on December 17, 1940, petitioner had prepared a petition to dismiss the application under Rule 1.73, "which was ready to be filed" when notice of the Commission's action of December 17, 1940, was received.

On December 30, 1940, Edward J. Noble, transferee, filed his answer to the petition filed by Donald J. Flamm, transferor.

Upon examination of the application filed December 2, 1940, by Donald J. Flamm, transferor, and Edward J. Noble, transferee, for consent to transfer control of the Knickerbocker Broad-

casting Company, Inc. (WMCA), it was found that full information was lacking, particularly as to the financial arrangements between the parties, the financial showing of the transferee, and the nature of an asset item in the licensee's balance sheet entitled "franchise". On December 13, 1940, a request for additional information in regard to these matters was made jointly of transferor and transferee. On December 14, 1940, the Commission received a response from the transferee to its inquiry of December 13, 1940.

Thereupon the application became available for action by the Commission, and, upon consideration of the application and data submitted therewith by the transferor and transferee, the Commission, on December 17, 1940, found that the transferee was legally, technically, financially and otherwise qualified, and that the transfer requested was in the public interest. It, therefore, gave its consent to the transfer.

In so far as the instant petition requests a reconsideration of the action of the Commission granting consent, as applied for, to transfer of control of a licensee corporation, neither the Communications Act of 1934, as amended, nor any rule or regulation promulgated by the Commission pursuant to the Act either expressly or by implication makes provision for the filing by an applicant of a petition for reconsideration or rehearing following a grant of his own application as filed. Section 405 of the Communications Act of 1934 and Paragraph 1.271 of the Commission's Rules of Practice and Procedure provide for the filing of a petition for rehearing which may request reconsideration, hearing, or rehearing by any "person aggrieved or whose interests are adversely affected" by any decision, order, or requirement of the Commission. Petitioner has failed to make any showing that he is aggrieved or adversely affected by the action of the Commission taken pursuant to his request.

In so far as the petition requests a dismissal of the above-entitled application, petitioner's sole complaint appears to be that the Commission acted upon the merits of his application without awaiting a response from him as well as from the transferee to its communication of December 13, 1940, and while he was preparing to file a request for dismissal of the instant application. Petitioner does not claim that the information furnished by the transferee was in any way inadequate, improper or incorrect, nor does he allege that he had intended to furnish any additional information. On the contrary, it appears from his petition that his intentions were to ignore the Commission's request for information, and to petition the Commission to dismiss the application without giving any consideration whatever to its merits.

Petitioner's application was pending from December 2 to December 17, 1940, during which time he had ample opportunity to request a dismissal thereof pursuant to Paragraph 1.73 of the Commission's Rules. If petitioner found himself unable to have the necessary papers prepared formally requesting a dismissal of his application, he might have informally communicated his intentions to the Commission, and requested additional time within which formally to do so. In the absence of any contrary expression of intention by an applicant, the Commission necessarily presumes that the request contained in his application is a continuing one until final action is taken thereon. Since the applicant in this case did not make his intentions known to the Commission prior to final action thereon, Rule 1.73 is no longer applicable.

In view of the foregoing, we are of the opinion that the "Petition to Reconsider Action Approving Transfer of Control and to Dismiss Application in Accordance with Rule 1.73 of the Commission's Rules and Regulations" should be dismissed.

However, in accordance with our usual practice, we have examined the instant petition with particularity in order to determine whether it presents any matters upon which we should, on our own motion, take action. As hereinbefore indicated, after securing full information we found on December 17, 1940, that the transfer was legally, technically, financially, and otherwise qualified; that the transfer requested would serve the public interest, and gave our consent to the transfer. The petition for reconsideration does not allege the contrary. No facts are stated in the petition which contradict in whole or in part the Commission's conclusion that the transferee is qualified to serve the public interest. In the absence of any showing that our action giving consent to the transfer of control of the Knickerbocker Broadcasting Company, Inc. (WMCA), is contrary to the public interest or that the action is in any respect unjust, unwarranted, or erroneous, no basis exists for reconsidering on our own motion our action of December 17, 1940, giving consent to said transfer of control.

In this connection, it should be noted that our action taken at the request of the parties is not a mandatory order, but is a per-

missive consent to the proposal contained in the application. The petitioner, as transferor, was himself an applicant seeking our consent to that proposal. Our consent has been given, and the matter is now one of private contractual arrangements between the parties.

Accordingly, IT IS ORDERED, this 7th day of January, 1941, that the petition filed by Donald J. Flamm, transferor, "to reconsider action approving transfer of control and to dismiss application in accordance with Rule 1.73 of the Commission's Rules and Regulations" BE, AND IT IS HEREBY, DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled before the Commission during the week beginning, Monday, January 13. They are subject to change.

Wednesday, January 15

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license, **1080 kc.**, 5 KW, limited to WBT and KFAB. Present assignment: **1080 kc.**, 5 KW, limited to WBT, share WCBD.

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control), Birmingham, Ala.—Renewal of license, **1140 kc.**, 5 KW night, 5 KW LS, simultaneous day KVOO, share KVOO night.

Friday, 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.

FUTURE HEARINGS

During the past week the Commission has announced the following future broadcast hearings and oral arguments. They are subject to change.

February 10

KRMC—Roberts Mac Nab Company (Assignor) (Arthur L. Roberts, R. B. Mac Nab, and A. J. Breitbach, Gen'l Mgr.), and Jamestown Broadcasting Co., Inc. (Assignee), Jamestown, N. Dak.—Voluntary assignment of license, **1370 kc.**, 250 watts, unlimited time.

WGST—Georgia School of Technology, Atlanta, Ga.—Renewal of license (main and auxiliary), **890 kc.**, 1 KW night, 5 KW LS, unlimited.

February 13

Oral Argument Before the Commission

Report No. B-115:

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts night, 100 watts LS, unlimited time.

February 28

NEW—Park Cities Broadcasting Corp., Dallas, Tex.—C. P., **940 kc.**, 500 watts, unlimited.

KRBC—Reporter Broadcasting Co., Abilene, Tex.—C. P., **940 kc.**, 1 KW, unlimited, DA night and day.

TELEVISION BROADCAST

March 3

NEW—R. B. Eaton, Des Moines, Iowa.—C. P., **66000-72000 kc.**, 46 watts night; 46 watts day—visual; 100 watts day—aural; unlimited.

March 10

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., **1370 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- Greenco, Inc., Greenwood, S. C.—Granted application for construction permit for new standard broadcast station to operate on **1420 kc.**, 250 watts power, unlimited time (B3-P-2930).
- KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted construction permit to install directional antenna for night use and increase night power from 1 KW to 5 KW; **550 kc.**, 5 KW LS, unlimited (B4-P-2576).
- WJMC—Walter H. McGenty, Rice Lake, Wisc.—Granted modification of license to change hours of operation from daytime only to unlimited, using 250 watts power day and night; frequency **1210 kc.** (B4-ML-1025).
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted construction permit to install directional antenna for both day and night use and increase night power from 1 KW to 5 KW; 5 KW LS; frequency **1290 kc.**, unlimited time (B5-P-2721).
- KDTH—Telegraph Herald, Dubuque, Iowa.—Granted modification of construction permit for new station (B4-P-960) for approval of transmitter site and directional antenna for night use; **1340 kc.**, 1 KW day and night, using directional antenna at night (B4-MP-1096).
- WKBH—WKBH, Inc., La Crosse, Wisc.—Granted construction permit to increase power from 1 KW to 5 KW, move transmitter site from R. F. D. No. 1, LaCrosse, Wisc., to on Highway No. 33, Shelby Township, Wisc., install new transmitter and directional antenna for night use; **1380 kc.**, unlimited (B4-P-2733).
- Columbia Broadcasting System, Inc., New York City.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **48700 kc.**, 8,500 square miles, 12,000,000 population (B1-PH-55).

DESIGNATED FOR HEARING

- W1XG—General Television Corp., Boston, Mass.—Construction permit for television station to install aural transmitter and add 500 watts aural power and A3 emission to present authorization (B1-PVB-69).
- W1XG—General Television Corp., Boston, Mass.—Construction permit to change frequencies of television station to **50000-56000 kc.** (B1-MLVB-14).
- KMA—May Broadcasting Co., Shenandoah, Iowa.—Application for renewal of license; **930 kc.**, 1 KW night, 5 KW local sunset, unlimited time; designated for hearing because of alleged failure to file full information in connection with an application.
- West Publishers, Inc., Houston, Tex.—Application for construction permit for new station to operate on **610 kc.**, 1 KW, directional antenna at night, unlimited (B3-P-2864).

MISCELLANEOUS

- KAWN—A. W. Mills, Gallup, N. Mex.—Granted special temporary authority to remain silent for the period December 31, 1940, to January 29, 1941, during repairs necessitated by fire.
- KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted special temporary authority to operate until conclusion of Rose Bowl football game on January 1, in order to broadcast game in its entirety.
- KGNF—Great Plains Broadcasting Co., North Platte, Neb.—Granted special temporary authority to operate from local sunset (January, 5:45 p. m., CST), to conclusion of Rose Bowl football game January 1st, in order to broadcast said game only.
- KSMA—Sam Houston Broadcasting Assn., Huntsville, Texas.—Granted extension of special temporary authority to remain silent for the period January 2 to February 1, 1941, pending Commission action on revocation order.
- WLWO—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate the equipment of

International Broadcast Station WLWO with power input to final stage of 100 KW, for a period not to exceed 30 days from January 1, 1941, in order to obtain data requested in connection with application for modification of license.

- W2XBS—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast station W2XBS with special emission in addition to A3 emission on Channel No. 1, in order to conduct experimental tests for National Television Standards Committee and NBC for the period January 1 to January 30, 1941.
- WJJD—WJJD, Inc., Chicago, Ill.—Denied special temporary authority to operate from 8 to approximately 9:30 p. m., CST, December 31st and January 4, 18, 25, in order to broadcast basketball games.
- W2XWG—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to operate station W2XWG on **45100 kc.**, 1000 watts power, A4 and special emission, for the period January 1, 1941, to not later than March 1, 1941, pending final authorization and completion of construction of applicant's new high frequency broadcast station.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted petition for 30 days continuance of oral argument now set for January 9, 1941, in re application for renewal of license of Station WBAX (B2-R-378).
- WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Granted motion for additional time of 60 days within which to submit proposed findings and conclusions in re application for renewal of license (B3-R-869).
- William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—Granted petition for order to take depositions in re hearing on application for construction permit for new station to operate on **1370 kc.**, 250 watts power, unlimited time (B3-P-2983).
- Edward J. Doyle, Rochester, N. Y.—Granted petition for order to take depositions in re hearing on application for construction permit for new station to operate on **1340 kc.**, 1 KW, unlimited, directional antenna day and night (B1-P-2031).
- Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Granted motion for continuance of 30 days of hearing now set for January 10, 1941, in re voluntary assignment of license of Station KRMC from Roberts Mac Nab Co. to Jamestown Broadcasting Co., Inc. (B4-AL-276).
- KGIR—KGIR, Inc., West of Butte, Mont.—Granted petition to intervene in re hearing on application of The Dodge City Broadcasting Co., Inc., Dodge City, Kans. (KGNO), for modification of license to increase night power from 250 watts to 500 watts (B4-ML-998).
- WCAM—City of Camden, N. J.—Granted motion to take depositions in re hearing on application for renewal of license of Station WCAM (B1-R-168).
- WARM—Union Broadcasting Co., Scranton, Pa.—Granted motion to postpone to March 10, 1941, the hearing now set for January 8, 1941, in re application for license to cover construction permit to operate Station WARM on **1370 kc.**, 250 watts, unlimited (B2-L-1176).
- WCHW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 9 p. m. to 10 p. m. EST, January 6, 1941, in order to re-broadcast President Roosevelt's speech to greater area only.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with Station WOSU from 2 p. m. to 3 p. m. EST, January 6, 1941, in order to broadcast President Roosevelt's address to opening session of Congress only.
- KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Denied special temporary authority to operate on **1040 kc.**, simultaneously with Stations WTIC and KRLD from 7:15 to 9 p. m. PST, January 7, 8, 17, 21, 22, 24, and 31, 1941, and from 7:45 to 9 p. m., PST, January 10, 11, and 25, 1941, in order to broadcast series of intercollegiate basketball games, make announcements of games, and play sustaining music to start of games only.
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate January 3, 1941, from 8 p. m., PST, to conclusion of event—Modesto Junior College vs. Auburn Junior College basketball game; January 4, 1941, from 8 p. m., PST, to conclusion of event—Modesto

Junior College vs. Visalia Junior College basketball game; January 18 from 7:30 p. m., PST, to conclusion of event—Modesto Junior College vs. University of California basketball game; January 24 from 7:30 p. m. to conclusion of event—Modesto Junior College vs. Marin Junior College basketball game; January 25 from 7:30 p. m., PST, to conclusion of event—Modesto Junior College vs. Santa Rosa Junior College basketball game; January 19 from 7:30 p. m., PST, to conclusion of event—Modesto Junior College Orchestra and A Capella Choir Recital, subject to condition that such programs are on sustaining basis only.

WAAB-WEAN-WICC-WNAC—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to pick up and rebroadcast certain programs received from high frequency broadcast station W1XOJ from January 8, 1941, to not later than February 6, 1941.

WICA—WICA, Inc., Ashtabula, Ohio.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., EST) to 6 p. m., EST, January 12, 19, and 26, 1941, in order to broadcast Father Justyn's Rosary Hour only.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:50 p. m. to 9:50 p. m., CST, on January 6, 11, 13 and 18, 1941, in order to broadcast games on the South Dakota State College basketball schedule.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate from local sunset (January 4:30 p. m., EST) to 4:45 p. m., EST, on January 4, 11, 18 and 25, 1941, in order to broadcast programs on behalf of the Professional Women's Club of Boston. Also granted special temporary authority to operate from 4:45 p. m. to 5:15 p. m., EST, January 5, 12, and 19, 1941, in order to broadcast a religious program by the Passionist Order of the Catholic Church of Boston only.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to operate a high frequency experimental broadcast station on 42800 ke., 40,000 watts power, special emission, in order to broadcast programs of station W1XPW, for a period ending not later than 3 a. m., EST, March 1, 1941.

W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to relay through high frequency broadcast station W2XMN the frequency modulated programs of high frequency broadcast station W2XMN, for the period January 6, 1941, to not later than February 4, 1941.

WPIT—Westinghouse Electric & Mfg. Co., Hull, Mass.—Granted special temporary authority to operate the equipment of international broadcast station WPIT, authorized in construction permit (File No. B1-PIB-23), with power of 50 KW, using WL 893R tubes in final amplifier stage in lieu of Federal 124R tubes, for the period January 4, 1941, to not later than February 2, 1941.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 9 to 10 p. m., EST, on Sundays, January 5, 12, and 19, 1941, in order to broadcast the Rosary Hour program.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted special temporary authority to operate from 5 p. m. to 6 p. m., EST, on Sundays, January 5, 12, 19 and 26, 1941, in order to broadcast the Rosary Hour.

WAPI—Alabama Polytechnic Institute, Birmingham, Ala.—Dismissed petition for rehearing directed against the action of the Commission October 29, 1940, granting without hearing the application of Indianapolis Broadcasting Corp. (WIBC), Indianapolis, Ind., for construction permit.

WWL—Loyola University, New Orleans, La.—Granted petition for reconsideration and grant of renewal of license for station WWL, cancelled hearing, and granted renewal of license to operate on 850 ke., 50 KW power, S.H. (KWKH).

Seaboard Broadcasting Corp., Tampa, Fla.—Denied petition for rehearing directed against the action of the Commission November 19, 1940, granting without hearing the application of Herald Publishing Co., Inc. (WALB), Albany, Ga., for modification of construction permit.

Earle C. Anthony, et al.—Denied petition by 14 clear-channel broadcast stations to intervene in the hearing before the Commission in re the application of Matheson Radio Company, Inc. (WHDH), Boston, Mass., for construction permit to increase power and hours of operation on the 830 ke. frequency.

KOA—National Broadcasting Co., Denver, Colo.—Denied petition to intervene in the hearing in re application of WHDH, and denied appeal of applicant, Matheson Radio Co., Inc., from the action of December 21, 1940, of Commissioner Craven presiding at the Motions Docket, extending the time for filing exceptions and requesting oral argument, and affirmed the Order of the Commission. The Commission will receive briefs *amici curiae* from petitioners and others similarly situated within 20 days.

WMCA—Donald J. Flamm, New York City.—Dismissed petition filed on December 23, 1940, requesting the Commission to reconsider its action of December 17, 1940, giving consent to a transfer of control of Knickerbocker Broadcasting Company, Inc., licensee of station WMCA, New York City, from Donald J. Flamm to Edward J. Noble.

* * *

At the request of the Radio Committee of the Committee for the Celebration of the President's Birthday, the Commission suspended for the period 11 o'clock p. m. to 12 o'clock midnight, EST, January 25, 1941, the requirements of Section 3.92 of the Commission's Rules and Regulations with respect to station identification announcements applicable to all radiobroadcast stations carrying the "March of Dimes" program during said period.

APPLICATIONS FILED AT FCC

620 Kilocycles

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—License to cover construction permit (B5-P-2632) for a new transmitter, directional antenna day and night, increase in power, and move of transmitter.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Authority to determine operating power by direct measurement of antenna power.

740 Kilocycles

KMMJ—KMMJ, Inc., Grand Island, Nebr.—Authority to install automatic frequency control equipment.

880 Kilocycles

KLX—Tribune Building Co., Oakland, Calif.—Authority to determine operating power by direct measurement of antenna power.

890 Kilocycles

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—License to cover construction permit (B3-P-2570) for increase in night power.

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

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, 5 KW local sunset, and move transmitter location from east side of Greenville Road and New Highway, 2.5 miles northwest center of Spartanburg, Saxon Mills, S. C., to west side of County Home Farm Road, south of U. S. Route 176, near Lowe, S. C. Extend commencement date thirty days after grant and completion date 180 days thereafter. Amended to change type of requested transmitter.

940 Kilocycles

WDAY—WDAY, Inc., Fargo, N. Dak.—Authority to determine operating power by direct measurement of antenna power.

WDAY—WDAY, Inc., Fargo, N. Dak.—License to cover construction permit (B4-P-2530) for increase in night power and installation of directional antenna for night use.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified for extension of completion date from 1-5-41 to 3-5-41.

1080 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for new station, **1040 kc.**,* 1 KW, 5 KW LS, unlimited, directional antenna day and night. * Request **1080 kc.** when Havana Treaty becomes effective. Amended re directional antenna.

1200 Kilocycles

WJNO—WJNO, Inc., West Palm Beach, Fla.—Construction permit to use formerly licensed 250-watt composite transmitter and install vertical antenna at 511 Datura Street, West Palm Beach, Fla., as an auxiliary unit, with emergency studio at the same location.

1210 Kilocycles

NEW—Texas Star Broadcasting Co., Houston, Tex.—Construction permit for a new station on **1210 kc.**, 250 watts, unlimited time, Class IV. Studio and transmitter to be determined, Houston, Tex.—Amended to give location of transmitter as Freund and Ennis Streets, Houston, Tex., and make changes in antenna.

1230 Kilocycles

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Modification of construction permit (B4-P-2510) for new transmitter, increase in power, and changes in directional antenna for night use, requesting changes in equipment.

1280 Kilocycles

KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Modification of construction permit (B5-P-2826) for increase in power, new transmitter, and changes in antenna, requesting authority to install new transmitter.

1310 Kilocycles

KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Authority to install automatic frequency control unit.

WFIG—J. Samuel Brody, Sumter, S. C.—Authority to determine operating power by direct measurement of antenna power.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Authority to determine operating power by direct measurement of antenna power.

WPER—Tropical Broadcasting Co., DeLand, Fla.—Modification of construction permit (B3-P-2991) for a new station to install a new transmitter, for approval of antenna and approval of transmitter and studio sites at South Alabama and Winnemissett Avenues, DeLand, Fla.

1370 Kilocycles

NEW—Natchez Radio Corporation, Natchez, Miss.—Construction permit for a new station on **1370 kc.** (Class IV), 250 watts, unlimited time.

1380 Kilocycles

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of construction permit (B1-P-2723) for changes in equipment and increase in power (using DA day and night), requesting authority to install a new transmitter and extend commencement and completion dates from 12-29-40 and 6-29-41 to 60 days after grant and 180 days thereafter, respectively.

1420 Kilocycles

NEW—The Gazette Company, Cedar Rapids, Iowa.—Construction permit for new station, **1120 kc.**, 100 watts, unlimited time. Amended to change frequency from **1420 kc.** to **1550 kc.** (**1630 kc.** under North American Regional Broadcasting Agreement), change power from 100 watts to 5 KW, change type of requested transmitter, install directional antenna for night use and make changes in corporate structure, and change in transmitter site.

WKNE—Twin State Broadcasting Corp., Keene, N. H.—License to cover construction permit (B1-P-2415 as modified) for move of transmitter and studio, new transmitter, increase in power and directional antenna for day and night use.

WKNE—Twin State Broadcasting Corp., Keene, N. H.—Authority to determine operating power by direct measurement of antenna power.

1440 Kilocycles

WCBA—Lehigh Valley Broadcasting Company, Allentown, Pa.—Construction permit to install new transmitter, install directional antenna for day and night use, increase power from 500 watts to 5 KW. Amended to make changes in directional antenna.

WSAN—Lehigh Valley Broadcasting Company, Allentown, Pa.—Construction permit for new transmitter, directional antenna for day and night use, and increase in power from 500 watts to 5 KW. Amended to make changes in directional antenna.

1500 Kilocycles

WDBC—Delta Broadcasting Co., Escanaba, Mich.—Modification of construction permit (B2-P-2854) for a new station requesting approval of vertical antenna, approval of studio site at corner Ludington and First Streets, Escanaba, Michigan, and transmitter site at Sand Point, east of corner of Ludington and First Street, Escanaba, Michigan, and install a new transmitter.

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Authority to determine operating power by direct measurement of antenna power.

KEYS—Earl C. Dunn and Charles W. Rossi, d/b as Neuces Broadcasting Co., Corpus Christi, Texas.—Modification of construction permit (B3-P-2931) for a new station, requesting approval of transmitter site and antenna at Shell Road, near Corpus Christi, Texas, and equipment changes.

KRRN—News-Review Co., Roseburg, Ore.—Authority to determine operating power by direct measurement of antenna power.

1530 Kilocycles

WBRY—American-Republican, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-2756) for new transmitter, changes in directional antenna for day and night use and increase in power, requesting extension of commencement date from 12-22-40 to 1-22-41.

1550 Kilocycles

NEW—Orange Broadcasting Corp., Orange, Texas.—Construction permit new station on **1550 kc.**, 1 KW, unlimited time. Class III. Amended: To give corrected geographic location and exact specifications for vertical antenna.

FM APPLICATIONS

NEW—Mercer Broadcasting Co., Ewing Township, N. J.—Construction permit for new high frequency broadcast station, frequency, **44700 kc.**; coverage, 3,700 square miles; population, 910,000. Amended: To change coverage from 3,700 to 3,200 square miles; population from 910,000 to 544,000 and install directional antenna.

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Consent to assignment of C. P. (B1-PH-10) to Wylie B. Jones, Advertising Agency.

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Modification of construction permit (B1-PH-10) for approval of transmitter and antenna, change coverage from 6,500 to 6,660 square miles, and population from 1,836,300 to 516,380.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of construction permit (B4-PH-6) for a new high frequency broadcast station, requesting change in type of transmitter, and antenna changes.

NEW—Muzak Corp., New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **44.5 mc.**; coverage, central part of New York City. Amended: Re: to give frequency as **44500 kc.** and coverage as 4,490 square miles. Population: 10,546,481.

NEW—WOKO, Inc., Albany, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **45,100 kc.**; coverage, 7,164 square miles; population, 922,163.

NEW—WBNS, Inc., Columbus, Ohio.—Modification of construction permit (B2-PH-8) for a new high frequency broadcast station, requesting change in type of transmitter.

NEW—WBXX Broadcasting Co., Inc., New York, N. Y.—Construction permit for new frequency broadcast station. Frequency, **47500 kc.**; coverage, 8,730 square miles.

NEW—The Evening News Assn., Detroit, Mich.—Modification of construction permit (B2-PH-21) for approval of trans-

mitter, antenna changes, and change population from 5,641,981 to 2,498,000.

NEW—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Construction permit for new high frequency broadcast station. Frequency, 48300 kc.; coverage, 9,600 square miles; population, 2,900,000.

MISCELLANEOUS

NEW—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit for new relay broadcast station. Frequencies, 1622, 2058, 2150, 2790 kc.; power, 3 watts; emission, A3.

WGNB—WGN, Inc., Chicago, Ill.—License to cover construction permit (B4-PRE-347), as modified for a new relay broadcast station.

KAQW—Central States Broadcasting Co., area of Omaha, Nebr.—Modification of construction permit (B4-PRY-209), which authorized a new relay station requesting extension of completion date from December 18, 1940, to January 18, 1941.

KAQX—Central States Broadcasting Co., area of Omaha, Nebr.—Modification of construction permit (B4-PRY-210), which authorized a new relay broadcast station requesting extension of completion date from December 18, 1940, to January 18, 1941.

NEW—WOKO, Inc., Albany, N. Y.—Construction permit for new relay station. Frequencies, 156750, 158100, 159300, 161100 kc.; power, 50 watts; emission, special for frequency modulation.

WAWT—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), area of Birmingham, Ala.—License to cover construction permit (B3-PRY-211), which authorized a new relay broadcast station.

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.

Consolidated Book Publishers, Inc., Terminal Building, Chicago, engaged in publishing and selling an encyclopedia known as "Standard American Encyclopedia", and a dictionary called "Universal Dictionary of the English Language", is charged in a complaint with misrepresentation.

The complaint charges that in circulars and other advertisements distributed throughout the various States the respondent has represented, concerning the encyclopedia:

"YOURS—ALMOST A GIFT

Through the American Home Library Foundation
We Are Able to Offer

THE STANDARD AMERICAN ENCYCLOPEDIA

Giant 15-Volume Home Reference Library . . ."

* * * * *

"15 HUGE BOOKS"

* * * * *

"* * * * * EDITION LIMITED! * * *"

* * * * *

"A MILLION DOLLAR INVESTMENT

Was Required to Produce This Great New Home
Reference Work."

* * * * *

"WHY WE MAKE THIS OFFER

How can we afford to make this offer? How can we give you the Standard American Encyclopedia, almost as a gift?

The answer is simple. The American Home Library Foundation is dedicated by its sponsors to the glorious task of placing within reach of every home in America good books that for all too long have been the privilege of only the wealthy. . . ."

In connection with the dictionary, the respondent is alleged to have represented:

"EDITED AT OXFORD UNIVERSITY

by Henry Cecil Wyld

* * * * *

The UNIVERSAL DICTIONARY is thoroughly new throughout, NOT a revised, reprinted edition of an older publication. It contains all the newest additions to the English language. It is printed from new plates, in modern, easy-to-read form. It brings you the definitions or nearly 200,000 modern English words and phrases, with every definition newly written. . . ."

The complaint alleges that these representations are false and misleading; that the price of the encyclopedia is not lower than it would be but for the activities of the "American Home Library Foundation"; that the "American Home Library Foundation" is not an organization dedicated to placing within the reach of every home the said encyclopedia, but is a trade name used by the respondent in conducting its business of selling the encyclopedia for a profit; that the volumes composing the encyclopedia are not huge, but of ordinary size; that the cost of reproduction was not a million dollars, and that the supply of the encyclopedia is not "limited", and copies are available for all potential purchasers, and that the dictionary is not new, but is an identical reprint of a 1932 edition by another publisher, except for a one and one-half page preface, a nine-page appendix, and other minor changes.

The complaint charges that neither Oxford University nor any such educational institution sponsored or contributed in any way to the publication of the dictionary. (4440)

De Forest's Training, Inc., 2533 North Ashland Ave., Chicago, conducting a vocational school in television, radio and motion picture sound equipment maintenance and manufacture, is charged in a complaint with misrepresentation.

The complaint charges that in the conduct of its business and for the purpose of promoting the sale of its course of instruction, the respondent secures prospective students and purchasers of its course by means of circulars and sales literature distributed in commerce. In advertising matter supplied by the respondent and distributed by its agents, there appear, among others, the complaint charges, the following statements:

"Sound, television, radio present world-wide opportunities. Television, a new branch of the Electronic field, is developing rapidly, * * *. After a man is trained the De Forest way, he is ready to enter the Electronic Industry and really go places. Our employment service is available to every enrollee no matter where he lives. Through this service we have helped scores of men obtain employment. Because we train our men well, manufacturers, dealers, and distributors are glad to consider our advanced students and graduates. What we have done for others we can do for you when you are properly trained. Start your preparation now so you can soon take advantage of our employment service."

The complaint charges that the respondent's representations are exaggerated, false and deceptive, and that the demand at the present time for men trained in the television field is not large enough to warrant the respondent's representations that graduates of the respondent's school may be readily placed in positions in the field. Moreover, the complaint continues, graduates of the respondent's school do not possess sufficient practical experience to qualify as skilled employees or craftsmen in the radio and television industry. (4441)

Gly-Cas Medicine Company—Medora Whinrey, individually and trading as Gly-Cas Medicine Company, and Robert B. Whin-

rey, an individual, Muncie, Ind., engaged in the sale and distribution of a medicinal preparation designated "Gly-Cas," are charged in a complaint with misrepresentation of their product.

The complaint charges that in advertisements disseminated in commerce the respondents have represented that the preparation is a cure or remedy for constipation, indigestion, gas bloated and sour stomach, rheumatic, and neuritis pains, sore and aching muscles, headaches, and other ailments therein named; that the disorders and conditions mentioned are typical symptoms of constipation or faulty elimination; that the existence of one or more of such symptoms indicates that constipation is the basic cause of such disorders and conditions; that use of the preparation will completely cleanse the system, remove toxic impurities and prevent invasion of intestinal glands by bacteria, and that the product is a body conditioner and purifier which will restore one to normal health.

The complaint alleges that the respondents' preparation will not accomplish the results claimed; that the preparation has no therapeutic value in the treatment of constipation in excess of temporary relief afforded by causing a partial evacuation of the intestinal tract; that the disorders and conditions mentioned in advertisements disseminated by the respondents as typical symptoms of constipation or faulty elimination are not typical symptoms of constipation or faulty elimination, but are often caused by other systemic disorders, and when so caused the use of the respondents' preparation will have no therapeutic effect. (4432)

Gordon Foods, Inc.—Alleging use of lottery methods in the sale of food products complaints have been issued against Gordon Foods, Inc., and H. W. Lay & Company, Inc., both of Atlanta.

The respondents, according to the complaint, sell to jobbers and retail dealers certain assortments of nuts so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes, when sold to the consuming public.

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 complaints grant the respondents 20 days for filing answer. (4438-4439)

Haskelite Manufacturing Corporation, 208 West Washington St., Chicago, which operates a factory in Grand Rapids, Mich., where it manufactures, among other products, wooden serving and lap trays, together with products designated as "Hasko De Luxe Buffet Trays" is charged in a complaint with misrepresentation.

The complaint charges that the respondent, in offering its trays for sale through advertisements in newspapers and other media, has represented, among other things, that the "Hasko De Luxe Buffet Trays" are "Hardwood with simulated Walnut grained surface", "Made of attractive simulated Walnut grained hardwood", and "Selected wood construction . . . available in Walnut or Mexican Copomo grains."

Through these representations, the complaint charges, the respondent has represented that the trays are manufactured of hardwood, and are of selected wood construction, and that the surface of the trays is composed of hardwood material finished to simulate walnut or Mexican copomo grains. These representations, the complaint continues, are false and misleading, as the trays are composed of a core of poplar soft wood material covered with a surface of paper which has been processed and printed to resemble walnut or Mexican copomo wood grains in appearance. (4442)

Hastings Manufacturing Company—A complaint has been issued charging the Hastings Manufacturing Company, Hastings, Mich., with violation of the Federal Trade Commission and Robinson-Patman Acts in the sale of piston rings and other replacement parts for use in motor vehicles.

The Commission at the same time dismissed without prejudice a proceeding resulting from a complaint issued in February, 1940, alleging violation of the Federal Trade Commission Act. (4030)

The new complaint also charges the respondent with violation of the Federal Trade Commission Act through practices having a tendency to create monopoly and unreasonably restrain manufacturers of competitive products in disposing of their merchandise

to jobbers and wholesale distributors of automotive parts and equipment.

It is alleged that the respondent company, in attempting to sell its products, either directly or on consignment, to jobber customers, as an inducement to prospective jobber customers to discontinue handling and stocking products of the respondent's competitors and to sell the respondent's products instead, engaged in various methods and practices including arrangements for taking over and buying up the stocks of competitive products in the hands of jobbers, making loans to jobber customers upon their terminating business relations with competitive manufacturers and taking over the respondent's line of products, and making misleading representations concerning the efficacy of its "Steel Vent" piston rings as compared with competitive products.

The new complaint alleges that in violation of the Robinson-Patman Act the respondent discriminates in price between purchasers buying its commodities of like grade and quality in interstate commerce, through granting to some of them concessions and monetary considerations which are not granted to other of its purchasers.

The complaint alleges that in consideration of their taking on the respondent's line, some of the respondent's customers, who have not previously purchased its products, are given cash gifts often ranging above \$1,000, such donations not being granted to other of the respondent's customers.

In consideration of some customers taking on the respondent's line for the first time, the complaint continues, the respondent pays them for the products of the respondent's competitors then owned by such customers, the payments being substantially in excess of the value of the products. Other customers do not receive such payments, according to the complaint. (4437)

G. Krueger Brewing Company, Newark, N. J., engaged in brewing and distributing beer under the brand name "Ambassador Beer", is charged, in a complaint, with misrepresentation.

In advertisements disseminated in commerce, the complaint charges, the respondent has represented: "A custom brewed beer for cultured taste, Ambassador is designed to meet the present day demand for a lighter, milder, more delicately flavored beer. Only the choicest barley malt and hops are used in brewing this distinctly different product."

Through use of these representations, the complaint continues, the respondent has represented that its product is composed wholly of barley malt and hops. In fact, the complaint continues, Ambassador Beer is not wholly composed of barley malt and hops, but includes corn and other grains or cereals. (4434)

Wire Rope & Strand Manufacturers Association, Inc., Washington, D. C., three of its officers, and 16 member companies manufacturing about 95 per cent of the country's production of wire rope, have been charged with unlawful agreement, combination and conspiracy to eliminate competition, in a complaint. Wire rope varies in size from airplane control wires to suspension bridge cables. It is used in the operation of elevators, power shovels and other heavy pulling and lifting equipment.

Respondent officers of the association are: Harry J. Leschen, St. Louis, president; George S. Whyte, Kenosha, Wis., chairman of the board; and George P. Lamb, Washington, executive secretary.

Respondent manufacturer members of the association are: American Chain and Cable Company, Inc., New York; The American Steel and Wire Company, Cleveland; The Bethlehem Steel Company, Bethlehem, Pa.; Broderick & Bascom Rope Co., St. Louis; Columbia Steel Company, San Francisco; E. H. Edwards Company, San Francisco; A. Leschen & Sons Rope Company, St. Louis; MacWhyte Company, Kenosha, Wis.; Pacific Wire Rope Co., Los Angeles; Rochester Ropes, Inc., Jamaica, Long Island, N. Y.; John A. Roebling's Sons Co., Trenton, N. J.; Union Wire Rope Corp., Kansas City, Mo.; Upson-Walton Company, Cleveland; Wickwire Spencer Steel Company, New York; Wire Rope Corporation of America, Inc., New Haven, Conn.; and Wire Rope Manufacturing & Equipment Company, Seattle.

Organized to meet the requirements of the National Industrial Recovery Act, the respondent association, according to the complaint, continued to function after that act was declared unconstitutional and is still in operation, the respondents Leschen, Whyte and Lamb controlling and directing its policies and activities. The complaint alleges that to the extent that the respondent association members act collusively and collectively in the pricing and

distribution of wire rope in the United States, they are in a position to dominate and control the prices at which this product must be purchased by distributors, dealers and users, including federal, State and municipal agencies.

Pursuant to their agreement, combination and conspiracy, the complaint alleges, the respondent association members, acting between and among themselves, or through the association or its three respondent officers, have fixed and maintained uniform delivered prices, terms and conditions for the sale of wire rope in the United States; continued, in effect, by agreement and concerted action a uniform, delivered price-fixing formula adopted at the time of their N.I.R.A. code, and have maintained a uniform method of computing net delivered prices for wire rope sold by them throughout the country.

The complaint further charges that pursuant to their agreement the respondent manufacturers have maintained a system of delivered prices which prevent the differences in the cost of freight delivery between their respective places of business and those of intended purchasers from creating any advantage or disadvantage to such purchasers in delivery costs. This system of identical delivered prices is based on so-called basing points whereby all delivered prices are calculated as though shipments within a given area were made from a single point or points to a common freight destination, according to the complaint.

Pursuant to their combination and agreement, the respondents, according to the complaint, divided the United States into basing point areas so that purchasers in each area get the same delivered price regardless of their distance from the manufacturer; required distributors of their products to resell them according to the respondents' price formula; adopted a uniform basic and chain discount system; defined what constitutes a recognized distributor and filed with the association the names of their distributors, and included in a uniform contract entered into by all the respondent members with their respective distributors, a provision forbidding such distributors from selling any wire rope other than that made by the particular respondent member with whom the distributor had a distributing contract.

In order to carry out the agreements and the acts and practices performed thereunder, the respondents, according to the complaint, held meetings, supervised and investigated the fulfillment and enforcement of the agreements, and coercively required recalcitrant manufacturers, distributors and dealers to conform to the agreements. (4443)

STIPULATIONS

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

Colorado Bedding Company—Four Denver, Colo., mattress and bedding manufacturers have entered into stipulations to cease and desist from certain representations in the sale of their products.

The respondents are: Colorado Bedding Company; Sam Moskin, trading as Mountain States Mattress Manufacturing Company; Kindel Bedding Company; and Abe D. Penn, trading as National Bedding Company.

Each respondent agrees to cease designating, describing, or representing its products which are made, either in whole or in part, of used or second-hand material, to be products made of or containing all new material, and each agrees to cease and desist from failing to clearly and unequivocally disclose that its products are composed, either in whole or in part, as the case may be, of used or second-hand material.

The Colorado Bedding Company also stipulates that it will cease representing that its products are made in compliance with the laws of Colorado or any other State, when in fact the products do not conform to such laws, and the Kindel Bedding Company agrees to cease representing that its products are made in compliance with Colorado or other State laws or that the products are sterilized, when in fact they are not made so as to conform to such laws and have not been subjected to a sterilization process.

Sam Moskin, trading as Mountain States Mattress Manufacturing Company, and Abe D. Penn, trading as National Bedding Company, agree to discontinue the use on or in connection with their products of any false, fictitious or misleading price representation which purports to be the retail sales price of the products but which, in fact, is in excess of the price for which such articles are customarily sold. (3009-3010-3011-3012)

Kindell Bedding Company—See Colorado Bedding Company.

Kramer-Brandeis, Inc., 159 Madison Ave., New York, engaged in the manufacture and sale of neckties and other men's wear, has entered into a stipulation in which it agrees to cease and desist from use of the word "llama", or the picturization of a llama, either alone or in connection with any other word or words, so as to imply to purchasers that its merchandise is composed either in whole or in substantial part of llama wool or hair. (3013)

Mountain States Mattress Mfg. Company—See Colorado Bedding Company.

Na-Pa Chemical Company—D. R. Sterett and Margaret H. Sterett, trading under the firm name of Na-Pa Chemical Company, 1108 South Broadway, Leavenworth, Kans., selling a drug product designated "Na-Pa Balm", have entered into a stipulation in which they agree to cease representing that the product is a competent treatment or an effective remedy for colds; that it will break up colds, or that it provides protection or insurance against colds, will aid in their prevention, or do more than afford temporary relief from the symptoms and discomforts associated therewith. The respondents also agree to cease representing that the product is a competent treatment or effective remedy for, or that it will provide protection or insurance against, or aid in the prevention of, muscular aches and minor ailments, or do more than afford temporary relief from the pains associated therewith; that the product penetrates; that it acts as a barrier to keep out cold germs, or that it is a competent treatment or an effective remedy for throat infections or sinus irritations, or will aid in preventing those conditions.

The respondents also agree that in making comparisons of the absorbing power of goose grease or any other ingredient contained in the product, they will state the ingredient with which comparison is made, and that no such comparison will be made unless the statements are actually a fact. (02695)

National Bedding Company—See Colorado Bedding Company.

Sur-Rid Products Company—Chas. Denny, trading as Sur-Rid Products Company, 455 Paul Brown Building, St. Louis, engaged in selling a rat killing preparation designated "Sur-Rid Rat Killer", has stipulated to discontinue representing that he tests every lot of the product, or that he guarantees the killing power of the product, and further agrees to cease and desist from using the term "Sur-Rid" or any other similar term or words as a part of the brand name of the product, or from otherwise representing or implying that it is sure in action or that its use will rid premises of rats. (02694)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

American Crayon Company, Sandusky, Ohio, and Binney and Smith Company, 41 East 42nd St., New York, manufacturers of crayons, chalk, paint sets, educational supplies and allied products, have been ordered to cease and desist from violations of the Robinson-Patman Act.

Commission findings are that the respondents sell their products of like grade and quality to all customers at one list price from which they allow a 50 per cent trade discount to customers buying solely in case lots, and that they grant to some customers further varying discounts in addition to this trade discount.

The American Crayon Company, according to findings, grants in addition to the regular trade discount, discounts ranging from 5 to 10 per cent to some customers, and varying discounts ranging from 15 per cent to 10 plus 10 per cent on certain sizes of "Prang" tempera only.

Binney and Smith Company, according to findings, had allowed additional 5 and to some customers 10 per cent discounts over

and above the regular trade discount, but, since issuance of the Commission complaint in this proceeding, had discontinued the 5 per cent discount and allows to all its "competitive distributors" a 10 per cent discount over and above the regular trade discount.

Commission findings are further that as compensation for merchandising, promotional and other selling services, percentage discounts or allowances have been granted by The American Crayon Company to some of its "special or promotional distributors", and by the Binney and Smith Company to some of its "special or promotional representatives".

In some instances, the findings continue, this special compensation has been granted without making it available on proportionally equal terms to other customers competing with these special classes of customers in the sale and distribution of the respondents' products of like grade and quality.

To some of their "special or promotional" customers, the respondents, according to findings, had granted a 10 per cent discount as compensation for carrying warehouse stocks and furnishing promotional and selling services and facilities, and a 5 per cent discount to others of this class furnishing the same type but less extensive services and facilities. However, the Binney and Smith Company, since issuance of the Commission complaint, has discontinued the 5 per cent discount and grants a 10 per cent discount to all "special or promotional representatives" for carrying warehouse stocks and furnishing selling services and facilities.

The findings point out that other customers not receiving any compensation are able and willing to and in some instances do furnish the respondents the same services and facilities as do the "special or promotional" customers; that some of them have requested that they receive the special compensation, but that the respondents have refused to grant it on proportionally equal terms.

The Commission orders direct that the respondents cease and desist from selling their commodities of like grade and quality to competing purchasers at uniform prices and granting varying discounts therefrom in the manner and under the circumstances found, and that they cease granting or allowing compensation to any customers of an amount equal to 10 per cent or 5 per cent, respectively, of either respondent's net billing prices of the products sold by such customer, or any compensation to any customer, for services or facilities furnished by or through such customer in connection with the handling, sale or offering for sale of the respondent's products, unless such payments are made available on proportionally equal terms to all buyers from the respondent who are competitors of such customer. (4142-4143)

Hall & Ruckel, Inc., 241 37th St., Brooklyn, N. Y., engaged in the distribution of a depilatory designated "X-Bazin," has been ordered to cease and desist from misrepresentation of its product.

The Commission finds the respondent has represented in advertisements, among other things, that "The special formula of X-Bazin actually retards the growth of hair. When the regrowth does come, it is much softer and less conspicuous than before. The skin is left smooth, soft and white. * * * Don't Be an Airedale. In the merciless slang of Hollywood, a girl with hair on arms or legs is 'an Airedale.' That's why film stars take hair off and keep it off with X-Bazin, the safe, efficient, and reliable hair remover. * * * No other process of removing unwanted hair so successfully combines ease and thoroughness with perfect safety."

The Commission finds that the representations made by the respondent with respect to the properties, nature and effect of its product when used are exaggerated, false and misleading, and that the product is a common depilatory and does not differ in its properties and effects from other chemical depilatories. In fact, the findings continue, X-Bazin does not discourage the growth of hair or delay its appearance for any material length of time, and the hair is not appreciably slower in returning or regrowing than it is following the use of other methods of hair removal.

The respondent is ordered to cease and desist from representing that the product is not caustic or is in all cases entirely safe or harmless; that the product discourages the growth of hair or delays the appearance of hair for any substantial period of time, or that the hair is appreciably slower in regrowing after use of the respondent's product than when the hair is shaved or otherwise removed; that the hair regrowing, after use of the respondent's product, is softer or less coarse than the hair regrowing after shaving; that the results obtained from the use of the product differ essentially from the results obtained from the use of other methods of hair removal; that the product permanently eradicates hair; or that it has been endorsed or recommended by scientists or physicians. (3389)

Kongo Chemical Company, Inc., 66 East 131st St., New York, engaged in the manufacture and distribution of a cosmetic preparation known as "Kongolene", intended for use on the hair, has been ordered to cease and desist from certain misrepresentations.

In advertisements circulated through the United States mails and in interstate commerce, the Commission finds the respondent has represented that "Kongolene is a purely vegetable product. * * * will straighten the crimpiest kind of hair, stops it from falling out, promotes a luxuriant growth of healthy hair, removes dandruff and keeps the hair soft and glossy * * *" " * * * it will benefit you for generations to come, if you are homely, likewise will be your offspring, if you are handsome, they will be likewise"—all of which representations, the findings continue, are exaggerated, false and misleading.

The respondent is ordered to cease and desist from disseminating advertisements which represent that the preparation is a purely vegetable product; will permanently straighten the hair or contribute to the straightening of the hair in any way other than by softening the hair temporarily; will prevent hair from falling out or promote the growth of hair; will cure or permanently remove dandruff; that the preparation is the greatest discovery of the age, or that the use of the preparation will benefit the offspring of the user; that the preparation is safe or harmless; or which advertisement fails to reveal that use of the preparation may result in severe caustic action upon the skin and scalp, with resulting burns. (4193)

Philip Morris & Co., Ltd., Incorporated, New York, has been ordered to cease and desist from a number of representations in the sale of cigarettes in commerce.

Commission findings are that the respondent company, a Virginia corporation, through the use of various legends, statements and depictions on its containers, has induced many persons to purchase its cigarettes in the belief that it is an English corporation holding a warrant entitling it to display the British Royal Arms; that it operates factories in London, Eng., Cairo, Egypt, Hamilton, Canada, and Richmond, Va., and warehouses all over the world; that its "Philip Morris," "English Ovals," "Marlboro," and "Player's Navy Cut" cigarettes are made in England and that its "Player's Navy Cut" are the same cigarettes as those generally and widely sold under that name in England.

According to Commission findings, the brands of cigarettes involved in this proceeding are made not in England, but in the United States; the respondent holds no warrant entitling it to display the British Royal Arms; it neither maintains warehouses in many parts of the world nor operates factories in Hamilton or Cairo, but it does manufacture certain cigarettes in England through its wholly owned subsidiary, Philip Morris & Company, Limited.

Findings are further that the belief by customers that the respondent is an English corporation is attributable in part to the substantially greater prominence given to the abbreviation "Ltd." in its corporate name as set forth on certain labels, as compared to that given the word "Incorporated" or its abbreviation "Inc." The effect of this under-emphasis, the findings continue, is enhanced by the use of a device resembling the Royal Arms and expressions such as "English Blend," "English Ovals," "London W" and "By Special Appointment."

The Commission further finds that the sale of the respondent corporation's American-made "Player's Navy Cut" cigarettes in a package closely resembling the package in which its English-made cigarettes of the same name are sold, has a tendency to engender the belief that they are of English manufacture, in the absence of an explicit disclosure of the actual country of manufacture.

The Commission finds that the phrase "Established over 80 Years" as used by the respondent is not without justification; that although a number of English and American corporate entities have intervened between Philip Morris, the founder, who conducted a tobacco business in London as early as 1846, and the respondent, there has been an unbroken continuity in the commercial life of the enterprise.

The Commission order directs Philip Morris & Co., Ltd., Incorporated, to cease and desist from using the phrase "London W" or any other similar wording in connection with the advertising or packaging of cigarettes not made in England, and from using the word "English" or similar words to refer to the shape or blend of cigarettes manufactured elsewhere than in England, unless in immediate connection the place of manufacture is conspicuously set forth.

The order also directs the respondent to cease using any depic-

tion or simulation of the British Royal Arms or the words "Special Appointment" or "By special appointment," and to desist from use of the word "Limited" or its abbreviation "Ltd." as part of the respondent's corporate name or in any other manner, unless the word "Incorporated" or its abbreviation "Inc." appears in letters of the same size and boldness as do "Limited" or "Ltd."

The order further directs the respondent to discontinue representing that it operates factories or warehouses in any place in which it does not operate them and to desist from using the name "Player's Navy Cut" as a designation of any cigarette not made in England, unless in immediate connection with such name the country of manufacture is set forth in letters of the same size or conspicuousness as is the trade name "Player's Navy Cut." (3865)

Premium Candy Company—Two candy distributors in Fayetteville, N. C., and one in Vincennes, Ind., have been served with orders directing them to cease and desist from the use of lottery methods in the sale of candy. The respondents are Joe L. Thompson, trading as Premium Candy Company, and Harry Yates, trading as Cumberland Candy Company and Dixie Candy Company, both of Fayetteville, N. C., and Robert V. and Edward G. Bierhaus, trading as E. Bierhaus & Sons, Vincennes, Ind.

The orders prohibit the respondents from selling or distributing any merchandise so packed and assembled that its sale to the public may be made by means of a lottery; from supplying others with assortments of merchandise, together with push or pull cards, punch boards or other lottery devices, or separately, which devices may be used in selling or distributing such merchandise to the public; and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme. (4287-4296-4377)

U. S. Drug & Sales Company—Edwin L. Leisenring, trading as U. S. Drug & Sales Company, U. S. Drug Laboratories, and U. S. Drug Company, and Gordon Leisenring, both of 1534 Lawrence St., Denver, Colo., engaged in the sale and distribution of medicinal preparations including a drug preparation advertised as "Alcoban", represented as a treatment for alcoholism, have been ordered to cease and desist from false advertising in connection with the sale of such products.

The Commission finds that in advertisements in newspapers, periodicals and other media, the respondents have represented that "The Alcoban treatment is the result of years of work and experimentation by physicians, and represents the scientific method of treating Alcoholism, as it was developed through the knowledge of medicinal science, and a comprehensive understanding of the cause of 'drink', and its results on the organs of the body." Through these and other statements, the findings continue, the respondents have represented that the preparation is a competent and effective treatment for alcoholism; that it removes the desire for alcoholic stimulants, and that it is safe and harmless.

The preparation is not safe or harmless, according to the findings,

as it contains certain drugs in quantities sufficient to cause serious injury to health if the preparation is used under the conditions prescribed in the advertisements or under such conditions as are customary or usual.

The respondents are ordered to cease and desist from disseminating advertisements which represent that the preparation is a competent or effective treatment for alcoholism; that it is safe or harmless; that the preparation removes the desire for alcoholic stimulants; or which advertisements fail to reveal that use of the preparation may result in serious injury to the nerves, tissues and lungs, and may produce toxic conditions in the body. (4364)

Walton Training Bureau—Milton S. Long, trading as Walton Training Bureau, 121 Ellison St., Paterson, N. J., has been ordered to cease and desist from misrepresentations in the sale of correspondence courses intended to prepare students for United States Civil Service examinations.

Commission findings are that in advertising matter circulated in various States, the respondent has represented or implied that United States Government positions are immediately available; that the respondent can obtain positions for students; that examinations will be held frequently; and that the starting salaries are greater than they are in fact. The Commission further finds that these representations and other similar assertions made by the respondent are misleading. Among positions which have been advertised, according to the findings, are railway postal clerk, city mail carrier, post office clerk, and rural mail carrier.

The order directs the respondent to cease and desist from representing: that United States Government positions are immediately available; that he can obtain positions for students or has any control over, or is in a position to obtain, appointments to Federal Government positions; that Civil Service examinations will be held frequently; that the starting salaries for any position advertised are greater than they are in fact; and that he obtains from the United States Civil Service Commission information with respect to examinations being held which is not available to students. (4346)

FTC CASE CLOSED

The Federal Trade Commission has closed a case against Zisblatt Furniture Company, Inc., trading as Grand Rapids Furniture Show Rooms, and Morris, Meyer, Sam and Lillian Zisblatt, and A. Maccia, formerly of 4132 Park Ave., New York, without prejudice to its right to resume proceedings, should future facts so warrant.

The respondents had been charged in a Commission complaint with the dissemination of misleading representations in the sale of household furniture.

According to information received by the Commission, the respondent corporation has become bankrupt and is no longer engaged in business. Three of the individual respondents have no permanent residences or places of business and their present locations are unknown.