

THE WEEK IN WASHINGTON

BMI signed a consent decree in the United States District Court for the Eastern District of Wisconsin, in which BMI agreed not to engage in activities which the Justice Department alleged would constitute violations of the Sherman Act. The Department then announced it would proceed criminally against ASCAP under the antitrust laws. (p. 95)

NAB and AAAA committees are continuing their efforts to compose any differences remaining between the two groups in respect to recommended station facilities contract. (p. 98)

FCC officials and members of the National Television Systems Committee on January 24 and 25 saw demonstrations of recent television developments. (p. 100)

District meetings were held in Districts 10, 14, and 17. (p. 102)

The Attorney-General's Committee on Administrative Procedure made public its report last Saturday. (p. 103)

The House of Representatives appropriated \$4,259,729 for the FCC for the fiscal year starting next July 1. (p. 105)

BMI Consent Decree

The Department of Justice announced last Monday that Broadcast Music, Inc., had signed a civil decree in the United States District Court for the Eastern District of Wisconsin, in which it agreed not to engage in activities which the Department alleged would constitute violations of the Sherman Act. Following is the Department's statements:

"In order to avoid placing Broadcast Music, Inc., at a competitive disadvantage, the decree will take effect only when similar restraints have been imposed upon the American Society of Composers, Authors and Publishers either by way of consent or litigation.

"In the light of this voluntary action, the Department will withdraw its previously announced prosecution against Broadcast Music, Inc., the National Broadcasting Company and the Columbia Broadcasting System. There is

no change in the Department's announced intention promptly to proceed criminally against the American Society of Composers, Authors and Publishers. Negotiations looking to a settlement in that case ended abruptly in late December.

"Under the decree signed Monday, Broadcast Music, Inc., agrees, when the decree become effective, not to engage in the following practices which the Department deems to be in violation of the antitrust laws:

"1. BMI agrees not to exercise exclusive control, as agent for any other person, over the performing right of music of which it does not own the copyright.

"2. BMI agrees never to discriminate either in price or terms among the users of copyrighted music. All BMI compositions will be offered for performance to all users of the same class on equal terms and conditions.

"3. BMI agrees to license music on a pay-when-you-play basis. That is, broadcasters will be enabled to buy BMI music either on a per piece or per program basis, if they desire, and in no case will a broadcaster be required to pay a fee which is based on programs which carry no BMI music.

"4. BMI will never require a license from more than one station in connection with any network broadcast. Licenses will be issued to networks or originating stations.

"5. Manufacturers of electrical transcriptions, or sponsors, or advertisers on whose behalf such electrical transcriptions are made, will, if they so desire, be able to obtain licenses for the use of such transcriptions for broadcast purposes.

"6. BMI agrees never to engage in an all-or-none policy in licensing its music. That is, motion picture exhibitors, restaurants, hotels, radio stations, and all commercial users of BMI music will be able to obtain the right to perform any BMI compositions desired without being compelled to accept and take the entire BMI catalogue.

"7. BMI agrees that it will not attempt to restrict the performance rights of its music for the purpose of regulating the price of recording its music on electrical transcriptions made for broadcast use."

Neville Miller issued the following statement in Washington after the Justice Department had issued the above statement:

"The provisions of the voluntary civil decree signed by BMI today embody both the spirit and intent behind the original organization of BMI. BMI was formed after the broadcasters of America had vainly struggled for ten years to induce the American Society of Composers, Authors and Publishers to discontinue its monopolistic practices. These practices compelled broadcasters to buy popular music as a whole, regardless of how little of it the

(Continued on page 96)

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 CONSENT DECREE

(Continued from page 95)

individual broadcaster might want to use, and to pay whatever percentage ASCAP might demand on the receipts of all programs, whether those programs used ASCAP music, other music or no music at all.

"BMI, both in its original resolutions and in all of its contracts, committed itself to offering music to broadcasters on a 'per piece' or 'per program' basis, and also to clearing music at the source, when the termination of the ASCAP monopoly made this course feasible. Having so announced its intentions ever since its inception, BMI has now formally agreed with the Department of Justice to carry out these commitments when the Department of Justice is able to compel ASCAP to adopt similar policies.

"BMI is owned by the broadcasting stations of America. Over 80 per cent of its stock is owned by approximately 670 broadcasting stations, and approximately 20 per cent of its stock is owned by the leading networks. Under the terms of the decree, broadcasters who do not wish to pay for music on a 'per piece' or 'per program' basis are not forced to do so, but may obtain another basis of payment if they so desire. The decree specifically provides that it does not constitute an admission or finding of any violation of law on the part of BMI."

Following is text of the decree:

IN THE DISTRICT FOUR OF THE UNITED STATES
 FOR THE EASTERN DISTRICT OF WISCONSIN

JANUARY TERM, 1941

UNITED STATES OF AMERICA, *Plaintiff*,

v.

BROADCAST MUSIC, INC., *Defendant*.

Civil Action File No. —

CONSENT DECREE

This cause came on to be heard on this — day of January, 1941, the plaintiff being represented by Thurman Arnold, Assistant Attorney General; J. B. Husting, United States Attorney for the Eastern District of Wisconsin; Victor O. Waters, Special Assistant to the Attorney General; and Warren Cunningham, Jr., Special Attorney; and the defendant being represented by its counsel, and having appeared and filed its answer to the complaint herein.

It appears to the Court that defendant, Broadcast Music, Inc., has consented in writing to the making and entering of this decree, without any findings of fact, upon condition that neither such consent nor this decree shall be construed as an admission or adjudication that said defendant has violated any law.

It further appears to the Court that this decree will provide suitable relief concerning the matters alleged in the complaint filed herein and that by reason of the aforesaid consent of defendant, Broadcast Music, Inc., and its acceptance by plaintiff it is unneces-

sary to proceed with the trial of the action, or to take testimony therein, or that any adjudication be made of the facts.

Now, therefore, upon motion of plaintiff, and in accordance with said consent, it is hereby

ORDERED, ADJUDGED AND DECREED

1. The Court has jurisdiction of the subject-matter set forth in the complaint and of the parties hereto with full power and authority to enter this decree and the complaint states a cause of action against defendant, Broadcast Music, Inc., under the Act of Congress of July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies" and the acts amendatory thereof and supplemental thereto.

II. Defendant, Broadcast Music, Inc., its officers, directors, agents, servants, employees and all persons acting or claiming to act on its behalf are hereby perpetually enjoined and restrained from entering into or carrying out, directly or indirectly, any combination or conspiracy to restrain interstate trade and commerce, as alleged in the complaint, by doing, performing, agreeing upon, entering upon or carrying out any of the acts or things hereinafter in this paragraph II prohibited:

(1) Defendant, Broadcast Music, Inc., shall not, with respect to any musical composition, acquire or assert any exclusive performing right as agent, trustee or otherwise acting on behalf of any copyright owner or other owner of the performing right, or pursuant to any understanding or agreement with such owner to pay for such right a share of, or an amount measured by, the receipts or revenues of said defendant. Nothing contained in this sub-paragraph (1) shall be construed as preventing defendant, Broadcast Music, Inc., from acquiring or asserting exclusive performance rights (a) in any musical composition of which said defendant shall also own or acquire the copyright; (b) in any musical composition concurrently with the exclusive right to publish such composition in the United States of America; (c) in any musical composition as a purchaser, assignee or licensee (but not as agent, trustee or otherwise on behalf of another) in consideration of the payment or agreement to pay, as the sole compensation for such performing rights, a fixed sum stated in the contract of purchase, assignment or license; or (d) in any musical composition, as a purchaser, assignee or licensee (but not as agent, trustee or otherwise on behalf of another) in consideration of the payment or agreement to pay, as the sole compensation for such performing rights, an amount determinable by reference to the number of licensed performances of such composition at a fixed per performance price and basis stipulated in such contract.

(2) Defendant, Broadcast Music, Inc., shall not enter into, recognize as valid or perform any performing license agreement which shall result in discriminating in price or terms between licensees similarly situated; provided, however, that differentials based upon applicable business factors which justify different prices or terms shall not be considered discrimination within the meaning of this sub-paragraph; and provided further that nothing contained in this sub-paragraph shall prevent price changes from time to time by reason of changing conditions affecting the market for or marketability of performing rights.

(3) Defendant, Broadcast Music, Inc., shall not require, as a condition to any offer to license the public performance for profit of a musical composition or compositions for radio broadcasting, a license fee of which any part shall be (a) based upon a percentage of the income received by the broadcaster from programs in which no musical composition or compositions licensed by said defendant for performance shall be performed, or (b) an amount which does not vary in proportion either to actual performances during the term of the license of the musical compositions licensed by said defendant for performance, or to the number of programs

on which such compositions or any of them shall be performed; provided, however, that nothing herein contained shall prevent said defendant from licensing a radio broadcaster, on either or both of the foregoing bases, if desired by such broadcaster, or upon any other basis desired by such broadcaster.

With respect to any existing or future performing license agreement with a radio broadcaster, defendant, Broadcast Music, Inc., shall not, if required by such broadcaster, refuse to offer either or both of the following bases of compensation which may be specified by the broadcaster:

(i) in respect of sustaining programs a per program license fee, expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which musical compositions licensed by said defendant shall be performed;

(ii) in respect of commercial programs, a per program license fee, either expressed in terms of dollars, requiring the payment of a stipulated amount for each program in which musical compositions licensed by said defendant for performance shall be performed, or, at the option of defendant, the payment of a percentage of the revenue derived by the licensee for the use of its broadcasting facilities in connection with such program.

In the event that defendant shall offer to license the public performance for profit of a musical composition or compositions for radio broadcasting upon one or more of the foregoing per program bases, and shall also offer to license such performance on a basis of compensation which shall not vary in direct proportion to the number of programs on which musical compositions licensed by defendant shall be performed, defendant shall establish, in good faith, a relationship between such per program basis and such other basis, justifiable by applicable business factors, so that there will be no frustration of the purpose of this sub-paragraph to afford radio broadcasters alternative bases of license compensation.

(4) Defendant, Broadcast Music, Inc., shall not license the public performance for profit of any musical composition or compositions except on a basis whereby, insofar as network radio broadcasting is concerned, the issuance of a single license, authorizing and fixing a single license fee for such performance by network radio broadcasting, shall permit the simultaneous broadcasting of such performance by all stations on the network which shall broadcast such performance, without requiring separate licenses for such several stations for such performance.

(5) With respect to any musical composition in defendant's catalog of musical compositions licensed for radio broadcasting and which is or shall be lawfully recorded on an electrical transcription or other recordation intended for broadcasting purposes, said defendant shall not refuse to license the public performance for profit by designated radio broadcasting stations of such composition by a single license to any manufacturer, producer, or distributor of such transcription or recordation or to any advertiser or advertising agency on whose behalf such transcription or recordation shall have been made who may request such license, which single license shall authorize the broadcasting of the recorded composition by means of such transcription or recordation by all radio stations enumerated by the licensee, on terms and conditions fixed by said defendant, without requiring separate licenses for such enumerated stations.

(6) Defendant, Broadcast Music, Inc., shall not, in connection with any offer to license by it the public performance for profit of musical compositions, refuse to offer a license, at a price or prices to be fixed by said defendant, for the performance of such individual musical compositions or catalogues of musical compositions the use of which shall be requested by the prospective licensee.

(7) Defendant, Broadcast Music, Inc., shall not assert or exercise any right or power to restrict from public performance for

profit by any licensee of said defendant any copyrighted musical composition in its licensed catalogue in order to exact additional consideration for the performance thereof, or for the purpose of permitting the fixing or regulating of fees for the recording or transcribing of such composition; provided, however, that nothing in this sub-paragraph shall prevent said defendant from restricting performances of a musical composition in order reasonably to protect the value of the public performance for profit rights therein or to protect the dramatic performing rights therein or as may be reasonably necessary in connection with any claim or litigation involving the performing rights in any such composition.

III. The terms of this decree shall be binding upon, and shall extend to each and every one of the successors in interest of defendant, Broadcast Music, Inc., and to any and all corporations, partnerships, associations and individuals who or which may acquire the ownership or control, directly or indirectly, or all or substantially all of property, business and assets of defendant, Broadcast Music, Inc., whether by purchase, merger, consolidation, reorganization or otherwise. None of the restraints or requirements herein imposed upon the Defendant shall apply to the acquisition of or licensing of the right to perform musical compositions publicly for profit outside of the United States of America, its territories and possessions.

IV. For the purpose of securing compliance with paragraph II of this decree, and for no other purpose, duly authorized representatives of the Department of Justice shall, on the written request of the Attorney General or an Assistant Attorney General and on reasonable notice to defendant, Broadcast Music, Inc., made to the principal office of said defendant, be permitted (a) reasonable access, during the office hours of said defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendant, relating to any of the matters contained in this decree, (b) subject to the reasonable convenience of said defendant and without restraint or interference from it, and subject to any legally recognized privilege, to interview officers or employees of said defendant, who may have counsel present, regarding any such matters; and said defendant, on such request, shall submit such reports in respect of any such matters as may from time to time be reasonably necessary for the proper enforcement of this decree; provided, however, that information obtained by the means permitted in this paragraph shall not be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Department of Justice except in the course of legal proceedings in which the United States is a party or as otherwise required by law.

V. The provisions of sub-paragraph (4) of paragraph II of this decree shall not become effective until nine months after the effective date of the other provisions of said paragraph.

None of the provisions of paragraph II of this decree shall become effective until 90 days after plaintiff shall have delivered to defendant, Broadcast Music, Inc., a certified copy of a consent decree or other final decree of a court of competent jurisdiction, not subject to further review, by which restraints and requirements in terms substantially identical with those imposed herein shall be imposed upon American Society of Composers, Authors and Publishers; provided, however, that if said defendant shall be of the opinion that the restraints and requirements so imposed against American Society of Composers, Authors and Publishers are not substantially identical with those imposed herein, and shall apply to the Court within 20 days after receipt of a certified copy of said decree, for a determination of that question, no provision of said paragraph II shall become effective until the Court shall have determined that such restraints and requirements are substantially identical with those imposed herein.

VI. Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this decree to make application to the Court at any time after the delivery to the defendant of a certified copy of a decree against American Society of Composers, Authors and Publishers complying with the provisions of Paragraph V hereof for such further orders and directions as may be necessary or appropriate in relation to the construction of or carrying out of this decree, for the modification hereof upon any ground, for the enforcement of compliance herewith and the punishment of violations hereof. Jurisdiction of this cause is retained for the purpose of granting or denying such applications as justice may require and the right of the defendant to make such application and to obtain such relief is expressly granted.

United States District Judge.

We hereby consent to the entry of the foregoing decree.

For the complainant:

(Signed) B. J. HUSTING,
United States Attorney,
Eastern District of Wisconsin.

(Signed) THURMAN ARNOLD,
Assistant Attorney General.

(Signed) VICTOR O. WATERS,
Special Assistant to the Attorney General.

(Signed) WARREN CUNNINGHAM, JR.,
Special Attorney.

For the defendant: Broadcast Music, Inc.

GODFREY GOLDMARK,
Counsel.

BMI

THE ROCK BOTTOM ISSUE

The consent decree which BMI signed in Milwaukee is of such a nature that no doubt can be left in the minds of the public as to the fundamental issues in the controversy between ASCAP and the broadcasting industry.

In spite of the printed statement on the BMI license contracts that NBC and CBS "have declared their approval of the principle of clearance at the source," ASCAP speakers have insisted vehemently even up to the last few days that opposition of the networks to this principle was the real basis of the difficulty. In light of the consent decree it will be impossible for them to squirt out that particular smoke screen any longer.

ASCAP propaganda has sought to minimize the importance of the question of a per-use form of contract and has challenged the sincerity of the official BMI statement, printed on its license contracts, "that such a basis of payment was the ultimate objective of BMI" and that BMI would offer that form of contract when the establishment of a free competitive market in the field of popular music made it possible. Following the refusal of ASCAP in December to sign a consent decree embodying an agreement to offer such a form of license,

the signature by BMI of the present decree sets forth clearly the fundamental difference between ASCAP and the broadcasters on this issue.

The great underlying issue also becomes unmistakable, even to the general public. The changes which ASCAP has sought to avoid are only changes which would deprive it of the monopolistic control which it has exercised over the popularization of music, but the broadcasters in working for "freedom of music" are in fact fighting for an even greater goal—the freedom of radio.

It is obvious, even to the ignorant, that the American system of broadcasting as a private enterprise can continue only if the broadcasters are permitted to make a fair profit and that the only alternative would be some form of government operation such as they have in Europe. The general public, however, has been slow to grasp the fact that this larger issue is involved in the present controversy. Every broadcaster has known that the ASCAP monopoly was in cold fact a continuing threat to his existence. The present status of the affair with the Department of Justice must at last awaken every man in the street to the real significance of the fight which BMI and the broadcasters are making.

There has been a tendency to say, "I can't believe that ASCAP really wants to wipe out the broadcasting industry."

The broadcaster could only reply, "Well, their policies certainly worked in that direction."

Now BMI has accepted for itself terms which make monopoly impossible, terms even more stringent than those which ASCAP refused to accept in December.

And ASCAP, as if to remove any lingering doubt, is making clear the fundamental nature of the struggle in the words of one of its most influential members, Irving Caesar, president of the Song Writers Protective Association and a member of the ASCAP Board of Directors. Last summer Mr. Caesar was quoted in a short newspaper item as pointing with favor to the position of the song writers under the British radio system. This month he returned to the same attack in a big way with a vitriolic, vituperative indictment of BMI and the radio industry delivered before a meeting of the Song Writers Protective Association.

Mr. Caesar has been quoted as saying, "For my own part I'll take my chances on government-run, non-commercial radio."

There lies the basic substance of the matter. Freedom of radio is the stake.

The radio is not only a means of entertainment; it is also one of the most important means for the spread of information and the expression of opinion. It will remain a fair and open forum only so long as it remains a private enterprise. In fighting for the existence of their industry,

the broadcasters are fighting for a principle which is as vital to American democracy as freedom of speech and freedom of the press.

BMI FEATURE TUNES

February 3-10

1. HIGH ON A WINDY HILL
2. YOU WALK BY
3. HERE'S MY HEART
4. BUGLE WOOGIE
5. IT ALL COMES BACK TO ME NOW
6. MAY I NEVER LOVE AGAIN
7. I CAN'T REMEMBER TO FORGET
8. WISE OLD OWL
9. ACCIDENT'LY ON PURPOSE
10. KEEP AN EYE ON YOUR HEART
11. BECAUSE OF YOU
12. ALL I DESIRE
13. WALKIN' BY THE RIVER
14. LET'S DREAM THIS ONE OUT
15. LITTLE SLEEPYHEAD
16. ANYWHERE
17. BREAKFAST FOR TWO
18. I LOOK AT YOU
19. SHADOWS IN THE NIGHT

The records of sheet music sales, phonograph record sales, and the records earning the biggest money in the coin machines all give the answer to ASCAP's propaganda which has sought to turn the public against BMI tunes. These records prove the influence of radio in popularizing music. They also prove that the music furnished by BMI is more pleasing to the public than the music of any other publishing house. Among the fifteen best sheet music sellers listed by *Variety* the top nine contain seven of BMI's own publications and two others licensed through BMI. On the coin machine list "Frenesi" ranks No. 1 and songs published by BMI appear at 2nd, 5th, 6th, and 10th places. No other publisher is represented by more than one song. BMI's "There I Go" and "I Give You My Word" are credited with having been on the list for eight and seven weeks respectively, a longer time than that shown by any other number. Among the ten best selling records as shown by *Billboard* six are records of BMI's publication or of music licensed through BMI.

BMI's sheet music sales are running around 130,000 copies a week. The leaders at present, together with their sales up to the end of last week, are "There I Go" (140,000), "I Hear a Rhapsody" (120,000), "I Give You My Word" (72,000), and "So You're the One" (60,000).

Notice

M. E. Tompkins, Vice President and General Manager of Broadcast Music, Inc., sends the following memorandum to all BMI member stations:

"We are informed that some stations are refraining from playing stock orchestrations of works in our catalogue of E. B. Marks compositions because of the fact that these works have been arranged or orchestrated by persons who are now members of ASCAP. These stock orchestrations are covered by Marks' indemnity to us and by our indemnity to you, and we see no reason why stations should avoid their performance. In all cases we are advised by E. B. Marks & Company that these orchestrations were made for hire and are the sole property of Marks, and our investigation discloses that this is the fact."

Coin Operators Support BMI

The BMI booth was a conspicuous landmark in the annual exhibition of the Coin Machine Industries held recently at the Hotel Sherman in Chicago. The operators of coin phonographs, music dealers, record distributors, and the proprietors of restaurants, grills, and other amusement places which rely upon coin phonographs for entertainment thronged the booth. They expressed warm and practically unanimous support of BMI. Several hundred added their names to the already impressive list of those who have requested notice of all new records of BMI music.

The automatic phonograph industry has two reasons to support BMI in its effort to establish an open market for music:

1. ASCAP's efforts to obtain a revision of the copyright law which would permit it to tax coin phonographs and its announced intention of levying a sixty-dollar-a-year tax on the machines;

2. The number of taverns and small night clubs which use phonographs or employ small orchestras one or two nights a week or for other circumstances are brought, even under the present law, within the range of ASCAP persecution.

Next to radio, the hundreds of thousands of coin phonographs are probably the most important means of popularizing music and the support of this industry is of great importance to BMI. The fact that BMI music is popular with the patrons of the phonographs has been well demonstrated by the number of records of BMI music which have appeared week after week on the lists of the biggest money makers in the coin machines.

BMI's exhibition at the coin machine show was welcomed by all parts of the industry as a demonstration of BMI's good will toward the phonograph operators. The number of delegates and visitors who requested releases of BMI records and printed music, the number who read the BMI and NAB pamphlets, and especially those who came back to ask for more of the pamphlets so that they might distribute them among their friends—all gave evidence that the automatic phonograph industry reciprocates BMI's good will in a very practical way.

Thus Saith the Preacher

Local minister wrote ASCAP that he had seen statement in newspaper that ASCAP would make no charge for use of its music in church services and was also willing to permit such services to be broadcast even though radio stations had no ASCAP license. ASCAP replied that church was at liberty to use ASCAP music and have same broadcast, *but, of course*, the minister was to announce during the service that music was being used by courtesy of ASCAP. Minister called manager of radio station on telephone to read him ASCAP letter. Said the dominie, "I'm going to write those fellows and tell them what I think. I'm going to give them hell".

Which illustrates ASCAP's failure in its efforts to use sacred music as a commercial shillelagh.

75 Per Cent Non-ASCAP

According to a report from WIS, in Columbia, S. C., the average South Carolina music lover is 75 per cent non-ASCAP. This was proved on January 22nd by no less a personage than the world famous pianist, Alec Templeton. Templeton played a concert with the Southern Symphony on that date.

During the course of Templeton's part of the program, he asked the audience to name four selections for him to use in a special improvisation. These selections were to include a popular number, a piano solo, a semi-classic, and a classical number. Immediately the audience shouted, "Frenesi—Frenesi!" This indicates the way the radio industry can popularize a tune. For the classical selection Templeton used music from Tannhauser, which is in public domain and was broadcast over WIS on January 18th from the Metropolitan Opera.

The semi-classic number was the Blue Danube Waltz—also in PD. The only ASCAP number in the group was the piano solo, "Nola," made familiar by Vincent Lopez over a period of many years. Thus, three out of four or 75 per cent of this particular group of songs were non-ASCAP tunes.

Sales

STATION FACILITIES CONTRACT

Numerous meetings, both joint and separate, of the NAB and AAAA committees will have been held by the end of this week in a final effort to compose any differences remaining between the two groups in respect of the Station Facilities Contract recommended by the NAB January 7. Col. Harry C. Wilder, WSYR, Chairman of the NAB committee, reports that it now seems likely that some alternative provisions may be recommended to

stations for the purpose of meeting certain agency views.

Col. Wilder added that the meetings of time-buyers and station managers this week revealed a spirit of harmonious cooperation.

It is believed that where on local accounts stations bill weekly or have special terms of payment, a separate local contract form might be desirable. The current AAAA negotiations pertain only to a station contract form for national spot business placed by agencies. The negotiations may result in making it advisable for stations to print a separate contract form for use on local business.

After a number of joint meetings, much progress has been made on the standard invoice form. The Fiscal Committee of AAAA and the Accounting Committee of the NAB will shortly confer on final details.

Engineering

TELEVISION DEMONSTRATIONS

Recent television developments were demonstrated to FCC officials and members of the National Television Systems Committee on January 24 and 25. Visits were made to the New York television laboratories of Du Mont, Bell Telephone, CBS, RCA and Scophony. Besides Chairman James L. Fly, the FCC officials present were Commissioners Norman Case, Paul Walker, William H. Bauer, head attorney, E. K. Jett, Chief Engineer, A. D. Ring, Assistant Chief Engineer, Nathan David of the legal staff and George Gillingham, director of information.

The Du Mont laboratories demonstrated their 629 line 15 frames per second transmission received on a 20-inch tube.

RCA demonstrated a new large screen home receiver. The screen on this receiver was 18 x 13½ inches. The picture was produced by a new 5-inch projection tube. The image of the tube was passed through a lense to a mirror on the cover of the receiver and from there was reflected to the screen standing perpendicular at the front of the receiver.

RCA demonstrated in the New York Theatre, television reproduction on a screen 15 x 20 feet. RCA also demonstrated relay television from camp Upton, 68 miles from New York. The scenes at Camp Upton were passed through 2 relay points.

The Bell Telephone Laboratories demonstrated the relay of television programs by means of coaxial cable. The programs were relayed from the Bell laboratories to Philadelphia and back again, a total distance of approximately 200 miles. The receiver was switched between the direct line and the picture relayed to Philadelphia in order to show the amount of quality lost in the transmission.

Columbia Broadcasting System demonstrated their color television both direct pick-up and pick-up from film.

Scophony, one of the leading television companies of England, demonstrated its mechanical system of reception on a 4-foot screen and on a larger screen of 9 x 12 feet. The Scophony mechanical system employs a system of revolving mirrors for moving a beam of light over the reception screen.

This series of demonstrations was a prelude to the report to be given the FCC by the National Television Systems Committee on January 27.

As reported in the NAB REPORTS for September 13 on page 4594, it will not be necessary to file an application for license renewal until after the provisions of the North American Agreement have been carried out.

NTSC REPORT

The report of the National Television Systems Committee was given to the FCC on Monday, January 27.

Chairman James L. Fly and Commissioners T. A. M. Craven, Paul Walker and Norman Case received the report. Chairman Fly opened the procedure by saying that former hearings on television found the industry's opinion divided on various significant standards. This division of opinion was enough to throw doubt on the adequacy of standards which could then be formulated and it seemed that further experimentation and study was necessary. Chairman Fly continued that Mr. James S. Knowlson and Mr. W. G. R. Baker of RMA took the lead in forming the National Television Standards Committee. Chairman Fly said he thought that the industry could justly take pride in the manner in which it turned to the solution of the problem of forming television standards. Chairman Fly continued that a hearing would be scheduled later at which argumentation and cross examination would be allowed on the various ramifications of television standards, and that today the reports of the NTSC would be received without argument or cross examination.

Chairman Fly then called on Mr. Baker, Chairman of the NTSC to render the television report. Dr. Baker outlined the organization of the NTSC and outlined its rules of procedure. He said that 60 meetings were held by the various panels of the NTSC and that approximately 5,000 man-hours had gone into carrying out the work of the Committee. Dr. Baker then called on the nine panel chairmen in turn to give a report on the work of their panels. Dr. Baker then turned over to the FCC the main report of the NTSC. At the end of the Conference, Chairman Fly complimented the NTSC on its work.

The report of the NTSC to the FCC reveals that the standards recommended are very little different from the old RMA standards. The main difference seems to be

that Frequency Modulation is recommended for the sound channel rather than Amplitude Modulation. Following is the report of the NTSC to the FCC:

The National Television System Committee recommends herewith transmission standards for commercial television broadcasting. The Committee recognizes the coordinate importance of standardization and the commercial application of technical developments now in the research laboratories. These standards will make possible the creation, in the public interest, of a nationally coordinated television service and at the same time will insure continued development of the art.

Monochromatic transmission systems other than those embodied in these standards should be permitted to operate commercially, when a substantial improvement would result, provided that the transmission system has been adequately field tested and that the system is adequately receivable on receivers responsive to the then existing standards.

This Committee believes that, although color television is not at this time ready for commercial standardization, the potential importance of color to the television art requires that—

- (a) A full test of color on the Group A channels be permitted and encouraged, and that
- (b) After successful field test, the early admission of color to the Group A channels on a commercial basis coexistent with monochromatic television be permitted employing the same standards as are herewith submitted except as to lines and frame and field frequencies. The presently favored values for lines, frame and field frequencies for such a color system are, respectively, 343, 60, and 120.

These transmission standards are recommended for commercial television broadcasting on the following channels:

No. 1.	50-56	Mc.
No. 2.	60-66	Mc.
No. 3.	66-72	Mc.
No. 4.	78-84	Mc.
No. 5.	84-90	Mc.
No. 6.	96-102	Mc.
No. 7.	102-108	Mc.

I: The Television Channel

1. The width of the standard television broadcast channel shall be six megacycles per second.
2. It shall be standard to locate the picture carrier 4.5 megacycles per second lower in frequency than the unmodulated sound carrier.
3. It shall be standard to locate the unmodulated sound carrier 0.25 megacycles per second lower than the upper frequency limit of the channel.
4. The standard picture transmission amplitude characteristics shall be that shown in Drawing I.

II: Scanning Specifications

5. The standard number of scanning lines per frame period in monochrome shall be 441, interlaced two to one.
6. The standard frame frequency shall be 30 per second and the standard field frequency shall be 60 per second in monochrome.
7. The standard aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.
8. It shall be standard, during the active scanning intervals, to scan the scene from left to right horizontally and from top to bottom vertically, at uniform velocities.

III: Picture Signal Modulation

9. It shall be standard in television transmission to use amplitude modulation for both picture and synchronizing signals, the two signals occupying different amplitude ranges.
10. It shall be standard that a decrease in initial light intensity cause an increase in radiated power.
11. It shall be standard that the black level be represented by a definite carrier level, independent of light and shade in the picture.
12. It shall be standard to transmit the black level at 75 per cent (with a tolerance of plus or minus 2.5 per cent) of the peak carrier amplitude.

IV: Sound Signal Modulation

13. It shall be standard to use frequency modulation for the television sound transmission.

14. It shall be standard to pre-emphasize the sound transmission in accordance with the independence-frequency characteristics of a series inductance-resistance network having a time constant of 100 microseconds.

V: Synchronizing Signals

15. It shall be standard in television transmission to radiate the synchronizing waveform shown in Drawing II.

16. It shall be standard that the time interval between the leading edges of successive horizontal pulses shall vary less than one half of one per cent of the average interval.

17. It shall be standard in television studio transmission that the rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals be not greater than 0.15 per cent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100, lines, such lines not to include any portion of the vertical blanking signal. (See Note A.)

VI: Transmitter Ratings

18. It shall be standard to rate the picture transmitter in terms of its peak power when transmitting a standard television signal.

19. It shall be standard in the modulation of the picture transmitter that the radio frequency signal amplitude be 15 per cent or less of the peak amplitude, for maximum white. (See Note B.)

20. It shall be standard to employ an unmodulated radiated carrier power of the sound transmission not less than 50 per cent nor more than 100 per cent of the peak radiated power of the picture transmission.

21. It shall be standard in the modulation of the sound transmitter that the maximum deviation shall be plus or minus 75 kilocycles per second.

VII: Polarization

22. It shall be standard in television broadcasting to radiate horizontally polarized waves:

Note A: It is recommended that as progress in the art makes it desirable, the maximum rate of change of frequency of the transmitted horizontal synchronizing signals for studio programs be reduced and that limits be set for transmissions originating elsewhere than in the studio.

Note B: It is the opinion of the N.T.S.C. that a picture transmitter not capable of a drop in radio frequency signal amplitude to 15 per cent or less of the peak amplitude would be unsatisfactory since it would not utilize to the best advantage the available radio frequency power. At the same time the N.T.S.C. is aware of the practical situation that it may not be possible for all of the first picture transmitters to meet this standard. It should be possible in picture transmitters for the lower frequency channels in Group A to meet this standard, although it may not be possible for picture transmitters for the higher frequency channels in Group A to meet it at first. After the first operation on the higher frequency channels and as designs progress it should be possible to meet it.

It is requested that the Federal Communications Commission take cognizance of this situation.

Respectfully submitted,

W. R. G. BAKER, *Chairman.*

District Meetings

RESOLUTION

The broadcasters of the 17th NAB District, embracing stations of Washington, Oregon and the territory of Alaska in official session at Portland on this 22nd day of January, Nineteen Hundred and Forty-one resolve:

WHEREAS, for the past three years, C. W. "Chuck" Myers (KOIN-KALE), Portland, has served this district in the capacity of District Director on the Board of the National Association of Broadcasters, and whereas, at Mr. Myers' specific request that he be relieved of further duties in this connection, a new Director for the 17th District has this day been selected to succeed Mr. Myers for the ensuing two-year term and whereas, Mr. Myers during the term of his membership upon the Board, and prior thereto, in other industry capacities has faithfully, constructively, able and diligently served the interests of this District and has contributed in a large measure to the solution of industry problems of a national character, and has at all times evidenced a deep personal interest and given attention to problems of individual broadcasters within this District, now therefore, be it resolved by the broadcasters of the 17th NAB District that we hereby express to "Chuck" Myers our deep personal and official appreciation for his splendid service and express for him our hope of continued success and well-being.

Motion by: Harvey Wixson (KHQ-KGA), Spokane, Washington.

Seconded by: John G. Bauriedel (KUIN), Grants Pass, Oregon.

Unanimously carried.

The following registered at the Seventeenth District meeting in Portland, January 22:

James C. Wallace, KAST; Frank H. Loggan, KBND; J. Elroy McCaw, KELA; W. Carey Jennings, H. Q. Cox, Abe Bercooth, Paul H. Connet, Chester L. Blomsness, Bob Prigmore, James A. Mount, Ralph W. Rogers, Donald W. Ween, Jr., and Bill Mock, KGW-KEX; Harvey Wixson, KHQ-KGA, R. W. Britton, KGBU; Tom Olsen, KGY; Loren B. Stone, H. J. Quilliam, KIRO; Harrison A. Miller, Dick Ross, J. A. Murphy, KMO-KIT; Barney Kenworthy, Marvin E. Johnston, KODL; H. M. Swartwood, Jr., C. W. Myers, Joseph Samgaetes, Harry H. Buckendahl, Charles G. Conche, Harvey S. Benson, Ted W. Cooke, KOIN-KALE; Ted Kooreman, KALE; Birt F. Fisher, Peter Lyman, W. W. Warren, H. M. Feltis, KOMO-KJR; Sheldon F. Sackett, KOOS-KVAN; Glenn McCormick, Day Foster, Frank Hill, KORE; Marshall H. Pengra, KRNR; Robert E. Priebe, KRSC; H. A. Reed, KSLM; John G. Bauriedel, KUIN; Jerry Jensen, KUJ; S. W. McCready, KVAN; Vernice Irwin, Earl Irwin, KVI; Rogan Jones, KVOS; Ralph R. Cronise, KWIL; C. O. Chatterton, KWLK; Florence Wallace, KXA; T. W. Symons, Jr., KFPY-KXL; T. W. Symons, III, KXL; Harry R. Spence, Fred S. Goddard, KXRO; John Kutner; Paul H. Raymer, F. C. Brokaw, Paul H. Raymer Co.; Gerald King, Standard Radio; Carl Haverlin, BMI; Johnnie Walker, Doris Quinn, Music Clearance, Inc.; W. McKinley Sillerman, SESAC.

DISTRICT 10

Fifty-three representatives of Nebraska, Iowa, and Missouri stations defied a mid-west blizzard to attend the 10th District meeting at Omaha on Saturday, the 25th.

Director Johnny Gillen, Jr., WOW, received expressions of deep regret from seven other broadcasters who had planned to be on hand, but who could not make it into Omaha on account of the snow storm.

Principal topic of discussion, as at other District meetings, was the music situation. Carl Haverlin, Sta-

tion Relations Manager of BMI, answered many questions relative to the use of the Catalog and protection against possible use of music for which no license is held by the station. Every station present reported a most encouraging and gratifying audience reaction to the music being played on their station since the 1st of January.

Other industry problems were discussed, including certain phases of the labor situation, the unit plan of volume measurement, and great stress was laid upon the coming 19th annual convention of NAB to be held in St. Louis. St. Louis is in the 10th District and all of the broadcasters agreed to fully discharge their obligations as hosts. Director Gillen appointed committees to look after the various details. It was a splendid and rousing meeting.

The list of those present follows:

Rev. W. A. Burk, WEW; William Brandon, WHO-WOC; Arthur B. Church, KMBC; George Crocker, KFNF; Russ David, KSD; Dietrich Dirks, KTRI; Beuford Eaves, KGNF; F. C. Eighmey, KGLO; Ralph Evans, WHO-WOC; Jack Falvey, KBIZ; Dean Fitzer, WDAF; E. T. Flaherty, KSCJ; Ralph Foster, KGBX-KWTO; Paul Boyer, KORN; Earl H. Gammons, WCCO; John I. Gillin, Jr., Howard Peterson, William Ruess, Bill Wiseman, WOW; Edward W. Hamlin, KSD; Merle S. Jones, KMOX; H. J. Kaufman, WDAF; Jack Luther, KORN; Craig Lawrence, KSO-KRNT; W. I. LeBarron, KGNF; Buryl Lottridge, WOC; William B. Quarton, WMT; J. C. Rapp, J. D. Rankin, Jr., Owen Saddler, R. H. Sawyer, KMA; Orville Rennie, Duane L. Watts, KHAS; Randall Ryan, Elbert A. Read, KFNF; Elizabeth Sammons, KSCJ; Vernon H. Smith, KOWH; Robert F. Schuetz, NBC; E. C. Woodward, KFNF; Frank E. Pellegri, KOIL-KFAB-KFOR; J. M. Lowman, KOIL; Foster May, WOW; Clifford T. Johnson, KOIL; Woody Woods, WHO; Hale Bondurant, WHO; Carl Haverlin, BMI; C. E. Arney, Jr., NAB; Gustav M. Hagenah, SESAC; W. C. Hutchings, Associated Music Publishers, Inc.; Alex Sherwood, Standard Radio; Luther Hill, KSO-KRNT-WMT.

DISTRICT 14

The broadcasters of Colorado, Utah, Idaho, Wyoming and Montana met in a District session in Denver on Monday, January 27th.

Director Eugene P. O'Fallon, KFEL, called the session to order with 31 representatives of broadcasters and allied industries in attendance. There were 20 stations of the 27 NAB members in the District represented. As in previous district meetings, music questions received detailed attention and similar reports of satisfactory audience reaction to the music being offered by radio was announced.

The following resolution was adopted:

"RESOLVED: That the broadcasters of the Fourteenth District vote renewed confidence in BMI, and congratulate those responsible for its progress on a job well done."

Following is a list of those present:

E. G. Beehler, KGEK; Frank Bishop, KFEL; S. S. Fox, KDYL; H. E. Green, KFKA; William C. Grove, KFBC; Donald Hathaway, KDFN; L. L. Hilliard, KGKY; Rex Howell, KFXJ; Frank E. Hurt, KFSD; Don McCaig, KFEL; J. H. McGill, KGHF; Holly Moyer, KFEL; Eugene P. O'Fallon, KFEL; R. H. Owen, KOA; W. D. Pyle, KVOD; Curtis Ritchie, KGHF; Glen Shaw, KSL; O. P. Soule, KTFI-KSEI; Hugh B. Terry, KLZ; W. E. Wagstaff, KDYL; Ray B. White, KPOF; Ed Yocum, KGHF; Lloyd E.

Yoder, KOA; H. L. McCracken, KYAN-KVRS; C. E. Arney, Jr., NAB; Leonard Callahan, Gustav Hagenah, SESAC; Carl Haverlin, BMI; William H. Pickens, Transradio; Alex Sherwood, Standard; R. B. Hudson, Rocky Mountain Radio Council.

GILBERT NEWSOME

Anyone knowing the whereabouts of Gilbert Newsome, announcer, is requested to communicate immediately with Station WGH, Norfolk, Virginia.

Legal

ADMINISTRATIVE PROCEDURE

The Attorney General's Committee on Administrative Procedure last Saturday made public its report which it has transmitted to the Attorney General.

The Committee's Report, which is a thousand pages in length, is based upon detailed studies of the individual agencies. The Committee finds that the agencies are so diverse in character that in many instances they must be dealt with individually rather than in terms of general recommendations. Accordingly the Committee has included in its Report a group of detailed technical recommendations for changes in each of the individual agencies which it has studied. (Not available as we go to press.) In addition the Committee has made a series of general recommendations, applicable to all agencies and which have been embodied in a proposed bill accompanying the Report.

The principal general recommendations contained in the Report and in the proposed bill are as follows:

1. *Creation of an Office of Federal Administrative Procedure.*

An Office of Federal Administrative Procedure is to be established to review the procedures and practices of administrative agencies. The new Office would be composed of a Director appointed by the President, with the advice and consent of the Senate, an Associate Justice of the United States Circuit Court of Appeals for the District of Columbia to be designated by the Chief Justice of that Court, and the Director of the Administrative Office for the United States Court who is appointed by the Supreme Court of the United States. The Director of the Office of Federal Administrative Procedure would make a continuing study of the work of the administrative agencies, receive complaints from members of the public, and from time to time would make such recommendations to the agencies and to the Congress as might be desirable to achieve as much uniformity in administrative procedure as possible.

2. *Separation of Judicial and Prosecutive Functions.*

A new corps of officers is to be created to hear and decide cases in the administrative agencies. These officers would be known as "hearing commissioners." They would be nominated by the administrative agency and would be appointed, after investigation, by the Office of Federal Administrative Procedure. To assure their independence, these "hearing commissioners" would be given a 7-year term of office, and would be removable for cause only by the Office of Federal Administrative Procedure. Their salaries would also be fixed by law at \$7500 a year.

The functions of the "hearing commissioners" would be analogous to those of trial judges. In each case heard by a "hearing commissioner" his decision would be final unless appealed to the head of the agency. The Committee recommends that on appeal the findings of fact of the "hearing commissioners" be left undisturbed unless clearly erroneous. A major objective of the Committee's recommendations is to limit further agency review of the decisions of "hearing commissioners" so as to make it possible for the agency heads them-

selves to examine and decide cases on appeal, and thus to abolish review attorneys.

The Committee recommends further steps to effect an internal separation of the functions of judge and prosecutor. The "hearing commissioners" are to be a separate unit entirely divorced from any investigative or prosecutive activities. Persons within an agency who investigate or present cases will have no part in the decision and will not act as consultants for agency heads who decide cases on appeal. It is also recommended that the agency heads divorce themselves as far as possible from the initiation of action by delegating that function to responsible officers in the agency who will have no part in the deciding.

3. *Agency Rules and Regulations.*

The Committee recommends that the procedure for the issuance of rules and regulations be regularized, and that persons affected by proposed rules and regulations be given a fuller opportunity to participate in the drafting. The Committee's proposed bill provides that, except in special cases, rules and regulations adopted by administrative agencies shall not take effect until 45 days after publication so that all persons may, meanwhile, submit their views and comments. In addition, any person affected by a rule or regulation is to have the right to petition for an amendment to the regulation, and each agency is to report to Congress on its disposition of such petitions.

Although the Committee recommends the extension of the use of hearings prior to the issuance of rules and regulations in many specified situations, it states that a rigid requirement of hearings in all cases before regulations are issued is not desirable. It urges agencies, however, to allow the broadest possible participation, by consultation and otherwise, of the public in rule-making processes. It observes that the great majority of agencies now use hearings, conferences, and consultations, even though they are often not required by law.

To eliminate unnecessary uncertainties, the Committee recommends that all agencies be empowered to issue declaratory or advance rulings. Any interested person who wishes to know his rights and duties in a specific situation may request a ruling of the agency and, after the ruling has been issued, it is to be binding on both the agency and the interested person and is to be reviewable in the courts to the same extent as any final order.

4. *Simplification of Administrative Procedures.*

The Committee recommends that the agencies simplify administrative procedure by extending the use of conferences and other informal methods to settle controversies. Agencies are urged to delegate routine matters, and to make available responsible officers for the settlement of disputes, so that delays and red tape may be diminished. The Committee condemns protracted and expensive hearings, and proposes that devices such as stipulations, pre-hearing conferences and written evidence be used to expedite formal proceedings.

The Committee also discusses methods for keeping the public informed of the activities of administrative agencies, and recommends that each agency facilitate dealings with the public by making clear to the public what its policies, structure and organization are, and by accompanying its decisions with opinions.

5. *Court Review.*

The Committee finds that, under present statutes and decisions, there is adequate provision for court review of agency decisions, both on the law and on the facts. The Committee finds that further extension of court review would result in needless litigation, and would place an undue and improper burden upon the courts.

The Committee recommends against the creation of special administrative courts. After thorough study, it feels that the creation of special administrative courts is not feasible or desirable. It suggests that such a separation would create confusion for the persons who deal with agencies, and that such separation is not necessary to achieve impartial and objective decisions. The Committee believes that the creation of independent "hearing commissioners" and the recommended internal separation of functions within the agencies will provide adequate safeguards.

The Committee finds that the administrative process is not a new one, but that it has been used since the beginning of American government. A great majority of the agencies studied were created before 1930, and some are as old as the Federal government itself. The thirty-three agencies and departments studied by the Committee are: Division of Public Contracts, Department of Labor, Walsh-Healey Act; Veterans Administration; Federal Communications Commission; United States Maritime Commission; Federal Alcohol Administration; Federal Trade Commission; Administration of the Grain Standards Act, Department of Agriculture; Railroad Retirement Board; Federal Reserve System; Department of Commerce; Bureau of Marine Inspection and Navigation; Administration of the Packers and Stockyards Act, Department of Agriculture; Post Office Department; Federal Control of Banking, Comptroller of the Currency and Federal Deposit Insurance Corporation; Administration of the Fair Labor Standards Act of 1938 (Wage and Hour Division, Children's Bureau); War Department; Social Security Board; Railway Labor National Mediation Board, National Railroad Adjustment Board; National Labor Relations Board; Civil Aeronautics Authority; Department of the Interior; United States Employees' Compensation Commission; Administration of Internal Revenue Laws (Bureau of Internal Revenue, Board of Tax Appeals, Processing Tax Board of Review); Bituminous Coal Division, Department of Interior; Interstate Commerce Commission; Federal Power Commission; Security and Exchange Commission; Administration of Customs Laws (Bureau of Customs, United States Tariff Commission).

At the conclusion of the Report, the Committee has included over 130 pages of detailed technical recommendations for changes in the individual agencies. In addition, the Committee has accompanied its Report with appendices, over 400 pages in length, describing important phases of administrative procedure.

The Committee was appointed on February 24, 1939 by former Attorney General Murphy at the request of the President. The present membership of the Committee is: Mr. Dean Acheson of Washington, D. C.; Chairman; the Honorable Francis Biddle, Solicitor General of the United States; Professor Ralph F. Fuchs, Washington University Law School, St. Louis; Dean Lloyd K. Garrison, University of Wisconsin Law School; Chief Justice D. Lawrence Groner, United States Court of Appeals for the District of Columbia; Professor Henry H. Hart, Jr., Harvard Law School; Mr. Carl McFarland, Washington, D. C., former Assistant Attorney General; Judge James W. Morris, United States District Court for the District of Columbia; Professor Harry Shulman, Yale Law School; Dean E. Blythe Stason, University of Michigan Law School; Mr. Arthur T. Vanderbilt of New Jersey, former President of the American Bar Association. Professor Walter Gellhorn of the Columbia Law School has served as Director of the Committee's staff.

The Committee was instructed by the President to make a thorough study of existing administrative practices and procedures "with a view to detecting any existing deficiencies and pointing the way to improvements." As part of its study, the Committee's staff prepared 27 monographs on existing procedures and practices of those Federal agencies which affect private interests. These were widely published, and in June and July, 1940, the Committee held public hearings at which it obtained the comments and opinions of the public and the bar. The Committee's recommendations are based upon this material.

Mr. Chief Justice Groner and the Messrs. McFarland, Stason and Vanderbilt have submitted statements of additional views and recommendations.

Legislation

FEDERAL LEGISLATION

HOUSE

H. R. 2598 (LANHAM, D-Texas) COPYRIGHT—To provide a uniform fee for the registration of copyrights. Referred to the Committee on Patents.

HOUSE RESOLUTION

H. Res. 74 (GEYER, D-Calif.) Requesting the Attorney General of the United States to investigate the facts and circumstances connected with the granting of United States citizenship to W. J. Cameron, of Dearborn, Michigan. Referred to Committee on Immigration and Naturalization.

H. Res. 79 (MYERS, D-Penna.) To appoint a special committee to investigate the alleged disagreement between the National Association of Broadcasters and the American Society of Composers, Authors, and Publishers (ASCAP). Referred to Committee on Rules.

SENATE

S. 517 (JOHNSON, D-Colo.) LIQUOR ADVERTISING—To prohibit the paid advertising of alcoholic beverages by radio in certain circumstances, and for other purposes. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

ARIZONA:

H. 13 (MOSCHAMMER) SALES TAX—INCREASE—Amends the present sales tax law by raising the rates for all types of business to two per cent gross; includes manufacturing, transportation, mining, etc., which now carry one per cent or less. Referred to Taxation Committee 1/14/41. Referred to Judiciary, Ways and Means, and Efficient Government Committees 1/15/41.

CALIFORNIA:

A. 434 (MALONEY) EMPLOYMENT AGENCIES—An act relating to employment agency licenses. Referred to Committee on Judiciary Codes.

A. 796—MUSIC—COPYRIGHTS—Prohibits pooling of music copyrights. Referred to Committee on Judiciary General.

A. 797—MUSIC—COPYRIGHTS—Prohibits pooling of music copyrights. Referred to Committee on Judiciary General.

A. 798—MUSIC—COPYRIGHTS—Prohibits pooling of music copyrights. Referred to Committee on Judiciary General.

A. 1578 (TENNEY) COPYRIGHTS—Assists in effectuating the intent and enforcement of the Federal Copyright Law. Referred to Committee on Judiciary General.

CONNECTICUT:

H. 90 (WADHAMS) RADIO ADVERTISING—LIQUOR—Prohibiting the sale of any brand of alcoholic liquor which has been advertised over any radio broadcasting station since July 1, 1941. Referred to Committee on Private Corporations.

IDAHO:

H. 65 (MURPHEY) MUSICAL COPYRIGHTS—Requiring registration of copyrights and performing rights for musical compositions with secretary of state, and prescribing his duties in proceedings affecting them.

MASSACHUSETTS:

H. 1721 (Pet: O'NEILL, JR.) MUSIC—Provides that the sale of music and use thereof for private and public entertainment be placed under the jurisdiction of the department of Labor and Industries. Referred to Committee on Constitutional Law.

MICHIGAN:

H. 76 (STANLEY, et al.) MUSICAL COPYRIGHTS TAX—Levys a 25% tax on the gross receipts from persons in this State of license holders of musical copyrights other than true or original composers. Referred to Committee on Private Corporations.

NEW HAMPSHIRE:

H. 183 (MAYO) PRIVATE EMPLOYMENT AGENCIES—Relating to the licensing of private employment agencies. Referred to Committee on Revision of Statutes.

H. 207 (TUTTLE) LIQUOR—SALE—Prohibiting the sale of brands of liquor and beverages advertised over the radio. Referred to Committee on Liquor Laws.

NEW YORK:

A. 474 (Same as S. 311) (BENNIGAN) INCITEMENT TO HATRED—MISDEMEANOR—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship, by any form of communication. Referred to Committee on Codes.

S. 311 (COUGHLIN) CENSORSHIP—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship, by any form of communication. Referred to Committee on Codes.

OREGON:

H. 174 (WELLS ET AL.) LIBEL—Amends section 81-2533 prohibiting certain libelous publications during election campaigns.

PENNSYLVANIA:

H. 79 (COHEN) RADIO BROADCASTING—Prohibits the recording of any broadcast performance or rendition without the permission and consent of the person or persons whose performance or rendition is so recorded.

WASHINGTON:

H. 32 (PENNOCK) PUBLIC EMPLOYMENT AGENCIES—An act to regulate public employment agencies prescribing maximum charges. Referred to Committee on Labor and Labor Statistics.

WISCONSIN:

S. 43 (CASHMAN) COPYRIGHTED MUSIC—An act to create Section 177.01 (8) of the Statutes, relating to copyrighted music. Referred to Committee on Judiciary.

NEW YORK LEGISLATION

Harold E. Smith, WABY, Albany, has accepted an appointment as legislative contact man at the New York capital. (NAB REPORTS, p. 32.)

FEDERAL COMMUNICATIONS COMMISSION

FCC APPROPRIATION

The House of Representatives on Thursday passed that part of the Independent Offices Appropriation Bill taking care of the FCC appropriation for the fiscal year 1942.

The total appropriation as passed by the House was for \$4,259,729. Included in this amount was \$1,920,000 for national defense activities which will allow the Commission to continue to perform the national defense functions for the performance of which during the fiscal year 1941 the Commission received allocation of appropriation from the President's emergency fund.

The House Appropriation's Committee, in reporting out the Independent Offices Bill, had the following to say in connection with the FCC:

"For salaries and expenses of the regular activities of this agency there is recommended \$2,315,229, which is the Budget estimate and

\$138,889 more than the 1941 appropriation. The amount recommended reflects an actual increase over 1941 of \$271,260, owing to the fact that nonrecurring items totaling \$132,871 have been deducted from the 1942 base figure. This increase will be used primarily for the establishment of two new field offices for accounting purposes, the operation of two new mobile laboratories, placement of the telephone regulation personnel on a full-year basis, the reallocation of personnel approved by the Civil Service Commission, and \$74,600 for the purchase of technical equipment consisting of operator examination units, portable frequency meters, and mobile laboratories.

"The committee have allowed the Budget estimate of \$1,920,000 to carry on the work of expansion, modernization, and operation of radio monitoring and direction-finding equipment and the investigation of subversive activities in connection with national security and defense, for which \$1,600,000 was allocated from the 'Emergency fund for the President, War,' for the fiscal year 1941."

TELEVISION REPORT SPEEDS FORMAL HEARING

Following its conference this week with the National Television Systems Committee, the FCC has announced that it will hold a formal hearing March 20, for the purpose of considering the various engineering standards that have been suggested, and also to determine when television broadcasting shall be placed upon a commercial basis.

Commission Chairman James Lawrence Fly stated that the work of the National Television Systems Committee, sponsored by the Radio Manufacturers Association in cooperation with the Commission, will be most helpful to the Commission in these considerations. Said Chairman Fly: "I believe that the results of the Committee's work, which were presented to the Commission in the informal conference, form a basis upon which the Commission can move to the definitive questions of standardization and commercialization." He is particularly optimistic about the possibilities of television as demonstrated to the Commission several days previously in New York.

At the informal conference this week reports by the National Television Systems Committee only were received. No questions other than those of a purely engineering character were involved. It was not an occasion for other parties to be heard, or to cross-examine the Committee and panel chairmen. However, at the March 20 hearing, all interested parties will be afforded full opportunity to themselves propose standards, to comment upon standards which have been proposed by others, to cross-examine various witnesses, and, generally, to be heard upon all the pertinent problems in connection with the standardization and commercialization of television.

The Commission will issue a more specific notice as to suggested rules for consideration, and the procedure for the scheduled hearing.

Chairman Fly expressed the hope that the intervening time will be utilized by those interested to study the alternative standards with a view to ironing out differ-

ences in the industry so far as may be feasible. He also holds it desirable that field testing, which is currently under way, be brought to some fairly definite conclusion, in order that the differing standards for television may be presented on the basis of practical operation.

FM TECHNICAL REQUIREMENTS WAIVED

As the result of a conference with manufacturers of high frequency (FM) broadcast equipment, the FCC has waived certain technical requirements to expedite operation and, incidentally, announces its 30th FM grant on a commercial basis—for a new station at Syracuse, N. Y. More than 600,000 residents within a 6,800-square-mile area of that city will be served by the Central New York Broadcasting Corp. on 46,300 kilocycles.

Since high frequency broadcast stations are rated on the basis of specified service and the actual power may vary widely for the same service area in the same location, the Commission's rules do not specify or standardize power rating. However, standardization of the maximum power rating and operating range of the transmitters would be of mutual assistance to the manufacturer and broadcaster. Since the Commission has agreed to standardize the power in connection therewith it became desirable to waive two rules—Section 3,241, relating to maximum power rating, to permit maximum power of four times the operating power between 12,500 and 25,000 watts until a 25,000 watt transmitter can be developed and placed on the market; and Section 3,245, relating to transmitter performance requirements, to permit manufacturers more time to meet the 2 per cent limit on the combined audio frequency harmonics generated by the transmitting system.

Because proposed FM service in the Philadelphia and New York areas makes assignment of adjacent channels desirable, the Commission has modified the construction permit granted the WCAU Broadcasting Co., in the former city, to specify 46,900 kilocycles (instead of 46,700), and that of the Columbia Broadcasting System, Inc., New York, to specify 46,700 kilocycles (instead of 48,700). The call letters W67PH assigned to the Philadelphia station necessarily must be changed to W69PH to indicate the new frequency assignment. Call letters for the Columbia Broadcasting System station have not yet been assigned.

SECTION 3.92 OF RULES SUSPENDED

The FCC suspended requirements of Section 3.92 with respect to station identification announcements applicable to all radio broadcast stations carrying the President's birthday celebration program for the period 11:15 p. m. to 12:15 a. m. EST, January 30 and 31.

WAIVER OF SECTIONS 3.241 AND 3.245 OF FM RULES

Section 3.241, of the FCC rules, relating to maximum power rating, was waived, to permit maximum power of four times the operating power between 12,500 and 25,000 watts until a 25,000 watt transmitter can be developed and placed on the market; and Sec. 3.245, relating to transmitter performance requirements, to permit manufacturers more time to meet the 2 per cent limit on the combined audio frequency harmonics generated by the transmitting system, was also waived.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled before the Commission in broadcast cases during the week beginning Monday, February 3. They are subject to change.

Monday, February 3

NEW—Pan-American Broadcasting System, Inc., Hollywood, Fla.—C. P., **1420 kc.**, 250 watts night, 250 watts day, unlimited.
NEW—Atlantic Broadcasting Corp., Miami, Fla.—C. P., **1280 kc.**, 500 watts night, 1 KW day, unlimited.
NEW—Seaboard Broadcasting Corp., Tampa, Fla.—C. P., **1530 kc.**, 1 KW night, 1 KW day, unlimited.
NEW—Robert V. Lee, Bradenton, Fla.—C. P., **1500 kc.**, 250 watts night, 250 watts day, unlimited.

Tuesday, February 4

To Be Held in the U. S. Court Building, San Juan, Puerto Rico
NEW—Puerto Rico Advertising Co., Inc., Arecibo, P. R.—C. P., **1200 kc.**, 250 watts, unlimited.
NEW—Puerto Rico Advertising Co., Inc., San Juan, P. R.—C. P., **1500 kc.**, 250 watts, unlimited.
NEW—Caribbean Broadcasting Association, Inc., San Juan, P. R.—C. P., **1500 kc.**, 250 watts, unlimited.
WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Renewal of license, **780 kc.**, 1 KW night, 2½ KW day, unlimited.

Wednesday, February 5

WCSC—The Liberty Life Insurance Co. (Transferor) and John M. Rivers (Transferee), Charleston, S. C.—Transfer of control of South Carolina Broadcasting Co., Inc.; **1360 kc.**, 500 watts night, 1 KW day, unlimited.

Thursday, February 6

WOOD—King-Trendle Broadcasting Corp. (Assignor), WOOD Broadcasting Corp. (Assignee), Grand Rapids, Mich.—Voluntary assignment of license; **1270 kc.**, 500 watts, unlimited, S-WASH.

FUTURE HEARINGS

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

March 3

Television

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

NEW—William D. Hudson and Violet Hutton Hudson, Clarksville, Tenn.—C. P., **1370 kc.**, 250 watts, unlimited time.

March 17

WDGY—Dr. George W. Young, Minneapolis, Minn.—C. P., **1100 kc.**, 5 KW night, 10 KW day, unlimited, DA night. Present assignment: **1180 kc.**, 1 KW night, 5 KW day, limited-KOB.

March 18

WAGA—Liberty Broadcasting Corporation, Atlanta, Ga.—C. P., **590 kc.**, 1 KW night, 5 KW day, DA night, unlimited. Present assignment: **1450 kc.**, 500 watts night, 1 KW day, unlimited.

March 19

NEW—Butler Broadcasting Corporation, Hamilton, Ohio.—C. P., **1420 kc.**, 250 watts, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Central New York Broadcasting Corp., Syracuse, N. Y.—Granted construction permit for new high frequency (FM) broadcast station to operate on frequency **46300 kc.**; 6,800 square miles; 600,100 population (B1-PH-50).
WWJ—The Evening News Association, Detroit, Mich.—Granted modification of construction permit (B2-P-2880 to make changes in directional antenna nighttime) for approval of new directional antenna specifications (B2-MP-1132).
KVOX—Robert K. Herbst (Transferor), David C. Shepard, John W. Boler, and Howard Johnson (Transferee), KVOX Broadcasting Co. (Licensee), Moorehead, Minn.—Granted consent to transfer control of KVOX Broadcasting Company from Robert K. Herbst to David C. Shepard, Howard Johnson and John W. Boler, representing all the issued and outstanding capital stock (250 shares of common, par value \$100 per share) for a cash consideration of \$25,000 and \$15,000 in time on the station. The value of time used will be computed at prevailing rates and not less than \$2,000 per year shall be used; station operates on **1310 kc.**, 250 watts, unlimited time (B4-TC-241).
WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of license to move main studio from 131 Market St., Newark, N. J., to 1440 Broadway, New York City (B1-ML-1041).

RENEWAL OF TELEVISION STATION LICENSES

The Commission granted the following applications for renewal of television broadcast station licenses:

W2XAB, Columbia Broadcasting System, Inc., New York; W2XBT, W2XBU, W2XBS, National Broadcasting Co., Inc., New York City; W6XDU, Don Lee Broadcasting System, Los Angeles; W2XVT, Allen B. DuMont Labs., Inc., Passaic, N. J.; W9XZV, Zenith Radio Corp., Chicago.

The following licenses for television stations expiring Feb. 1, 1941, were extended to March 1, 1941, pending action on applications for renewals:

W3XE, Philco Radio & Television Corp., Philadelphia; W3XP, Philco Radio and Television Corp., Portable; W2XI, General Electric Co., New Scotland, N. Y.; W3XAD and W3XEP, RCA Manufacturing Co., Inc., Camden, N. J.

The following licenses for television stations expiring Feb. 1, 1941, were extended to March 1, 1941, pending receipt of applications for renewals:

W2XB, W2XH, General Electric Co., Schenectady, N. Y.; W9XUI, State University of Iowa, Iowa City, Iowa.

MISCELLANEOUS

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast over the NBC Blue

- Network of affiliated stations and international stations WRCA and WNBI program material originating on army plane flying over Los Angeles, Calif., and navy plane flying over Anacostia, D. C., as part of program "One Nation Indivisible" to be broadcast on January 20, 1941, between 9 p. m. and 10 p. m., EST.
- National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast over WRC, WMAL and the Red and Blue Networks of affiliated standard broadcast stations, international broadcast stations WRCA and WNBI, and experimental station W2XWG, conversations and orders transmitted from one plane to another and from planes to the ground control stations, as a special feature in the coverage of U. S. Army aircraft maneuvers over Washington on Inauguration Day, January 20, 1941; communications between planes and ground to be on Government frequencies and program reception to be effected by NBC receiving equipment located on the Washington Monument and on the Dome of the Capitol Building, Washington, D. C.
- The Tribune Company, Tampa, Fla.—Petition (1) for partial removal of condition in its construction permit; (2) for grant of application of City of St. Petersburg (WSUN) for modification of license; (3) for grant of application for transfer of control of Lake Region Broadcasting Co. (WLAK), Lakeland, Fla., from individual stockholders to the Tribune Company; and (4) for assignment of call letters WFLA in place of call letters WKGA to new station of the Tribune Company, Tampa, denied except as to request for grant of WSUN application and except as to request for change in call letters; granted as to these matters only.
- WCNW—Arthur Fiske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 8 to 10 p. m., EST, January 20, 1941, in connection with rebroadcast of President Roosevelt's Inaugural Address and ceremonies only.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate simultaneously with radio station WOSU from 1 p. m. to 3 p. m., EST, on January 20, 1941, in order to broadcast Inaugural ceremonies of President Roosevelt only.
- WRUL—World Wide Broadcasting Corp., Scituate, Mass.—Granted license to cover construction permit which authorized increase in power from 20 KW to 50 KW and changes in equipment of international broadcast station (B1-LIB-12).
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 9 p. m. to 11 p. m., CST, on January 18, 1941, instead of from 7:50 p. m. to 9:50 p. m., CST, as authorized January 4, 1941, in order to broadcast basketball game only.
- Chilton Radio Corp., Dallas, Tex.—Granted petition for leave to amend application for new station to request some frequency other than 1370 kc., and to use power of 1 KW day only, instead of 100 watts unlimited time.
- William H. Rines, Portland, Maine.—Granted motion for dismissal without prejudice of application for construction permit to operate on 560 kc., 1 KW night, 5 KW day, unlimited time, DA night and day.
- R. B. Eaton, Des Moines, Ia.—Granted motion and sup. motion to take depositions in re application for new television station.
- Wm. D. Hudson & Violet Hutton Hudson, Clarksville, Tenn.—Granted motion to continue hearing now scheduled for Jan. 30, for approximately 30 days.
- KOWH—World Publishing Co., Omaha, Nebr.—Dismissed without prejudice petition to intervene in the hearing on application of KFEQ, St. Joseph, Mo., for construction permit to operate on 680 kc., 5 KW, unlimited time, DA day and night.
- KFEQ—KFEQ, Inc., St. Joseph, Mo.—Granted motion to accept technical amendment to application for construction permit.
- KGGE—Hugh J. Powell, Coffeyville, Kans.—Granted motion to amend application for construction permit to operate on 690 kc., so as to request unlimited time instead of specified hours.
- WSAY—Brown Radio Service & Lab. (Gordon P. Brown, Owner), Rochester, N. Y.—Granted motion for order to take depositions in re application for construction permit to operate on 1340 kc., 1 KW, unlimited time, DA day and night.
- WJNO—WJNO, Inc., W. Palm Beach, Fla.—Granted construction permit to use formerly licensed composite transmitter and install vertical antenna as an auxiliary unit at 511 Datura St., W. Palm Beach.
- KFH—Radio Station KFH Co., Wichita, Kans.—Granted modification of construction permit (B4-P-2462) for extension of completion date from Feb. 18 to July 18/41.
- KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Granted license to cover construction permit (B3-P-2570) which authorized increase in night power to 5 KW; 890 kc., unlimited time, DA night; also granted authority to determine operating power by direct measurement of antenna input.
- WFIG—J. Samuel Brody, Sumter, S. C.—Granted authority to determine operating power by direct measurement of antenna input.
- KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted authority to determine operating power by direct measurement of antenna input.
- KRNR—News-Review Co., Roseburg, Ore.—Granted authority to determine operating power by direct measurement of antenna input.
- KLX—Tribune Building Co., Oakland, Cal.—Granted authority to determine operating power by direct measurement of antenna input.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input.
- WCMI—Ashland Broadcasting Co., Ashland, Ky.—Granted authority to determine operating power by direct measurement of antenna input.
- KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted authority to install automatic frequency control unit.
- KOCY—Plaza Court Broadcasting Co., Oklahoma City, Okla.—Granted authority to install automatic frequency control unit.
- KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted authority to install automatic frequency control unit.
- WDEF—Joe W. Engel, Chattanooga, Tenn.—Granted license to cover construction permit (B3-P-2485) which authorized a new station to operate on 1370 kc., 250 watts, unlimited time (B3-L-1515); also granted authority to determine operating power by direct measurement of antenna input (B5-Z-641).
- KAQX—Central States Broadcasting Co., Portable-Mobile, Area of Omaha, Neb.—Granted modification of construction permit (B4-PRY-210), which authorized a new relay broadcast station, to extend completion date from Dec. 18/40 to Feb. 18, 1941 (B4-MPRY-27).
- KAQW—Central States Broadcasting Co., Portable-Mobile, Area of Omaha, Neb.—Granted modification of construction permit (B4-PRY-209), which authorized a new relay broadcast station, to extend completion date from Dec. 18/40 to Feb. 18, 1941 (B4-MPRY-29).
- KSTP—KSTP, Inc., St. Paul, Minn.—Granted license to cover construction permit (B4-P-1828) which authorized move of transmitter, installation of new equipment and directional antenna, and increase in power to 50 KW; 1450 kc. (B4-L-1206); also granted authority to determine operating power by direct measurement of antenna power (B4-Z-455).
- KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Granted license to cover construction permit (B5-P-2632) which authorized installation of new transmitter, increase in power to 5 KW, installation of directional antenna for day and night use, and move of transmitter; 620 kc. (B5-L-1311); also granted authority to determine operating power by direct measurement of antenna input (B5-Z-636).
- WMRN—The Marion Broadcasting Co., Marion, Ohio.—Granted license to cover construction permit (B2-P-2862) which authorized a new station to operate on 1500 kc., 250 watts, unlimited time (B2-L-1314); also granted authority to determine operating power by direct measurement of antenna input (B2-Z-639).
- WKNE—Twin State Broadcasting Corp., Keene, N. H.—Granted license to cover construction permit (B1-P-2415) for move of transmitter and studio, installation of new transmitter, increase in power from 1 to 5 KW, and installation of directional antenna for day and night use; 1260 kc. (B1-L-1309); also granted authority to determine operating power by direct measurement of antenna input (B1-Z-635).
- WDAY—WDAY, Inc., Fargo, N. Dak.—Granted license to cover construction permit (B4-P-2530) for increase in night power to 5 KW, and installation of directional antenna for night use; 940 kc. (B4-L-1310); also granted authority to deter-

mine operating power by direct measurement of antenna input (B4-Z-635).

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-630).

WAWT—Alabama Polytechnic Institute, University of Alabama, Etc., Portable-Mobile (area of Birmingham, Ala.).—Granted license to cover construction permit (B3-PRY-211) which authorized a new relay broadcast station to be used with applicant's standard broadcast station WAPI; frequencies **1622, 2058, 2150, 2790 kc.**, 25 watts (B3-LRY-214).

WGNB—WGN, Inc., Chicago, Ill.—Granted license to cover construction permit (B4-PRE-347) for new relay broadcast station; frequencies **156750, 158400, 159300, 161100 kc.**, 50 watts, special emission for frequency modulation with a maximum band width not to exceed 200 kilocycles. Station to be used with applicant's standard broadcast station WGN (B4-LRE-339).

WDEL—WDEL, Inc., Wilmington, Del.—Request to withdraw petition for rehearing directed against the action of the Commission November 26, 1940, granting without hearing the application of WCOP, Boston, Mass., for construction permit to operate unlimited time on **1120 kc.**, with 500 watts power, was considered as a motion to dismiss, and granted, and the petition filed by WDEL for rehearing was dismissed.

The May Department Stores Co., Los Angeles, Cal.—Granted extension of time in which to supply the experimental program for television broadcast station W6XMC (CP only), for a period of 60 days from January 14, 1941.

WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit for high frequency broadcast station so as to specify the channel **46900 kc.** instead of **46700 kc.**, and the call letters W67PH heretofore assigned were changed to W69PH.

Columbia Broadcasting System, Inc., New York City.—Granted modification of construction permit for high frequency (FM) broadcast station so as to specify the channel **46700 kc.** instead of **48700 kc.**, heretofore assigned. Call letters for this station have not yet been assigned.

APPLICATIONS FILED AT FCC

550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Modification of construction permit (B2-P-2578) as modified for new equipment, increase in power, and antenna, requesting a new transmitter and extension of completion date from January 28, 1941 to 180 days after grant.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Construction permit to install a new transmitter.

600 Kilocycles

KFSD—Airfan Radio Corporation, Ltd., San Diego, Calif.—Modification of construction permit (B5-P-2259) for new transmitter and antenna, increase in power and move of transmitter, requesting approval of vertical antenna and site at approximately 5.25 miles North of 4th Street and Broadway, San Diego, California, and install a new transmitter.

620 Kilocycles

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Construction permit to increase power from 500 watts, 1 KW local sunset, to 5 KW day and night; install new equipment and directional antenna for day and night use. Amended to make changes in directional antenna for day and night use.

690 Kilocycles

NEW—Fred Jones, Mary Eddy Jones, and W. E. Hightower, d b as Fred Jones Broadcasting Co., Tulsa, Okla.—Construction permit for new station on **690 kc.**, Class II, 50 KW, unlimited. Amended re directional antenna.

900 Kilocycles

WFMD—Monocacy Broadcasting Co., Frederick, Md.—License to cover construction permit (B1-P-2243) for change in hours of operation and directional antenna for night use.

WFMD—Monocacy Broadcasting Co., Frederick, Md.—Authority to determine operating power by direct measurement of antenna power.

WBEN—WBEN, Incorporated, Buffalo, N. Y.—Construction permit to move auxiliary transmitter from RFD No. 2, Shawnee Road, near Martinsville, New York, to corner Bush Road and Beaver Island Parkway, Grand Island, New York.

920 Kilocycles

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit to increase power from 1 KW to 1 KW, 5 KW—Local Sunset, change hours of operation from daytime to unlimited time, install a new transmitter, install directional antenna for day and night use and move of transmitter.

1000 Kilocycles

NEW—Cuyahoga Valley Broadcasting Company, Cleveland, Ohio.—Construction permit for a new station on **1000 kc.**, 1 KW, daytime. Amended to change frequency from **1000 kc.** to **1270 kc.**, Class III-B, transmitter site at Stillson and Campbell, Cleveland, Ohio, changes in equipment and antenna.

1020 Kilocycles

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2904) as modified for changes in equipment and increase in power.

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement.

1050 Kilocycles

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Modification of construction permit (B4-MP-896) for change of power and hours of operation from 5 KW, limited time, to 1 KW, 5 KW, Local Sunset, unlimited time, and installation of directional antenna for night use, requesting changes in directional antenna for night use.

1060 Kilocycles

KTHS—KTHS Broadcasting Co., Inc., Hot Springs National Park, Arkansas.—Construction permit to install new transmitter, and directional antenna for night use; change frequency from **1040 kc.** to **1060 kc.**; increase power from 10 to 50 KW and hours of operation from shares KRLD to unlimited time. Amended to change name from Hot Springs Chamber of Commerce to KTHS Broadcasting Co., Inc.; change type of requested transmitter; and change power of amplifier from 100 watts, 250 watts local sunset, to 100 watts.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of construction permit (B1-P-2758) for increase in power from 250 watts, 1 KW local sunset, to 5 KW day and night; install directional antenna for day and night use, and new transmitter, requesting approval of directional antenna for day and night use.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Voluntary assignment of license from Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Broadcasting Station WAPI), to Voice of Alabama, Inc.

1200 Kilocycles

WJOB—F. L. Adair and O. E. Richardson, Hammond, Ind.—Modification of license to change hours of operation from unlimited day, share WFAM night, to unlimited time.

KGEK—Elmer G. Beehler, Sterling, Colo.—Authority to determine operating power by direct measurement of antenna power on **1230 kc.**, under NARBA.

1210 Kilocycles

- KWIL—Central Willamette Broadcasting Co., Albany, Ore.—License to cover construction permit (B5-P-2949) for a new station.
- KWIL—Central Willamette Broadcasting Company, Albany, Ore.—Authority to determine operating power by direct measurement of antenna power.
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Authority to install automatic frequency control equipment.

1280 Kilocycles

- WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Modification of construction permit (B4-P-2689) for changes in directional antenna, increase in power, further requesting approval of new transmitter, changes in antenna system, approval of transmitter site at 9 E. Twp. 6 N.NE¼ of NE¼ of Sec. 16, Fitchburg, Wis., and studio site at 110 East Main St., Madison, Wis.

1290 Kilocycles

- WEBC—Head of the Lakes Broadcasting Company, Duluth, Minn.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

- WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Modification of construction permit (B2-P-2459) for move of transmitter, increase in power, new transmitter and antenna, requesting approval of vertical antenna and approval of transmitter site at Ferndale, Mich. Amended to give transmitter site as Ferndale, Mich.
- KARM—Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, Fresno, Calif.—Voluntary assignment of license from Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, to KARM, The George Harm Station.

1420 Kilocycles

- NEW—Chattahoochee Broadcasting Co., Columbus, Ga.—Construction permit for a new station on **1420 kc.** (Class IV station), 250 watts, unlimited time. Amended to change applicant from Arthur Lucas and Wm. K. Jenkins, d/b as Chattahoochee Broadcasting Co. (a partnership), to Chattahoochee Broadcasting Company (a corporation).
- NEW—Tri-State Broadcasting Corp., Wheeling, W. Va.—Construction permit for new station, **1420 kc.** (Class IV), 100 watts, unlimited.
- KFMB—Worcester Broadcasting Corp., San Diego, Calif.—Modification of construction permit (B5-P-2458) for a new station, requesting approval of vertical antenna, approval of transmitter site at 1124 S. 34th St., San Diego, Calif., and studio site at 1375 Pacific Blvd., Pacific Square, San Diego, Calif., and install a new transmitter.

1430 Kilocycles

- WOKO—WOKO, Inc., Albany, N. Y.—Authority to make changes in automatic frequency control apparatus.

FM APPLICATIONS

- NEW—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (B1-PH-46) for a new high frequency broadcast station, for approval of transmitter, changes in antenna and change population from 11,800,000 to 11,900,000. Amended to change location of studio from Newark, N. J., to New York, N. Y.
- NEW—Wodaam Corporation, New York, N. Y.—Construction permit for new high frequency broadcast station. Frequency, **45300 kc.**; coverage, 8,500 square miles. Amended re to change frequency from **45300 to 46700 kc.**, population from 11,417,000 to 11,431,600; change type of transmitter, and location of transmitter from Carlstadt, N. J., to New York, N. Y., and changes in antenna.
- NEW—New Jersey Broadcasting Corp., New York, N. Y.—Construction permit for a new high frequency broadcast station. Frequency, **47900 kc.**; coverage, 8,900 square miles; population, 10,400,000. Amended re change coverage from 8,900

to 8,500 square miles, population from 10,400,000 to 11,500,000, and make antenna changes.

- NEW—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PH-52) for a new high frequency broadcast station, requesting approval of transmitter, changes in antenna, and change population from 11,010,372 to 11,814,746.
- WJIM—WJIM, Inc., Lansing, Mich.—Construction permit for new high frequency broadcast station. Frequency, **45100 kc.**; coverage, 5,341 square miles; population, 421,000.

TELEVISION APPLICATIONS

- NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-PVB-20, which authorized a new television station) requesting approval of transmitter site and antenna: 720 East Capital Drive, Milwaukee, Wisconsin. Amended: re: antenna changes.
- NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for new television (relay) broadcast station. Frequencies, **300000-306000 and 306000-312000 kc.**; power, 25 watts visual; emission, A-5; location, portable-mobile (area of Milwaukee County, Wis.). (To be used with television station W9XMJ.)

MISCELLANEOUS APPLICATIONS

- WEGQ—Broadcasting Service Organization, Inc., Boston, Mass.—Construction permit for reinstatement of station equipment changes, and increase power from 5 watts to 15 watts.
- NEW—Eugene J. Roth, tr/as Mission Broadcasting Company, San Antonio, Tex.—Construction permit for new relay broadcast station. Frequencies, **1622, 2058, 2150, 2790 kc.**; power, 25 watts; emission, A-3; hours of operation, unlimited; location, portable-mobile, area of San Antonio, Tex.
- WAWT—Alabama Polytechnic Institute, University of Alabama, and Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Voluntary assignment of construction permit B3-PRY-211 to Voice of Alabama, Inc.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Voluntary assignment of license from Hot Springs Chamber of Commerce to KTHS Broadcasting Co., Inc.
- KDAS—Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, Fresno, Calif.—Voluntary assignment of license from Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, to KARM, The George Harm Station.
- KDAC—Gilbert H. Jertberg, Executor of the Estate of George Harm (deceased), Fresno, Calif.—Voluntary assignment of license from Gilbert H. Jertberg, Executor of the Estate of George Harm, deceased, to KARM, The George Harm Station.
- NEW—Piedmont Publishing Company, Winston-Salem, N. C.—Construction permit for new relay broadcast station. Frequencies, **1622, 2058, 2150, 2790 kc.**; power, 100 watts; emission, A3.
- NEW—The Evening News Association, Detroit, Mich.—Modification of construction permit (B2-PH-21) for approval of transmitter, antenna changes, and change population from 5,641,981 to 2,498,000. Amended re change type of transmitter.

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.

Dr. Jane Blanchard—Charging misrepresentation in the sale of a medicinal preparation, a complaint has been issued against Jane Blanchard Geary, trading as Dr. Jane Blanchard, 2817 East St. (N. S.), Pittsburgh.

According to the complaint, the respondent advertises her product designated "Dr. Blanchard's Female Compound and Regulator," as a competent and reliable regulator of conditions peculiar to women, and as being safe and harmless.

The complaint charges, however, that the preparation's therapeutic properties are limited to those of an alcoholic stimulant and irritant laxative; that it is not safe and harmless in that contains the drug aloes in quantities sufficient to be harmful, and that the respondent's advertisements are false because they fail to reveal that use of the preparation under conditions prescribed in the advertisements or under customary conditions may cause colitis and produce pelvic congestion.

Use of the title "Dr." by the respondent is misleading as she is not a medical doctor, the complaint alleges. (4449)

STIPULATIONS

The following stipulations have been entered into by the Commission during the past week:

Foot Pep Sales—A. Greenberg, Sol Bassan, and H. Greenberg, trading as Foot-Pep Laboratories, and Foot-Pep Sales, 930 West Roosevelt Road, Chicago, in a stipulation entered into with the Federal Trade Commission, agree to cease advertising that their preparation "Foot-Pep" is a competent remedy or effective treatment for athlete's foot; that it has any therapeutic value in treating this ailment in excess of affording temporary symptomatic relief and that it stops acidity, penetrates skin pores, stimulates foot circulation, peps up normal feet, and soothes corns, bunions or callouses. The respondents also agree to cease representing, by use of the word "Laboratories" in their trade name, that they maintain or control a laboratory. (02713)

Alvin L. Keeny, Route No. 1, New Freedom, Pa., a dealer in mink breeding stock, in a stipulation has agreed to cease representing that he personally has substantial resources to assure the sale, at a profit, of mink raised from breeding stock sold by him; that he has obtained or is able to obtain any specific amount for a mink pelt in excess of the amount actually obtained, or that mink pelts are worth any specified amount in excess of such amount obtained. The respondent also agrees to cease overstating the possible profits attainable by persons selling mink raised from stock sold by him. (02712)

Meyer Brothers Drug Company, 217 South Fourth St., St. Louis, has entered into a stipulation with the Federal Trade Commission in which it agrees to cease advertising that its product "Ratskill" is the most effective exterminator to use against rats, and that the Department of Agriculture has said that red squill is the most successful of all rat poisons. The respondent, according to its stipulation, advertised its product as "a red squill rat exterminator."

Old Indian Medicine Company—Charles K. Wilson, trading as Old Indian Medicine Company, and as Wa-Hoo Medicine Company, 845 Western Ave., Toledo, Ohio, has entered into a stipulation with the Federal Trade Commission in which he agrees to cease and desist from certain representations in the sale of medicinal preparations.

The respondent stipulates that he will cease representing that "Wa-Hoo Bitters" is a tonic or effective treatment or competent remedy for ailments of the blood, nerves, stomach, liver or kidneys, and is efficacious as a treatment or remedy for rheumatism, impure blood, gastritis, sour or bloated stomach, liver or kidney complaint, indigestion, dyspepsia, catarrhal troubles, nervousness, salt rheum, scrofula, skin diseases or any other affliction or condition aside from constipation.

The respondent further agrees to cease representing by statements such as "Old Indian Remedy" or "Old Indian Root and Herb Tonic" or otherwise, that the formula for the preparation was originated or used by American Indians prior to the time of their introduction to or acquaintances with generally recognized medical science.

The respondent also agrees to desist from representing fictitious prices as customary prices. (3027)

Rogers Peet Company, operating a number of men's furnishing stores in New York City, has entered into a stipulation in which it agrees to cease certain representations in the sale of robes.

The respondent agrees to cease and desist from failing to disclose that such products are composed of rayon, either in whole or in part, as the case may be, such disclosure to be made clearly in invoices and all advertising matter.

The respondent corporation also stipulates that it will cease using the terms "Pure Silk" or "Silk Faille" or the word "Silk" or similar words, alone or in conjunction with other words, as descriptive of products which are not silk exclusively or which contain any metallic weighting.

If, according to the stipulation, a product consists of weighted silk, either in whole or in part, then the words "Silk," "Pure Silk" or "Silk-Faille," if used to refer to its silk content, shall be immediately accompanied by full and conspicuous disclosure of the presence of metallic weighting, together with its proportion or percentage, in all tags and advertising matter.

The stipulation gives the following as illustrative examples of the disclosure provided for: "Silk, Weighted, 20%," "Silk with 20% Metallic Weighting," "Silk Weighted up to 20%," and "Silk Weighted not over 20%." (3026)

Sumlar Company—A. Marks, trading as The Sumlar Company, 1 Sickles St., New York, has entered into a stipulation in which he agrees to cease certain representations in the sale of "Kloronol," a nose drop medicinal preparation.

The respondent agrees to cease disseminating advertisements (1) which represent that continuous use of Kloronol is safe, or that it may be continuously used without harm in certain pathological conditions such as sinusitis; (2) which advertisements fail to reveal that its continued or frequent use may cause nervousness, restlessness or sleeplessness, and (3) which fail to reveal that persons ill of high blood pressure, heart disease, diabetes or thyroid trouble, should not use the preparation except on competent advice.

The stipulation provides, however, that such advertisement need contain only a statement that the preparation should be used only as directed on the label, if and when such label either contains an appropriate warning or specifically directs attention to such a warning statement in the accompanying labeling.

The respondent also agrees to cease representing that the product is "new" or "rare." (02711)

CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

Apex Lamp Works—B. Solomon, trading as Apex Lamp Works, 146 West 25th St., New York, to cease and desist from making misleading representations in the sale of a lamp shade or reflector known as "Ampliflector."

Commission findings are that the respondent advertised her product as being a new and amazing light discovery which cuts light bills from 25 to 50 per cent, and as an advancement in the science of light reflectors providing extreme concentration of light rays. The respondent also made other representations of the product's merit and efficiency.

The respondent, according to findings, discontinued such advertising in 1938 and continued selling the reflectors until a year later.

The Commission finds that the respondent's reflector does not reduce lighting costs; that, like many other reflectors, it is instrumental in directing and increasing light on a given working plane, and is merely an adaptation of a well-known principle of light diffusion.

The Commission order directs the respondent to cease and desist from various representations made concerning the product. (3629)

Cheshill Manufacturing Company—Selling a chain door lock equipped with a so-called safety bell and advertised as a burglar alarm. Edward Shill and Sanford C. Chesick, trading as The Cheshill Manufacturing Company, 501 Seventh Ave., New York, have been ordered to cease and desist from misrepresentation in the sale of this product, known as "Safety Bell Chain Lock."

The order directs the respondent to cease using the word "manufacturing" or any similar word as part of their trade name unless they actually own, operate and control a factory in which their product is made, and to cease representing that they are manufacturers of the "Safety Bell Chain Lock" device, and that it is patented or that an application for a patent is pending, when such is not a fact. (4123)

Group Sales Corporation, 215 West 39th St., New York, a jobber or wholesaler of silk and rayon piece goods, has been ordered to cease and desist from misrepresentation of its products.

Through its use in circular advertisements distributed to retail customers of the well-known names of manufacturers such as H. R. Mallinson, Cheney Bros., Belding, Schwarsenbach, and others, and of accompanying representations, the respondent, according to Commission findings, advertises that the piece goods which it sells are composed entirely of so-called "name goods," when in fact a substantial portion of the products so advertised consist of materials having no recognized quality and made by manufacturers who do not have a wide or favorable reputation. Most of the respondent's merchandise, the findings continue, has been obtained, not directly from manufacturers, but from commission merchants, dress manufacturers, garment makers and jobbers.

The Commission order directs that the respondent cease representing, or aiding retailers to represent, through the device of so-called "name sales" of groups of piece goods, that groups of its silk and rayon piece goods constitute "name goods," unless all or a majority of the goods included in such groups have been actually produced and widely advertised by a nationally known manufacturer.

The order further directs that in the event such groups of goods include pieces not produced and widely advertised by a nationally known manufacturer, disclosure of that fact is to be made.

The respondent is further ordered to cease representing as new, wanted, up-to-date, stylish or seasonable, any fabric which is not such in fact; representing that the quality, character or origin of a fabric is other than what is actually the fact, and that any product has been obtained by the respondent directly from the manufacturer, when such is not a fact. (2922)

Home Diathermy Company, Inc.—A cease and desist order which it issued last November against Home Diathermy Company, Inc., 1780 Broadway, New York, has been modified directing cessation of misleading representations in the sale of a "Home Diathermy" device.

The modified order directs the respondent to cease and desist from misrepresentation of the therapeutic value and merit of its product, as did the original order, but the modified order changes that part of the original order which prohibited the dissemination of advertisements which failed to reveal that unsupervised use of the device by unskilled persons may result in serious and irreparable injury.

Under the modified order, now in effect, the respondent is directed to cease disseminating advertisements which fail "to conspicuously reveal that the device may be safely used only after a competent medical authority has determined, as a result of diagnosis, that diathermy is indicated and has prescribed the frequency and amount of application of such diathermy treatments and the user has been adequately instructed in the method of operating such device by a trained technician."

Otherwise the modified order is the same as the original order. (3653)

McAfee Candy Company—Orders have been issued against a Georgia candy manufacturer and a New York distributor of smoking pipes, directing them to cease and desist from the use of lottery methods in the sale of their products.

The respondents are: Joe B. Hill and C. O. McAfee, trading as McAfee Candy Co., and as Liberty Candy Co., 651 Poplar St., Macon, Ga., and S. M. Frank & Co., Inc., and its subsidiary, Wm. Demuth & Co., Inc., both of 133 Fifth Ave., New York.

The order against the Macon, Ga., firm directs that it cease and desist from supplying to or placing in the hands of others candy or any other merchandise so packed and assembled that its sale to the public may be made by means of a lottery; from supplying others with candy or other merchandise, together with push or pull cards, punch boards or other lottery devices, which devices may be used in selling or distributing such candy or other merchandise to the public; from supplying to or placing in the hands of others, punch boards, push or pull cards, or other lottery devices, either with assortments of candy or other merchandise or separately, which devices may be used in selling or distributing such candy or other merchandise to the public; and from selling or otherwise disposing of any merchandise by means of a game of chance, a gift enterprise, or lottery scheme. (4114)

The two New York pipe companies are directed to cease and desist from selling or distributing pipes or any other merchandise so packed and assembled that their sale to the public may be made by means of a lottery; from supplying others with push or pull cards, pull tabs, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such pipes or other 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. (4393)

New York Premium Novelty Company—Alexander Weiler and Lilly Greenspan Weiler, trading as New York Premium Novelty Co., 168 Avenue A, New York, has been ordered to cease and desist from using lottery methods in the sale of jewelry, cosmetics, cigarette lighters, clocks and other merchandise.

Commission findings are that the respondents distributed between 800,000 and 1,000,000 advertising circulars, each containing a pull card device and picturizations of their merchandise. By means of their sales plan, the findings continue, the respondents have done an annual business of between \$25,000 and \$30,000, of which 60 per cent has been outside New York State.

The Commission order directs the respondents to cease supplying to or placing in the hands of others, or transporting to agents, distributors, or the public, punch boards, push or pull cards, or other devices, which may be used in selling or distributing their merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme. (3579)

National Proprietaries, Inc., 767 North Milwaukee Ave., Chicago, has been ordered to cease and desist from misrepresentation in the sale of "Nuga-Tone," advertised as having substantial value in treating nervous disorders.

The preparation, according to Commission findings, does not possess any value in the treatment of nervous disorders and is not safe, as it contains several drugs in quantities sufficient to produce serious and irreparable injury if used under conditions prescribed in the advertisements or under usual conditions.

The Commission order directs the respondent to cease and desist from disseminating advertisements which represent that Nuga-Tone possesses any therapeutic value in the treatment of nervous disorders or which fail to reveal that use of the preparation may result in chronic poisoning, irritation of the kidneys, nervous irritability, neuritis, or other conditions. (4271)

Spors Company—Frank Spors, trading as Spors Company and as Quality Products Company, Le Center, Minn., has been ordered to cease and desist from disseminating advertisements representing that his preparation designated as "Corn-Go" and "Liquid Corn-Go" will remove bunions or has any value in their treatment; will prevent recurrence of corns or callouses, or that the preparation's action in removing calluses or corns accomplishes anything other than a temporary removal. (4397)

FTC DISMISSES CASES

The Federal Trade Commission has dismissed a complaint charging 10 card clothing manufacturers and the Card Clothing Manufacturers' Association, New York, with unfair competition in violation of the Federal Trade Commission Act in the sale of their product.

The manufacturer respondents include: Ashworth Brothers, Inc., Fall River, Mass., also trading as American Card Clothing Co., Philadelphia; Benjamin Booth Co., Philadelphia; Charlotte Manufacturing Co., Charlotte, N. C.; Davis & Furber Machine Co., North Andover, Mass.; Howard Brothers Manufacturing Co., Worcester, Mass.; J. Sherlock, trading as Methuen Napper Clothing Co., Methuen, Mass.; Merrimac Card Clothing Co., Andover, Mass.; Standard Card Clothing Co., Stafford Springs, Conn.;

Wickwire-Spencer Steel Co., New York, all members of the respondent association, and Frederick C. Redman, Lowell, Mass., trading as Redman Card Clothing Co.

The respondent manufacturers' product, card clothing, is a tough, close-woven fabric studded with steel teeth, used principally by textile manufacturers in combing out wool and cotton preparatory to spinning.

The Commission has closed its case against Aero Industries Technical Institute, Inc., Los Angeles, which conducts a vocational school in modern aircraft construction and allied fields. The respondent had been charged with violation of the Federal Trade Commission Act in the sale of home study or correspondence courses. The Commission closed the case without prejudice to its right to resume proceedings, should future facts so warrant.