

THE WEEK IN WASHINGTON

The NAB Board will meet Monday and Tuesday, March 17 and 18, at the Roosevelt Hotel, New York City. (p. 237.)

Lanny Ross, radio tenor, has written a new song, "The Smile of the Irish", which BMI will make available for broadcasting in time for St. Patrick's Day. (p. 237.)

Public promotion for Radio's Movin' Day gets under way. (p. 239.)

A study of urban radio listening in the United States will be mailed to all members next week. (p. 244.)

Members who wish to propose amendments to NAB By-Laws should send them to NAB headquarters immediately. District 3, 5 and 7 meetings are scheduled. The Code Committee replies to objections to beer advertising. (p. 244.)

Delaware's "Blue Laws" were repealed after a strict enforcement campaign involving broadcasting stations. (p. 246.)

James Lawrence Fly, FCC Chairman, said that the Commission was working on a brand new "monopoly" report. (p. 246.)

Board Meets March 17-18

The NAB Board will meet Monday and Tuesday, March 17-18, at the Roosevelt Hotel, New York City, to consider the whole music situation.

In connection with the meeting, Neville Miller issued the following statement:

"On February 26 we were informed that the American Society of Composers, Authors and Publishers had signed a consent decree requiring the Society to offer its music to broadcasters on a per program basis. I immediately wrote Mr. Gene Buck that if the Society cared to submit terms by which broadcasters could obtain licenses to use ASCAP music on radio programs I would call a special meeting of our Board of Directors to consider such proposals. Mr. Buck replied promptly, and since that time we have had another exchange of letters on the subject.

"It is understood that no broadcaster has delegated to the National Association of Broadcasters the right of negotiation and that any proposal must eventually be

submitted to individual broadcasters. Several broadcasters, I am told, have themselves made this clear to ASCAP by writing ASCAP to that effect. However, Mr. Buck feels that it would be helpful if our Board of Directors were to appoint a committee to sit with ASCAP's representatives to assist in formulating a proposal for submission to broadcasters.

"I have therefore called a meeting of our board for for next Monday, March 17, in New York to consider the whole question. As members of the board will assemble here from all parts of the country, I have also told Mr. Buck that I think it important that he get into concrete form the alternative bases of licensing which the Society is prepared to offer to broadcasters so that they can be considered in general terms by the members of our board at their meeting."

BMI

THE SMILE OF THE IRISH

Lanny Ross, radio tenor, has written a new song, *The Smile of the Irish*, which BMI will make available for broadcasting in time for St. Patrick's Day. Mr. Ross has already introduced the song in vaudeville and over the air with notable success and it will be featured in the St. Patrick's Day parade in New York by a group of Irish girls chosen for their ability to represent the beauty as well as the smiles of the Irish.

The lyrics of the song are well adapted to parody and Mr. Ross has developed special lines for the use of the Army, the Navy, and the Marine Corps. The version which begins, *Oh, There's Nothing Like the Smile of a Soldier*, bids fair to become a familiar bit of bellowed melody in the Army camps along with BMI's other gift to the service man's amusement, *Where's the Captain's Hat?*

HEARTBREAK FOR HOLLAND

A new song, *My Sister and I*, based on the book of the same title which is the diary of a Dutch boy refugee has created a furor among band leaders and vocalists in their eagerness to be among the first to record it.

Dick Jergens first heard the song at the offices of the

(Continued on page 238)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, President

C. E. Arney, Jr., Assistant to President

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

BMI

(Continued from page 237)

publishers, BMI, and asked that a recording be sent to him in Chicago where he was playing. He played it for Eddy Duchin and they both immediately put in a bid to record the tune. In the meantime, Tommy Tucker became interested in it and mentioned it to Bea Wain. Bea liked the idea so well that she phoned the composers and asked them to come up to her apartment and play it for her. As a result, Victor announced next day in its record releases, "Bea will disc *'My Sister and I'*, a refugee song based on the best-selling novel of the same name." And while this was going on, Bob Chester was assigned to record the tune by Bluebird and Benny Goodman beat all the bands to an air performance by doing it Monday night, March 3rd, on WJZ. All in all, eight top-flight band leaders have reserved *My Sister and I* for recording, and orchestrations are not yet off the printing press.

There is something timely, tender, and poignant about the lyrics which bring home to the listener what the war has meant to the people of the peaceful little countries. Yet there is nothing that the strictest censor could delete on the ground that it told of the horror of war.

The writers, Alex Kramer, Joan Whitney, and Hy Zaret, also wrote *So You're the One* and *It All Comes Back to Me Now*. Joan Whitney left last week for Hollywood in company with Aileen Stanley, agent for the motion picture rights of the book, to complete negotiations under way calling for production of a motion picture based upon the book.

The song will be released to BMI stations in the near future.

In *Billboard's* Music Popularity Chart this week we took a red pencil to check off the BMI numbers on the list of Leading Music Machine Records, National Best Selling Retail Records, and National Sheet Music Best Sellers. By the time we had finished, it was hard to find the numbers which had not been checked. Nine out of the eleven leaders in the coin machines, eight out of ten best selling records, and twelve out of fifteen sheet music best sellers are covered by the BMI license. *Billboard* reports that *High on a Windy Hill* has this past week

BMI FEATURE TUNES

March 17-24

1. WALKIN' BY THE RIVER
2. WISE OLD OWL
3. HIGH ON A WINDY HILL
4. YOU WALK BY
5. HERE'S MY HEART
6. WHERE'S THE CAPTAIN'S HAT
7. IT ALL COMES BACK TO ME NOW
8. MAY I NEVER LOVE AGAIN
9. I CAN'T REMEMBER TO FORGET
10. ACCIDENT'LY ON PURPOSE
11. KEEP AN EYE ON YOUR HEART
12. ALL I DESIRE
13. LET'S DREAM THIS ONE OUT
14. TALKING TO THE WIND
15. BREAKFAST FOR TWO
16. SHADOWS IN THE NIGHT
17. STONE'S THROW FROM HEAVEN
18. WITH A TWIST OF THE WRIST

taken a sudden jump upward to land "among the blue-ribbon winners in the current automatic phono picture" and it is now "a prime favorite among nickel droppers."

NEW BMI REPRESENTATIVES

Broadcast Music, Inc., announces the appointment of Mr. Harold Seader of 6 Wales Street, Dorchester, Mass., as New England representative, and Mr. J. Robert Miller, 10410 East Jefferson Avenue, Detroit, Mich., as roving representative covering from Kansas City to Pittsburgh.

FAMOUS COMPOSER SIGNS BMI CONTRACT

Broadcast Music, Inc., has completed a contract with Dr. Ralph Benatzky for his previously unpublished compositions. Composer, dramatist, novelist, and poet, Dr. Benatzky is best known in this country for such recent productions as *Meet My Sister*, with Walter Slezak, *Cocktail*, with Mady Christians, and *White Horse Inn*. He has the phenomenal record of having written 92 plays, about 200 one-act plays, about 5000 songs, 11 books, 150 motion pictures, and enough other items to make up the life work of an average man. For his operas and music plays he himself writes book, lyrics, and music.

Dr. Benatzky is a Czech by birth and has for years been a Swiss citizen, but he is now living in New York and has taken out his first naturalization papers to become a citizen of this country.

He began his work as an author and composer when

(Continued on page 243)

TWO WEEKS TO MOVIN' DAY

Since last NAB REPORTS thirteen additional governors have either issued Movin' Day proclamations or have promised to do so. These governors, together with the station executive, securing the proclamation, on behalf of the industry, are:

ALABAMA—Gov. Frank M. Dixon
Arranged by Howard E. Pill, WSFA, Montgomery
FLORIDA—Gov. Spessard L. Holland
Arranged by W. Walter Tison, WFLA, Tampa
IDAHO—Gov. Chase A. Clark
Arranged by C. G. Phillips, KIDO, Boise
LOUISIANA—Gov. Sam Houston Jones
Arranged by James A. Noe, WNOE, New Orleans
MICHIGAN—Gov. Murray Van Wagoner
Arranged by John E. Fetzer, WKZO, Kalamazoo
NEW HAMPSHIRE—Gov. Robert O. Blood
Arranged by Earle Clement, WLNH, Laconia
NORTH CAROLINA—Gov. J. M. Broughton
Arranged by Edney Ridge, WBIG, Greensboro
NORTH DAKOTA—Gov. John Moses
Arranged by F. E. Fitzsimonds, KFYZ, Bismarck
SOUTH DAKOTA—Gov. Harlan J. Bushfield
Arranged by A. A. Fahy, KABR, Aberdeen
UTAH—Gov. H. B. Maw
Arranged by S. S. Fox, KDYL, Salt Lake City
VIRGINIA—Gov. James H. Price
Arranged by C. T. Lucy, WRVA, Richmond
WASHINGTON—Gov. Arthur Langlie
Arranged by H. J. Guillian, KIRO, Seattle
WYOMING—Gov. Nels H. Smith
Arranged by H. L. McCracken, KYAN, Cheyenne

These additions bring to thirty-one the number of proclamations secured and promised. Nine additional proclamations are being negotiated in eight states and the District of Columbia as follows:

Georgia, Illinois, Maryland, Missouri, New Jersey, New York, Pennsylvania, Wisconsin, District of Columbia. No information has been received from nine other states.

With the progress thus far reported, there is every possibility that the industry will secure a clean sweep in continental United States.

MORE MAYORS PROCLAIM

Several additional mayors are reported as issuing proclamations:

The Mayor of Lima, Ohio
Mayor T. W. Harris, Columbus, Miss.
Mayor Ed Warren, Cheyenne, Wyo.
Mayor Rex P. Barrett, Columbia, Mo.
The Mayor of Rochester, N. Y.
The Mayor of West Palm Beach, Fla.
The Mayor of Palm Beach, Fla.
The Mayor of Lake Worth, Fla.
Mayor Ira Kruger, Aberdeen, S. D.
The Mayor of Rock Island, Ill.

EDUCATORS HELP

We have received word of cooperation from state superintendents of education in the following states since the last NAB REPORTS:

Florida
New Mexico

GOVERNORS' LEAGUE STANDINGS

District	Standing	States in	States out
No. 6	1.000	Arkansas Louisiana Mississippi Tennessee	
No. 7	1.000	Kentucky Ohio	
No. 8	1.000	Indiana Michigan	
No. 11 . . .	1.000	Minnesota North Dakota South Dakota	
No. 12 . . .	1.000	Kansas Oklahoma	
No. 17 . . .	1.000	Oregon Washington	
No. 14 . . .	.800	Colorado Idaho Utah Wyoming	Montana
No. 5 . . . .	.667	Alabama Florida	Georgia
No. 4 . . . .	.667	North Carolina South Carolina Virginia West Virginia	Maryland District of Columbia
No. 10 . . .	.667	Iowa Nebraska	Missouri
No. 1 . . . .	.500	Connecticut Massachusetts New Hampshire	Maine Rhode Island Vermont
No. 15 . . .	.500	California	Nevada
No. 16 . . .	.333	California	Arizona New Mexico
No. 2 . . . .	.000		New York
No. 3 . . . .	.000		Delaware New Jersey Pennsylvania
No. 9 . . . .	.000		Illinois Wisconsin
No. 13 . . .	.000		Texas

Some "out" states have proclamations in negotiation.

TAMPA—ST. PETERSBURG

A full page of copy in the Tampa *Tribune*, Tampa *Times* and the St. Petersburg *Times* is part of the Movin' Day promotion arranged by WDAE, WFLA and WTSP.

The Peninsular Telephone Company bills and the statements issued by Tampa Electric Company contain Movin' Day stuffers. Plans for the broadcast barrage

have already been completed. In addition Spessard L. Holland, Governor of the State of Florida, issued a Movin' Day proclamation on March 5, arrangements for which were made by Walter Tison, WFLA and NAB District 5 Director.

LIMA, OHIO

WLOK, Lima, started promotion of Radio Movin' Day on March 10, with a big meeting and open house for all radio servicemen in northwestern Ohio. Invitations urged servicemen to come early and stay late. They inspected WKOL's new 250-watt transmitter and heard talks on Movin' Day by Russ Shettler, WLOK's chief engineer, and by Kent Richey, Lima radio parts jobber. Meeting was strictly informal, and was followed by special entertainment by WLOK staff. Elaborate refreshments and dutch lunch were served. At conclusion of meeting visitors were invited to remain for early morning frequency check.

WLOK has arranged consistent follow-up by dramatized broadcasts, announcements, mayor's proclamation and various stunts. Advertisers are cooperating in allowing mention of Movin' Day on their programs.

TRANSCRIPTION IDEA

When V. J. LeBarron, secretary-treasurer, KGNF, North Platte, Nebr., received the Movin' Day tune recently released to all stations, he sent it to C. P. MacGregor transcription company in Hollywood. There, Anita Boyer "sang it in three different rhythms, making three different tracks on the transcription. We are going to use it 'loud and often' until everyone will be singing it when Movin' Day gets here.

"Maybe some other station would like the idea."

1400 KILOCYCLE CLUB

Bob McRaney, general manager, WCBI, Columbus, Miss., has come up with an outstanding idea to publicize his new dial location. It is passed on in the belief that it will be useful to other stations. Here it is in Mr. McRaney's own words:

"We have organized a radio fan club called the 1400 Kilocycle Club. We are endeavoring to secure 1400 charter members; one member for every kilocycle we have after March 29. Regular membership cards are being printed and mailed to those requesting them, the first 1400 being charter members of the club. The idea seems to have caught on splendidly, and we are being besieged with requests for membership cards. Thirty minutes every day has been set aside on WCBI during which time requests of the membership are answered, details of the organization given, names of new members read, and special emphasis made on Movin' Day angle of WCBI to its new frequency 1400 kilocycles.

"This coupled with our regular newspaper publicity, plus distribution of stuffers in power bills, plus the Mayor's proclamation should certainly bring to the attention of our listeners the facts of Movin' Day."

PROMOTION TIME TABLE

1. Increase promotion tempo in accordance with your plans.
2. Make a recording of the Movin' Day Theme. Get everybody whistling it!
3. Plan for promotion on and after March 29. As a precaution the use of newspapers may be in order.
4. Try your telephone company again for April insertion of stuffers. From reading NAB REPORTS you have noticed that some telephone companies are now cooperating with the industry. A great many people say "no" the first time.

PROMOTES MAYORALTY "PROCS"

When the Hon. Harland J. Bushfield, Governor of the State of South Dakota, signed the Movin' Day proclamation he agreed to cooperate further with the radio industry. On the day after the signing of the proclamation, on March 5, he wrote A. A. Fahy, general manager, KABR, that he would issue the proclamation on March 15 as requested. Mr. Fahy is also promoting the idea of having the Mayors of South Dakota cities and towns issue similar proclamations.

STRANGE COINCIDENCE

By coincidence Governor John Moses of North Dakota also selected March 15 for the issuance of his Radio Movin' Day proclamation. So said his letter to F. E. Fitzsimonds, manager, KFVR, Bismarck, N. D.

MAILED COPIES OF IDAHO "PROC"

Immediately after Governor Chase A. Clark, of Idaho, issued his proclamation, C. G. Phillips, manager, KIDO, Boise, mailed a copy to all stations in the state. Reports have it that it is being used effectively.

COLUMBIA, MO.

Foster H. Brown, Jr., KFRU, Columbia, Mo., is taking no chance that any listeners will be ignorant of the arrival of Movin' Day. Here's what has been arranged so far:

Proclamation of Mayor Rex P. Barrett on March 15.
Advertisements in local newspapers beginning March 20.

Spot announcements beginning same date. On April 1 the telephone company will include reallocation stuffers in its bills.

Telephone calls to all radio servicemen to stimulate their interest and cooperation are currently being made.

KENTUCKY UTILITIES

Kentucky utilities which services a huge part of the state of Kentucky is cooperating aggressively in spreading reallocation news via the enclosure route. Officials were contacted by Ted Grizzard, station director of WLAP, Lexington.

SPECIAL MOVIN' DAY SECTION

Douglas Fellows, radio editor, *Hartford Courant*, is busy compiling material for a special section in the *Courant* to be issued March 23. The *Courant* is Hartford's only Sunday newspaper.

Decision to publish the special section was made after conference with James F. Clancy, WTIC Sales Promotion Manager, Walter Haase, program manager, WDRC, and officials of WTHT.

ROCHESTER

William Fay, general manager, WHAM, Rochester, N. Y., has prepared an impressive educational and promotional schedule over his station. Account of "additional promotion incidental to Movin' Day" covers several pages. Some of the highlights are:

Each day WHAM's full column promotion ad in Rochester's morning and evening newspapers, total circulation 173,000, plugs new frequency, as well as programs.

The station is offering a new log book in cooperation with the Stromberg-Carlson plant. The book will also be available through Stromberg-Carlson dealers throughout the United States.

Announcements on WHAM between March 16 and 20 will call attention to the fact that the station shifts to 1180 kilocycles. From March 22 all sustaining programs will give similar information. A representative of the local radio servicemen's group will be presented to discuss "Seven Days—300,000 Sets." There will also be courtesy announcements.

March 23, church services will mention frequency shifts. Also courtesies. March 24, radio servicemen's talk No. 2. Also courtesies.

March 25, Lee McCanne, assistant to the general manager of Stromberg-Carlson will discuss "Station Interference and Frequency Reallocation." Also courtesies. On this day tests will be made on 1180 kc. between 1:00 a.m. and 2:00 a.m. to assist dealers and servicemen in locating the frequency on push button receivers.

March 26, Ken Gardner, chief engineer, will discuss radio Movin' Day. On the same date radio servicemen's talk No. 3 is scheduled. Also courtesies. Next day WHAM will broadcast from the transmitter telling how the retuning of the 50 kw transmitter was achieved. Mem-

bers of the engineering staff will be interviewed. More courtesies.

On March 28, the station will present the proclamation of the Mayor of Rochester.

The mobile transmitter will be used to conduct a man-on-the-street program. Quiz questions will deal with such common but little understood words as "crystal," "frequency," "carrier," "microphone," "clear channel," etc.

A science program of the Rochester School of the Air will explain to the boys and girls what the frequency shift means. More courtesies.

March 29, servicemen's talk No. 4—"Radio's 'M' Day." The Stromberg-Carlson company's sales manager will broadcast a second show "Radio Sets Five Years Ago and Now." More plugs.

March 30 through April 5, WHAM will continue to announce the station's new frequency.

WEST PALM BEACH

Steve Willis, general manager, WJNO, West Palm Beach, Fla., has no interest in a printing plant but just the same he's having 40,000 dodgers printed on reallocation and will distribute 400 window cards in 2-color silk screen process.

He has secured proclamations from the mayors of West Palm Beach, Palm Beach and Lake Worth. Similar resolutions were issued by the local Board of Public Instruction, Boy Scouts, Girl Scouts, Unified Drive, Red Cross, the Woman's Club of West Palm Beach, the Woman's Club of Lake Worth and 15 additional community groups connected with educational, civic, religious and charitable activities.

Between March 7 and 11 inclusive WJNO conducted a teaser announcement campaign—"Wait for THE day! It's Coming." From March 12 to 15 the copy read—"Wait for THE day! We have a date at twelve-thirty." Beginning March 16 and continuing through the 20th the announcement will read "Wait for WJNO Day! We have a date at twelve-thirty."

Beginning March 20 the ten daily news periods will carry a straight news story reporting events pointed to "WJNO Day," March 29. First news stories will be the mayor's resolution and those of the civic groups.

March 20 will emphasize the retailers' anxiety to cooperate by displaying the "WJNO Day" window and counter cards.

The majority of the 40,000 dodgers will be distributed by Boy Scouts throughout the county, the time being credited toward their civic award. The dodgers will also be distributed to all churches on "WJNO Sunday," March 30, and at the schools. Dodger distribution will cover the March 20-29 bracket. The distribution of window and counter cards begins on March 20.

Newspaper advertising begins March 28. This will be a 3-column ad reproducing the mayor's resolutions and signed by all civic groups. Sunday papers will contain smaller ads.

On March 29 the Station will present a program which pays tribute to the community for the way it has been honored by citizens and civic groups.

CHICAGO

Chicago stations are working closely with the Chicago chapter, Radio Servicemen of America. They have provided RSA members with printed call letters for use as station tabs. This service organization has a large membership in Chicago and should prove most helpful to all Chicago stations.

PHILCO 30,000 MAILING

The service department of Philco Corporation, reports through J. R. Jackson, manager, service department, that 30,000 radio dealers and servicemen throughout the United States and Canada have been mailed a four page Movin' Day promotion.

COLUMBUS, OHIO

Here's the outline of WBNS' promotion for Columbus and adjacent territory as relayed by Jim Yerian, promotion manager:

Will plug a single telephone number for local radio servicemen's association. Line terminate in a clearing house office for service calls to be routed according to the location.

An elaborate program of spots begins March 17. The copy will be short if a commercial spot follows, longer for breaks which do not precede a spot; one-minute on station breaks not preceding commercial spots or commercial programs. Some of them will be transcribed spots for use is being made of the NAB Movin' Day theme song. Listeners are urged to make a reservation with

their radio repairman for service to be performed as soon after March 29 as possible.

Prior to March 29 radio will be the only medium used. But beginning with that date and continuing to April 10 a thorough newspaper campaign has been prepared. A ten-inch ad will appear in the *Ohio State Journal* and eight county dailies with three such insertions in county weeklies and semi-weeklies.

Another series of two-inch ads will appear in the *Ohio State Journal* and eight county dailies for ten consecutive days following the change. The same design in same size will be used on colored stickers. Some of them will appear on news releases going to over 1,000 schools in central Ohio.

Irwin Johnson is preparing a script for the educational program, "Liberty Under Law," which will include a history of frequencies in radio and which will point out the advantages of reallocation. This program now carried by seven Ohio stations will probably be carried by twelve as of March 29.

Thirty thousand rural families will receive a booklet which includes a complete station log, picturization of the staff and information relative to frequency changes.

Ten large billboards will be used; the lobby will be decorated; posters will be prepared suitable for sponsors' windows; the house organ will promote the new wave lengths and auto license plates for all staff members have been designed.

Letters will be sent, outlining the promotion campaign, to all radio dealers in central Ohio. Another letter will go to automobile dealers in the same territory. It urges them to notify owners of auto radios to have their sets changed.

The grocer and druggist letters, also containing frequency change information, will suggest that these merchants discuss changes with their customers so they will not miss a single program which sells the advertised goods in stock.

Every individual user of WBNS' time will get a selling story.

SACRAMENTO, CAL.

The Radio Movin' Day promotion plan being undertaken by KFBK, Sacramento, covers five sheets. Highlights are:

A meeting of servicemen on March 15. Invitations were extended to 730 servicemen north of Sacramento as far as the Oregon line.

Magazine articles in: California State Grange publication; Pacific Rural Press, California State Employees' Magazine.

A full page layout is scheduled for the magazine section of the Sacramento *Bee* on March 29. A technical story will appear in the *Bee* on March 25 and a general story March 27.

HOLD TEST PERIODS

In order to enable dealers to reset their stock of receivers to the new frequencies before March 29, it has been suggested that stations schedule definite test periods during which they will transmit on the new frequency. The radio repair men and the dealers should be notified of these test periods.

A. E. Joscelyn, general manager, has announced that WBT, Charlotte, will start such a series of transmissions this week. WHAM, Rochester, will hold its first test for servicemen, March 25.

The daily publication of one-inch teaser ads in the Sacramento *Bee* covers March 10-18. Six-inch ads appear 19, 20, 21 and 22. A thirty-inch ad is scheduled for March 25 and a double truck in the *Bee* is set for March 26. This is a cooperative ad with servicemen and dealers' tie-in.

The tempo of spot announcements is stepped up from two daily, March 10 to 15, to three daily, March 16 to 23; and five daily, March 24 through 29.

Jointly with Sacramento's other station, KROY, 20,000 of the 2-color NAB stuffers are being distributed by department stores.

Single card radio logs printed on two sides will be distributed throughout northern California. At the meeting of servicemen Norman Webster, chief engineer of the McClatchy engineering department, will give a technical explanation of frequency allocation.

Howard Lane, business manager of the McClatchy Broadcasting Company, will urge radio servicemen's fullest cooperation. The station's powerful 300 watt PA system, just completed, will be demonstrated at the meeting.

ROCK ISLAND, ILL.

Ivan Streed, program manager, WHBF, reports that promotion plans are already set in motion in Rock Island.

First, he reports, that the Mayor's resolution has been printed in the Davenport (Iowa) Democrat, Moline Dispatch and the Rock Island Argus.

The Peoples Power and Light Company has distributed stuffers with their bills mailed to the consumers in the Tri-Cities. Cards have also been placed in the Tri-Cities' busses; the Tri-Cities' leading theaters are running a two frame trailer. "We are using the NAB 'Movin' Day theme' and have made a male trio transcription of it in connection with other spot announcements."

The Rock Island high school will do one of the scripts sent by NAB, while the station will produce the other two. During the week of March 24 Chief Engineer R. J. Sinnett will broadcast directly from the transmitter. He also advised that many radio service shops are running special announcements.

WINSTON-SALEM

When station WSJS, operated by the Piedmont Publishing Company, Winston-Salem, N. C., moves to its new spot on the dial it changes from 1310 to 600 kc.

Harold Essex, commercial manager, has already published three full pages on Movin' Day and the station's new affiliation with the Red Network. Three more are scheduled. Then follows a series of small "scatter ads" from March 27 to 31, inclusive. These deal exclusively with Movin' Day.

Broadcast promotion, because of the amount of prior

newspaper promotion, will be held under leash until March 23. On the "Club 600", afternoon show, however, a 2-color log is being offered listeners.

The call letters and dial location of four columns of stations are included in this log. On this program the announcer gives information concerning Movin' Day.

DUKE POWER COMPANY

According to E. C. Marshall, vice president, Duke Power Company, reallocation information has been printed on all post card statements going to consumers. This company serves Charlotte, Greensboro, Winston-Salem, as well as a large number of other North Carolina communities.

WASHINGTON RALLY

Washington D. C. stations, WJSV, WMAL, WOL and WRC, servicemen and members of the Electric Institute held their Radio Rally in the auditorium of the Potomac Electric Power Company, March 12.

Speakers were Art Stringer and Lynne Smeby, of NAB, E. K. Jett, FCC chief engineer, and A. D. Ring, assistant chief engineer.

After outlining the national promotion and education which will be placed behind Movin' Day, Mr. Stringer called upon representatives of the four stations to reveal their individual plans. These speakers were John Dinwiddie, WMAL-WRC, Charles Zurhorst, WOL, and John Heiney, of WJSV.

CBS, MBS and NBC provided the program of live talent. Mr. Jett asked the servicemen to tell their customers to give the reallocation plan a reasonable time to prove itself before registering complaints with the Commission.

He said that foreign interference should disappear from the broadcast band and "that is the main thing we are endeavoring to adjust."

BMI

(Continued from page 238)

his career as an officer in the Czech Army was broken up by a long bout with blood poisoning caused by a minor wound. Ultimately he recovered his full health and, although he holds decorations from three governments, many broadcasters will envy him most of all the fact that he keeps his golf score down to 74.

The announcement of numbers by Dr. Benatzky to be published by BMI will be made in the near future.

BOY OF THE MONTH

Ernest Gold, composer of eighteen BMI compositions was chosen "boy of the month" by the magazine *Youth*

Today for their March issue. Mr. Gold's compositions include *Practice Makes Perfect*, *Accident'ly on Purpose*, *Come Down to Earth My Angel*, *Montevideo*, *Shining Hour*, and other numbers familiar to all BMI subscribers. He is nineteen and is now studying theory with Otto Cesana. He began the study of music at the age of four.

DEMAND FOR BMI'S MUSIC

Twenty-seven thousand requests for particular BMI numbers in ten weeks is the record reported by Nathan Frank, Manager of WCBT at Roanoke Rapids, North Carolina.

TRICK HORSES LIKE BMI

The trick horses at the Forth Worth Spring Rodeo recently did their stuff to the tune of BMI licensed music. Harold Hough, WBAP-KGO, reports that they experienced little difficulty in learning their new cues, even though they were fetched up on ASCAP music.

Sales

URBAN SURVEY PUBLICATION

The publication "Urban Radio Listening in the United States" will be put in the mails next week. This forty-page booklet will present the results of quarterly surveys conducted during the years 1938 and 1939. It is published on behalf of the broadcasting industry by the National Association of Broadcasters in cooperation with the Columbia Broadcasting System and the National Broadcasting Company. The surveys were conducted by Crossley, Inc.

The publication of this survey was a project of the NAB Research Committee with membership as follows: William J. Scripps, WWJ, Chairman; H. M. Beville, Jr., Research Manager, NBC; Arthur B. Church, President, KMBC; James D. Shouse, Vice President, WLW-WSAI; Dr. Frank N. Stanton, Research Director, CBS; Theodore C. Streibert, Vice President, MBS; Lee B. Wailes, Manager, Westinghouse Radio Stations, Inc.; J. W. Woodruff, Jr., President, WRBL; Paul F. Peter, NAB Director of Research, ex officio.

Mr. Peter, in cooperation with Mr. H. M. Beville, Jr., and Dr. Frank Stanton, supervised the technical detail and, in cooperation with Mr. E. P. H. James, NBC, and Mr. Victor M. Ratner, CBS, supervised the publication.

"Urban Radio Listening in the United States" will contribute materially to the knowledge of radio ownership and listening habits of the urban population of the country. It is a counterpart to the rural survey published by the Joint Committee on Radio Research in 1938.

COST-PER-INQUIRY

On the cost-per-inquiry front, every day more and more concerns are trying to get stations to accept contingent deals and guarantee a fixed return. Some of these are:

Driver and Company, Omaha, Nebraska, on behalf of an unknown stationery company.

House of Dubonay, 6715 Hollywood Boulevard, Hollywood, California.

Two Creek Ranch, Ovando, Montana.

Norman B. Furman, Inc., 117 West 46th Street, New York City, on behalf of "Let's Visit Lee Sims."

All four, in the opinion of the Bureau of Radio Advertising, are opposed to the best interests of radio stations, and the Bureau has written them accordingly. At the same time, it has invited each of the above-named companies to give serious consideration to a paid radio campaign, if they wish to obtain maximum results and maintain the continued goodwill and cooperation of the broadcasting industry.

AGENCY CONTRACT FORM

Results of the final questionnaire on the revision of the agency contract form to be recommended by the NAB were received too late for inclusion with this issue of the REPORTS. The recommended form will be printed as a supplement to next week's issue.

SALES MANAGERS LAY PLANS

The Sales Managers Executive Committee held an all-day session at the Palmer House, Chicago, on Wednesday, March 12. Frank Pellegrin, newly appointed Director of the Department of Broadcast Advertising, and C. E. Arney, Jr., Assistant to President Neville Miller, met with the committee. Plans for the Commercial session at the 19th NAB Convention were discussed. As a result a most interesting program is promised. Details will be announced as soon as the necessary arrangements have been perfected. Those present were:

E. Y. Flannigan, WSPD, Toledo, Ohio, Chairman; Ellis Atteberry, KCKN, Kansas City, Kansas; Charles Caley, WMBD, Peoria, Illinois; Eugene Carr, WGAR, Cleveland, Ohio; and Craig Lawrence, KRNT, Des Moines. Willard Egolf, KVOO, Tulsa, Oklahoma, was prevented from attending by reason of a last minute change in the date of the meeting.

NAB

AMENDMENT OF BY-LAWS

The attention of all NAB members is directed to the provision of the By-Laws respecting proposed changes. This reads as follows:

"Article XIII—Amendments

"Section 1. These By-Laws may be amended, repealed, or altered, in whole or in part, by a two-thirds vote at any annual meeting of the Association provided the proposed change is submitted by mail to the last recorded address of each member at least thirty days before the time of the meeting which is to consider the change."

Should any members desire to submit proposed amendments for consideration of the membership, they should be sent in immediately in order that the notice provided may be given the membership of the Association.

DISTRICTS 3, 5, 7 MEET

District 3 broadcasters will meet April 7 at the Benjamin Franklin Hotel, Philadelphia.

District 5 will meet April 11 at Ponte Vedre Beach, Fla.

District 7 will meet at the Netherland-Plaza, Cincinnati, on April 4.

Directors will be elected at all three meetings. Discussion of music and other industry problems will make these meetings of prime interest to all broadcasters.

CODE RULINGS

Rulings released by the Code Compliance Committee this week are of general interest to members. A temperance group had inquired if beer advertising in and of itself did not violate the Code, and several stations raised the question whether talks by Norman Thomas, Socialist candidate for President, would also violate the controversial public issues section if aired under sponsorship.

In brief, the principles involved are that the mere advertisement of any individual product in a competitive field could not amount to a violation of the Code, and that whether a sponsored talk would contravene the public controversial section depends on the content of the script as interpreted by the individual licensee.

The Committee's releases:

Radio Station ———.

March 10, 1941.

If Thomas talks involve an editorial presentation of his views or those of Socialist Party on currently controversial public issues it would violate Code to sell time under whatever sponsorship.

RUSSELL P. PLACE, *Secretary*,
NAB Code Compliance Committee.

March 11, 1941.

Mr. Herbert H. Parish, Executive Director
Minnesota Temperance Movement
204 Hodgson Building
Minneapolis, Minnesota

DEAR MR. PARISH:

With reference to your letter of February 14 to Mr. Edgar Bill, Chairman of the NAB Code Compliance Committee, I am writing to advise you of the results of a poll of that committee on the question raised in your letter.

It is not the policy of the Committee to give opinions or rulings to anybody other than broadcasting stations, and even then the Committee acts only in an advisory or interpretive capacity to the station licensees with whom final responsibility rests under the law.

However, the thinking of the Committee on the question of beer

advertising violating the Code as selling time for a controversial public issue runs about as follows:

We firmly believe that our principles regarding the handling of controversial questions are sound and should be maintained. In the practical application of those principles we, for instance, sell time to commercial sponsors solely for the advertising of the sponsors' goods or services. Conversely, we do not sell time to commercial sponsors, individuals, or special interest groups to be used to argue controversial issues or promote viewpoints in connection with arguable social ideas. Obviously, the material that would be used by your group falls in this category. Your letter errs in inferring that this type of subject matter is "barred from the air." It is merely a type of subject matter for which, if discussed, we refuse to accept money. Instead it is handled, just as all other discussion in similar fields, on time provided for such discussion and in the light of the legitimate demands on our discussion time and the public interest in the subjects proposed.

There is nothing in the Code one way or the other with regard to the advertising of beer. This naturally is a matter for the decision of the individual licensee and no violation of the Code would be involved if he accepts beer advertising which does not use the time to argue any controversial issues that might arise. In this respect this seems to be similar to the principle by which stations would gladly sell time to a common carrier for the promotion of its services in connection with travel, whereas they should refuse to sell time to the same carrier to be used to agitate for new rates, different regulation, taxation, legislation or the like.

To sum up, it hardly seems possible that the advertisement of any product could raise a controversial issue; any controversy that might arise would naturally deal with the laws permitting the sale of the product and not the advertisement itself of an individual product in a competitive field.

Cordially yours,

RUSSELL P. PLACE, *Secretary*,
Code Compliance Committee.

INSURANCE COMMITTEE

In a release which has gone forward to NAB members, Roger W. Clipp, WFIL has announced that the NAB Insurance Committee has completed a tabulation of the answers received to the Insurance Questionnaire that was mailed the last of October. Included with the release was a summary of the questionnaire results. It is thought that the questionnaire tabulation may elicit further comment about insurance from broadcasters, and if so, they are requested to send comments to Roger Clipp, WFIL, Widner Building, Philadelphia.

The comprehensive questionnaire contained questions about 52 different types of broadcast station insurance. The percent of the stations carrying various types of insurance ranged all the way from 94.2% for those carrying workmen's compensation down to 1.82% for those carrying check-room insurance. It was also interesting to note that insurance risks of various kinds associated with fire and loss due to the elements, ran high. Risks in connection with using automobiles for business were covered to a high percent also.

Other items such as insurance to cover loss of income from interruption to broadcast service due to mechanical failure, libel and slander, copyright infringement, war and bombardment, parcel post and registered mail, house musicians' instruments and borrowed property insurances, all ran to low percentages.

The final tabulation of the information received in answer to the Insurance Questionnaire, contains the re-

quired data for carrying on the standardization work of the Committee with the insurance companies.

As soon as comments from the membership on the Insurance Questionnaire have had time to come in, another meeting of the Insurance Committee will be called. Chairman Clipp anticipates that this will be about March 24. The other members of the Insurance Committee are: Wm. I. Moore, WBNX; Charles A. Wall, NBC; C. R. Dean, CBS; J. R. Poppele, WOR and MBS.

THANK-YOU NOTE

The National Tuberculosis Association wishes to convey, through NAB, its gratitude to the broadcasting industry for support of its work during the past year.

LABOR BOARD ORDERS

The Labor Relations Board today announced certification of Associated Broadcast Technicians Unit, International Brotherhood of Electrical Workers (AFL), as the sole bargaining agent of the transmitter operators employed by WDEL, Incorporated, Wilmington, Delaware.

At the same time the Board dismissed the petitions for investigation and certification of representatives of employees of WGAL, Incorporated, Lancaster, Pennsylvania, and York Broadcasting Company, York, Pennsylvania, filed by Associated Broadcast Technicians Unit, International Brotherhood of Electrical Workers, (AFL).

The Board's actions were based on the results of secret ballot elections conducted on October 14.

The Labor Relations Board this week announced a decision requiring the Capital Broadcasting Company, Inc., Montgomery, Alabama, operating Station WCOV, upon request, to bargain collectively with International Brotherhood of Electrical Workers (AFL) as the sole bargaining agency for its radio engineers, and to offer reinstatement with back pay to four employees.

Legislation

DELAWARE BLUE LAW CASE

Repeal of the Delaware Blue Law last Friday sets at rest the right of the two Delaware stations, WDEL and WILM, to broadcast on Sundays. That morning Judge Isaacs had dismissed complaints against J. Gorman Walsh, manager of both, and Harvey C. Smith, program director of WDEL, on the grounds that radio was a necessity on Sundays as much as on other days. H. Albert Young, their attorney contended that radio was interstate commerce and the Blue Law an unreasonable exercise of

the police power of the state which interfered with interstate commerce.

Although the arrests were clearly only part of a campaign to repeal the Sunday Law by enforcing it, the complaints were brought in the police court in Wilmington, from which, under the Delaware constitution there is no appeal. Clair McCollough was determined to fight the principle involved, and the defendants, if convicted, were prepared to spend the night in jail rather than pay the four dollar fine. The telephone wires buzzed between Lancaster, Penna., Willmington, Washington and New York. NAB counsel, Washington counsel and Mr. Young laid their plans. The results—Messrs. Walsh and Smith were released.

DANAHER AMENDMENT

Amendment to the Lend-Lease bill introduced by Senator Danaher of Connecticut for "no censorship" of both radio and the press failed to pass with the bill and there was no substitute for it. (NAB REPORTS, p. 225.)

COMMITTEE FAVORS WAKEFIELD

The Senate Committee on Interstate Commerce on Thursday favorably reported the nomination of Ray C. Wakefield to succeed the late Col. Thad H. Brown as a member of the FCC. Mr. Wakefield was nominated by the President last week for a 7-year term beginning July 1941.

FEDERAL LEGISLATION

H. R. 3789 (McLEAN, R-N. J.) DAYLIGHT SAVING—To save daylight and to provide standard time for the United States. Referred to Committee on Interstate and Foreign Commerce.

STATE LEGISLATION

TEXAS:

H. 659 (BRUHL) (Same as S. 210) DENTISTRY—Amend Sec. 2 of Chap. 501, page 1346, of the Acts of the Regular Session of the 45th Legis., and making it unlawful for any dentist to obtain business in connection with the practice of dentistry by employing "cappers" or "steerers," etc. Referred to Committee on Public Health.

WASHINGTON:

S. 220 (ROBERTS) SUBVERSIVE ACTIVITIES—An act to curb Nazi, Fascist, Communist and other subversive activities and to provide penalties for violations of this act, and declaring an emergency. Referred to Committee on Judiciary.

FEDERAL COMMUNICATIONS COMMISSION

"MONOPOLY" REPORT

James Lawrence Fly, Chairman of the FCC, referring to the "Monopoly" Report on which the Commission began conferences on Monday, said that the report is

not intended to be a revision of the original Committee report, but is a new report for the Commission as a whole. This, he told newsmen at a press conference early this week, does not imply any reflection on the Committee report as such but simply that the full Commission is preparing its own report. At the moment, of course, the report is still in preliminary draft stage. There was no indication early in the week how long it will take the Commission to complete its work on the Monopoly Report.

Mr. Fly told the newspaper correspondents that last week's television trip to Philadelphia-New York was one of the most constructive yet taken. The Commissioners saw, he said, three demonstrations, all of which were impressive. Mr. Fly feels, he stated, much encouraged by the progress which he noted on the trip.

The Chairman said that he hoped the television hearing which begin on March 20 will take only a day or two. He told the newsmen that he sees a definite trend toward agreement in the industry on the engineering problems of television.

FM SERVICE PROPOSED

High frequency (FM) broadcast service to approximately half of North and South Carolina and smaller portions of Virginia, West Virginia, Kentucky, Tennessee and Georgia is proposed by Grodon Gray of Winston-Salem, N. C., who was today granted a construction permit by the FCC for this purpose.

Service to this 69,400 square miles of area embracing 4,346,000 population is made possible by selection of an antenna site on one of the highest points east of the Rocky Mountains—atop Clingman's Peak (6,600 feet), two miles southwest of Mt. Mitchell and 19 miles northeast of Asheville, N. C. Here the applicant contemplates erecting a 200-foot tower to be surmounted by a 75-foot antenna, thereby giving the antenna an over-all height above sea level of 6,875 feet. Mt. Mitchell, being state owned, could not be used for the antenna location.

The applicant, who is president of the Piedmont Publishing Company, which is licensee of standard broadcast station WSJS at Winston-Salem, is authorized to use the frequency 44,100 kilocycles for this FM station.

FM AUTHORIZATION

Pursuant to preliminary announcement of January 12, the FCC has adopted rules to permit FM programs to be relayed from the main studio to the transmitter by means of low-power transmitters employing highly directive antenna.

The term "STL" designates this new "studio-transmitter link," which is provided to meet the requests of FM broadcasters for such service. Under the rules as adopted, this class of station is limited to licensees of high

frequency broadcast stations. Only one such station, in a fixed location, will be licensed to a single FM broadcaster. Frequency modulation must be employed, and experimentation tending to develop this type of relay service is required.

Twenty-three frequencies above 330,000 are allocated for "STL" experimental use.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled to be heard before the Commission in broadcast and television cases during the week beginning Monday, March 17. They are subject to change.

Wednesday, March 19

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

Thursday, March 20

Television

To Be Held in Room A, Interstate Commerce Commission Building, 12th St. and Constitution Ave., Washington, D. C.

For the purpose of considering the various engineering standards suggested for television broadcast stations, to determine when television broadcasting shall be placed upon a commercial basis, and to afford all interested parties full opportunity to be heard on all pertinent problems related to the standardization and commercialization of television broadcasting.

FUTURE HEARINGS

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

April 21

Consolidated Hearing

WPAY—Chester A. Thompson (Transferor) and The Brush-Moore Newspapers, Inc. (Transferee), Portsmouth, Ohio.—Transfer of control of corporation; 1370 kc., 100 watts, unlimited time.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Renewal of license; 1370 kc., 100 watts, unlimited time.

May 1

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

May 19

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 24

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

April 10

NEW—Granite District Radio Broadcasting Co., Murray, Utah.—C. P., 1500 kc. (1490 kc. when Havana Treaty is effective), 250 watts, unlimited.

Consolidated Hearing

- WCAM—City of Camden, Camden, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAP.
- WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WTNJ and WCAM.
- WTNJ—WOAX, Inc., Trenton, N. J.—Renewal of license, **1280 kc.**, 500 watts night, 500 watts LS, shares WCAM and WCAP.
- WTNJ—WOAX, Inc., Trenton, N. J.—C. P., **1230 kc.**, 1 KW night, 1 KW day, unlimited, DA day and night.
- NEW—Trent Broadcast Corporation, Trenton, N. J.—C. P., **1230 kc.**, 1 KW, unlimited, DA day and night.

April 16

- WNAX—South Dakota Broadcasting Corp. (Transferor) and Iowa Broadcasting Co. (Transferee), Yankton, S. Dak.—Transfer of control of Station WNAX; **570 kc.**, 1 KW night, 5 KW day, unlimited.

Consolidated Hearing

- KOWH—World Publishing Company, Omaha, Nebr.—C. P., **890 kc.**, 5 KW, unlimited, DA night.
- KUSD—University of South Dakota, Vermillion, S. Dak.—C. P., **660 kc.**, 500 watts day, daytime only.
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Renewal of license, **890 kc.**, 500 watts night, 1 KW day, SH-KUSD.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Granted construction permit to increase power from 500 watts night, 1 KW day, to 5 KW; install new equipment, and install directional antenna for day and night use, for operation after March 29, 1941 (B1-P-2868).
- WSIX—WSIX, Inc., Nashville, Tenn.—Granted construction permit to install new transmitter, directional antenna for night use; increase power from 250 watts, unlimited time, to 1 KW night, 5 KW LS; change frequency from **1210 kc.** to **980 kc.** under NARBA; and move transmitter to Buena Vista Pike and Moorman Arm Road, Nashville, Tenn.; for operation after March 29, 1941; granted upon condition to compliance with certain engineering requirements (B3-P-3053).
- WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted construction permit to change frequency from **1010 kc.** to **1050 kc.** under NARBA; increase power from 1 KW night, 5 KW day, to 50 KW; install new transmitter equipment and directional antenna for both day and night use; for operation after March 29, 1941 (B1-P-2899).
- Midland Broadcasting Co., Kansas City, Mo.—Granted construction permit for new FM developmental broadcast station, subject to meeting such requirements, to operate on frequency **46500 kc.**, 1500 watts, special emission for frequency modulation (B4-PEX-35).
- Thomas J. Watson, Endicott, N. Y.—Granted amended application for construction permit for new standard broadcast station, subject to use of synchronous amplifiers to cover Endicott and Binghamton, which will meet engineering approval, to operate on **1420 kc.**, with 250 watts, unlimited time, exact transmitter site to be determined with Commission's approval (B1-P-1679).
- KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Granted construction permit to install new transmitter and increase power from 100 to 250 watts (change frequency to **1490 kc.** under NARBA) (B3-P-3112).
- KSTP—KSTP, Inc., St. Paul, Minn.—Granted modification of license to modify the directional antenna for daytime use (B4-ML-1043).

- KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted modification of license to increase nighttime power from 100 to 250 watts and change frequency from **1420 kc.** to **1210 kc.**, 250 watts day, unlimited time (B5-ML-1050).

DESIGNATED FOR HEARING

- Triple Cities Broadcasting Co., Inc., Binghamton, N. Y.—Designated for hearing application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time (B1-P-2990).
- Utica Observer-Dispatch, Inc., Utica, N. Y.—Designated for hearing application for construction permit for new station to operate on **1420 kc.**, 250 watts, unlimited time, exact transmitter site and type of antenna to be determined (B1-P-2702).
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Designated for hearing application for modification of construction permit (B3-P-3000) to increase hours of operation from daytime to unlimited, using 500 watts at night; make changes in equipment and extend commencement and completion dates to 10 and 30 days after grant, respectively. Requests facilities of WTJS, Jackson, Tenn. (station operates on **1360 kc.**, 1 KW, daytime only) (B3-MP-1150).

MISCELLANEOUS

- KMLB—Liners Broadcasting Station, Inc., Monroe, La.—Passed motion to consolidate hearing on application of KMLB for construction permit to change frequency and increase power with application of KNOE, Inc., for a new station in Monroe.
- WAGA—Liberty Broadcasting Corp., Atlanta, Ga.—Granted in part motion to postpone hearing now scheduled for March 18 to May 19 on application for construction permit to change frequency from **1450 kc.** to **590 kc.**; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, unlimited time, using DA for night.
- WARM—Union Broadcasting Co., Scranton, Pa.—Granted in part motion for continuance of hearing now set for March 10 to March 24 in re application for license to cover construction permit for **1370 kc.**, 250 watts, unlimited time.
- KFRO—Voice of Longview, Longview, Tex.—Passed for one week petition to intervene in the hearing on application of KGNO, Dodge City, Kans., for modification of license.
- Granite District Radio Broadcasting Co., Murray, Utah.—Granted motion for order to take depositions in re application for new station to operate on **1500 kc.**, 250 watts, unlimited time.
- WLAK—J. P. Marchant, D. J. Carey, Melvin Myer (Transferors), and The Tribune Co. (Transferee), Lakeland, Fla.—Granted joint motion to dismiss application of applicants to transfer control of Lake Region Broadcasting Co., licensee of Station WLAK, Lakeland, Fla.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Dismissed motion to continue hearing now scheduled for March 10 on applications of WCAM, WCAP and WTNJ for renewal of licenses, and applications for construction permits of Trent Broadcasting Corp. and WTNJ, as this hearing was continued by the Commission on March 4, 1941.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted motion for continuance of hearing now scheduled for March 12 on application for renewal of license and directed continuance to May 1, 1941.

Continued for one month the consolidated hearing now scheduled for March 10 on applications for renewal of license for WCAM, Camden, N. J., WCAP, Asbury Park, N. J., WTNJ, Trenton, N. J., and for construction permit of Trent Broadcasting Corp., Trenton, N. J., for new station, and WTNJ, Trenton, N. J., for change in operating assignment.

Upon consideration of objections filed to Commission Orders of February 4, 1941, the Commission determined that any application for renewal of license of WBOC, Salisbury, Md., which may be granted for the period beginning March 29, 1941, should specify the frequency **1230 kc.**

- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with 100 watts power from 7:30 p. m. to 11 p. m., CST, on March 4, 5, 6, 7 and 8, 1941, in order to broadcast Illinois State High School Elimination Basketball Tournament games only.

- W8XFM—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with the transmitter located at corner Vine and Fifth Streets, Cincinnati, Ohio; Crosley, Type EDS-213-M, maximum rated carrier power output 1000 watts, for the period March 3, 1941, and ending in no event later than May 1, 1941.
- KOB—Don Lee Broadcasting System, San Diego, Calif.—Granted modification of construction permit (B5-P-2940) which authorized changes in equipment, for extension of commencement and completion dates to April 10 and June 9, 1941, respectively (B5-MP-1178).
- KBIZ—J. D. Flavey, Ottumwa, Iowa.—Granted modification of construction permit (B4-P-2499, which authorized a new station on **1210 kc.**, 100 watts, unlimited time), for approval of vertical antenna, transmitter and studio sites and installation of new transmitter (B4-MP-1167).
- WSPR—WSPR, Inc., Springfield, Mass.—Granted license to cover construction permit (B1-P-2509) which authorized change of frequency to **1240 kc.**, hours of operation to unlimited, and installation of DA for day and night use (B1-L-1329). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-667).
- WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted license to cover construction permit (B1-P-2910) for changes in hours of operation from daytime to unlimited, using 1 KW day and night, and installation of DA for day and night use on **950 kc.** (B1-L-1335). Also granted authority to determine operating power by direct measurement of antenna input (B1-Z-687).
- WKH—United Broadcasting Co., Cleveland, Ohio.—Granted license to cover construction permit (B2-P-2670) for increase in power from 1 KW night, 5 KW day, to 5 KW day and night, and installation of directional antenna for night use (Bz-L-1330). Also granted authority to determine operating power by direct measurement of antenna power (Bz-Z-670).
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted authority to make changes in automatic frequency control equipment (B4-F-177). Also granted authority to determine operating power by direct measurement of antenna input (B4-Z-682).
- KPLC—Calcasieu Broadcasting Co., Lake Charles, La.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-653).
- WJBO—O. E. Richardson & F. L. Adair, Hammond, Ind.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-686).
- KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-684).
- WDEF—Joe W. Engel, Chattanooga, Tenn.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-690).
- KLMB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-683).
- WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted authority to determine operating power by direct measurement of antenna input on frequency **820 kc.** under NARBA (B3-Z-683).
- WHLN—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted authority to determine operating power by direct measurement of antenna input on frequency **1290 kc.** under NARBA (B1-Z-681).
- KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted authority to determine operating power by direct measurement of antenna input on frequency **1340 kc.** under NARBA (B4-Z-691).
- WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power on frequency **1170 kc.**, and under NARBA **1210 kc.** (Bz-Z-685).
- W75NY—Metropolitan Television, Inc., New York City.—Granted modification of construction permit for new FM station, for approval of transmitter, changes in antenna, and change in population from 11,010,372 to 11,814,746 (B1-MPH-7).
- KGIB—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted construction permit to move formerly licensed RCA 1-D 1 KW transmitter from Fronting on Kapiolani Blvd. to Kapiolani Blvd, Honolulu, for use as an auxiliary (B-P-3089).
- KGHB—Echo Park Evangelistic Assn., Portable-Mobile, area of Los Angeles.—Granted construction permit for new relay broadcast station to be used with applicant's standard broadcast station KFSG; frequencies **1622, 2058, 2150, 2790 kc.**, 40 watts (B5-PRY.235).
- KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit for increase in power from 10 to 50 KW and changes in equipment, for extension of completion date from March 8 to May 7, 1941 (B5-MP-1179).
- W3XMC—McNary and Chambers, Washington, D. C.—Granted special temporary authority to operate high frequency experimental broadcast station on **42600 kc.**, 100 watts power, special emission for frequency modulation, with transmitter located at 2701 14th St., Washington, D. C., for a period ending not later than May 1, 1941.
- W3XMC—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft station KHDW on **2790 kc.**, on March 6, 1941, in order to conduct tests, and from 10 p. m. to 11 p. m. PST, on March 7, 1941, in order to relay broadcast Seattle Blackout to Radio Station KIRO.
- WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to operate with power of 250 watts from 9 p. m. to 10 p. m. EST March 10, 17 and 24, 1941, in order to broadcast Brooklyn Jewish Center Forum only.
- WCOP—Massachusetts Broadcasting Co., Boston, Mass.—Granted special temporary authority to operate from 6:15 p. m. to 6:30 p. m. EST on March 9, 16, 23, and 30, 1941, in order to broadcast the American Legion Auxiliary program only.

APPLICATIONS FILED AT FCC

550 Kilocycles

- NEW—Fort Smith Newspaper Publishing Co., Fort Smith, Ark.—Construction permit for a new broadcast station to be operated on **550 kc.**, 1 KW, unlimited time, directional antenna for day and night use, Class III.

580 Kilocycles

- NEW—Martha M. Russell, d/b as Russell Plantation, Russelltown, Tex.—Construction permit for a new broadcast station to be operated on **580 kc.**, 1 KW, and unlimited hours, Class III-B.

610 Kilocycles

- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-2997) to use old RCA transmitter as auxiliary.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct measurement of antenna power.

680 Kilocycles

- WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Construction permit to increase power from 5 to 50 KW, install new transmitter, make changes in directional antenna for day and night use, and change location of transmitter from Andover to Burlington, Mass.

710 Kilocycles

- NEW—Park Cities Broadcasting Corp., Dallas, Tex.—Construction permit for a new standard broadcast station to be operated on **940 kc.**, 500 watts, unlimited time, Class III-B. Amended re stock ownership and to request **710 kc.**, 5 KW, Class II, new transmitter, installation of directional antenna for night use, and to specify transmitter site.

780 Kilocycles

- KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Transfer of control of corporation from R. E. McDonald and Barbara McDonald to Midnight Sun Broadcasting Co., 332 shares of common stock.

900 Kilocycles

- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Construction permit to install directional antenna for night use, and requesting **930 kc.** under NARBA.
- WKY—WKY Radiophone Co., Oklahoma City, Okla.—Authority to determine operating power by direct method, on **930 kc.** under NARBA.

1120 Kilocycles

- KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Authority to determine operating power by direct measurement of antenna power, on **1150 kc.** under NARBA.

1140 Kilocycles

- KVOO—Southwestern Sales Corp., Tulsa, Okla.—Construction permit to install new transmitter and directional antenna for night use, increase power from 25 to 50 KW; change hours from simultaneous day, share WAPI night, to unlimited. Amended to request **1170 kc.** under NARBA and make changes in antenna system.

1160 Kilocycles

- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from **1160 kc.** to **1140 kc.**; increase power from 5 to 50 KW; change hours from simultaneous day, share WOWO night, to unlimited; and move transmitter from Liberty, W. Va., to St. Clairsville, Ohio. Amended to request **1170 kc.** under NARBA, and antenna changes.

1200 Kilocycles

- WITH—The Maryland Broadcasting Co., Baltimore, Md.—License to cover construction permit (B1-P-2792) as modified, for a new standard broadcast station and to change location of studio.
- WITH—The Maryland Broadcasting Co., Baltimore, Md.—Authority to determine operating power by direct method.

1230 Kilocycles

- NEW—Roy St. Lewis, Norfolk, Va.—Construction permit for a new broadcast station to be operated on **1200 kc.** (**1230 kc.** NARBA), 250 watts, unlimited time. Amended: transmitter and studio sites to be determined, Norfolk, Va.
- WMFR—Radio Station WMFR, Inc., High Point, N. C.—Authority to determine operating power by direct measurement of antenna power.
- WFBM—WFBM, Inc., Indianapolis, Ind.—Relinquishment of control of licensee corporation by H. M. Bitner, of 1012½ shares common.

1250 Kilocycles

- WNEW—WODAAM Corp., New York, N. Y.—Modification of construction permit (B1-P-2687) for authority to install directional antenna for day and night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night, requesting **1280 kc.** under NARBA and extension of completion date from 6-1-41 to 180 days after grant, and make changes in directional antenna.
- WKST—WKST, Inc., New Castle, Pa.—Modification of construction permit (B2-P-2809) to install directional antenna for night use, change hours from daytime to unlimited using 1 KW power day and night; requesting changes in directional antenna system and requesting **1280 kc.** under NARBA.

1280 Kilocycles

- WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authority to install automatic frequency control equipment, on **1310 kc.** under NARBA.

1310 Kilocycles

- KRJF—Star Printing Co., Miles City, Mont.—Transfer of control of corporation from Sarah M. Scanlan, executrix of the estate of Joseph D. Scanlan, deceased, to Sarah M. Scanlan (403 shares).

1340 Kilocycles

- KDTH—Telegraph Herald, Dubuque, Iowa.—Modification of construction permit (B4-P-960) as modified, which authorized a new station, requesting changes in directional antenna, extension of commencement and completion dates from 3-7-41 and 9-7-41 to one day after date of grant and 180 days thereafter, respectively, and **1370 kc.** under NARBA.

1370 Kilocycles

- KEVR—KVL, Inc., Seattle, Wash.—Construction permit to change frequency from **1370 kc.** to **1420 kc.**, make changes in equipment, and increase power from 100 watts to 250 watts day, 100 watts night, and change hours of operation from share—KRKO to unlimited time. Amended to request **1090 kc.** under NARBA, 250 watts day and night, changes in equipment, install new antenna, change name to Evergreen Broadcasting Corp., move studio and transmitter.
- KRKO—Everett Broadcasting Co., Inc., Everett, Wash.—Modification of construction permit (B5-P-2027) for new transmitter, antenna, increase in power, and move of transmitter, requesting changes in antenna and extension of commencement date to 30 days after grant and completion date to 90 days thereafter. Amended to request **1400 kc.** under NARBA.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1370 kc.** to **1260 kc.** under NARBA, increase power from 250 watts to 1 KW night, 5 KW day, and move transmitter.
- KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Authority to install automatic frequency control equipment on **1400 kc.** under NARBA.
- KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA.
- WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Authority to determine operating power by direct measurement of antenna power on **600 kc.** under NARBA.
- WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Voluntary assignment of license from Tom M. Bryan to Ralph A. Horton.
- NEW—Dorman Schaeffer, Klamath Falls, Ore.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited hours, Class IV. Amended to specify transmitter site and make antenna changes.

1380 Kilocycles

- KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Authority to determine operating power by direct measurement of antenna power on **1410 kc.** under NARBA.

1400 Kilocycles

- WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—License to use WARD's transmitter at 583 Meserole St., Brooklyn, N. Y.
- WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—License to use WARD's transmitter at 583 Meserole St., Brooklyn, N. Y.

1420 Kilocycles

- KNET—John C. Welch, Wm. M. Keller, and Bonner Frizzell, d/b as The Palestine Broadcasting Assn., Palestine, Tex.—Authority to install automatic frequency control equipment, on **1450 kc.** under NARBA.
- WHLN—Blanfox Radio Co., Inc., Harlan, Ky.—Modification of construction permit (B2-P-2885) which authorized construction of a new broadcast station for approval of transmitter site and antenna.
- KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Construction permit to change frequency from **1420 kc.** to **1430 kc.** (**1460 kc.** under NARBA), increase power from 250 watts to 1 KW, install new transmitter, and changes in antenna.

1450 Kilocycles

- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment, changes in directional antenna (for use night and day), change frequency and power from **1450 kc.**, 1 KW night, 5 KW day, to **730 kc.**, 10 KW day and night, and move transmitter from

Cuyahoga Hts. to Dover, Ohio. Amended to request **1220 kc.** under NARBA, 50 KW, changes in equipment and directional antenna, and move transmitter to Strongsville Village, Ohio.

1480 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Authority to install automatic frequency control equipment on **1520 kc.** under NARBA.

1500 Kilocycles

KAWM—A. W. Mills, Gallup, N. Mex.—Construction permit to install new transmitter and make changes in antenna.

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Construction permit to install new transmitter, increase power from 100 watts to 250 watts, and request **1490 kc.** under NARBA.

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Construction permit to install new transmitter, new antenna system, change in frequency from **1500 kc.** to **1600 kc.** under NARBA, increase power from 250 watts to 5 KW, move transmitter from Woodside (L. I.) to New York, N. Y.

1530 Kilocycles

WAKR—Summit Radio Corp., Akron, Ohio.—Construction permit to increase power from 1 to 5 KW, using directional antenna day and night, install new transmitter, and changes in directional antenna. Amended to request **1550 kc.** under NARBA and to make changes in directional antenna to be used night only.

1550 Kilocycles

KPMC—Pioneer Mercantile Co., Bakersfield, Calif.—Construction permit to change frequency from **1550 kc.** to **1560 kc.** (Class I-B), increase power from 1 to 10 KW, install new transmitter and new antenna, and change location of transmitter.

FM APPLICATIONS

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-PH-26) to change coverage from 7,000 to 7,585 square miles, population from 2,604,104 to 2,612,000, make changes in antenna and move studio.

NEW—United Broadcasting Co., Cleveland, Ohio.—Construction permit for a new high frequency broadcast station to be operated on **48500 kc.**, coverage 8,420 square miles, population 1,314,595.

MISCELLANEOUS APPLICATIONS

NEW—Muzak Corp., New York, N. Y.—Construction permit for a new developmental broadcast station to be operated on **117000 kc.** or some channel not now allocated for some purpose, 1000 watts and special emission for frequency modulation. Amended re corporate structure.

FEDERAL TRADE COMMISSION ACTION

No complaints were issued by the Commission during the past week.

STIPULATIONS

Following stipulations have been entered into during the past week by the Commission.

Asphalt Grave Vault Co., Frederick Ave. at Willard St., Baltimore, has entered into a stipulation to cease certain representations in the sale of burial vaults.

Under its stipulation, the respondent corporation agrees to cease using the words "Asphalt Grave Vault" or other words of similar meaning to describe its vaults when they are composed in whole or in part of, or contain ingredients other than, asphalt, and to desist from employing the phrase "Asphalt Concrete Grave Vault" or words of similar import to designate its vaults when in fact the binding agent for the aggregates in such vaults consists of Portland cement, or when such binding agent does not consist of asphalt. The respondent further stipulates that it will cease using the word "asphalt" or similar words in any manner to mislead buyers into believing that the binding agent of the vaults consists of asphalt or that such vaults are made of a mastic composed of asphalt and aggregates.

Further representations which the respondent agrees to discontinue are statements tending to convey the impression that its vaults are indestructible or will afford everlasting protection. The respondent also stipulates that it will cease representing that, at the time of interment, its vaults are waterproof or airtight or that they will remain impervious to water, moisture or dampness, unless such are the facts. (3044)

Consolidated Royal Chemical Corporation, 544 South Wells St., and Benson & Dall, Inc., an advertising agency, 327 South LaSalle St., both of Chicago, entered into stipulations in which they agree to cease disseminating advertisements which contain certain representations concerning "Zymole Trokeys," a medicated lozenge sold by the Consolidated corporation.

Each respondent agrees to cease advertising that "Zymole Trokeys" will go twice as far as cough syrup at half the cost; that it constitutes a new way to relief, and that the syrupy solution obtained by melting this product in water will be beneficial to children suffering from croup. (02742-02749)

Burke Edwards, 4733 Bethesda Ave., Bethesda, Md., has entered into a stipulation in which he agrees to cease representing that "Berkeley Springs Mineral Water" is beneficial in the treatment of, or is indicated as a treatment for, arthritis, diabetes, skin diseases or rheumatism, or constitutes a competent remedy for any of such maladies, diseases or ailments. (3046)

Duplan Silk Corporation, 498 Seventh Ave., New York, entered into a stipulation in which it agrees that in the sale of a fabric made from or containing rayon, it will cease using the names "Toujours," "Toot Sweet" or "Evergrand" or other names, fanciful or otherwise, in referring to such fabric, without disclosure of the fact that such product is made of or contains rayon, as the case may be. Such disclosure, according to the stipulation, is to be made clearly and unequivocally in all printed matter and sales representations. The respondent corporation further stipulates that it will desist from employing the term "Reg. U. S. Pat. Off." or any other term of similar meaning in connection with a purported trade name or mark which has not been registered as such in the United States Patent Office. (3047)

Hamilton Ross Factories, Inc., 666 Lake Shore Drive, Chicago, stipulated it will cease certain representations in the sale of blankets.

The respondent agrees to desist from quoting fictitious and excessive prices as the customary or regular prices or values of blankets or other merchandise; to cease employing the words "Silky Rayon" or similar words to describe its blanket binding or other fabrics or merchandise made of cotton, and to discontinue the use of the words "Wooly" or wool or other similar words to designate blankets or other products which are composed of or contain fibers other than wool.

According to the stipulation, none of its provisions shall be construed as authorizing the labeling of any wool product in any manner other than in strict conformity with the provisions of the Wool Products Labeling Act of 1939, after its effective date, July 14, 1941. (3043)

McDonald's Hatchery—Raymond McDonald and Roy McDonald, trading as McDonald's Hatchery, 2830 Evans Ave., Fort Worth, Texas, have entered into a stipulation in which they agree to cease advertising that the flocks of baby chicks which they sell are inspected by the United States Department of Agriculture, and

are inspected or mated by a disinterested judge of the American Poultry Association.

The stipulation recites that the United States Department of Agriculture has not actually inspected the respondents' flocks of chicks although such inspections have been made by an official State agency recognized by the Department of Agriculture as cooperating with the National Poultry Plan. According to the stipulation, the A.P.A. judge who mates the flocks is Roy McDonald, of the respondent copartnership, and therefore not a disinterested party. (02750)

Pettinella Advertising Company—Ferdinand Pettinella, who conducts an advertising agency under the name Pettinella Advertising Co., 15 Sheridan Square, New York, has entered into a stipulation to cease certain representations in the advertisement of the medicinal preparations "Fernet Vittone" and "Acqua Fiuggi" on behalf of E. Fucini & Co., Inc., New York. The respondent Pettinella agrees to desist from disseminating advertisements which represent that Fernet Vittone is a tonic, unless expressly limited to its effect as a gastric tonic; that everyone requires a tonic, stomachic and digestive; that Fernet Vittone is a competent treatment for intestinal disturbances or has any effects beyond those of a laxative, stomachic and gastric tonic, and that Acqua Fiuggi is an effective remedy for gallstones, kidney troubles, gout, calculus of the bladder, defective blood circulation or excessive uric acid. (02748)

Thymo Borine Laboratory, 810 Plankinton Ave., Milwaukee, has entered into a stipulation in which it agrees to cease advertising that "Thymo Borine," sold for use as a mouth wash, deodorant and antiseptic, purifies the breath, mitigates inflammation of the mouth resulting from artificial teeth, and stops perspiration odors or foot odors; that the preparation is a competent treatment for itching scalp or itching skin due to skin bites, poisons or hives; that it is effective in treating athlete's foot, and that it is an effective germicide when used as gargle. (02747)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Coal Carburetor Co., New Brunswick, N. J., and Thornton W. Price, its president, has been ordered to cease and desist from misleading representations in the sale of "Coal Carburetor," a device designed for facilitating the combustion of coal and gases in furnaces.

The Commission order directs the respondent to cease representing that its Coal Carburetor equipment has been endorsed or recommended by the United States Government or any of its branches, or that its use has been advocated by the United States Bureau of Mines, or that it has been recommended by any public health authority or other recognized group organized for the preservation of health.

The respondent also is directed to cease advertising that its equipment is the most efficient means known for producing heat from coal or that such efficiency has been established by comparative tests with other equipment and devices designed for the same general purpose, unless the truth of such representation shall have been actually established by such tests. (4070)

General Motors Corporation, Detroit, and its sales subsidiary, General Motors Sales Corporation, have been ordered to cease and desist from misleading representations of prices in the sale of automobiles.

Commission findings are that prices featured by the respondent corporations, and five dissolved General Motors subsidiaries, in various advertisements published between 1934 and 1939 were not in fact the prices of the various cars illustrated or described.

The findings relate the following instances, among others, as being typical of the respondents' advertising practices during the period from 1934 to 1939:

An advertisement illustrated a completely equipped 1936 Oldsmobile car and conspicuously displayed a price of \$675 unqualified

by any other language on the face of the advertisement. The public was charged \$901.50 for this car at the place of manufacture, the price having been built up as follows: List price of car illustrated, \$820; standard accessories, \$37.50; factory handling charge, \$3; Federal taxes, \$22.25; delivery and handling charge (including advertising), \$17.25; and transportation, \$1.50.

Another advertisement illustrated a Chevrolet Standard Sedan with a price of \$465 in large type and nearby in small, inconspicuous type the words "and up" followed in yet smaller lettering with the statements: "List price of new Standard Roadster at Flint, Michigan, \$465.00. With bumpers, spare tire and tire lock the list price is \$20.00 additional." However, the car illustrated actually cost purchasers at Flint \$605.40 and the roadster described in the fine print would have cost \$518.50 instead of \$465, which was its "list price" at Flint without delivery, handling, conditioning, spare tire and other items.

A widely published advertisement of an Oldsmobile appearing in 1939 featured the price of \$777 in large figures adjacent to the illustration accompanied by the words "and up" in smaller lettering. By means of an asterisk, this price was connected with another fine print legend which advised that this was the "Delivered Price at Lansing, Michigan." However, the car illustrated was not sold at Lansing for \$777 but for \$889, the actual selling price having been shown in very fine print inconspicuously placed below the rear wheel of the car pictured.

Commission findings are that the respondents' advertisements have led the public erroneously to believe that the cars illustrated or described can be purchased at the point of manufacture for the price featured in the advertisement and at points distant for the featured price plus transportation charges.

DETAILS OF THE CEASE AND DESIST ORDER

The Commission order directs the General Motors Corporation and General Motors Sales Corporation to cease and desist from representing as the price of any automobile in any advertisement promoting retail sales, any price other than the true retail price at the place designated for sale of the car. According to the order, such retail price is to include all charges for any equipment or accessories illustrated or described in the advertisement or necessary for the operation of the car, or customarily included as standard equipment. This price, according to the order, is also to include charges for advertising, delivery, handling, or similar items, except transportation charges where the advertised car is transported from the point where advertised for sale to another or different point for delivery to a retail purchaser.

The order further directs the respondents to cease using a designated price in any advertisement illustrating an automobile offered for sale at retail, unless the true retail price of the illustrated car is set out in juxtaposition thereto in words and figures equal in size and conspicuousness to the terms designating the price of any other automobile referred to in the advertisement.

The order further prohibits the respondents from advertising automobiles for sale at a designated retail price, unless such price includes all federal, State and local taxes, or unless the advertisement clearly and legibly states, immediately adjacent to the price quoted, that the price is subject to additional charges for such taxes; and directs the respondents to cease advertising or representing an automobile as being for sale at retail at a designated price unless such car is in fact made available and sold to the public, at the point specified, for the price stated, or at a point distant therefrom for the price stated plus transportation charges thereto. (3173)

Husco Manufacturing Company—Ivan D. Hussey, trading under the name Husco Manufacturing Co., and under other names, 85 Broad St., S. W., Atlanta, has been ordered to cease and desist from using lottery methods in the sale of hosiery, knives, fountain pens and other merchandise. The respondent is also in business under the names The Hussey Manufacturing and Distributing Co., The Hussey Distributing Co., Hussey Co., Hussey Manufacturing Co., and Terry Products Co.

The Commission order directs the respondent to cease and desist from selling and distributing such products so packed and assembled that sales may be made by means of a lottery; from supplying others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices may be used in selling or distributing such merchandise

to the public, and from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

The Commission order further directs the respondent to discontinue using the words "manufacturer" or "manufacturing" as part of any trade name used by him unless and until he shall operate a factory in which such merchandise is wholly manufactured. (4386)

Rabhor Corporation, 1450 Broadway, New York, has been ordered to cease and desist from misrepresentations in the sale of men's robes, jackets, lounge suits and other wearing apparel.

Commission findings are that the respondent, in advertising literature and other printed matter, has represented that its garments are made entirely of silk, when in fact they have consisted of various combinations and mixtures of cotton, rayon, silk and fibers other than silk, a portion of them having been manufactured from a material composed of 70 per cent cotton and 30 per cent silk.

The Commission order directs the respondent to cease using the word "silk" or other words descriptive of silk to designate any fabric or product not composed wholly of silk; provided, that such terms may be used as descriptive of the silk content of fabrics or products composed in part of silk and in part of other fibers if, in immediate connection, there is also employed conspicuous lettering truthfully designating each constituent fiber or material.

The order further directs the respondent to cease employing the unqualified term "satin" or other similar term indicative of silk to describe any fabric or product not composed entirely of silk; provided that when such term is used truthfully to designate the type of weave, construction, or finish, it shall be qualified by employing in immediate connection therewith other words of equal conspicuousness accurately naming the fibers or materials from which such products are made.

The respondent also is ordered to cease advertising, offering for sale or selling fabrics, garments, or other products composed in whole or in part of rayon without clearly disclosing, by use of the word "rayon", the fact that such fabrics or products are composed of rayon. According to the order, when such fabrics or products are composed in part of rayon and in part of other fabrics or materials, such fabrics or materials shall be designated in immediate conjunction with the word "rayon" in letters of at least

equal conspicuousness which shall truthfully describe each constituent fiber or material. (3619)

Schutter Candy Co., 1013 North Cicero Ave., Chicago, has been ordered to cease and desist from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

The order directs the respondent to desist from selling or distributing any merchandise so packed and assembled that sales to the public may be made by means of a lottery; from supplying others with lottery devices which may be used in selling or distributing the respondent's merchandise to the public by means of a game of chance, and from supplying others with packages or assortments of candy which may be used to conduct a lottery or gift enterprise in the sale to the public of the candy contained in such packages or assortments.

The respondent is further ordered to cease supplying to others for sale to the public assortments of candy, whether contained in one or more than one package, composed of different colored pieces of candy of uniform size and shape individually wrapped in opaque wrappers, and larger pieces of candy or other merchandise, which larger pieces or other merchandise may be given as prizes to the purchasers procuring pieces of candy of a particular color. (3636)

FTC CASE CLOSED

The Federal Trade Commission closed its case against Nu-Age Co., formerly of 309 Castle Building, Tulsa, Okla., without prejudice to its right to resume proceedings, should the facts so warrant. The respondent corporation had been charged with violation of the Federal Trade Commission Act in the sale of a medicinal preparation, "Nu-Age," also described as "Natural Mineral Extract."

According to information received by the Commission, the respondent corporation had discontinued the sale of its "Nu-Age" preparation and its license to engage in business had been cancelled by the State of Oklahoma.

The Commission also has dismissed without prejudice a complaint charging Interstate Ribbon and Carbon Corporation, 2202-2210 Superior Ave., East Cleveland, Ohio, with the dissemination of misrepresentations in the sale of typewriter ribbons and carbon paper.