

## THE WEEK IN WASHINGTON

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BMI makes film for NAB Convention. Embassy Music Corporation in BMI. (p. 366).

Alternative plans of copyright and libel insurance outlined. NAB Insurance Committee makes preliminary report on insurance rates. (pp. 367-368).

Code Committee makes important recommendation. Broadcast Advertising Department suggests careful survey of advertising accounts. Radio to participate in AFA convention. (p. 370).

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## NAB Convention

With the convention opening date but slightly more than two weeks distant, the plans which have been in the making for a number of months are fast coming to a head. Under the able direction of Merle Jones, KMOX, General Chairman, St. Louis broadcasters have perfected arrangements which assure the careful handling of all details essential to the comfort and proper entertainment of all who attend.

The Housing Committee, of which Ray Dady, KWK, is Chairman, has nearly completed its task. More than 500 advance reservations have been made. There are still plenty of available rooms in St. Louis hotels and even

the headquarters hotel, the Jefferson, is capable of accommodating some additional guests.

The response to the Promotional Exhibits Committee's activities, has been most encouraging and the big Crystal Room of the Jefferson is certain to be crowded with a most interesting and enlightening display of all types of promotion material which has proven effective to stations large and small.

Twelve equipment manufacturers and transcription companies, all associate members of NAB, will conduct exhibits during the convention. All of these headquarters have been definitely established and prior announcement of their locations in the hotel will be made.

Splendid entertainment in connection with the banquet is assured. The production heads of CBS, MBS and NBC are cooperating, and William Bacher, WGN, Chicago, has been named as manager of production of the show which will be put on in connection with the banquet. Every facility of writing and production in the three network departments has been placed at the disposal of Mr. Bacher.

The program for the business sessions promises to introduce subjects which are of transcendent importance to broadcasters at this time; questions which deeply and vitally effect every person engaged in the radio broadcasting industry. It may well be predicted that this St. Louis meeting will go down as one of the most important the broadcasting industry has ever had.

Present indications are that it will be one of the largest from standpoint of attendance. In next week's REPORTS we hope to publish a full outline of the tentative program. Those who have not made their reservations at St. Louis should do so at once.

## You Can't Afford to Miss the NAB Convention

### May 12, 13, 14, 15

### New Jefferson Hotel

### St. Louis

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

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

## BMI

### BMI AT WORK

A crew of cameramen from the William H. Wells Productions headed by Henry M. Lester, authority on photography and co-author of "Leica Manual," systematically interrupted work in the various BMI departments last week to photograph members of the staff steaming under the hot Klieg lights. The picture is for exhibition at the NAB Convention in St. Louis. Head director is Julian Roffman who made a name for himself as the producer of *And So They Live*, a documentary film of conditions in the Kentucky hills made for the Sloan Foundation of New York University. Mr. Roffman is also the producer of *Getting Your Money's Worth*, a series of theatrical shorts which received wide spread attention.

The crew is working from a prepared script which narrates what happens between the time a composer submits a manuscript to BMI and the music is shipped out to BMI member stations. The script details the process by which BMI's Music Production Department, the largest in the world, prepares arrangements for all musical instruments and tests the arrangements in actual performance. The picture offers the next best thing to actually visiting BMI and observing minutely the significant work of the Department. The purpose in making it is to give each owner of BMI an opportunity to see for himself what has been accomplished in the creation and operation of the new music company.

### BMI ACQUIRES NEW HIT TUNES

BMI has acquired the performing rights, effective at once, of all music published by Embassy Music, Corp. Through the transaction, BMI licensees receive a catalogue of some seventy-five dance and rhythm numbers, including perhaps the best prize winning song from the "Fame and Fortune" contest sponsored by Tommy Dorsey. Among the most popular of the Embassy selections are, *Oh, Look At Me Now*, *Everything Happens To Me*, *Let's Get Away From It All*, and the rhythm number *Quiet, Please*.

In addition to the Dorsey catalogue, M. E. Tompkins, BMI's Vice President and General Manager, is calling attention to the fact that the following numbers in the recently acquired catalogue of Cooper Music, Inc., are exceptionally good:

*Down Where the Delta Begins*  
 Larry Wynn and Jerry Bresler  
*The Clock Song*  
 Salzman, Wynn and Bresler  
*The Night Was Given To You*  
 Ashley Miller  
*Five Guys Named Moe*  
 Wynn and Bresler

All the lists reveal that many new publishers have come into being since the first of the year. During 1940, applications filed with the Secretary of State of New York for chargers to conduct a music publishing business averaged two a month. Since January 1, 1941, they have averaged ten a month.

### MOTHER'S DAY SONG

Dana Merriman, alias Danial Sibley, has met the challenge again for a timely song, offering *Mother of Men* as a BMI special for Mother's Day on Sunday, May 12th. Copies for distribution to member stations will be available on or about May 1st. Both words and music were written by Mr. Merriman who from long years of experience has learned not to wait on inspiration but to seek it.

Lyrics follow:

When as a child—whose watchful care  
 Followed and guided me everywhere  
 Who always heard my "Goodnight" prayer?  
 When, as a youth, I often strayed  
 Whose trust and faith held fast, unafraid,  
 E'en tho' that trust and faith were oft betrayed?  
 Who always hoped—tho' beset with fears—  
 Who always smiled through blinding tears—  
 Who always loved through all the years?  
 Who always forgave—again and again  
 Tho' meek—who had the strength of ten?  
 Her name, you ask? She's the MOTHER OF MEN!  
 Copyrighted, BMI, 1941.

### MUSIC FOR THE ARMY

A BMI campaign of cooperation is making available to army camps professional copies of BMI songs which lend themselves to group singing in the barracks. The most recent of these is *I'm In The Army Now* by Frank Luther. The music is much appreciated judging by the letters BMI is receiving and the requests for dance and choral arrangements.

In WRVA's broadcast, *Okay, America*, which is presented each week from Camp Lee situated between Petersburg and Hopewell, Virginia, the band warms up each morning by playing BMI's *Military Maestro* by Richard D. Becker.

Not forgetting the need of keeping spirit's high in London, BMI is making arrangements to distribute bundles of its professional music to Britain's bands. This last came as the result of a suggestion from Dorothy Kilgallen, newspaper and radio columnist.



## BMI FEATURE TUNES

April 28-May 5

1. MY SISTER AND I
2. WALKIN' BY THE RIVER
3. WISE OLD OWL
4. FRIENDLY TAVERN POLKA
5. G'BYE NOW
6. WHAT D'YA HEAR FROM YOUR HEART
7. HERE'S MY HEART
8. TALKIN' TO THE WIND
9. WITH A TWIST OF THE WRIST

*Billboard's* music popularity chart gives BMI a 100% rating in top money making records for automatic phonographs. The four tunes listed under "Going Strong" are: *High On A Windy Hill*, *There'll Be Some Changes Made*, *It All Comes Back To Me Now* and *Amapola*. Prominent among those "coming up" are: *Wise Old Owl*, *Friendly Tavern Polka*, and *G'Bye Now*. *Amapola* continues to lead all lists of national and regional best selling retail records and best sheet music sellers. In it's column *On the Records*, *Billboard* points to *G'Bye Now* as a song "pointing for a hit" and gives high praise to the growing popularity of *The Friendly Tavern Polka*. In *Variety's* fifteen best sheet music sellers, BMI's *Walkin' By the River*, is second only to *Amapola*, while *My Sister and I*, *Wise Old Owl* and *G'Bye Now* rank high in the list. In addition to those songs mentioned above, network plugs feature, *With A Twist Of the Wrist*, *You Walk By*, *I Hear A Rhapsody*, *Because Of You*, *Keep An Eye On Your Heart*, *So You're the One*, and *Let's Dream This One Out*.

## NEW LYRICS FOR FAMILIAR MUSIC

Fulfilling a long-felt need in the music world, BMI's Public Domain Lyric Department has won much praise in the few short months of its existence. This department, headed by Irving Weill, was created to make available to BMI licensees new lyric settings for familiar melodies of the past.

The lyrics of many public domain selections previously used have been unsatisfactory to vocalists in several aspects. Among the shortcomings cited are: imperfect "wedding" of lyric and melody, with incorrect accentuation, improper placing (in high and low registers) of words and vowels that are difficult to sing, and "unpoetic" translations. New lyrics now being written at BMI meet these objections as they are done by writers having musical as well as lyric training, who avoid the pitfalls. Among those who have been commissioned by BMI to do lyric settings are Margaret Munzen, Gertrude

Forster and James Ballister, all of whom are highly regarded for their work in this field.

In numbers for new lyrics, BMI has chosen not only those that are familiar as songs, but also many compositions which have hitherto been known only as instrumental selections. Included among these instrumental numbers which now have BMI lyric settings are *The Scarf Dance* (Chaminade), Raff's *Cavatina* and Rubenstein's *Melody in F*. To date, some 160 ever-popular selections have been sent to BMI stations, with hundreds more scheduled for release in the future.

## BMI TUNES SUNG BY MOVIE AUDIENCES

BMI numbers are being performed rather generally in motion picture theaters. Most of the recently popular songs are BMI so that in theaters where songs are sung by the audience, exhibitors have found it necessary to play BMI tunes in order to hold the interest of the audience and to attain the full enthusiasm for group singing.

Among the larger New York theaters featuring BMI hits are the Strand Theatre where Jimmy Dorsey is playing *I Hear A Rhapsody* and others, and the Paramount where Siggy Lane, vocalist, is featuring *My Sister and I*.

BMI officials see closer cooperation between radio and the film industry as a result of the effective promotion done by BMI stations of the film *Pot O' Gold* starring Jimmy Stewart and Paulette Goddard and featuring Horace Heidt. Three of the numbers from the score are published by BMI and the exploitation campaign put on by member stations is credited with greatly boosting audience attendance of the film.

## COPYRIGHT INFRINGEMENT AND LIBEL INSURANCE

Two proposals to insure broadcasters against liability for copyright infringement and radio defamation have recently been brought to the attention of the NAB. One, on which it is our understanding stations have been circularized by John C. Paige & Company of Boston, Massachusetts, is written by The Employers' Liability Assurance Corporation, Limited; the other, still in the formative stage, is expected to crystallize into a definite proposition within the week.

Both propositions will be submitted to the NAB Insurance Committee for their analysis and possible recommendation to the members. Believing that station managers will be interested in a brief outline of the two propositions, we print below our understanding of the respective coverages.

Under the policy offered by John C. Paige & Company the insurance company obligates itself to defend all suits on claims covered by the policy in both Federal and State courts. Such suits for damages claimed by reason of the

infringement of copyright through dramatic as well as non-dramatic performances of musical and dramatico-musical compositions, as well as musical arrangements, are covered. The insurance applies to copyrights protected at common law as well as by statute.

The insurance against liability for defamatory broadcasts is based upon the principle that the station need only exercise due care in programming, which means that the insurance company undertakes to free the broadcaster from the doctrine of absolute liability without fault which prevails generally in libel cases.

The company assumes the payment of 85% of all judgments against broadcasters in both copyright and defamation actions within the aggregate limit of the policy. The judgments for damages covered by the policy include such amounts as may be awarded for attorney's fees and costs to victorious plaintiffs. In the case of copyright infringement the company's liability is limited to single claims of \$5,000.00 each, whereas in the case of defamatory broadcasts the company's liability is restricted to single claims of \$10,000.00.

There is no deductible amount in this policy for which the station may be solely liable without contribution by the company, as is the case in excess insurance contracts. The policy submitted obligates the insurance company to pay 85% of every dollar within the policy limits. For example, if the judgment is \$5,000.00, the company is obligated to pay \$4,250.00 and the broadcaster only \$750, whereas if a claim is settled for \$250.00, the company is obligated to pay \$212.50 and the broadcaster only \$37.50.

In its coverage against liability for copyright infringement the company protects the station for infringements committed through live talent as well as recordings, including electrical transcriptions. Infringing material in transcriptions is covered provided it has been determined by an experienced musician to be free for broadcast. This would include bridge music, theme songs and similar works. The policy extends protection to the broadcast of all musical programs of copyrighted works and, in addition, insures the station against any errors in making reasonable determinations as to the public domain status of music. In practice, the company insures the station's use of the catalogues of licensing organizations in exchange for subrogation of the company to the station's claims against such licensing organizations. In connection with material not included within the licensed catalogues, the station is required to make a reasonable investigation of the copyright status of such works and to obtain a license to broadcast same. Where the station through the assistance of experienced musicians, and after reasonable inquiry as to the ownership of each musical composition and as to the membership of the authors and composers in the various performing rights organizations, determines that a given work requires no performing license, such

determination by the station is insured by the policy.

The broadcaster is required to conform to existing practices of refraining from deliberate infringement and malicious defamation, cessation of broadcasting after notice, and obtaining indemnity obligations from advertisers or agencies for material supplied by the latter. The policy requires the broadcaster to obtain an indemnity from licensing organizations, which is offered by BMI and SESAC. In the defamation coverage the station is required to examine program scripts to delete defamatory matter. Where no scripts are available, as in the case of extemporaneous programs, the station is merely required to establish rules and regulations for speakers and others to avoid defamation.

Under the other plan of coverage which is in prospect, broadcasters would be protected against all claims for infringement of copyright, common law intellectual property rights, invasion of rights of privacy and radio defamation, without any condition that they exercise any degree of care or make any investigations. They would be covered up to \$25,000 for any one claim, with an over-all coverage for all who go into the plan of \$1,000,000. The company would pay 80% of all claims and would defend any and all suits at its own expense.

Essentially the plan is self-insurance with 20% of the liability retained by each broadcaster and the purchase of excess insurance with a responsible company.

At the present stage of negotiations and based upon 200 stations coming in, the figures are as follows:

Each station would pay a gross premium of \$350 and is it the expectation that \$175 would be returnable or applied as a credit against the next year's premium. If 300 stations came in the gross premium would remain at \$350 but the net premium, it is anticipated, would be reduced to \$100.

The Report of the Insurance Committee on this form of coverage and these two proposals will be released as soon as available.

## INSURANCE RATES

The NAB Insurance Committee met on March 24 in New York. Roger Clipp, chairman, has indicated that the work of the committee is progressing satisfactorily and as a result of the meeting the committee has the following to report.

Preparation of a manual is well under way. This manual will contain definitions of every type of insurance coverage available to broadcasters which are itemized in the questionnaire which was previously submitted by the Committee to the membership with the purpose of gathering information on the amount of insurance carried by individual stations.

Negotiations are proceeding through insurance carriers, cooperating with the Central Traction and Lighting



Bureau, with the establishment of a uniform fire insurance policy for the broadcasting industry which will contain a more comprehensive lightning and electrical damage clause. The form of fire policy now available to Broadcasting Stations does not adequately protect broadcasting stations, against damage to equipment by lightning or by electrical break-down in equipment.

Through the National Bureau of Casualty and Surety Underwriters, the Committee has secured complete information for individual States, on compensation insurance as applicable to broadcasting stations. The Committee suggests that all stations check the rate of their compensation insurance and recommends that if any broadcaster is securing a less favorable rate under their compensation insurance policy that they consult their insurance broker or their compensation board and request an adjustment.

Following are the compensation rates for the respective states under the respective code numbers which are hereby defined:

#### RADIO BROADCASTING OR COMMERCIAL WIRELESS STATIONS

Transmitter or Field Employees—including Drivers, Chauffeurs and their Helpers.....	Code #7609
Salesmen .....	Code #8742
All other employees—including control operations confined to studio exclusively, announcers, players, entertainers, musicians or clerical office employees .....	Code #7610

STATE	Code #7609	Code #8742	Code #7610
Alabama .....	.59	.32	.07
Arizona .....	(N) 4.91	.56 (O)	.35 (T) .35 (M) 1.09
Arkansas .....	1.25	.48	.17
California .....	.89	.49	.14
Colorado .....	.99	.47	.15
Connecticut .....	.72	.29	.13
Delaware .....	* 1.15	** .13	***.14
District of Columbia.....	.96	.43	.15
Florida .....	.66	.39	.12
Georgia .....	.62	.34	.09
Idaho .....	.72	.31	.11
Illinois .....	.68	.30	.10
Indiana .....	.65	.36	.11
Iowa .....	.67	.41	.11
Kansas .....	.74	.52	.12
Kentucky .....	.70	.41	.12
Louisiana .....	.88	.35	.14
Maine .....	.77	.33	.09
Maryland .....	.89	.33	.17
Massachusetts .....	.49	.14	.13
Michigan .....	.88	.08	.14
Minnesota .....	.90	.08	.16
Mississippi .....	3.33	.20	.36
Missouri .....	.88	.37	.14
Montana .....	1.21	.53	.18
Nebraska .....	1.08	.49	.17
New Hampshire .....	.69	.21	.11
New Jersey .....	1.15	.48	.18
New Mexico .....	.73	.31	.11
New York .....	1.57	.47	.22
North Carolina .....	.79	.41	.13
Oklahoma .....	1.02	.31	.17
Oregon .....	1.36	.45	.15
Pennsylvania .....	* 1.70	** .24	***.28
Rhode Island .....	.70	.29	.12
South Carolina .....	2.61	.57	.13
South Dakota .....	.70	.52	.11
Tennessee .....	.59	.24	.09

STATE	Code #7609	Code #8742	Code #7610
Texas .....	1.15	.78	.16
Utah .....	1.13	.62	.18
Vermont .....	.52	.19	.09
Virginia .....	.61	.27	.10
Washington .....	1.07	.33	.12
Wisconsin .....	1.08	.52	.17

Delaware & Pennsylvania—\*Telegraph or Telephone Operator, including maintenance, extension and construction offices.

\*\*Salesmen (outside) Collectors and (Code No. 951) Messengers (and making of service connections—Code No. 757).

\*\*\*Theaters—all employees including office—Code No. 967.

Arizona (N)—Telephone or Telegraph Companies operation, maintenance, extension offices and making of service connections—Code No. 7600.

(O)—Theaters:

Managers (not stage managers)—box office employees, ushers and others not employed upon the stage, excluding care, custody and maintenance of premises—Code No. 9154.

(T)—Players, Entertainers or Musicians—Code No. 9156.

(M)—Stage Hands (not players or entertainers) motion picture machine operators and employees engaged in care, custody and maintenance—Code No. 9150.

#### FOLLOWING ARE COMPENSATION BOARDS TO WHICH RATE QUESTIONS SHOULD BE REFERRED:

The National Council on Workmen's Compensation Insurance, Mr. William F. Rober, General Manager, 45 East 17th Street, New York City calculates the base rates in the States of Alabama, Arizona, Arkansas, Colorado, District of Columbia, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Missouri, Montana, New Hampshire, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Utah and Vermont.

The Delaware Compensation Rating and Inspection Bureau, 938 Public Ledger Building, Philadelphia, Pennsylvania, Gregory C. Kelly, General Manager calculates the compensation base rates for the State of Delaware.

The California Inspection Rating Bureau, 500 Sansome Street, San Francisco, California; R. A. Whittaker and J. A. Froberg, Managers, calculates the base rates for the state of California.

The Massachusetts Rating and Inspection Bureau, 89 Broad Street, Boston, Massachusetts, Mr. McGoon, Manager, calculates the base rates for the State of Massachusetts.

The New Jersey Compensation Rating and Inspection Bureau, 60 Park Place, Newark, New Jersey, Mr. A. R. Lawrence, Chairman and General Manager and Deputy Insurance Commissioner, calculates the base rates for the State of New Jersey.

The Minnesota Compensation Rating Bureau, 523 Marquette Avenue, Minneapolis, Minnesota, Mr. J. F. Reynolds, General Manager, calculates the base rates for the State of Minnesota.

The Compensation Insurance Rating Board, 125 Park Avenue, New York City, Henry D. Sayer, General Manager, calculates the base rates for the State of New York.

The Pennsylvania Rating and Inspection Bureau, 938 Public Ledger Building, Philadelphia, Pennsylvania, Gregory C. Kelly, General Manager, calculates the base rates for the State of Pennsylvania.

The Workmen's Compensation Division, State Fire Insurance Commission, calculates the base rates for the State of Texas.

The Compensation Insurance Rating Bureau of Virginia, 323-325 Broad-Grace Arcade, Richmond, Virginia, E. E. Cadmus, Manager, calculates the base rates for the State of Virginia.

The Wisconsin Rating and Inspection Bureau, 312 E. Wisconsin Avenue, Milwaukee, Wisconsin, Mr. G. F. Hayden, calculates the base rates for the State of Wisconsin.

The National Bureau of Casualty and Surety Underwriters, 60 John Street, Mr. William Leslie, General Manager, calculates the base rates for the States of Connecticut, Illinois, Iowa, Nebraska, Rhode Island and South Dakota.

The following are Monopolistic State Funds, rates calculated by and administered by the Departments listed:

Nevada Industrial Commission, Carson City, Nevada.

Harry H. Lee, Auditor.

North Dakota Workmen's Compensation Bureau, Bismarck, N. D.

P. B. Sullivan, Chairman.

J. E. Pfeifer, Secretary.

Ohio—Industrial Commission of Ohio, 65 S. Front St., Columbus, Ohio.



Thomas M. Gregory, Chairman.  
E. I. Evans, Actuary.  
Mart. T. Christensen, State Treasurer,  
Cheyenne, Wyoming.

For employments under the acts in the States of Oregon and Washington, coverage may only be secured in the State Funds administered as follows:

Oregon—State Industrial Accident Commission.  
L. O. Arens, Chairman.  
L. R. White, Assistant Commissioner,  
Salem, Oregon.

Washington—Department of Labor and Industry  
J. W. Hoover, Treasurer.  
Ed. S. Franklin, Special Assistant, Attorney General,  
Olympia, Washington.

## Sales

### CODE COMMITTEE

With reference to commercial copy for an "enriched bread" announcement, the Code Committee this week expressed the following opinion:

"It is felt that stations should guard against undue capitalization of the defense program and against misrepresentation, bad taste and any inference of government endorsement. While undue exploitation of national defense would obviously be ill-advised, references to national defense in commercial copy, properly handled as to type of copy and manner of presentation, may be thoroughly acceptable."

### DEVELOP REPLACEMENT REVENUE

The national defense effort and expenditures, a substantial stimulus to business, employment and consumption of advertised products, should have a marked effect on increasing radio advertising revenue. Despite the general and over-all increase, some types of business, however, will be adversely affected due to priorities and curtailment of production.

Radio stations now getting a substantial percentage of their revenue from these few sources should plan now to build sources of replacement in other types of business.

Through the cooperation of NAB with the Canadian Association of Broadcasters, valuable information has been secured based on advertising experiences in England and Canada in connection with the war effort. Recent announcements by U. S. national defense agencies and by industry indicate we are approaching similar conditions in business here.

A voluntary reduction by 20 per cent in automobile production, announced last week and to be effective August 1, may serve to reduce automotive advertising in the new car field, where already a seller's market exists. The used car field, however, should consequently become more important. Similar reductions may be expected in other fields, where priorities of materials and requirements for machines, factories and skilled labor for national defense will be a factor in curtailment of production.

In England during the first half of 1940:

Automotive advertising decreased 80 per cent.

Household equipment advertising decreased 60 per cent.

Radio goods advertising decreased 41 per cent.

Whether these experiences will be repeated here remain to be seen, but informed quarters advise that advertising media should be prepared. Revenue thus lost should be replaced without undue delay by increased activity in other lines and by development of new sources. Drugs, toilet goods, food products, clothing and other staples suffered little or no decline in England and Canada, NAB was informed.

### SAVINGS AND LOAN GAINS

An opportunity for radio to develop revenue from the real estate and building fields and from savings and loan association is indicated in a report from Paul Endicott, president of the U. S. Savings & Loan League.

Ample home-owner credit will continue to be available to Americans. Savings and loan associations whose credit transactions are solely on residential real estate received \$99,871,000 in February, a 17 per cent increase over the same month a year ago, and January had shown a 14.8 per cent increase. More of this money came from new savers than any time in the past two years.

"Many of these people had never heard of savings, building and loan associations when last they had money to save, but now they are aware of them because of the several-times expanded advertising programs of these institutions," Mr. Endicott said.

### AMERICAN MEAT INSTITUTE

The NAB Department of Broadcast Advertising has succeeded in interesting the American Meat Institute of Chicago in considering radio as a national advertising medium for its future campaigns. Specific proposals for the effective use of radio are being drafted and will be presented to the Institute within the next three weeks. As part of this presentation, any contributions from NAB member stations will be welcomed, showing the effectiveness of our medium in the advertising and selling of food products.

### AFA CONVENTION, MAY 25-29

Plans for radio's participation in the annual convention of the Advertising Federation of America are being made by the Department of Broadcast Advertising. The convention, to be held in Boston May 25-29, will be attended by important agency executives, time buyers and advertising managers, and a wide representation from radio stations is expected.

Entertainment of the delegates at a Cabaret Party May 27 will be furnished by Boston stations in coopera-

tion with the networks, with Kingsley Horton, sales manager of WEEL, as chairman of the committee.

Radio's departmental program will be held Wednesday morning, May 28, followed by an international short-wave discussion at the general luncheon between the American and British Advertising Federation presidents.

### INVITATION TO CUT RATES

NAB members are advised to proceed with caution in dealing with the Golden Glint Co., Inc., of Seattle, Wash., currently querying stations for rates. While nothing has yet been reported to indicate that this company will not purchase advertising at established rates if stations adhere to them, it appears to be seeking special deals, writing one station in part as follows:

"If you want to make us a proposition for the time on your stations more closely in line with what we can get from other stations, we would be interested, but otherwise not!"

### FREE TIME REQUESTED

Efforts are being made by its advertising agency on behalf of the Forstmann Woolen Co. to secure free radio time for interviews with a travelling representative of the company "on an extensive trip covering leading cities throughout the country. While in these cities she will visit the leading department stores and put on shows for the stores' personnel featuring the Forstmann spring line of fabrics and costumes made in these fabrics . . ."

It is the opinion of NAB that such broadcasts, if carried, should be paid for at established rates either by the Forstmann Co. or by the department stores in each city featuring those products. Encouragement by stations of such free time practices will tend to make similar abuses more widespread, and set precedents that ultimately may decrease advertising revenue.

Stations have reported the request from World Broadcasting System for free announcements promoting the sale of the "You Can Defend America" booklets, available at news stands for 10 cents. Unless stations feel that they are not now devoting sufficient time to the national defense, it is the opinion of NAB that this may be considered a commercial venture, since there is sufficient margin in the price of the booklet to return a profit to the printer and news vendor. NAB is also advised that the booklet has sold in very large quantities without free help from radio.

The Fish and Wildlife Service of the Department of the Interior is furnishing fish market news to radio stations, often of genuine value in home economics programs. However, under the direction of Don Bloch, "Informational Service Representative," many stations have also been asked to broadcast free plugs promoting the sale of fish.

It is NAB's opinion that this is a request for time and service that should be paid for by local fish markets and dealers. If this service is given by broadcasters free to the fish industry, stations are vulnerable to similar requests for free time from the food industry, the coal industry, and so on without end.

NAB has discussed this with Mr. Bloch, who insists that he is rendering a publicity service of value in the national defense program. He disclosed the list of stations and the free services they are now giving him, as a result of a skilfully worded request that implied governmental sanction and cooperation with the national defense program.

A careful check of the rates of all stations carrying these free plugs, as published in Standard Rate & Data, with all frequency discounts figured, show that if purchased at regular rates this service should cost the fish industry \$1,886.08 per week, or \$98,076.16 per year.

One hundred and thirteen stations have been giving a total of 458 free plugs per week, or 23,816 free plugs per year.

As long as this service is given free in cooperation with Mr. Bloch's publicity efforts, it is the opinion of NAB that stations will find it difficult indeed to develop commercial revenue from fish markets, dealers, processors or distributors. This campaign has no more official connection with the national defense program, we believe, than the efforts of coal dealers to sell coal (and thereby "develop national resources") or the efforts of wool growers to sell suits. All phases of the national defense program are receiving the close cooperation of NAB, and member stations will be kept advised as to the part radio should fairly be expected to play through the contribution of time and services. No broadcaster need have any fear that he will be considered "non-cooperative" if he declines to accept publicity material of the sort mentioned.

Free time from radio stations is being sought by Selva & Smith, public relations firm in New York City, on behalf of their client, the Investment Bankers Association of America. Free quarter-hour programs called "Men, Money and Ideas" are being offered. Investigation by NAB shows no reason why these should not be considered commercial programs, and paid for at regular rates.

## Legislation

### FEDERAL LEGISLATION

#### HOUSE

H. R. 4486 (COLLINS, D-Miss.) COPYRIGHT—To create five regional national libraries and to amend section 12 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, and for other purposes. Referred to Committee on the Library.



## SENATE

S. Res. 97 (TRUMAN, D-Mo.) COMMUNICATIONS ACT—Relating to the prevention of unauthorized or unlicensed communications and the protection of the privacy of communications. Referred to Committee on Interstate Commerce.

## STATE LEGISLATION

### DELAWARE:

H. 237 (RHODES) EYEGLASSES—Relating to licensing of the business of dispensing eyeglasses. Referred to Committee on Public Health. Reported on its merits in House April 9.

## Miscellaneous

### DAYLIGHT SAVING

This week Representative McLean (R-N. J.), author of the national daylight saving bill (H. R. 3789), issued the following statement:

"Because of these wartime activities," he said, "conditions are today comparable to those during the last war and all measures adopted then are needful now and should be enacted at once, including the daylight saving time act.

"The original act proved its usefulness and remained in effect until the end of the war. Its benefits were so manifest that when it was repealed, permissive or mandatory State laws were enacted, being in effect last summer in all or part of 16 States.

"Daylight is free. Artificial light is costly. Daylight saving will reduce the industrial, commercial and domestic expenditures for artificial light. Imagine the saving in fuel and electric current if all the lights of the country were turned out for one hour each day.

"Based on the statistics available from the experience during the World War, the estimated saving of fuel during the daylight saving period would be upwards of 5 per cent, which is an enormous amount in volume of materials and energy when the total consumption is considered. These resources could be advantageously diverted to the national defense program.

"The measure is fairly calculated to accomplish valuable economies in our national life; it will be of special value in the present emergency; it will contribute to the comfort, convenience and unity of the home life of many millions of our people."

Another national daylight saving bill, (H. R. 4206) introduced by Representative Keogh (D-N. Y.), is also in the legislative hopper.

In this connection, President Miller wrote to Mr. Knudsen on April 8, as follows:

"Honorable William S. Knudsen  
National Defense Commission  
Washington, D. C.

My dear Mr. Knudsen:

There have been introduced in Congress two bills to provide for daylight saving time on a nation-wide basis,—one H. R. 3789 by Representative McLean (R-N. J.) and the other H. R. 4206 by Representative Keogh (D-N. Y.). Our Board of Directors has voted unanimously to support national daylight saving time for the reason that it will solve the broadcasting industry's semi-annual programming problems arising out of the fact that some states operate on daylight saving time and others do not. The Association of American Railroads through its Board of Directors has also, I am informed, voted to support national daylight saving time.

I do not know what consideration, if any, the Defense Commission has given to the question of the desirability of national daylight saving time as a defense measure. Our Association, and others, deem it of transcendent importance. If you concur in our view, we urge that you make a public statement to that effect.

Very truly yours,

NM/hml

NEVILLE MILLER"

No reply has been received to date, nor has any public statement been noted.

## AD CLUB TO HONOR WBAL

Neville Miller, NAB president, will address the Advertising Club of Baltimore on Wednesday, May 28, on the subject "Radio and National Defense." This will be the Advertising Club's meeting in honor of Baltimore's new 50,000 watt station, WBAL, which will take the air with 50,000 watts power Sunday, May 25.

## NEWSPAPER OWNED STATIONS ORGANIZE

The following report contained in the New York "Herald-Tribune" outlines the developments which have occurred in the organization of the newspaper owned stations to prepare themselves for the pending hearing on the question of newspaper ownership of radio stations:

"Mark Ethridge, general manager of 'The Louisville Courier Journal' and 'The Louisville Times' presided in the Jansen suite of the Waldorf-Astoria at a meeting of a committee of publisher broadcasters, organized several weeks ago when the Federal Communications Commission announced forthcoming hearings to inquire into the joint ownership of newspapers and radio broadcasting stations. At the end of a two-hour session, Mr. Ethridge announced the formation of a sub-committee of nine to study the situation, outline a program and report back to a general meeting of all the 292 publishers who operate radio stations on Tuesday afternoon.

"Members of the sub-committee are: Harold Hough, 'Fort Worth Star Telegram', chairman; Walter Damm, 'The Milwaukee Journal', vice-chairman; James M. Cox, Jr., 'The Atlanta Journal'; Guy Hamilton, general manager, the McClatchy Newspapers and station KERN, Bakersfield, Calif.; Gardner Cowles, Jr., 'The Des Moines Register and Tribune'; D. Tennant Bryan, 'The Richmond News-Leader'; John E. Person, 'The Williamsport (Pa.) Sun Gazette'; Nelson Poynter, 'The St. Petersburg (Fla.) Times', and Jack Howard, the Scripps Howard Newspapers."

## 891 STATIONS

During the month of March, 1941, the Federal Communications Commission issued operating licenses to three stations and granted five permits for the construction of new stations. Two stations were deleted. A comparative table by months follows:

	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1
Operating . . . . .	775	779	783	791	799	806	810	816	825	831	835	836	837
Construction . . . . .	48	47	53	56	58	57	54	52	51	51	46	54	54
	823	826	836	847	857	863	864	868	876	882	881	890	891

## NAB PUBLICATIONS

Just off the press is the revised edition of HOW TO USE RADIO, edited by Professor Kenneth G. Bartlett of Syracuse University. This new edition is an improvement over the first issue and radio broadcasters are urged to use it in an effective manner. Copies may be obtained upon request at the modest price of 6 cents a copy.

Now in process of preparation is the revised edition of HOW TO USE RADIO IN THE CLASSROOM and the ABC OF RADIO. We should like to hear from member stations as to their possible uses of these two publica-



tions in order that we may order a sufficient number to supply the demand. They will be furnished at the cost price of 6 cents each.

## MONOPOLY REPORT AND DEFENSE

Monopoly report will not be made public by FCC this week or next Chairman James Lawrence Fly told newsmen at a press conference early this week in answer to a specific question.

Mr. Fly said that no dates have yet been set for hearings on newspaper FM ownership. Asked about appointment of the new head for the listening post set up the chairman explained that just a handful of top-notch men are available for this job and he has not yet succeeded in getting one. He said that he does not want to make any compromise in his selection of the right man.

The chairman discussed the work of the Defense Communications Board generally during the course of which he was asked about the broadcasting aspect of this defense work. He said that the broadcasters wanted to delay the program by themselves taking over last summer. He agreed that broadcasting would have to be considered in war but there are relatively more important elements in the whole defense communications program.

Asked about short wave broadcasting and its relationship to the defense work the chairman said that this is one of the problems but how important it is he was reluctant to say.

## Defense Job Training

The U. S. Office of Education has prepared a chart which lists complete information concerning government sponsored training courses.

To train unskilled men to fill defense jobs, training courses in public schools and other locations have been established throughout the country. They are intended to aid persons to get jobs in aircraft, shipbuilding, welding, sheet metal, machine shop, electricity, mechanics, forging, radio and other occupations.

The department is mailing a copy to all stations to enable them to answer questions that may be put to them by local listeners.

Here are questions the chart answers:

What are the wages—or fees—, if any, in training? What wages may you earn on the job? What is the purpose of training? What age must you be? What education or work experience must you have? What are the requirements for enrolling in a course? How many weeks do the courses run? How many hours a day? Where

are the courses offered? Where should you apply? What types of jobs does the training qualify you for?

Interested persons may secure copies of the chart by sending 5 cents in cash to the Superintendent of Documents, Government Printing Office, Washington. Ask for "Defense Job Training" compiled by the U. S. Office of Education, Federal Security Agency.

## FROM THE FCC MAIL BAG

The defense committee of a certain Massachusetts municipality contemplates the purchase, with town funds, of radio apparatus which is intended to be given or loaned to local amateurs for use in emergencies. The committee wants to know whether such service is compatible with Federal Communications Commission rules pertaining to amateurs. The Commission makes reply:

"It appears that ownership of the equipment would remain in the—Defense Committee and that the procedure outlined in your letter is contemplated to circumvent the prohibition in Section 12.62 of the Amateur Rules against issuance of amateur licenses to corporations or associations. From the information submitted it does not appear that acceptance of the radio equipment by local amateurs would constitute remuneration for their service in emergencies within the contemplation of Section 12.102 of the Amateur Rules. Attention is called, however, to the fact that it would be necessary for the amateur or amateurs operating this equipment to be in complete control thereof. In order that control may be vested in such operators, it is suggested that the equipment be leased to the amateurs at a nominal sum for a definite period of time, such as one year. Such lease agreements should contain, among others, a statement to the effect that sixty days' notice will be given to this Commission in the event of their termination, and copies thereof should be submitted with applications for station licenses. Operation of such apparatus must, of course, be carried on strictly in accordance with the Commission's Rules Governing Amateur Service.

"It is believed that police radio or special emergency radio stations licensed in the Town of — in its own name would possibly be of more benefit to the town in cases of emergency than would amateur stations furnished to individuals or organizations, as no control could be maintained by the town of the apparatus thus operated."

Several letters addressed to the Commission object to a particular language not being among those recognized for use in telegraph messages. This is not due to any action by the Commission; it arises out of precedent of long standing in international telegraph practices. No "discrimination" is intended. The carriers long ago found it impossible to handle all languages, and agreed to use the chief ones, eliminating in particular those with characters which cannot be transmitted on the machines in regular use for telegraphic purposes.

A Cincinnati resident questions the reasonableness of advertising expenditures by the American Telephone and Telegraph Co. The Commission is without statutory authority to pass on advertising costs. It can only determine whether such expenditures are properly allowable in ascertaining the reasonableness of operating expenses as a factor in fixing telephone rates.

A Missourian is informed that the Commission has no jurisdiction over the collection of damage claims or rental

for use of right-of-way by telephone companies. He is referred to the local courts for possible action.

A Wisconsin sheriff is advised that interception and use of police radio communications by a private garage for the purpose of getting towing and repair jobs on wrecked autos is a violation of Section 605 of the Communications Act.

A New York firm writes the Commission about its differences with a broadcast station resulting from a sponsored program. The Commission has no say with respect to the rates charged for broadcast time, hence it can not litigate difficulties between program sponsors and station licensees arising through the use of commercial time.

Because it functions largely as a licensing authority, the Commission cannot entertain an Idaho suggestion that radio sponsors who offer prizes be heavily taxed, or grant the appeal of a Texan organizing "prayer bands" that national networks broadcast his program, or meet a Pennsylvania listener's urge that important national programs be presented over the facilities of a single major network.

A North Carolina fan who is interested in daylight saving time for broadcast stations generally is informed that this is not in the province of the Commission, but is being considered by the broadcasters as a group. The National Association of Broadcasters is on record as favoring universal daylight saving to eliminate the present time confusion.

Broadcasts of baseball games may be rebroadcast by high frequency experimental stations, an inquirer is told, subject to provisions of Section 4.113 of the Commission's rules which prohibits charge, directly or indirectly, for such rebroadcasts, and further stipulation about identifying the originating station or stations.

"There is no rule or requirement of the Commission that individual applicants before it be represented by an attorney," a Seattle resident is advised, "and it is not possible or appropriate for the Commission to advise you whether or not you should employ counsel."

Many inquiries have been received as to opportunities for employment with the Commission. It is pointed out that this agency is required to obtain new personnel and to fill vacancies from registers of the United States Civil Service.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following hearings are scheduled to be held before the Commission in broadcast and television cases during the week beginning Monday, April 28. They are subject to change.

**Monday, April 28**

WRDO—WRDO, Incorporated, Augusta, Maine.—Renewal of license, **1370 kc.**, 100 watts, unlimited.

**Tuesday, April 29**

Television

W1XG—General Television Corporation, Boston, Mass.—Modification of license (considered as C. P.), **50000-56000 kc.**, 500 watts visual, emission A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.**, 500 watts visual, emission A-5, Sec. 4.4(a).

W1XG—General Television Corporation, Boston, Mass.—C. P., **42000-56000, 60000-86000 kc.**, 500 watts aural and visual, emission A3 and A-5, Sec. 4.4(a). Present assignment: **42000-56000, 60000-86000 kc.**, 500 watts, visual only, emission A-5, Sec. 4.4(a).

**Wednesday, April 30**

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., **1410 kc.**, 1 KW, unlimited, DA-night.

**Thursday, May 1**

To be held in U. S. Court of Appeals court room, old post office building, in Atlanta, Georgia.

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

## FUTURE HEARINGS

During the past week the Commission has announced the following tentative hearing and oral argument dates for broadcast cases. They are subject to change.

**May 15**

Oral Argument Before the Commission

WCY—Radiomarine Corporation of America, West Dover, Ohio.—C. P., **2182 kc.**, calling; **2514, 2550, 2582 kc.**, working; **2738 kc.**, distress and emergency; 600 watts day, 500 watts night; emission A2, A3. Time: unlimited. Pts. of Comm.: radiotelephone equipped ships operating on the Great Lakes.

WCY—Radiomarine Corporation of America, West Dover, Ohio.—C. P., **2182 kc.**, calling; **2738 kc.**, distress and emergency; **4282.5, 6470, 8585 kc.**, calling and working; 600 watts day, 500 watts nights, emission A2, A3. Time: unlimited. Pts. of Comm.: radiotelephone equipped ships operating on the Great Lakes.

WBL—Radiomarine Corporation of America, Buffalo, N. Y.—C. P., **2182 kc.**, calling; **2738 kc.**, distress and emergency; **2514, 2550, 2582 kc.**, working; **4282.5, 6470, 8585 kc.**, calling and working; 600 watts day, 500 watts night; emission A2, A3. Time: unlimited during season of Great Lakes navigation. Pts. of Comm.: with ships operating on the Great Lakes.

WCY—Radiomarine Corporation of America, West Dover, Ohio.—C. P., **2182, 4282.5 kc.**, calling; **2514, 2572, 2738, 4282.5 kc.**, working; 600 watts day, 400 watts night; emission A2, A3. Time: unlimited during season of Great Lakes navigation. Pts. of Comm.: with ships operating on the Great Lakes.

WMI—The Lorain County Radio Corp., Lorain, Ohio.—C. P. for change in equipment and additional frequency, **8585 kc.**, (1) 750 watts, (2) 500 watts, (3) 400 watts, (4) 500 watts; emission, A1, A2, A3. Time: continuous. Pts. of Comm.: ships in Great Lakes area. Present assignment: **2550, 6470, 11370 kc.**

WMI—The Lorain County Radio Corp., Lorain, Ohio.—Renewal of license, **2550, 6470, 11370 kc.**, (a) 750 watts, (b) 500 watts, (c) 400 watts, (d) 500 watts; emission, A1, A2, A3. Time: continuous. Pts. of Comm.: ship stations in Great Lakes area.

WMI—The Lorain County Radio Corp., Lorain, Ohio.—C. P. for additional frequency and change time of operation, **4282.5 kc.**, (1) 750 watts, (2) 500 watts, (3) 400 watts, (4) 500



watts; emission, A1, A2, A3. Time: from daybreak on Great Lakes to sundown on Pacific Coast. Pts. of Comm.: ships in Great Lakes area. Present assignment: **2550, 6470, 11370 ke.**, time: continuous.

**WAD**—The Lorain County Radio Corp., Port Washington, Wisc.—Modification of C. P. for additional transmitter and frequency, **4282.5 ke.**, 500 watts, emission A1, A2, A3. Time: from daybreak on the Great Lakes to sundown on the Pacific Coast. Pts. of Comm.: Great Lakes vessels. Has C. P. for **2514 ke.**, 400 watts. Time: unlimited.

**WAS**—The Lorain County Radio Corp., Duluth, Minn.—Modification of C. P. for additional transmitter and frequency, **4282.5 ke.**, 500 watts, emission A1, A2, A3. Time: from daybreak on Great Lakes to sundown on Pacific Coast. Pts. of Comm.: Great Lakes vessels. Has C. P. for **2550 ke.**, 400 watts. Time: unlimited.

#### May 19

**WHB**—WHB Broadcasting Company, Kansas City, Mo.—C. P., **710 ke.**, 5 KW, DA night and day; unlimited time.  
**WTCN**—Minnesota Broadcasting Corp., Minneapolis, Minn.—C. P., **710 ke.**, 10 KW, unlimited, DA night.

#### May 20

**NEW**—Camden Broadcasting Co., Camden, N. J.—C. P., **800 ke.**, 500 watts daytime.

#### May 26

##### Consolidated Hearing

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

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

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

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

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

**WDAS**—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., **1260 ke.**, 1 KW night, 5 KW day, DA night, unlimited.

#### June 6

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

#### June 23

**WFNC**—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., (Assignor), and W. C. Ewing and T. K. Weyher, tr/as Cumberland Broadcasting Co. (Assignee), Fayetteville, N. C.—Voluntary assignment of license, **1340 ke.**, 250 watts, daytime.

**WFNC**—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Renewal of license, **1340 ke.** (**1370 ke.** under NARBA), 250 watts, daytime.

#### June 25

**KDRO**—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Mo.—C. P., **800 ke.** (under NARBA), 1 KW, daytime.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

**John & Marcia Arrington**, d/b as Arrington and Arrington, Covington, Va.—Granted construction permit for new standard

broadcast station to operate on **1340 ke.**, 250 watts, unlimited time (B3-P-3066).

**Columbia Broadcasting System, Inc.**, New York City.—Granted construction permit for new developmental broadcast station to operate on **330400, 333400, 336400 ke.** on an experimental basis only, and upon the condition that this authorization is subject to change or cancellation by the Commission at any time without advance notice or hearing; power 25 watts; special emission for frequency modulation with a maximum frequency swing not to exceed **200 ke.**; to operate as a developmental broadcast station for the development of an experimental program circuit between the studios and transmitter of International Broadcast Stations WCBX and WCRC; operation to be conducted in accordance with Sections 4.151, 4.153, 4.154, 4.156 and 4.157 (B1-PRE-384).

**Columbia Broadcasting System, Inc.**, New York City.—Granted construction permit for new developmental broadcast station to operate on **330400, 333400, 336400 ke.** on an experimental basis only, and upon the condition that this authorization is subject to change or cancellation by the Commission at any time without advance notice or hearing; power 25 watts; special emission for frequency modulation with a maximum frequency swing not to exceed **200 ke.**; to operate as a developmental broadcast station for the development of an experimental program circuit between the studios and transmitter of International Broadcast Stations WCBX and WCRC; operation to be conducted in accordance with Sections 4.151, 4.153, 4.154, 4.156 and 4.157 (B1-PRE-385).

**Columbia Broadcasting System, Inc.**, New York City.—Granted construction permit for new developmental broadcast station to operate on **330400, 333400, 336400 ke.** on an experimental basis only, and upon the condition that this authorization is subject to change or cancellation by the Commission at any time without advance notice or hearing; power 25 watts; special emission for frequency modulation with a maximum frequency swing not to exceed **200 ke.**; to operate as a developmental broadcast station for the development of an experimental program circuit between the studios and transmitter of International Broadcast Stations WCBX and WCRC; operation to be conducted in accordance with Sections 4.151, 4.153, 4.154, 4.156 and 4.157 (B1-PRE-386).

**The Journal Company** (The Milwaukee Journal), Portable-Mobile (area of Milwaukee County, Wis.).—Granted construction permit for new television broadcast station to operate on frequencies of **300000-312000 ke.** on an experimental basis only, and upon condition that this authority is subject to change or cancellation by the Commission at any time without advance notice or hearing; A5 emission, power 6.5 watts; to communicate as a television relay broadcast station in accordance with Sections 4.71, 4.72, 4.74, 4.76, 4.77 and 4.78; portable mobile in the Milwaukee area; to be used in conjunction with television broadcast station W9XMJ (B4-PVB-81).

**WLAK**—Lake Region Broadcasting Co., Lakeland, Fla.—Granted authority to transfer control of corporation (Lake Region Broadcasting Co. license of WLAK), from J. P. Marchant, D. J. Carey, Melvin Meyer, W. Walter Tison and The Tribune Company to Bradley R. Eidmann (100 shares of capital stock, par value \$100 per share) and to assign a mortgage in the amount of \$5,000 upon the property of station WLAK to the transferee for a consideration of \$10,000 cash, upon condition that neither the Tribune Company (WFLA, Tampa, Florida) nor any of its officers, directors, stockholders, agents or employees shall have any stock interest in, security interest against, or part in the management of the licensee of Station WLAK, Lakeland, Florida.

**WATR**—The WATR Co., Inc., Waterbury, Conn.—Granted construction permit to install a new transmitter, make changes in directional antenna and increase power from 250 watts to 1 KW, using directional antenna; **1320 ke.**, unlimited time (B1-P-3032).

### DESIGNATED FOR HEARING

**WENY**—Elmira Star Gazette, Inc., Elmira, N. Y.—Application for construction permit to change frequency from **1200 ke.** to **590 ke.**, increase power from 250 watts to 1 KW, unlimited



time; install new equipment and directional antenna with different adjustments for day and night use (B1-P-3070).

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Application for construction permit to change frequency from 1380 to 680 ke.; increase power from 5 to 50 KW; move transmitter site from Conduit & Logan Streets, St. Louis, Mo., to 10 miles So. of St. Louis, Bixby, Ill.; install new equipment and directional antenna for day and night use (2 patterns).

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Application for construction permit to increase power from 500 watts night, 2½ KW LS to 5 KW, increase hours of operation from day to local sunset at San Francisco, to unlimited time; move transmitter site; install new transmitter and install directional antenna with different adjustments for day and night use; 680 ke. (B4-P-2477).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Application for construction permit to increase power from 1 KW day, 500 watts night, to 5 KW; install new transmitter and directional antenna for night use; move transmitter site; 690 ke., unlimited time (B4-P-2883).

Scripps-Howard Radio, Inc., Houston, Tex., and Texas Star Broadcasting Co., Houston, Tex.—Joint hearing on applications of Scripps-Howard Radio, Inc., and Texas Star Broadcasting Co., for new stations at Houston, Tex., to operate on 1230 ke., 250 watts night and day, unlimited time (B3-P-2962 and B3-P-3006).

Herald Publishing Co., Klamath Falls, Ore.—Application for construction permit for new station to operate on 1370 ke. with 250 watts, unlimited time (B5-P-2932).

Dorman Schaeffer, Klamath Falls, Ore.—Application for construction permit for new station to operate on 1400 ke. with 250 watts, unlimited time (B5-P-2951).

The Metropolis Company, Ocala, Fla.—Application for license to operate a new station on 1490 ke., 100 watts, unlimited time requesting the facilities of WTMC (hearing to include record in the pending revocation proceedings of WTMC) (B3-L-1382).

WLAK—J. P. Marchant, D. J. Carey, Melvin Meyer, W. Walter Tison, and The Tribune Company (Transferors), Russell E. Baker (Transferee), Lake Region Broadcasting Co., Lakeland, Fla.—Application for authority to transfer control of Lake Region Broadcasting Co. (licensee of station WLAK), from the present stockholders—Marchant, Carey, Meyer, Tison and The Tribune Co., to Russell E. Baker (B3-TC-260).

Bay County Publishers, Inc., Panama City, Fla.—Application for license to operate a new station on 1320 ke., 100 watts night, 250 watts LS, unlimited time, requesting facilities of WDLP (hearing to include record in pending revocation proceedings of WDLP), (B3-L-1383).

John C. Scripps, Ventura, Calif.—Application for new station to operate on 1460 ke. with 1 KW power, unlimited time. Exact transmitter site and antenna system to be determined with Commission's approval (B5-P-2583).

## MISCELLANEOUS

WNBI—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate international station WNBI on frequency 17780 ke. in order to permit simultaneous operation of stations WNBI and WRCA on frequency 17780 and 9670 ke. for the period April 16, 1941, to not later than May 15, 1941.

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on 117199 ke., 5000 watts, special emission, for frequency modulation, with transmitter located at 544 N. Broadway, Yonkers, N. Y., described as Composite, maximum rated carrier power 5000 watts for the period May 1, 1941, to not later than June 29, 1941.

W8XVH—WBNS, Inc., Columbus, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on 43000 ke., 250 watts, special emission for frequency modulation with transmitter located at 50 W. Broad St., Columbus, Ohio, described as General Electric, Type 4GF1A1, maximum rated carrier power 250 watts, for period May 1, 1941, to not later than June 29, 1941, pending completion of construction of new FM station.

W1XSN—Westinghouse Radio Stations, Inc., E. Springfield, Mass.—Granted extension of special temporary authority to oper-

ate a high frequency experimental broadcast station on 42600 ke., 1000 watts, special emission for frequency modulation, with transmitter located at 625 Page Blvd., E. Springfield, Mass., described as Westinghouse, Type HE, maximum rated carrier power 1000 watts, for period May 1 to not later than June 29, 1941, pending completion of new FM station.

W1XK—Westinghouse Radio Stations, Inc., Hull, Mass.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on 42600 ke., 1000 watts, special emission for frequency modulation, with transmitter located at Newport Road, Hull, Mass., described as Westinghouse, Type HE, maximum rated carrier power 1000 watts for period May 1 to not later than June 29, 1941, pending completion of new FM station.

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on 42600 ke., 1000 watts, special emission for frequency modulation, with transmitter located at 979 Mt. Read Blvd., Rochester, N. Y., and described as R.E.L. Type 519, for period May 1, 1941, to not later than June 29, 1941, pending completion of new FM station.

WOR—Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to rebroadcast over station WOR and other stations of the Mutual System, signals from a Navy airplane between 10 and 11 a. m., EST, April 18, in connection with program "Flying with the Navy Cadets" in cooperation with the U. S. Navy to promote enlistments in Naval Aviation (B1-S-177).

WFPG—Neptune Broadcasting Corp., Atlantic City, N. J.—Granted authority to determine operating power by direct measurement of antenna input on 1450 ke. under NARBA (B1-Z-778).

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted authority to determine operating power by direct measurement of antenna input on 1450 ke. under NARBA (B1-Z-776).

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted authority to determine operating power by direct measurement of antenna input on 1490 ke. under NARBA (B3-Z-779).

KOMO—Mission Broadcasting Co., San Antonio, Texas.—Granted authority to determine operating power by direct measurement of antenna input on 1400 ke. under NARBA (B3-Z-782).

WHAM—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to determine operating power by direct measurement of antenna input on 1180 ke. under NARBA (B1-Z-780).

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna power on 1400 ke. under NARBA (B2-Z-769).

WPAX—H. Wimpy, Thomasville, Ga.—Granted authority to determine operating power by direct measurement of antenna power on 1240 ke. under NARBA (B3-Z-721).

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna power on 1130 ke. under NARBA (B4-Z-767).

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted authority on a temporary basis, conditionally, to install automatic frequency control equipment on 1600 ke. under NARBA (B1-F-210).

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of construction permit (B3-P-2766) for changes in directional antenna, requesting 1150 ke. under NARBA, and extension of completion date to 60 days after grant (B3-MP-1217).

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted modification of construction permit (B5-P-2701) which authorized installation of directional antenna for night use and increase in power) for frequency 790 ke. under NARBA and extension of completion date to 90 days after grant (B5-MP-1194).

WNBC—State Broadcasting Corp., New Britain, Conn.—Granted modification of construction permit (B1-P-2723) as modified, for changes in directional antenna, requesting 1410 ke. under NARBA, and extension of commencement and completion dates to 60 and 180 days after grant respectively (B1-MP-1225).

- WFLA—The Tribune Co., Tampa, Fla.—Adopted order further extending authorization to conduct its program tests for a period not exceeding 10 days beyond April 21, 1941.
- KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted authority to install automatic frequency control equipment on **1520 kc.** under NARBA (B3-F-209).
- KXRO—KXRO, Inc., Aberdeen, Wash.—Granted authority to install automatic frequency control equipment on **1340 kc.** under NARBA (B3-F-208).
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted authority to install automatic frequency control equipment on **850 kc.** under NARBA (B1-F-212).
- WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted authority to install automatic frequency control equipment on **990 kc.** under NARBA (B3-F-211).
- WJJD—WJJD, Inc., Chicago, Ill.—Granted authority to install automatic frequency control equipment on **1160 kc.** under NARBA (B4-F-215).
- KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted authority to install automatic frequency control equipment on **1300 kc.** under NARBA (B3-F-214).
- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted authority to install automatic frequency control equipment on **1490 kc.** under NARBA and for auxiliary transmitter (B2-F-213).
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted authority to determine operating power by direct measurement of antenna power on **1240 kc.** under NARBA (B3-Z-748).
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B1-Z-781).
- KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted authority to determine operating power by direct measurement of antenna power on **1030 kc.** under NARBA (B3-Z-775).
- KWIL—Central Willemette Broadcasting Co., Albany, Ore.—Granted authority to determine operating power by direct measurement of antenna power on **1240 kc.** under NARBA (B5-Z-783).
- WDWS—The Champaign News-Gazette, Inc., Champaign, Ill.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B4-Z-760).
- KFRU—KFRU, Inc., Columbia, Mo.—Granted authority to determine operating power by direct measurement of antenna power on **1400 kc.** under NARBA (B4-Z-768).
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to move transmitter and studio 500 feet northeast from the boundary line of Red Bank, N. J., at River Plaza, Middletown, Twp., Bldg. 2 May Court, due to fire, pending determination of permanent site. Radiating system in compliance with Sec. 3.45 and operate at same location (B1-S-185).
- WHB—WHB Broadcasting Co., Kansas City, Mo.—Granted motion for authority to take depositions in re application of WHB for construction permit to operate on **710 kc.**, 5 KW, DA night and day, unlimited time, and WTCN same except to use 10 KW.
- WHB—WHB Broadcasting Co., Kansas City, Mo.—Denied petition to enlarge the issues in re above.
- WHB—WHB Broadcasting Co., Kansas City, Mo.; WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted motion of applicants to postpone hearing in re above from May 14 to May 19.
- The Outlet Company, Providence, R. I.—Granted motion for leave to amend application, provided amendment is filed within 2 weeks from this date, and ordered that consolidated hearing previously ordered upon this and Yankee Network application be and it is hereby severed. Hearing on Outlet Co. application cancelled and application removed from hearing docket.
- God's Bible School and College, Cincinnati, Ohio.—Granted motion for extension of time, 30 days from April 9, in which to file exceptions to Commission's Proposed Findings in re application for new international broadcast station.
- WGAL—WGAL, Inc., Lancaster, Pa.—Granted petition for leave to intervene in the hearing on application of WTEL, Philadelphia, for construction permit to operate on **1500 kc.**, 250 watts, unlimited time.
- Camden Broadcasting Co., Camden, N. J.—Granted alternative motion for orders to postpone hearing date to May 20, and authorize the taking of depositions in re application for new station to operate on **800 kc.**, 500 watts, daytime.
- WMEJ—The Metropolis Co., Portable-Mobile, area of Jacksonville, Fla.—Granted license to cover construction permit (B3-PRY-219) for a new relay broadcast station to be used with applicant's standard broadcast station WJHP; frequencies **1622, 2058, 2150 and 2790 kc.**, 40 watts (B3-LRY-223).
- KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m. to the conclusion of Governor Olson's speech on State and National Defense under auspices American Brotherhood Protestant, Catholic, and Jews, in order to broadcast said speech only on April 19, 1941.
- W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **42800 kc.**, 40000 watts power, special emission for frequency modulation, with transmitter located at North of Alpine, N. J., described as Composite, Type RCA, maximum rated carrier power 40000 watts, for the period May 1, 1941, to not later than June 29, 1941, pending completion of new FM station W31NY. Granted extension of special temporary authority to retransmit the transmission of experimental high frequency broadcast stations W2XAG, W1XPW and W1XPJ for the period May 1, 1941, to not later than June 29, 1941, in order to continue rebroadcasting experiments. Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **117430 kc.**, power of 40 KW, using special emission for frequency modulation with a maximum band width not to exceed **200 kc.**, subject to the condition that no interference is caused to other stations on same or adjacent channels, from May 12, 1941, to not later than July 10, 1941, in order to conduct tests, pending completion of new FM station W31NY.
- WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted modification of construction permit (B3-P-2525) for installation of DA for night use, new transmitter, change in frequency from **1310 to 1360 kc.**, increase in power to 1 KW day and night, for **1390 kc.** under NARBA and changes in DA, extension of completion date to 180 days after grant. This authority is granted conditionally and is not to be construed as a finding by the Commission upon the application for renewal of license of WTJS when it is filed with the Commission, nor upon any of the issues which may be involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof (B3-MP-1232).
- WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted construction permit to increase day and night power to 10 KW, install new transmitting equipment and directional antenna for both daytime and nighttime use, subject to approval by Chief Engineer (B3-P-2839).
- WRCA—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate on **9670 kc.** with effective power of 100 KW, using separate power amplifiers feeding separate directional antenna for the period April 20, 1941, to not later than May 19, 1941.
- W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts, special emission for frequency modulation, with transmitter located at 89 E. Ave., Rochester, N. Y., described as R.E.L., Type Cat. No. 519, maximum rated carrier power 2000 watts, for period May 1, 1941, to not later than July 1, 1941.
- KDKA—Westinghouse Radio Stations, Inc., Pittsburgh, Pa.—Granted special temporary authority to broadcast the transmissions of a United States Army plane on Friday, April 10, 1941, in conjunction with a trial blackout of Allegheny County.
- W1XTC—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted extension of special temporary authority to operate high frequency broadcast station W1XTC on **43400 kc.**, 1000 watts, special emission for frequency modulation, maximum band width not over **200 kc.** for the period May 1, 1941, to not later than August 1, 1941, at Shrewsbury St., Worcester, Mass., pending action on application for new FM station.



WKEU—Radio Station WKEU, Griffin, Ga.—Denied request for special temporary authority to operate from 7 p. m. to 9:30 p. m., CST, April 20 through May 17, 1941, in order to broadcast revival program only.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 1 p. m. to 2:30 p. m. and from 3:30 p. m. to 4:30 p. m. and from 5:30 p. m. to 6:30 p. m., CST, April 22, 1941, in order to broadcast double header baseball game with Carleton College only.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted extension of special temporary authority to remain silent for the period April 20, 1941, to not later than May 20, 1941, pending completion of adjustments made necessary by fire.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to sign off at 6 p. m., CST, during the month of April, 1941.

WMAM—W & M Broadcasting Co., Marinette, Wisc.—Granted special temporary authority to operate from local sunset (April, 6:30 p. m., CST) to the conclusion of special events from the Marinette and Menominee Smelt Festival on April 19 and 20, 1941, in order to broadcast said programs only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with 100 watts power from 7:30 p. m. to 10 p. m., CST, on April 17, 1941, in order to broadcast an address by Bishop Wallace A. Conkling, Episcopal Bishop of Chicago, only and from 7:30 p. m. to 10 p. m., CST, on April 21, 1941, in order to broadcast a civic and patriotic program of Geneva Community High School only.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 8 p. m. to midnight, CST, May 2, 1941, in order to broadcast program in connection with the annual Cotton Ball and Pageant celebration of the A. and M. College Agronomy Society, only.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with Station KRKO from 4 p. m. to 6 p. m., April 25, May 1, 3, 9, 12, 15, 16, 23, 1941, PST, in order to complete broadcasts of special Seattle High School Track Meets, only.

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with Station KRKO from 4 p. m. to 6 p. m., PST, May 27 and 29, 1941, in order to complete broadcasts of special Seattle High School Track Meets only.

Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to pick up program from Army Aircraft April 20 or April 27, 1941, from 5:15 to 5:30 p. m., EST, in connection with demonstration of defense maneuvers originating at Mitchell Field, L. I., and retransmit same to WABC and the CBS in New York.

WSGN—Birmingham News Company, Birmingham, Ala.—Granted petition to reconsider and grant without a hearing application for renewal of license for WSGN, **1340 kc.**, 250 watts, unlimited time, and cancelled the hearing heretofore scheduled on this application (B3-R-420).

Natchez Broadcasting Co., Natchez, Miss.—Adopted order granting unconditionally the application for a new station to operate on **1490 kc.**, 250 watts, unlimited time. On March 18, 1941, this application was granted upon condition that applicant file a properly certified copy of its corporate charter, and this condition has now been complied with (B3-P-2999).

KLUF—KLUF Broadcasting Co., Inc., Galveston, Texas.—Granted application for renewal of license to operate on **1400 kc.**, 250 watts, unlimited time.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Denied petition of National Broadcastings Co., Inc. (KOA), Denver, for stay of Commission order of April 7 granting application of Matheson Radio Co., Inc. (WHDH), Boston, Mass., for construction permit to increase power from 1 KW to 5 KW, and hours of operation from daytime to sunset at Denver, to unlimited time, using directional antenna at night, on **850 kc.**; suspended April 7 order pending filing by National Broadcasting Co., Inc. (KOA), within time allowed by statute, of petition for rehearing and determination thereon by the Commission or until further order of the Commission.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power from 1 KW night 5 KW day to 5 KW day and night and changes in directional antenna for day and night use.

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Authority to install automatic frequency control equipment.

### 610 Kilocycles

WCLE—United Broadcasting Co., Cleveland, Ohio.—Authority to install automatic frequency control.

### 620 Kilocycles

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-P-2696) to extend completion date from 5-6-41 to 6-6-41.

### 710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Modification of construction permit (B5-P-2804) for approval of transmitter site, approval of directional antenna for day and night use, installation of new transmitter and increase in power from 5 to 10 KW.

### 770 Kilocycles

WLB—University of Minnesota, Minneapolis, Minn.—Authority to determine operating power by the direct method.

### 810 Kilocycles

KOAM—The Pittsburgh Broadcasting Co., Inc., Pittsburgh, Kans.—Authority to determine operating power by the direct method.

### 860 Kilocycles

NEW—Paducah Broadcasting Co., Inc., Paducah, Ky.—Construction permit for a new broadcast station to be operated on **860 kc.**, 250 watts, daytime hours.

### 930 Kilocycles

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Authority to determine operating power by the direct method.

### 940 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Authority to determine operating power by direct method.

### 950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—Modification of construction permit (B3-P-2791) to install directional antenna for night use, and increase in power from 1 KW night, 5 KW day to 5 KW day and night, requesting changes in directional antenna and **950 kc.** under NARBA and extension of completion date from 6-22-41 to 120 days after grant.

WWJ—The Evening News Assn., Detroit, Mich.—Modification of construction permit (B2-P-2880) as modified, for changes in directional antenna and to specify **950 kc.** under NARBA, extend completion date from 9-28-41 to 120 days after grant.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-P-243) as modified, for extension of completion date from 5-5-41 to 6-5-41.

### 970 Kilocycles

WAAT—Bremer Broadcasting Corp., Jersey City, Ala.—Modification of construction permit (B1-P-2704) as modified, for new transmitter, install directional antenna, change hours of operation from day to unlimited time, increase power from 500 watts to 1 KW and move transmitter, for extension of completion date from 4-25-41 to 5-25-41.

WICA—WICA, Inc., Ashtabula, Ohio.—Construction permit to install new transmitter, install directional antenna for night use, increase power from 1 KW to 1 KW night, 5 KW day



and change hours from daytime to unlimited time. Amended: to request **970 ke.** under NARBA and changes in directional antenna.

#### 1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) as modified, for new transmitter, increase in power from 10 to 50 KW, requesting extension of completion date from 5-7-41 to 7-6-41.

#### 1050 Kilocycles

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Authority to determine operating power by direct method.

#### 1070 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Authority to determine operating power by direct method.

#### 1110 Kilocycles

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Authority to determine operating power by direct measurement of antenna power.

#### 1230 Kilocycles

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Authority to determine operating power by direct method.

KPOW—Albert Joseph Meyer, Powell, Wyo.—License to cover construction permit (B5-P-2593) as modified for a new broadcast station.

KPOW—Albert Joseph Meyer, Powell, Wyo.—Authority to determine operating power by direct measurement of antenna power.

NEW—Bay County Publishers, Inc., Panama City, Fla.—License for a new broadcast station to be operated on **1230 ke.**, 100 watts night, 250 watts day and unlimited time. Facilities of Station WDLP.

WAIM—Wilton E. Hall, Anderson, S. C.—License to cover construction permit (B3-P-2935) as modified, to install new transmitter, new antenna and increase in power.

KFXJ—R. G. Howell & Charles Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Authority to determine operating power by the direct method.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Authority to determine operating power by the direct method.

#### 1240 Kilocycles

KIUL—The Garden City Broadcasting Co. (Homer A. Ellison and Frank D. Conard), Garden City, Kans.—Authority to determine operating power by the direct method.

KWAT—Midland National Life Insurance Co., Watertown, S. C.—Authority to determine operating power by the direct method.

#### 1280 Kilocycles

WDSU—WDSU, Incorporated, New Orleans, La.—Modification of construction permit (B3-P-2923) for changes in directional antenna and specify **1280 ke.** under NARBA.

#### 1290 Kilocycles

KGVO—Mosby's, Inc., Missoula, Mont.—Authority to install new automatic frequency control equipment.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to increase power from 1 KW night 5 KW day to 5 KW day and night, install directional antenna for day and night use, move transmitter and make equipment changes. Amended to make changes in directional antenna.

WKNE—Twin State Broadcasting Corp., Keene, N. H.—Voluntary assignment of license from Twin State Broadcasting Corporation to WKNE Corporation.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Construction permit to increase power from 500 watts night, 1 KW day to 1 KW day and night, install directional antenna for day and night use. Amended to make changes in directional antenna.

#### 1300 Kilocycles

WWNY—The Brockway Co., Watertown, N. Y.—License to cover construction permit (B1-P-937) as modified, for a new broadcast station.

WWNY—The Brockway Co., Watertown, N. Y.—Authority to determine operating power by the direct method.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Authority to determine operating power by direct method.

#### 1310 Kilocycles

KLS—S. W. Warner & E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—License to cover construction permit (B5-P-2826) as modified for installation of new transmitter, changes in antenna and increase in power.

KLS—S. W. Warner & E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Authority to determine operating power by direct measurement of antenna power.

#### 1320 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Modification of construction permit (B5-P-2721) for installation of directional antenna for day and night use, increase in power to 5 KW, for changes in directional antenna system and requesting **1320 ke.** under NARBA.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Modification of construction permit (B2-P-2947) to increase power from 1 KW night, 5 KW day to 5 KW day and night, install directional antenna for night use, for **1320 ke.** under NARBA, and changes in directional antenna and extension of commencement date to 30 days after grant and completion date to 180 days thereafter.

#### 1340 Kilocycles

KHUB—John P. Scripps, Watsonville, Calif.—Authority to determine operating power by the direct method.

NEW—WBAM, Incorporated, Birmingham, Ala.—Construction permit for a new broadcast station to be operated on **1340 ke.**, 250 watts, unlimited time, facilities of WSGN when vacated.

#### 1370 Kilocycles

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Authority to determine operating power by direct method.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

#### 1380 Kilocycles

KIDO—Frank L. Hill & C. G. Phillips, d/b as Boise Broadcasting Station, Boise, Idaho.—Authority to determine operating power by the direct method.

#### 1390 Kilocycles

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Authority to install automatic frequency control.

#### 1400 Kilocycles

KOBH—Black Hills Broadcast Company of Rapid City, Rapid City, S. D.—Authority to determine operating power by the direct method.

KIUP—San Juan Broadcasting Co., Durango, Colo.—Authority to determine operating power by direct measurement of antenna power.

WKMO—Kokomo Broadcasting Corp., Kokomo, Ind.—License to cover construction permit (B4-P-2842) as modified, for a new broadcast station specifying **1400 ke.** under NARBA.

KELD—Radio Enterprises, Inc., North of El Dorado, Ark.—Construction permit to change tubes in last radio stage from four RCA 203-A to two RCA 805.

WJAC—WJAC, Inc., Johnstown, Pa.—Authority to determine operating power by the direct method.

WKMO—WJAC, Inc., Johnstown, Pa.—Authority to determine operating power by the direct method.

WEOA—Evansville On The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-P-3079) for move of transmitter.

#### 1410 Kilocycles

WALA—W. O. Pape, tr. as Pape Broadcasting Co., Mobile, Ala.—Modification of construction permit (B3-MP-932) requesting change in type of transmitter, changes in directional antenna for night use and specify **1410 ke.** under NARBA.

### 1420 Kilocycles

- KUJ—KUJ, Inc., Walla Walla, Wash.—Authority to determine operating power by the direct method.  
WHK—United Broadcasting Co., Cleveland, Ohio.—Authority to install automatic frequency control equipment on 1420 ke. under NARBA.

### 1440 Kilocycles

- KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—License to cover construction permit (B3-P-2969) for increase in power and installation of new transmitter.

### 1450 Kilocycles

- KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Authority to transfer control of corporation from W. B. Greenwald to O. L. Taylor, 50% capital stock, Wm. Wyse, 49.9% capital stock and Wesley E. Brown, .1% capital stock. Amended to change transferees from Taylor, Wyse and Brown to Stanley Marsh, 50%, Wm. Wyse, 49.9% and Wesley E. Brown, .1%.  
WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—License to cover construction permit (B2-P-2900) as modified for move of transmitter and new antenna, specifying 1450 ke. under NARBA.  
WMVA—Wm. C. Barnes & Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—Authority to determine operating power by direct method.  
WMVA—Wm. C. Barnes & Jonas Weiland, d/b as Martinsville Broadcasting Co., Martinsville, Va.—License to cover construction permit (B2-P-2226) as modified for a new broadcast station.  
WAOV—Vincennes Newspapers, Inc., Vincennes, Ind.—Authority to determine operating power by the direct method.  
KGLU—Gila Broadcasting Co., Safford, Ariz.—Authority to determine operating power by direct method.  
WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Authority to determine operating power by the direct method.

### 1490 Kilocycles

- KGKY—L. L. Hilliard, Ruth K. Hilliard and R. M. Stewart, d/b as Hilliard Co., Scottsbluff, Nebr.—Authority to determine operating power by the direct method.  
WMRF—Lewistown Broadcasting Co., Lewistown, Pa.—Modification of construction permit (B2-P-2977) for a new broadcast station, requesting installation of new transmitter, changes in antenna system, move studio and extension of completion date from 10-25-41 to 180 days after grant.  
KGKB—East Texas Broadcasting Co., Tyler, Tex.—Authority to determine operating power by direct method.  
NEW—The Metropolis Co., Ocala, Fla.—License for a new broadcast station to be operated on 1490 ke., 100 watts, unlimited time. Facilities of Station WTMC.  
NEW—Hennessy Broadcasting Co., Butte, Mont.—Construction permit for a new broadcast station to be operated on 1490 ke., 250 watts, unlimited hours.  
WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Authority to determine operating power by the direct method.  
KPAB—M. M. Valentine, Laredo, Tex.—Authority to determine operating power by direct method.

### 1600 Kilocycles

- WCNW—Arthur Faske—Construction permit to install new transmitter and increase power from 100 watts night, 250 watts day to 1 KW day and night.  
WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Construction permit to install new transmitter, new antenna system, change frequency from 1500 ke. to 1600 ke. (under NARBA), increase power from 250 watts to 5 KW and move transmitter from Woodside (L. I.), to New York, N. Y. Amended: To specify transmitter site as Brooklyn, N. Y.

### 1520 Kilocycles

- WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Authority to determine operating power by the direct method.

## FM APPLICATIONS

- NEW—The Radio Voice of New Hampshire, Inc., Manchester, N. H.—Construction permit for a new high frequency

broadcast station to be operated on 43500 ke.; coverage, 19,622 square miles; population, 4,099,385.

NEW—William G. H. Finch, New York, N. Y.—Modification of construction permit (B1-PH-42) for a new high frequency broadcast station, requesting change in transmitter location and approval of antenna system.

NEW—Everett L. Dillard, tr. as Commercial Radio Equipment Co., Kansas City, Mo.—Construction permit for a new high frequency broadcast station to be operated on 44900 ke.; coverage, 2,995 square miles; population, 673,759. Amended: To change coverage to 4,410 square miles, population to 730,869, and make changes in antenna and transmitter.

## MISCELLANEOUS APPLICATIONS

WBAU—Press Union Publishing Co., Atlantic City, N. J.—Modification of construction permit (B1-PRE-363) which authorized new relay broadcast station, for extension of commencement date and completion date from 11-6-40 and 5-6-41 to 5-6-41 and 8-6-41, respectively.

## 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.

**Maurice J. Engel**, 146 West 29th St., New York, has been charged with misleading representation in the sale of knife blades used by the fur industry.

According to the complaint, the respondent advertises such knife blades as being "Tri-Forged" and "Tungsten Surgical Steel" and through these and other assertions represents that they are made of the finest tungsten alloy steel, are highly tempered, and are capable of taking and holding a fine edge and of being re-sharpened if necessary.

The complaint alleges that the respondent's knife blades for use in the fur industry are neither tri-forged nor made of tungsten surgical steel but of rolled carbon steel, a product much inferior to tungsten steel both in price and quality (4490).

**Norfolk Mattress Co., Inc.**, Norfolk, Va., has been served with a complaint alleging misleading representations in the sale of its products.

According to the complaint, the respondent furnishes to its retail trade advertising matter in which its products are collectively referred to as "Dr. Ezera Storm's Supreme Quality Sleep Products," while mattresses, springs, studio couches and pillows are given specific trade names containing the abbreviation "Dr."

The complaint alleges that through its use of the term "Dr." the respondent has represented, either directly or through implication, that the products so designated are made in accordance with the design of or under the supervision of a doctor, and has further represented that such products contain special or scientific features which are the result of medical advice or services, when in fact the respondent's products are not so designed or made (4488).

**Pacific Fruit & Produce Exchange**—Alleging price fixing and other restraint of trade practices in the interstate sale of broadleaf spinach a complaint has been issued against Pacific Fruit & Produce Co. and four other Walla Walla, Wash., shippers, four Chicago jobbers and a Minneapolis broker operating through a Chicago branch.

The other respondents are Walla Walla Gardeners' Association, Mojonner & Sons, Inc., Walla Walla Produce Co., and Ewing M.



Stephens and Eugene Tausich, trading as Valley Fruit Co., all of Walla Walla, shippers; C. H. Robinson Co., 430 Oak Grove Ave., Minneapolis, broker, and Robert M. Steinberg, manager of its branch at 1425 South Racine Ave., Chicago, and the following Chicago jobbers: LaMantia Brothers Arrigo Co., 28-32 South Water Market; Owen T. Hill and Robert S. Hill, trading as Mark Owen & Co., 33 South Water Market; John Plennert and John Mahoney, trading as P. & M. Distributing Co., 8 South Water Market, and Arthur Applebaum and Maurice J. Missner, trading as Applebaum-Missner Co., 13 South Water Market.

Broadleaf spinach, the complaint points out, is a distinct variety grown almost exclusively in the Walla Walla region and packed and handled only by the respondent shippers. The bulk of it, according to the complaint, is sold directly to cannery although large quantities are shipped fresh to the Chicago market where a sale for this particular type of spinach is readily found.

The complaint charges that the respondent jobbers, pursuant to an agreement, understanding, combination and conspiracy of all the respondents, have fixed the resale prices at which fresh broadleaf spinach purchased by them from the respondent shippers through C. H. Robinson Co., the respondent broker firm, should be sold in the Chicago market, and that such jobbers, assisted by the respondent broker firm and its manager, the respondent Steinberg, entered into an agreement with the respondent shippers whereby they shipped all of their pack of this type of spinach to the respondent jobbers exclusively through the C. H. Robinson Co.

Pursuant to the agreement and combination, the respondent shippers, according to the complaint, fixed the prices paid for broadleaf spinach to the growers and prorated the tonnage of this product throughout the season, it being handled through C. H. Robinson Co., and routed to the respondent jobbers. The complaint further alleges that the respondent jobbers purchased all of their requirements of this spinach for the Chicago market from the respondent shippers through C. H. Robinson Co., and that the respondent Steinberg actively assisted in negotiating the agreement between the respondent jobbers and shippers and cooperated in enforcing it.

The complaint alleges that the respondents' agreement, understanding, combination and conspiracy had the effect of unduly restricting competition, in the purchase and sale of broadleaf spinach in commerce, of enabling the respondents to control and monopolize such business, of preventing competing jobbers in Chicago from purchasing such product, and of enhancing the retail price of fresh broadleaf spinach in Chicago and the surrounding area, all in violation of the Federal Trade Commission Act (4487).

**Thrift Sales Corporation**—Alleging the use of lottery methods in the sale of sales promotion plans and of watches, clocks, luggage, and other articles used in the operation of such plans, a complaint has been issued against Thrift Sales Corporation, trading as Finance Service System and as Church Extension Bureau, 192 North Clark St., Chicago, and against Gustave Heiss, an officer of Thrift Sales Corporation.

The complaint charges that the respondents contact religious, charitable and fraternal organizations in various parts of the country and offer to conduct bazaars the proceeds of which are to be divided between an organization and the respondents on an agreed-upon basis. According to the complaint, the respondents then place in the hands of the organization's members push card devices to be used in the sale of the respondents' merchandise to the public (4489).

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Carlton Mills, Co., Inc.**, 241 West Wyoming Ave., Philadelphia, has been ordered to cease and desist from misleading representations in the sale of certain textile fabrics composed of combinations of ordinary wool and of cotton or of these products with rayon.

Commission findings are that the respondent has supplied to garment manufacturers and retail dealers various labels to be attached to coats and other garments manufactured from its fabrics, which are made to resemble genuine Persian lamb, Karakul and Caracul peltries; that the respondent used on these labels various trade names having the sound and appearance of names

associated with Southeastern European and Southwestern Asiatic countries where the Persian lamb, the Karakul and the Caracul are found; and that the respondent's practice has tended to deceive purchasers into believing that the respondent's products and the garments manufactured therefrom are made from the peltries or wool of such animals.

The Commission order directs the respondent to cease using the words "Persian" or "Persian" or words of similar spelling or phonetic sound to describe any textile fabric which simulates the peltry of a Persian lamb, Karakul or Caracul. The respondent is further ordered to cease using or authorizing the use of the terms "Karagora," "Pelkara," "Bashkara Lamm," or "Kosva-Lam," separately or together, with a pictorial design of a lamb or of any other wool-bearing animal, and of the terms "Persian Royal," "Rivalamm," "Volgalam," "Persia-laine," "Lam Kurl Persian," "Russkara," "Kurl Kohvar," or "Galykurl," all in connection with any description of any textile fabric which simulates in appearance, pattern or design the peltry of a Persian lamb, Karakul or Caracul.

The order directs the respondent to cease employing the terms "Babelamm," "Lam" or "Lamm" or other similar terms to refer to fabrics or products not composed of wool obtained from lambs, provided that such terms may be used as descriptive of the wool content of fabrics or products composed in part of such wool and in part of other fibers, if words truthfully designating each constituent fiber or material are used in immediate connection and in letters of equal conspicuousness.

Under the order, the respondent is further directed to cease advertising, offering or selling fabrics or products composed in whole or in part of rayon without clearly disclosing the rayon content, and, in the case of mixed materials, setting forth the rayon and other constituent fibers or materials in immediate connection with each other and in equally conspicuous type (4341).

**Evans Novelty Company**—A Chicago firm selling novelty merchandise and a St. Joseph, Mo., candy distributor have been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme. The respondents are Mitchell A. Bazelon and Jacob L. Bazelon, who were formerly in business as copartners under the names Evans Novelty Co. and Premium Sales Co. at 946 Diversey Parkway, Chicago, and the Douglas Candy Co., St. Joseph, Mo.

According to Commission findings, the respondents Mitchell A. and Jacob L. Bazelon were copartners selling radios, fishing tackle, clocks and other merchandise under the names Evans Novelty Co. and Premium Sales Co. until the purchase of Mitchell A. Bazelon's interest in the business by Jacob L. Bazelon, who now conducts the business under the two trade names.

The respondents in each case are ordered to cease and desist from selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public may be made by means of a lottery scheme, and from supplying to others push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices are to be or may be used in selling or distributing such merchandise to the public (3711-3817).

**Peterson Core Oil & Mfg. Co.**, 704 South Kolmar Ave., Chicago, manufacturer of core oil for use in foundries, and Henry S. and Harold A. Peterson, officers of the corporation, have been ordered to cease and desist from representing, by the use of letterheads of the corporation or otherwise, that offices or branches are owned, maintained, or operated in any city or locality when no such office or branch is so owned or operated.

Commission findings are that the respondents represented that they maintain branches in St. Louis, Buffalo, Philadelphia, Detroit, and Hamilton, Ont., when in fact no such offices are operated in those cities or elsewhere.

The Commission order also directs the respondents to cease representing, pictorially or otherwise, that the physical plant, equipment and facilities owned, used or occupied are greater than they are in fact (3989).

**Ramsdell Packing Company**—Thirteen sardine canning and packing firms operating in Maine have been ordered to discontinue violations of the brokerage provision of the Robinson-Patman Act. The respondents are: Ramsdell Packing Co., Rockland, Me.;

Seaboard Packing Co., Lubec; Machiasport Canning Co., Machiasport; Holmes Packing Corporation, Eastport; R. J. Peacock Canning Co., Lubec; Jonesport Packing Co., West Jonesport; Sunset Packing Co., Inc., West Pembroke; Calvin L. Stinson, operating as Stinson Canning Co. and Addison Packing Co., Prospect Harbor, Me.; Royal River Packing Corporation, Yarmouth; Belfast Packing Co., Belfast; North Lubec Manufacturing & Canning Co., North Lubec; Union Sardine Co., Lubec; and Booth Fisheries Corporation, 309 West Jackson St., Chicago, operating through its subsidiary, Booth Fisheries Sardine Co., Eastport, Me.

Commission findings are that in some instances the respondents effect sales of sardines through brokers whom they employ as selling agents. In other instances, the findings continue, the respondents sell sardines directly to purchasers among whom are some of the respondents' brokers, who sometimes buy sardines for their own account for resale.

When, according to findings, sales of sardines are effected through brokers, the respondents pay them a brokerage fee or commission usually amounting to five per cent of the price at which the respondents invoice the sardines to the purchasers.

The Commission order directs the respondents to cease and desist from paying or granting to buyers by any means, directly or indirectly, on their own purchases of sardines, any commission, brokerage or other compensation, or any allowance or discount in lieu thereof.

The respondents are further directed to cease and desist from selling sardines to customers, the sales to whom are effected directly by the respondents, at a price reflecting a reduction from the prices at which the respondents are currently selling such sardines to other customers, such reduction being an amount equivalent to brokerage currently being paid by the respondents to their brokers for effecting sales of sardines to other purchasers.

The respondents, except Union Sardine Co., which was not found to engage in such practices, are also ordered to cease and desist from selling sardines to customers through brokers to whom the respondents do not pay the full and customary brokerage, at a price reflecting a reduction from the respondents' current prices to other customers, approximately equal to the difference between the full brokerage customarily paid and that actually paid by the respondents to such brokers for effecting such sales (4355-4362, 4410-4414).

**Saks & Company**—An order has been set aside to cease and desist issued April 3, 1940, against Saks & Co., New York, concerning certain representations in the sale of women's garments, and has issued a modified order to cease and desist.

The modified order is in accordance with a stipulation in which the respondent company agreed to dismiss its petition for review of the Commission order of April 3, 1940, recently pending in the United States Circuit Court of Appeals for the Second Circuit, New York, and in which the Commission agreed that upon such dismissal it would set aside its original order and issue the modified order.

Under the modified order, the respondent corporation is directed to cease and desist from representing as the customary or regular worth or value of any furs, or fur products made in whole or in part of fur, prices and values which are in excess of the regular and customary prices, and from representing as new or "brand new" any fur coat which is not in fact a new fur coat.

The respondent is further ordered to cease using the unqualified descriptive term "Satin," or any other descriptive terms indicative of silk, to designate any fabric or product not composed wholly of silk, provided that when such terms are used truthfully to designate the type of weave, construction or finish, they must be qualified by the use in connection therewith, in letters of equal conspicuousness, of words clearly naming the fibers or materials from which the products are made.

The modified order further directs the respondent to desist from using the term "Silk" or other similar terms indicative of silk, to describe any fabric or product not composed wholly of silk, provided that in the case of a fabric or product composed partly of silk and partly of materials other than silk, such terms may be used as descriptive of the silk content when immediately accompanied by words accurately designating such other materials (3456).

**Frank L. Singer Fur Company**—Frank L. Singer, trading as Frank L. Singer Fur Co., Peekskill, N. Y., has been ordered to cease and desist from making misleading representations in connection with the purchase or sale of raw furs.

Commission findings are that the respondent disseminated price lists and trade literature setting forth his method of purchasing raw furs from trappers and dealers, the quality and grading classification of furs, and the high prices and average prices paid for such stated grades and classifications.

According to findings, the prices quoted as those to be paid by the respondent for designated furs have been so displayed as to create the misleading impression that they would approximate the high prices in the upper grades. As a matter of fact, the findings continue, the bulk of the furs received by the respondent for grading have been of medium or low quality.

Findings are further that trappers not skilled in fur grading technique have been induced to ship their furs to the respondent as a result of the emphasis he has placed on the higher grades and prices quoted by him and in the mistaken belief that they would be paid at the highest prices quoted.

The Commission order directs the respondent to cease and desist from these practices and to discontinue representing to fur trappers or dealers that market conditions or other causes have created an unusual demand for certain types and grades of furs, and have caused or will cause an increase in prices paid to trappers and dealers for such types or grades of furs, when in fact such market conditions or demand do not exist (4189).

**S. & K. Sales Company, Inc.**—S. & K. Sales, Inc., St. Louis distributor of merchandise, has been ordered to cease and desist from selling or otherwise disposing of merchandise by means of a game of chance, gift enterprise or lottery scheme. Commission findings are that the respondent corporation sells to dealers tapes, neckties, pipes, knives, fountain pens and other articles.

The respondent is ordered to cease and desist from selling or distributing any merchandise so packed or assembled that its sale to the public is to be or may be made by means of a lottery scheme, and from supplying to others push or pull cards, pull tabs, punch boards or other lottery devices, either with assortments of merchandise or separately, which devices are to be or may be used in selling or distributing such merchandise to the public (3769).

## STIPULATIONS

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

**Brown Shoe Co., Inc.** (3078), and Johnson, Stephens & Shinkle Shoe Co. (3080), both of St. Louis, and from Marshall, Meadows & Stewart, Inc. (3079), Auburn, N. Y., all manufacturers of shoes, have entered into stipulations.

The respondents agree to cease using the word "Alligator" or other similar words to describe shoes not made from alligator hide, provided that the word "Alligator" may be used to describe the finish of shoes which are made from materials other than alligator leather and are finished or embossed to resemble it, when this word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials. The Marshall, Meadows & Stewart stipulation applies to shoes "or the trim or any part thereof" (3078-3079-3080).

**Carbolineum Wool Preserving Co.**, 528 West Highland Ave., Milwaukee, entered into a stipulation to cease certain representations in the sale of "Carbolineum," advertised for use as a wood preservative and for destruction of insects. The respondent agrees to cease representing that the United States Patent Office has recognized any advantages, exclusive or otherwise, of "Carbolineum" or "Avenarius Carbolineum" as a wood preservative, a mite killer, or for any purpose or use. The respondent further stipulates it will cease advertising that the trademark "Carbolineum" was issued in the name of Carbolineum Wood Preserving Co. by the patent office (3081).

**G. S. Cheney Co.**, 15 Union St., Boston, stipulated that in the sale of its product known as "Cheney's Nerve Phosphates" and "Cheney's Nerve Phosphates" it will cease representing, by use of the words "nerves" or "nerve" or other similar words in the preparation's name, that it is of any value for bodily ailments caused by nervous disorders; that it is a food or stimulant for the



nerves, or is beneficial in the relief of sleeplessness and fatigue, and that its lecithin content will add to the phosphorus constituent of brain and nerve substance. The respondent also agrees to cease representing that "Cheney's Vitamins Complete" is a valuable accessory to one's daily diet, unless the advertisement clearly explains that the product is valuable only in cases where there is a deficiency of the vitamins and minerals which it contains (02778).

**DeLuxe Products Company**—Al B. Wolf and Max Schwartz, trading as DeLuxe Products Co., and National Business Builders, 637 West Roosevelt Road, Chicago, camera distributors, has entered into a stipulation to cease and desist from use of the word "Remington" or any simulation thereof as a mark or brand for cameras, the effect of which usage tends to convey the impression that such products are manufactured by Remington Rand, Inc., or by Remington Arms Co. The respondents also agree to cease using the word "Speed," alone or in connection with the word "Super," as descriptive of the lens of their cameras, and to discontinue employing the phrase "Regular \$5.00 Value" as descriptive of the value of their products when in fact that amount is in excess of the regular retail price (3073).

**Donna Lo Laboratories, Inc.**, 603 Del Monte Way, St. Louis, has entered into a stipulation to cease advertising that Donna Lo preparations, or any one of them, provide a new kind of skin care or are effective as an aid in correcting skin ailments generally; and that they permit the skin or its pores to breathe, decrease the size of the pores, and cause the blood stream to circulate through inactive areas of the face. The respondent corporation also agrees to cease representing by use of the word "Circulation" in the brand name of "Circulation Emulsion" that that preparation stimulates circulation and to cease representing that "Domma Lo Face Powder" is made in France or from a French formula, and that face powders sold by its competitors contain ingredients which close or seal the pores of the skin (02782).

**Grace Donohue, Inc.**, 640 Madison Ave., New York, entered into a stipulation to cease and desist from advertising that the preparation "Grace Donohue Cleanser" is a healing agent and constitutes an efficient method for preserving a clear, smooth or attractive complexion. The respondent also agrees to cease representing that the product is a remedy or cure for blackheads or whiteheads and is beneficial in the treatment of acne, crow's feet, lines under eyes, "jowls" and other skin conditions, or is beneficial to oily or dry skin. The respondent further agrees to cease stating in its advertising that excess fatty acids or waste products impede normal elimination of the skin (02776).

**Alton W. Eldredge**, trading as Melrose Eldredge Co., Melrose, Mass., has entered into a stipulation to cease representing, by use of the terms "Doctor", "Dr.", or "Approved", as a part of the brand name of "Dr. Eldredge's Approved Rectal Jelly", that that preparation has the official recommendation of any group of doctors or pharmacists or that it was formulated by a physician. The respondent further stipulates that he will cease advertising that the preparation is a cure for piles or has any therapeutic effect upon the symptoms of that ailment except to the extent that it may act as an astringent, provide some antiseptic action, or afford the soothing effect of an emollient (02779).

**European Linen Importing Corporation**, 244 Fifth Ave., New York, stipulated that it will cease using the word "Tuscany" or similar words, either with or without the explanation "Made in China," as descriptive of laces or other articles which are not in fact true Tuscany lace actually made in Tuscany of linen thread. The respondent, which, according to the stipulation, does not own or control a factory, also agrees to desist from use of the word "Manufacturers" in connection with its corporate or trade name and as descriptive of its business (3074).

**L. W. Ferdinand & Co., Inc.**, 599 Albany St., Boston, entered into a stipulation to cease using on labels or in printed matter the word "Waterproof" or similar words as descriptive of casein glue which is not waterproof. (3075)

**S. Grover Graham Co., Inc.** (02781), 75 Second St., Newburgh, N. Y., has entered into a stipulation to cease certain representations in the sale of "Grover Graham Remedy" and "Graham's Butternut Pills". Also Hevenor Advertising Agency, Inc. (02775), 11 North Pearl St., Albany, N. Y., entered into a stipulation to cease certain representations in advertisements disseminated by the agency on behalf of S. Grover Graham Co., Inc., for its preparation "Grover Graham Remedy."

Both the respondent corporation and advertising agency agree to cease employing the word "Remedy" or similar words as a part of the trade name of Grover Graham Remedy or in any other manner implying that the preparation is anything more than a treatment to neutralize temporarily excessive gastric acidity and to relieve temporarily the pain caused thereby.

Hevenor Advertising Agency, Inc., further stipulates that it will cease disseminating advertisements on behalf of S. Grover Graham Co., Inc., which represent that Grover Graham Remedy will afford relief from acid indigestion in five minutes or any specified time and enable an individual to eat food without fear of stomach distress; that the preparation corrects or cures excessive stomach acidity and stops the pain or symptoms of acid indigestion, and that its formula was originated or used by a European specialist.

S. Grover Graham Co., Inc., also stipulates that it will cease advertising that the product "Graham's Butternut Pills" consists of a vegetable ingredient, without disclosing that it contains only the extract from a vegetable, and that it will discontinue representing that the product is a tonic, or is a remedy for any disease or dysfunction or for habitual constipation, headache, bibulousness, and all disorders arising from the inactivity of the liver or torpidity of the bowels. (02775-02781)

**Kepler-Scott Shoe Co.**, a manufacturer, agrees to cease employing the word "Doctor" or the abbreviation "Dr." in connection with a name or with any other words as a trade name, brand or designation for its products so as to imply that they are made in accordance with the design or under the supervision of a physician and contain special scientific or orthopedic features which are the result of medical determination or services. According to the stipulation, the respondent corporation caused the words "Dr. Luther Nature Shape" to be stamped on the soles of the shoes and printed on the cartons when in fact the shoes so marked were neither made under the supervision of a physician nor did they contain special scientific or orthopedic features. (3072).

**Eleanor H. Mack**, trading as Mack Brothers Products, Hillcrest Station, San Diego, Calif., entered into a stipulation to cease using the word "Resuscitator" as a part of the brand name for the cosmetic preparation "Revel No. 9 Resuscitator Oil"; from otherwise representing that the use of this product restores life or the appearance of youth to skin, and to cease employing the phrase "Pore Cleansing" as a part of the brand name of "Revel No. 1 Pore Cleansing" or from otherwise representing that it will remove all foreign matter from the pores. The respondent also agrees to desist from representing that "Revel No. 6 Lipid Cream" is of any appreciable benefit in the treatment of aged or creepy skin, and that "Revel No. 16 Mouth Creme" is of value in treating bleeding or receding gums. (02777)

**Manning, Bowman & Co.**, Meriden, Conn., distributor of electrical appliances including heat pads, stipulated that it will cease employing the words "Three Heats" or "3 Heat Pad," "Three Degrees of Warmth," or "Low, Medium and High Heats," implying that its electrical heating pads are capable of maintaining three distinct temperatures. (3083)

**Charles Meis Shoe Manufacturing Co.**, which makes women's shoes at its factory at Lebanon, Ohio, agrees to cease employing the word "Doctor" or the abbreviation "Dr." or any simulation of such abbreviation in connection with a name or with any other words as a trade name, brand or designation for its products so as to imply that they are made in accordance with the design or under the supervision of a physician and contain special scientific or orthopedic features which are the result of medical determination or services. According to the stipulation, the respondent corporation stamped certain shoes with brand names owned by its

customers, such as "Dr. Warren's Scientific Arch Support" and "Dr. Steward Arch Support Combination Last," and also employed other brand names in connection with the abbreviation "Dr.," when in fact shoes so marked were neither made under the supervision of a physician nor did they contain special scientific or orthopedic features. (3066)

**Miko Company**—Fred Miller, trading as The Miko Co., 2521 Thirty-first Ave., Long Island City, N. Y., has entered into a stipulation to cease advertising that "Circulin Garlic Pearls" are rich in body-building materials such as manganese, sodium, calcium, iodine and phosphates; that they have value in relieving symptoms of nervousness, dizziness and tiredness in excess of temporarily relieving such symptoms when associated with high blood pressure, and that they are effective in treating coughs, bronchitis or bronchial asthma. (02771)

**Newby, Peron & Flitercraft, Inc.**, 222 West Adams St., Chicago, an advertising agency, stipulated that in advertisements which it disseminates on behalf of Albert Laboratories, Inc., Chicago, concerning that corporation's preparation "Respirine," it will cease representing that product as comprising a competent treatment or effective remedy for asthma, bronchial coughs or bronchitis, or as doing any more with respect to these conditions than affording some temporary relief from the accompanying symptoms. The respondent agency also agrees to cease representing that the preparation relieves symptoms accompanying hay fever; that it promotes healing, and that it is unique or distinctly new or represents a discovery. (02780)

**Nix Cosmetics Company**—Trading as The Nix Cosmetics Co., P. Edwards, of Memphis, Tenn., stipulated that he will cease advertising that "Nix Bleach Cream" affects the skin in a new way, or in a way different from that of other preparations; that he will desist from representing, by use of a headline or otherwise, that any girls are "wanted" for sales work, and that he will cease otherwise representing or implying that he has employment to offer. (02772)

**Herbst Shoe Manufacturing Co.**, 2367 North 29th St., Milwaukee, and A. O. Keehn, T. C. L. Keehn and Leroy D. Keehn, trading as Keehn Brothers, 219 West Monroe St., Chicago, shoe wholesalers, stipulated to cease certain representations in the sale of their products.

The respondents agree to cease employing the word "Doctor" or the abbreviation "Dr." in connection with a name or with any other words as a trade name, brand or designation for their products so as to imply that they are made in accordance with the design of or under the supervision of a physician and contain special scientific or orthopedic features which are the result of medical determination or services.

The Herbst Shoe Manufacturing Co. also agrees to cease employing the term "Official Physical Health Director" or similar words which tend to convey the impression that shoes so referred to contain special or scientific features sponsored by a director of physical health.

According to the stipulations, the respondents in each case caused certain of their shoes for boys and girls to be branded as "Dr. Cross' Health Shoe." (3076-3077)

**Hilly Medicinal Products**—Morris W. Hillinger, trading as Hilly Medicinal Products, 2512 East Colorado St., Pasadena, Calif., has entered into a stipulation in which he agrees to discontinue representing that "H R 5," a medicinal preparation, constitutes an effective treatment for the condition caused by excessive indulgence in alcoholic liquors. The respondent further stipulates that he will cease disseminating any advertisement which fails to reveal that there is potential danger in the use of such preparation by persons afflicted with organic heart trouble or high blood pressure and that it should not be used by such persons except upon the advice of a physician. The stipulation provides, however, that the 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 a statement warning of the consequences of the use of the product under certain conditions or

specifically directs attention to a similar caution statement in the accompanying labeling. (3065)

**Palmer Bedding Co.**, 2300 Eighth St., Denver, Colo., manufacturer of mattresses, box springs and bedding, entered into a stipulation to cease certain representations in the sale of its products.

The respondent corporation stipulates that it will cease representing, by inference, implication or otherwise, that its products are made of or contain all new material, when in fact they are composed, either in whole or in part, of used or second-hand materials, and that it will cease failing to clearly disclose that such products are composed, either in whole or in part as the case may be, of used or second-hand materials. (3068)

**Reading Hosiery Mills**, trading as Reading Hosiery Mills, Joseph A. Kitzmiller, 8 South Tenth St., Reading, Pa., stipulated that he will cease using the word "Mills" as part of his trade name. According to the stipulation, the respondent does not own, operate or control a factory in which his products are made. (3082)

**Redolent Products Co.**, West Palm Beach, Fla., stipulated that it will cease disseminating advertisements which tend to convey the impression that the local application of its product "Cur-A-Ped," a foot treatment, would have therapeutic effects other than those resulting from the preparation's analgesic properties, or that it would be of significant value in destroying the deep burrowing fungi or ringworm or have value other than as a rubefacient or emollient to afford temporary relief for tired, aching, burning, itching, tender, perspiring feet, and sore, cracked, inflamed toes or to overcome superficial infection of athlete's foot. The respondent corporation also agrees to desist from representing that such specific bodily ailments as acute rheumatic fever, Bright's disease, diabetes, cirrhosis of the liver, and other ailments are attributable to bad feet, or that treatment of foot disorders will correct such ailments. (3067)

**Requa Manufacturing Co., Inc.**, 1193 Atlantic Ave., Brooklyn, manufacturer of proprietary preparations, entered into a stipulation in which it agrees to cease representing that the use of its unguent product called "Requa's Oil for the Ear" will result in immediate relief for stuffed-up ears; will cause wax accumulations in the ear to quickly dissolve or almost instantly soften; will do away with ear discomforts which may result in permanent deafness, or will be of any appreciable value as a massage oil for muscular pains and congestion when applied to skin surfaces, as the neck or chest. The respondent further stipulates that it will desist from representing that irritations of the outer ear result from head colds. (3063)

**Schwartz & Benjamin, Inc.**—Three shoe manufacturing corporations have entered into stipulations to cease and desist from certain representations in the sale of their products. The respondents are Schwartz & Benjamin, Inc., 842 Broadway, New York; Charles Meis Shoe Manufacturing Co., 312 Vine St., Cincinnati, and J. M. Connell Shoe Co., Inc., South Braintree, Mass.

Each of the respondents Schwartz & Benjamin, Inc., which manufactures women's shoes, and J. M. Connell Shoe Co., Inc., which makes shoes for men, women and children, stipulates that it will cease using the word "Alligator" or other similar word to describe shoes not made from alligator hide, provided that the word "Alligator" may be used to describe the finish of shoes which are made from materials other than alligator leather and are finished or embossed to resemble it, when this word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials. The J. M. Connell Shoe Co. stipulation applied to shoes "or any part thereof". (3064 and 3069)

**Selby Shoe Co.**, Portsmouth, Ohio, and Kepner-Scott Shoe Co., Orwigsburg, Pa., have entered into stipulations to cease and desist from certain representations in the sale of their products.

Selby Shoe Co., a manufacturer of women's shoes, stipulates that it will cease using the word "Alligator" or other similar word



to describe shoes not made from alligator hide, provided that the word "Alligator" may be used to describe the finish of shoes which are made from materials other than alligator leather and are finished or embossed to resemble it, when this word is immediately accompanied by other words clearly indicating that the designation refers only to the pattern embossed on such materials. (3070)

**Standard Products Company**—Parisis J. Gerogian, trading as Standard Products Co., 102-104 Commercial St., Boston, has entered into a stipulation in which he agrees to cease advertising that "Gloria Pure Olive Oil (Agorelaion)", a food product, will be of appreciable benefit in preventing or remedying a lack of appetite; that this olive oil contains all of the vitamins or appreciable quantities of any of them, and that use of the preparation will insure good health. (02774)

**Superior Hatchery**—Mary Booth Powell, trading as Superior Hatchery, Windsor, Mo., has entered into a stipulation to cease representing that she is a "U. S. Record of Performance" poultry breeder; that she operates a poultry breeding plant under the supervision of an official State agency supervising U. S. R. O. P. work or that her chicks are R. O. P. chicks, until such time as she shall in fact become a "U. S. Record of Performance" poultry breeder and be entitled properly to represent chicks as being U. S. R. O. P. chicks in accordance with provisions of The National Poultry Improvement Plan. The respondent further stipulates that she will cease employing the words "Ozone Conditioned" or "Ozone-Vitalized" or any representation the effect of which tends to convey the impression that chicks subjected to an ozone machine thereby acquire strength, health or livability. (3071)

**James J. Walker, Jr.**, 3614 Calumet Ave., Chicago, stipulated that he will cease advertising that "Walker's Famous Tooth Powder" stops receding or bleeding gums, makes gums firm or sound or heals them, tightens loose teeth, or makes the teeth white. The respondent also stipulates that he will desist from

representing that millions of people use Walker's Famous Tooth Powder, when such is not a fact. (02773)

## FTC CASES DISMISSED

The Federal Trade Commission dismissed its case against National Capital Ice Institute, Washington, D. C., seven of its officers and directors and five member companies, without prejudice to its right to take other or further action in accordance with its regular procedure whenever facts shall so warrant. The respondents had been charged with a combination to fix and maintain uniform minimum prices to be exacted by them from purchasers of ice.

Besides National Capital Ice Institute, other respondents in the case were Harry Hammond, institute president; William A. Brooks and Migiel J. Uline, vice presidents; James P. Ehrman, executive manager; Morris W. Bennett, Edward J. Smith and M. E. Thompson, directors; M. J. Uline Co., American Ice Co., Christian Heurich Brewing Co., and Consolidated Terminal Corporation, all of Washington, and Mutual Ice Co., Alexandria, Va.

The Commission's dismissal order recites that it appears from a supplemental investigation that, subsequent to the conclusion of the Commission's original investigation in the case, but before its complaint had issued, the National Capital Ice Institute, which was the central agency through which the complained of acts and practices were set in motion and directed, closed its office, discharged its officers and employees, and ceased to function or operate.

The dismissal order further recites that it appears no resumption of the association's activities has occurred up to this time, and that since some time prior to such cessation of activities and operation and up to the present time there has been substantial and sharp competition between and among the respondents.

The Commission also announced its dismissal of a complaint charging Adolph Karl and Gertrude Karl, trading as A. & G. Karl Co., Newark, N. J., with certain representations in the sale of "Never Break," a cosmetic for the fingernails.

The Commission dismissed a complaint charging J. O. Davies, trading as Baby Touch Hair Remover Co., St. Louis, with certain representations in the sale of a hair removing device.