

White Hearing

Following are some sections from the transcript of the Senate Interstate Commerce Committee's hearing on the White Resolution (NAB REPORTS, p. 437) which may prove interesting to broadcasters who have been unable to attend. *The Chairman* is Senator Wheeler, committee chairman.

STRONG ARGUMENTS FOR AMENDMENT

Senator Johnson of Colorado. How do you control the chains—by licenses or permits?

Mr. Fly. By these regulations here, sir, we govern all licenses of all stations, and there are particular provisions relating to stations engaged in chain broadcasting. You will note that these regulations control the station's relations to the network by means of placing a duty upon the station.

Senator Johnson of Colorado. That is an indirect control; it is not a direct control, is it?

Mr. Fly. I would say it is the sort of impact that frequently occurs where clearly on one end of the contract it is wholly illegal. Then, of course, the contract may fall.

Senator Johnson of Colorado. But you do not deal with the chain directly?

Mr. Fly. Not directly; no, sir. I think there are strong arguments why the networks ought to be brought within the scope of the Communications Act. I do not mean to say that I think it is correct to have them excluded from regulation, in view of their great importance to the public and the great impact of network broadcasting upon the entire public of the United States. I do not believe there can be any doubt that there ought to be very explicit means of regulating these networks in the public interest. That is quite apart from the construction of the Act at the moment.

The Chairman. Why should not the Commission have the right to regulate chain broadcasting?

Mr. Fly. I think it should. I do not think there can be any logical argument against it.

The Chairman. I do not think there is any question about it at all. I think it has reached the point where we have got to have regulation of chain broadcasting.

Senator Johnson of Colorado. In your opinion, how many chains should there be in order to serve the United States? The channels are very limited now in any given city. Perhaps four or five stations would describe the average city. How many chains should there be?

Mr. Fly. Of course that is not a job that I have undertaken or a right that I have of saying who shall go into the network business or how many there must be. It is my guess, sir, that

in the course of a year or so you will have a fifth network. That is wholly a conjecture. I think that the broadcasting structure at this time can support, and support in a healthy and profitable condition, five networks.

Senator Johnson of Colorado. That is counting separately the Blue network and the Red network, counting them as two networks?

Mr. Fly. Yes, sir. But you have already the limitation here which limits the number that can come in, so long as there must be a search for a good station in a city. We are up against that now, very much as the railroads were up against the problem of getting into St. Louis where there were limited terminal facilities that were available or possible. I do not think there can be a great number of networks. I think that ultimately there might be six networks.

Of course, Senator, I think we ought to bear in mind, in viewing this whole problem, that frequency modulation, which is an improved form of radio broadcasting, has already come into commercial operation. That is going to move out and will give us to a substantial degree a more diversified and improved radio service.

Senator Johnson of Colorado. That will be a chain in itself, will it not?

Mr. Fly. I think the chains will develop there. There is one now that is in the making. I think considerable progress is being made. That is something that is cooperative in nature. I think that is the present plan. And television, of course, will sweep across a broad field in the course of a few years.

EFFECT ON REMOTE STATIONS

Senator Gurney. How would you handle a situation like this? Take a program in North Dakota—Fargo or Bismarck—that came on the wire from the Twin Cities. Both of them are on the N. B. C., as I understand it, speaking of Fargo and Bismarck. Suppose they did not have exclusive contracts and that the Fargo and Bismarck stations were left free to take a program from any network they wanted to. Suppose the Bismarck and Fargo stations did not decide to take the same program. One wanted to take Columbia, and another Mutual. Then, Fargo would have to pay—I am assuming it had the same hour—would have to pay the line charge from the Twin Cities to Fargo, and Bismarck would also have to pay the line charge from Bismarck to the Twin Cities. On a financial basis it would not be economical for the Bismarck station to get that program. Now it is possible, because they are on the same chain but split the wire charge and, therefore, can have the same program. How would you handle that situation?

Mr. Caldwell. Of course it does present considerable difficulty, but it seems to me in a situation like that, where you have great distances involved and heavy wire-line expense, we are going to get an improved situation eventually through the networks, either directly or indirectly, in the matter of dividing the expense for those wire lines. You understand that all advertisers

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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*

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may not want to take, for instance, Fargo. and yet there will be some advertisers on each network that do wish to take Fargo.

The Chairman. May want to take one program and not take another.

Mr. Caldwell. Yes.

Senator Gurney. And one advertiser may not want to take Bismarck.

Mr. Caldwell. Oh, yes. You can now always find a difference between stations.

Senator Gurney. And the windup of the situation will be that Bismarck will not get some program.

Mr. Caldwell. I would think not. I think the two stations together would get selections from all of the networks. Some arrangement will have to be made to share the expense of the wire lines. All the stations are anxious to get network commercial programs.

Senator Gurney. I take it some suitable arrangement will have to be worked out. These stations represent a long wire line and someone must pay the charge. Bismarck cannot pay that long line charge now.

Mr. Caldwell. I cannot imagine any serious difficulty about working that matter out satisfactorily. I think you have to consider that situation in the matter of both the attractiveness of programs and the compensation to be derived therefrom. There is not likely to be any great trouble, I think, in that matter.

Senator Gurney. And if the network has to pay for it, even though an affiliate might want to carry the program, the network will not bear that long line charge?

Mr. Caldwell. In the long run it has to come out of the advertiser. This opens the road for more commercial programs to go into Bismarck and into Fargo, by reason of three networks.

Senator Gurney. I take it your answer would mean that you would raise the ante on the advertiser so that programs would get around the country?

Mr. Caldwell. Well, I do not know how that could happen. Still, you have only one wire to those two cities when you get through.

WORLD SERIES

Senator McFarland. What is your explanation of why the people of Arizona were denied the privilege of hearing the World Series baseball game broadcast?

Mr. Webber. We could produce a tremendous sheaf of correspondence and requests and pleas from stations in that territory, and they just would not carry the program.

Senator McFarland. Why?

Mr. Webber. Because of contract restrictions, from all the information we have available; because of other network contracts.

Senator Gurney. Those stations could not take the program because the National Broadcasting Company and Columbia had exclusive contracts. Was not that it?

Mr. Webber. I know of no other reason.

Senator Gurney. I know of one other reason. Mutual had an exclusive contract with the baseball people and they could not get it.

Mr. Webber. Who could not get it?

Senator Gurney. The National Broadcasting Company and Columbia.

Mr. Webber. You mean, the rights to the World Series broadcast?

Senator Gurney. That is right.

Mr. Webber. It has been customary practice to buy rights for sporting events on the part of the networks. The National Broadcasting Company has had exclusive rights for prize fights—

Senator Gurney (interposing). You cannot stand on one leg and say the other stations could not get the program, and then on the other leg have an exclusive contract with the baseball people.

MUTUAL LAWYER WANTS AMENDMENT

Senator Clark of Idaho. May I ask whether or not you think the law itself ought to be gone into, in view of later developments and the coming in of television shortly? Is the industry generally fairly well satisfied with the existing statutes?

Mr. Caldwell. I do not want to try to answer for the industry. There are some other people here who are going to purportedly speak for them. I can only give you my personal views and those of others that I know of.

With specific reference to television, I see no necessity for revision of the law. The Commission has had very extensive hearings on that subject, in which I have participated personally. The result arrived at may have been arrived at slowly; I do not know. But the result, so far as I know, is not the subject of very great complaint. I think the rules in general are sound, and I know there is no basis for investigation. I suppose your question was more general than that, however.

Senator Clark of Idaho. I was not referring specifically to the White resolution which is pending, which is a sort of hybrid thing, anyway. It may be a very good thing, but it is a little "betwixt and between." I was thinking of a general investigation if there is some dissatisfaction with the law itself, in view of the developments that have taken place in the industry since the law was enacted. Is the law, in your judgment, adequate—that is, the existing statute—to cover the smooth and efficient operation of the whole industry?

Mr. Caldwell. Yes, subject to the qualification that there are particular defects that I think you may want to cover by amendment. There is no substantial defect in this Act. It is susceptible of application and enforcement, I think, in a thoroughly just and satisfactory way.

Senator Clark of Idaho. You mentioned, though, uncertainty in the Commission's regulations. Some of the literature that I have read and also some conversations I have had would indicate that the law was so broad that it has caused confusion; that perhaps the law itself could be amended in such a way as to write salutary regulations into the statute itself, so that the

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IS RADIO LIKE TOPSY? DID IT "JUST GROW"?

Listeners think it did—Broadcasters know it didn't.

"THE ABC OF RADIO"

(Second Edition)

TELLS RADIO'S STORY

We sent you a copy earlier this week. We have a plan to assist you and your fellow broadcasters in placing large quantities of this valuable book in the hands of your listeners. Now is the time to act. Write us. We will cooperate with you in every way.

NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W.

WASHINGTON, D. C.

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industry, if I may use that term, and include you therein, would have a stable basis of not only present operation but future operation. I do not know whether I make myself clear or not.

Mr. Caldwell. I think so. I cannot answer it in a word. I can give you the type of defect that I see in the present law and you can see what I am talking about.

There are two avenues of appeal under the Act: one, certain types or classes of cases that go to the Court of Appeals of the District of Columbia; every other order of the Commission follows the same route that the Interstate Commerce Commission happens to follow, going to the courts around the country. Due partly to court construction, I think, just as much that as through any fault of the law, there are two types of orders that I think ought to go to the Court of Appeals, and yet they go to the courts in the rest of the country. I am referring particularly to orders on assignments and attempts to sell licenses. There is one; and then there is another type of order under Section 325 (b) and (c) that has to do with exporting programs. The defect is quite serious.

Senator Clark of Idaho. There might be some procedural defects, but no substantial defects; is that it?

Mr. Caldwell. There is a defect that I think is rather important. There is a case which is still pending in the Court of Appeals, and under decisions so far rendered you cannot get a stay order in that case to protect you during the pendency of the appeal. We thought the law was otherwise until last year, and that question is still pending before the full court.

Senator Clark of Idaho. That is pretty important, is it not?

Mr. Caldwell. It is very important, and until last year we had had that right granted by that court, and it was regularly exercised. To my mind, that ought to be remedied.

NEWS COMMENTATORS

The Chairman. Of course I do think this, in fairness to radio, that it must be said that it has very materially assisted in bringing about more freedom of discussion and freedom of speech in the country than we had before the radio came into being. For instance, we had the newspapers of the country to quite an extent dominated in many places by the same concerns, and when radio came in, with the provision that both sides should be heard, it made the newspapers of the country, in many instances, give more prominence to views that they perhaps did not agree with, because they knew they could be heard and were being heard over the radio.

Mr. Caldwell. I think that is true, and I think the industry should be given credit, although it may have made a few slips here and there, for its developing the principle of being fair to both sides of a case. That did not come from the Government; it sprang up from the industry itself.

The Chairman. I think that is true, and I think that the radio industry as a whole has done a good job. I think we can undoubtedly criticize it for some things and we can undoubtedly try to better it, but I should hate to be one to condemn it and say that it had not done a good job, because certainly the newspapers of the country have not always published both sides of a question, and many of the newspapers at the present time do not publish both sides of a controversy. They only give their own viewpoint or the viewpoint of their editors, and they do many times color their news stories much more than has been done by the radio industry.

Senator Clark of Idaho. Do you think that the Federal Communications Commission has the power to compel either the networks or the individual stations or somebody to see to it that when a speaker is advertised as a news commentator he restrict

himself to the news and not to editorial opinion? To amplify that a little, 75 per cent of the news reports advertised as news reports in the prepared programs published in the papers are nothing more than editorial opinions. There is possibly a perfectly legitimate field for editorial opinion on the radio, exactly as there is in the press. But is there any way that you know of by which the Commission could compel a station or a network, when it advertises that a news reporter will come on at a certain time, to confine that program to news and not to editorial opinion?—because people think they are getting news and actually they are getting colored news in regard to issues that confront the country today.

Mr. Caldwell. Senator, I agree with your feeling about the individuals you are talking about, and I do think that in many things they are doing they are reprehensible. I do not think that the Commission has that power, although it has come close to exercising an analogous power in the past. But I do not think the Commission ought to have that power. Once you get over that line, you have censorship. The sort of power that the Commission has exercised in the past has been backwards. When a station comes up for renewal of license the Commission says, "We are entitled to take into consideration the programs during this preceding license period." It has no standards, of course, to judge by. It just throws a whole hodge-podge into evidence and then comes to its conclusion that the programs are or are not in the public interest.

I do not say it is doing that now, because there has been a vast improvement; but that has happened in the past, and some men, a few years ago, were thrown off the air, and I am not sure that those men were wholly wrong. I happen to be fairly familiar with the records. I think that once you give a government agency the power, either backwards or forwards, to control what is said, you have a dangerous experiment in government tyranny. I think that you should rely instead on competition, so that if NBC's commentaries get too one-sided, Columbia's will be the other way or Mutual's will be the other way, and vice versa. That is your answer.

Senator Clark of Idaho. I do not object at all if the announcement is made that this man is expressing his views, or something of that kind, but I do object to putting on editorial commentators as news reporters. There is a place for both; and I think everyone will agree with me that the proper practice is not being followed today by the stations and by the networks. They advertise, "Edwin C. Hill—News." And I am not criticising him; he may be all right. In addition to that, you get editorial talks, and I do not think it is fair to the public. Unless the Commission does something about those things you are going to find that you will have some kind of legislation at some time to compel it to be done.

Mr. Caldwell. I hope not. I think it gets pretty close to censorship. The suggestion was made the other day that maybe we should have licensing of networks. I should be very much opposed to that. I hope the Commission has ample power to take care of the situation under the present laws. But if you look at the essence of our networks, they are agencies of program production and sales. But if you are going to have direct government licensing of networks you are going to have licensing of program production; and I am afraid of the power that will be given to the Government if you do that.

The Chairman. The Commission could at the present time, it seems to me, correct this evil that Senator Clark speaks of by asking the station, when the case comes up for renewal of license, to bring in the script that John Smith had and see whether or not that was propagandizing for one side, and say to the manager of the station, "If you are going to have propaganda for one side you ought to put on an equal amount on the other side. In other words, if you are going to have a commentator on the air who expresses one view, then you have got to have a commentator on the air to give the other side of the picture."

Mr. Caldwell. That principle, I think, is the answer, if they are fair to both sides and do not penalize anyone for being on one

side or the other, as long as that balance is preserved. But I do not like to see the Commission get into that field any more than is necessary. It seems to me now to be refraining from too much interference with programs.

Senator Clark of Idaho. I want to clear my position a little bit there. There are several commentators on each of the systems today who purport to give news and do give it in a colorful fashion. They are, in my judgment, a minority, but there are several on all of the chains. It is these other fellows that I complain about.

WILL AGENCIES "GO NETWORK"?

The Chairman. The idea has been expressed to me that if, for instance, some large advertising agency in the city of New York had advertising contracts for General Foods, General Motors, or some others of the larger companies, such as the Ford Motor Company, five or six of those companies, would it not be in a position to have the say?

Mr. Weber. It would not, unless each combination of advertisers was prepared to follow a network broadcasting system, because just the supplying of commercial programs will not supply a full service. Under these rules and regulations each station is left free to take the programs that it wants to take. There is no requirement on them. If any system is developed which destroys network broadcasting to its affiliated stations they are not going to participate in developing anything that would destroy the continuous flow of sustaining and commercial programs to them.

The Chairman. Supposing the advertising agency went to various stations in the country and said, "Here is the Ford hour; here is the General Motors hour and here are the better programs that come from these big concerns. We will furnish you six or eight or ten programs." Every station would like to get those programs from the standpoint of making money, and in addition to that they would like to have them probably because of the fact that they are good programs.

Mr. Weber. That would not be adequate. They would have to have engineering facilities; they would have to have studio facilities, promotion organizers, publicity departments. They themselves would have to go into the function of network broadcasting. They could not just simply buy a few programs. The station would have to perform the function of network broadcasting and, in addition, they would have to assure the costs of wire lines at \$8 a mile to reach across the country on a permanent basis; and once you install permanent lines it is an additional service that has to be supplied in addition to good commercial programs. You have got to give sustaining service; you have got to give the whole set-up, promotion, merchandising, studios, engineering, announcers, and everything else. You could not just buy some time.

Senator Clark of Idaho. How are these wire line charges arrived at? By agreement between the networks and the telephone company?

Mr. Weber. No; there is a tariff established and filed with the Commission, established by the A. T. & T.

Senator Clark of Idaho. That tariff is established by the Federal Communications Commission?

Mr. Weber. Yes, sir.

Senator Clark of Idaho. When were the line charges established?

Mr. Weber. There have been, to my knowledge, in 15 years of broadcasting, modifications of the charges. Initially they used to charge for lines on the basis of railroad routing, and then later they changed to a system of air mile charges, and now you pay so much per mile per month, \$8 per mile per month, on an air line basis, and in addition you pay for connections and loops in each community.

Senator Clark of Idaho. Was the broadcasting industry represented when those line charges were fixed?

Senator White. I suppose, under the general provisions of the law, they would make up their schedules themselves in the first instance, and they would be the legal charges unless altered by the Commission.

Senator Clark of Idaho. I have no knowledge of the fairness of them at all, but I do know that it appears to be difficult to get adequate service, by virtue of these high line charges, into the more sparsely settled areas, and I was wondering if that situation would bear looking into. Are the companies satisfied with the line charges?

Mr. Weber. We certainly would like lower line charges if it were possible to obtain them.

Senator Clark of Idaho. Of course you would, but have you conducted any independent study of them which would lead you to the belief that they might be out of line?

Mr. Weber. There has been discussion of a study. It is quite a difficult thing to determine, because the Telephone Company is in the position of stating that facilities are not available, or they have to take circuits out of telephone service to supply broadcasting. Generally with regard to the costs of lines there has been some reduction. One of the principal problems in costs of our lines was the so-called connections and loops at the stations. You have to buy them on a monthly basis, even if you use them for an hour, to connect to a permanent line. That is the thing that would act to really restrict any development of one company or one agency buying a certain number of hours, because you have to pay a monthly service to connect the station. Once you pay for a monthly service it is a pretty excessive cost.

The Chairman. Like Senator Clark, I have had complaints made to me. I have not given them any study, but why do they charge \$8 per mile?

Mr. Weber. The mileage charge is \$8 per mile per month, and they charge \$175 a month for a connection to the station.

The Chairman. That might be perfectly all right with the bigger stations in congested areas, but certainly when you get out into the rural areas where they do not get as much advertising, where they do not get as much of a charge for their advertising, it does work a hardship on many of the rural communities.

Mr. Weber. We have argued that. I have argued that myself, personally, and the explanation is that the cost is so great to get out into the sparse locations, that that is why the charge can be lower in the larger cities, and they divide it up over the country. That is the position they have taken in regard to the charges, that it would be higher in the smaller communities if they did not average it up.

The Chairman. I think it is something that the Commission ought to go into with reference to the rural areas particularly, to see what can be done so that programs can get in there and so that the smaller stations can operate more efficiently.

Sales

Please direct this section to the attention of your sales manager.

Selling Points for Saturday

Jack Laemmar, radio time buyer for Lord & Thomas advertising agency in Chicago, recommends Saturday time for radio advertising in a letter to the NAB Department of Broadcast Advertising. He writes:

"In trying to get the advertising message to the consumer as close to the time of purchase as possible, it would seem that Saturday would be the most logical day. In every type of retail outlet, from

department stores to drug stores, Saturday ranks the highest. For example, Saturday accounts for 40% of the grocery and meat store sales of the week.

"Figures for other types of radio stories are given in a study compiled by the National Retail Grocers' Association. Based on a study of fifty-one Cincinnati grocers, 69% of Saturday sales are made after 12 Noon. This, in conjunction with the fact that 40% of the week's sales come on Saturday, should surely make Saturday morning an attractive time for an advertiser to broadcast his message.

"With regard to payroll, the Federal Reserve Bank of New York in reporting wages and salaries paid in cash, shows that 60% of the total week's payroll comes on Friday and Saturday; 40% comes on Friday, but the payment of this is generally made at the close of the day, which is too late to shop; therefore, there is a carry-over until Saturday.

"With regard to the radio set availability, some interesting figures are available in a joint NBC-CBS study of the use of radio sets, which was compiled by Crosley, Inc. The sample is somewhat small, but it gives a good idea as to the sets available by times of the day. While no definition of the word 'available' is given in this study, I am sure that it is the generally accepted standard of 'someone at home and awake in a radio home.' One of the most interesting findings is that the availability of radio sets on Saturday morning is greater than on Sunday evening at the time when Jack Benny and Charlie McCarthy are on the air, and runs very close to the radio set availability on a Monday through Friday average.

"In 1938, C. E. Hooper conducted a survey in 16 cities on a Saturday to determine the availability of radio sets by half-hour periods, and there was actually a greater availability on Saturday morning than at the same time on week days. This does not agree exactly with the material found in the NBC-CBS joint study on the use of radio sets, but I believe the important factor is that in *all cases* Saturday ranks as high as it does. Whether or not it is equal to, or slightly above Monday through Friday, is really of minor consequence at the moment.

"In October 1938, 'Advertising & Selling' magazine carried an article by C. E. Herring, Director of the Market Research Division of the Hooper Homes Bureau, Inc., dealing with the use of radio sets. Saturday was found to be tied with Wednesday as the top listening days on an overall basis. In Mr. Herring's article he mentioned:

"Incidentally, advertisers and agencies seem to be overlooking a good bet on Saturday. In spite of the fact that Saturday's programs are, as a whole, the weakest of the seven days, the listening audience on Saturday ranks with the largest of the week.' However, based on C.A.B. figures, the Monday through Friday average is still ahead of Saturday.

"I have been trying to get late figures on the number of people who now work on a five-day-a-week basis, but to date, these figures are not available. Except for the present emergency, I believe that there will be an *ever increasing number* of companies turning to a five-day week, which will mean *greater family availability for radio programs and greater listening.*

"Another factor in favor of Saturday morning, at least for the present, is that program competition is relatively weaker, making it easier for the Saturday advertiser to win and hold a large audience.

"There are few success stories regarding Saturday morning broadcasting because the idea is comparatively new. 'The Breakfast Club,' which is on six days a week, had the highest rating on Saturday than any other day. The average for the first five days of the week based on a coincidental survey in 1937 was 5.6, and the rating for Saturday 6.9.

"A good commercial success story is one on the Benjamin Moore program. The advertiser has used an NBC network program consistently since 1931. The program was a single 15-minute daytime period, once a week, which consisted of organ music and a talk by Betty Moore on 'How to Brighten Up the Home With Paint.' In 1939 the program was shifted to Saturday, with the result that *the effectiveness was increased greatly.* Actually, the success of the program must be, to a large extent, dependent upon mail, and the mail of the 1939 Saturday morning program was *37% greater* than the mail received during 1938, when the program was on a week day."

Success Story Form

The new standard form for radio success stories adopted by the Department of Broadcast Advertising has also been adopted by several NAB member stations. Although it was not intended that this form should be universally used, since many stations already have their own very effective forms, any station wishing to adopt it is perfectly free to do so.

A sample copy was sent each station over a month ago, but any members desiring additional samples may have them free upon request.

Making Radio Effective

Three problems worthy of sales managers' consideration, particularly at small stations, are presented by KVEC, NAB member at San Luis Obispo, Cal., in the industry's effort to increase the effectiveness of radio advertising.

The first outlines the *necessity* of giving close attention to the proper scheduling of programs and announcements. Writes Christiana M. Jacobson:

"The sponsor on the average small station buys so many spots either locally or through an agency. The time suggested may not be right for his product in a rural area (people rise earlier, retire earlier, live at a slower pace), but our personal observation is that often no one seems interested enough to rectify the error or even make the suggestion. There are always at least two parties involved in the transaction and one or the other feels that the trouble involved is not warranted because of the size of the account. So the matter rests and at the expiration of the contract, there isn't a renewal.

"For example, a program running on this station, produced in a metropolitan center and having metropolitan appeal, requires mail, and the extremely low response to date proves the program has no appeal in this area. The agency was contacted in an attempt to persuade the sponsor to use a local show with a proven mail record, but the agency answered with a definite no. Its reason was that the sponsor favors the show from a personal angle, and any effort to change would result in a two-week cancellation rather than permitting the program to run the length of the contract. I can't understand why a sincere desire by a station to do a good job should be detrimental to that station. After all, six satisfied sponsors across the board for 52 weeks is better business than 24 accounts on short contracts in that same period with no renewals, and all 24 with the opinion 'I tried radio and it doesn't get results.'"

The second recommendation offered is that advertising agencies and advertising departments should furnish copy to station and sponsor, carefully prepared and attractively presented. Stating that most copy now received is poorly mimeographed, or on second sheets, often with no heading or reference to the account or product, it is stated that this cannot impress the station which is advertising this "outstanding product", and has a very bad effect upon the sponsor who is spending good money for radio time.

"In newspaper advertising, on the other hand, advertising campaigns generally come attractively prepared, with folders containing all available mats and with proofs run on fine paper, usually bound with colorful, attention-getting covers. Why cannot radio continuity be presented the same way, to impress the station, the sponsor, *and his dealers or sales force?* If radio stations will comment to those responsible for continuity poorly presented, and make these suggestions, many advertisers and agencies will adopt them."

The final suggestion, along similar lines, is that stations do likewise by furnishing each sponsor a clear and attractively-presented copy of his radio advertising, if produced by the station. "Copy is now often poorly presented, or is merely read to him over the telephone." Standard forms could be used, it is suggested, with space for sponsor's name, the names of continuity writer and announcer, and even a selling message from the station. It is pointed out that sponsors are given checking copies and proofs of advertising run in printed media, as evidence and a record of their campaigns, but money spent in radio advertising, unless the sponsor hears each program or announcement, often seems to leave no trace. At little extra trouble or expense, it is claimed, radio stations could thus constantly make good impressions on advertisers to the ultimate benefit of the industry.

Recording Standards

As broadcasting has developed the problem of reproducing transcriptions with uniform results, it has become of much concern

to broadcasting stations. Quite a number of different characteristics have been used by the various manufacturers of transcriptions, recording equipment and reproducing equipment. Most of these characteristics produce good results by themselves when the proper playback equalization is used. Some companies have coordinated the three elements, however, in many instances this has not been so. This has made it exceedingly difficult for broadcast stations to obtain uniform results from transcriptions manufactured by various companies and reproduced on equipment manufactured by various companies.

This problem has been discussed with a number of transcription and equipment manufacturers and they have all indicated that they will cooperate in the formulation of standards.

A subcommittee of the NAB Engineering Committee was appointed by Edward L. Gove, WHK, chairman, comprised of Paul Loyet of WHO, chairman, Morris Pierce of WGAR and Robert Morris of NBC. The subcommittee formulated a questionnaire on recording and reproducing. The questionnaire was sent to all broadcasting stations. The answers to the questionnaire show that broadcast stations use as high as ten different equalizer settings for reproducing various transcriptions. Even with such an elaborate set of equalizers it has not been possible to entirely obtain uniform results from various transcriptions.

The Engineering Committee recommended that NAB coordinate the formulation of "Recording and Reproducing Standards". Neville Miller has informed the Engineering Committee that the Executive Committee has authorized this project. In accordance with this the first meeting of the "Recording and Reproducing Standards Committee" will be held at the Statler Hotel in Detroit on Thursday, June 26, the day after the Institute of Radio Engineers Convention. All parties interested in this project are invited to appoint an engineering member to the Committee. Correspondence regarding this project should be addressed to Lynne C. Smeby, director of engineering.

BMI

New Log Service

A daily logging service to get underway within the next two weeks, has been set up under the supervision and control of John G. Peatman, Director of the Office of Research of the Department of Psychology of the College of the City of New York. BMI will pay the costs of operations.

Service of the listening post thus established, will consist of the following:

- a. A full daily report of all programs on stations WEAf, WJZ and WABC between the hours of 8 a. m. and 5 p. m.
- b. A full daily report of all programs on stations WABC, WEAf, WJZ, WOR, WMCA, WHN, WOV and WNEW between the hours of 5 p. m. and 1 a. m.

Report sheets of the new Service will contain a complete record of the number of performances received by each composition heard during the above listening periods as well as a detailed log showing program listings of all musical compositions heard on each of the stations. The Service's full program report will include:

1. Time of the program.
2. Contents of the program, including each individual composition broadcast.
3. Sponsor or place of origin of the broadcast.
4. Name of the performing artist.

In addition, it will indicate whether the individual composition was performed in whole or in part. It is understood that the Department of Psychology of C. C. N. Y. will have full control of the operations of the project, including the hiring of all employees and that BMI shall in no way be responsible. The Department expressly agrees that it shall act independently and not as an agent or representative of BMI.

New Compositions

Broadcast Music, Inc., announces the addition of nine new compositions to its catalogue of original material and twenty-five copyrighted arrangements of familiar music in the public domain. Prominent among the popular songs made available to the radio station members of BMI, was *Dixie Girl*, a ballad by Kent Cooper, head of the Associated Press. Other numbers released at the same time included *All Alone and Lonely*, by Milton Schwartz, David Sanders and Al Pearson, and *I Went Out of My Way*, by Helen Bliss, for both of which BMI officials predict a great success. Olsen and Johnson, stars of *Hellzapoppin'*, were represented with *My Heart's in America*, an original composition from their production, *New Hellzapoppin'*.

Among the twenty-five "cross-cued" arrangements of public domain material, now bringing this portion of the BMI library to approximately 600 selections, were such familiar compositions as Tchaikowsky's *Dance Chinoise* from the *Nutcracker Suite*; John Phillip Sousa's *On Wings of Lightning*; Schubert's *Serenade*; Sibelius' *Romance in D Flat*, and Grieg's *Repose of the Forest*.

License Forms Approved

The Board of Directors of BMI, at a meeting on Tuesday (June 10), approved the forms of blanket and per program contracts for broadcasting stations, as well as a contract permitting optional clearance at the source for electrical transcriptions. Forms of contracts are understood to be undergoing minor technical revision and will be sent out to broadcasting stations shortly. As announced at the Convention, holders of BMI blanket contracts may ratify the same and thus obtain a one-third reduction in present license charges bringing the present scale of payment down from a maximum of 2½% to a maximum of 1⅓%, and the minimum from 1½% to 1%. Per program rates run from 3⅓% to approximately 5½% for commercial programs using BMI music, and from ½% to 1% for sustaining programs using BMI music, the latter charge being figured on card rates applicable at the time of broadcast. Directors also approved numerous plans for the development and expansion of BMI's activities, subject to the discretion of the management. The directors announced with regret the resignation of Ted Streibert as a director of the company. Mr. Streibert is an officer of Bamberger Broadcasting Service, Inc., which has resigned from the National Association of Broadcasters, and he stated that he felt that as a representative of that company he should also resign from BMI which represents a type of industry activity. It was confirmed that Mr. Streibert's resignation would have no effect on the continued support of BMI by WOR.

BMI FEATURE TUNES

June 16 - June 23

1. I WENT OUT OF MY WAY
2. ALL ALONE AND LONELY
3. MY SISTER AND I
4. WALKIN' BY THE RIVER
5. WISE OLD OWL
6. FRIENDLY TAVERN POLKA
7. G'BYE NOW
8. WHAT D'YA HEAR FROM YOUR HEART
9. HERE'S MY HEART
10. WITH A TWIST OF THE WRIST
11. THE RELUCTANT DRAGON

In preparation: "Wasn't It You"? by the writers
of *You Walk By*.

Extra Copies

There are extra copies available of the first volume of the BMI Index. These volumes will be sent to any BMI subscribers who desire them until the supply on hand is exhausted. There will be no charge to subscribers except the necessary postage which will be collected on delivery.

Requests

The following quotation is from the head of the music division of two stations having ASCAP licenses:

"My particular purpose in writing you at this time is to inform you that of the request programs currently running on both stations it is interesting to note that over 75 per cent of the requests are for BMI or for BMI controlled tunes. Also, as you know, we are now in a position to use ASCAP material, but our BMI users have not fallen appreciably when considered on the basis of monthly use."

And speaking of preferences, Bill Brennan, WORC, Worcester, Mass., stopped in this week to tell us that a request program on that station, "Five O'Clock Varieties", received no letters asking for ASCAP music from January 20th to May 1st. All requests were for either BMI published or BMI controlled tunes. There were no calls for the "Old favorites" which ASCAP claimed so loudly around the first of the year were indispensable. Among the tunes that led in number of requests were: *I Hear a Rhapsody*, *High on a Windy Hill*, *There I Go*, *Wise Old Owl*, and *G'Bye Now*.

BMI Opens the Door

In its first year, BMI brought the public the music of more than 500 writers who had little if any opportunity to reach the public under the conditions which prevailed prior to April 1940. This music came from all parts of the country and from all walks of life. It did not reflect the ideas of any one group; it included the work of those who devote their entire time to the creation of music and those to whom this creation has been a happy interval in an otherwise busy life. Broadcasters can take pride not only in the effectiveness of their work in the formation of BMI, but in the development of the conditions which made BMI essential. The growth of a lively interest in music in all parts of the country and in all sections of the people was fostered by the progress of commercial broadcasting. During the past twenty years, American symphonic orchestras have grown from about twenty to about three hundred and the interest in their maintenance has broadened from that of a few rich families to thousands of music lovers throughout the country. During the same period, an awakening of interest of music in the public schools has built some 50,000 bands, nearly as many orchestras and almost twice as many choral groups.

That radio has been the principal factor in this musical growth goes without saying. A common feeling for melody, rhythm and harmony resulted from radio carrying the best music to all of the people at the same time. Never before the period of commercial broadcasting would such a unified musical movement have been possible.

Native Latin American Music to Be Popularized

Maurice Russel Goudey (outstanding authority on the interpretation of South American folk music), who has spent the last six years teaching and directing radio orchestras in Buenos Aires, has been selected by Peer International Corporation to set up a catalogue of the native Latin American music available for broadcasting in the United States.

Mr. Goudey plans to start with what he calls the A-B-C of South American music—Argentina, Brazil, and Chile. As the field develops, he plans to introduce the tunes of the smaller countries, such as Columbia, which he states is particularly rich in beautiful and unusual music.

"My job," says Mr. Goudey, "will be to select the repertory, aid the American orchestras in their arrangements and rehearsals with an eye to combining authenticity of interpretation with popular performance."

Available

Announcement is made of the availability of the publications of Cundy-Bettoney Co., Inc., in Boston, Mass., for broadcasting. This company has lists of the band and orchestra music and solos for wind instruments available for this purpose.

Lists of suggested music material for Independence Day programs has been issued. Included is a list of marches for military bands from the catalogue of Jean Missud.

The Mud and the Stars

Under the headline, "And Some of Them Saw Stars", the Everybody's Weekly section of the *Philadelphia Enquirer* makes the following comment on the new BMI song *Stars Went to Sleep*, which was written by three prisoners within the walls of the Oklahoma State Penitentiary:

"Thus the chance meeting of two prisoners was made into a song; then into a partnership of many songs . . . the idea of a poet proved true:

"Two men looked through prison bars,
One saw mud, the other stars. . . ."

"At the same time scores of other prisoners were heartened to new efforts by the experiences of these two. Hearing or reading the story, they resolved to make the best use of their enforced separation from the world and to prepare themselves for an eventual return to that world as more useful citizens."

Soaring

Sales of *My Sister and I* passed the 150,000 mark early this week and are going strong. It looks as if the song will set up a new high record for BMI.

The Career Open to Merit

Additional evidence that if a song has a germ of a good idea, BMI editors will spare no effort to place it before the public is illustrated by the history of the new tune *Have You Changed*. This song was first submitted in August of 1940. It came in the mail one morning in August 1940 from Jay Gordon of Wilmington, Delaware, without benefit of even so much as an accompanying letter. A reviewer referred it to the Editorial Committee. The title, the tune and the first line of the lyric inspired enthusiasm. The rest was silence. In other words, the various questions asked under the *Have You Changed* inquiry were not appealing, as they completely lacked the nostalgic quality necessary to awaken pleasing memories. A lengthy correspondence ensued asking for additional lyrics and one after another were submitted, all equally bad, until Mr. Gordon's permission was obtained to call in Sylvia Dee, an experienced lyric writer, and see what she could do. Miss Dee "sparked" immediately on the idea. She liked it and turned out three good lyrics over night. That was about three weeks ago. Since that time, the best lines have been merged from these three lyrics, one or two new ones added, and it looks as if BMI has another potential hit.

IRNA Committee Meets ASCAP

From SAMUEL R. ROSENBAUM, Chairman of IRNA:

A committee of officers and directors of IRNA supplemented by several other representative affiliates met Wednesday afternoon at NAB with Messrs. Paine, Mills and O'Connor of ASCAP. ASCAP explained fully the present status of the ASCAP deal as consummated with Mutual and as modified in the offer to the other networks, and the present status of the ASCAP deal to be submitted to affiliates in the form submitted to Mutual affiliates and as supplementally modified. The IRNA representatives made it clear that they were not a negotiating committee and were meeting with ASCAP in order to learn fully the status of the present ASCAP offers which would be reported back to the IRNA Board for consideration and further discussion. Those present for IRNA were: Rosenbaum, Morency, Craig, L. B. Wilson, Kennedy, Myers, Shouse, O'Fallon and Moseby.

MIRNA Disbands

Mutual Broadcasting System announced Thursday that it had been notified by S. A. Cisler, WGRC, that the Mutual Independent Radio Network Affiliates, a committee set up at the St. Louis convention, had been disbanded. Difficulties between Mutual and some of its affiliates which led to the organization have been straightened out, MBS announced.

FEDERAL COMMUNICATIONS COMMISSION

WFMC

The FCC, on June 10, approved the application of W. C. Ewing and Harry Layman (Cumberland Broadcasting Company) to transfer the license of Station WFMC, Fayetteville, North Carolina, to W. C. Ewing and T. K. Weyher (Cumberland Broadcasting Company) and renewed the station's license.

KEVR

The FCC, on June 10, approved the application of Evergreen Broadcasting Corporation (KEVR) of Seattle, Washington, for a construction permit upon assurance to the Commission that within one year it will file an application for a new construction permit requesting authority to operate with power of 5 kilowatts to effect a more efficient use of the frequency (1090 kilocycles).

FCC Propaganda Study

The FCC announced the appointment of Lloyd A. Free as Director of its Foreign Broadcast Monitoring Service and the retention of Harold N. Graves, Jr., as Administrative Assistant of that unit. They will supervise the recording, translating and analysis of foreign short-wave broadcasts, a duty undertaken last March by the Commission in cooperation with the Defense Communications Board.

From the FCC Mail Bag

A broadcast station seems perplexed about whether to pick up a bellow-by-bellow description of a bullfight. The question of programming is a matter for the station itself to decide in the first instance. The FCC has no specific regulation on this subject but points out:

"However, there is language in some of the decisions (see e.g., in re Station WMCA, 2 F. C. C. 76, 77; United States Broadcasting Corporation, et al., 2 F. C. C. 208, 219) to the effect that 'broadcast programs which are offensive to the sensibilities of the people generally are not in the public interest.' As bearing on the determination of this matter, your attention is invited to the fact that bullfighting has never been legalized in this country, and it is believed the history of efforts to legalize it in some of the States will disclose considerable public opposition on the ground that it involves cruelty to animals. The extent of this feeling undoubtedly varies as between different sections of the country."

To a New Yorker who complains about rates for broadcast time, the Commission cites the Communications Act in declaring that broadcast stations shall not be deemed "common carriers," hence the Commission cannot prescribe the rates charged by them. Nor can the Commission entertain the notarized complaint of a Long Islander about advertising broadcast on Sunday. Also, it is equally without authority to pass upon advertisements in a telephone directory. Or to require a magazine to readjust its radio schedule to the satisfaction of a California reader.

Since the Commission functions primarily as a licensing authority, it has no say in the selection of radio station personnel. Conse-

quently, it has no rules or regulations governing the hours that an employee may work. To a Massachusetts inquirer on the latter subject, it advises that the radio-broadcast industry is subject to the Fair Labor Standards Act and that any complaint on that score should be made to the Wage and Hour Division of the Department of Labor.

The Commission receives many complaints about radio interference of local electric origin. To such persons, it explains that it is without power to intervene, but points out that some municipalities have ordinances on the subject, adding: Many public service companies maintain investigation departments and upon request are generally willing to assist in locating the source of the trouble and in correcting it, if possible.

The Commission is unable to help a New Yorker who claims his invention "for the development of music" has been suppressed by certain business interests. And the only thing the Commission can do with a sample of corn remover sent to it is to turn it over to the Federal Trade Commission, to which it should have been addressed.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, June 16. They are subject to change.

Monday, June 16

Broadcast

- WHB—WHB Broadcasting Company, Kansas City, Mo.—C. P., 710 kc., 5 KW, DA-night and day, unlimited time. Present assignment: 880 kc., 1 KW daytime.
- WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—C. P., 710 kc., 10 KW, unlimited time, DA-night. Present assignment: 1280 kc., 1 KW, 5 KW LS, unlimited time.
- KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, 890 kc., 500 watts night, 1 KW day, SH-KUSD.

Television Broadcast

- W2XD—General Electric Company, Schenectady, N. Y.—For license to cover C. P., 162000-168000 kc., 40 watts, emission A-5, Sec. 4.4(a).
- W2XI—General Electric Company, New Scotland, N. Y.—For renewal of license, 162000-168000 kc., 10 watts, emission A-5, Sec. 4.4(a).
- W2XB—General Electric Company, New Scotland, N. Y.—For renewal of license, 60000-86000 kc., A-3 KW, V-10 KW, Sec. 4.4.

Wednesday, June 18

- WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—C. P. to erect a synchronous station, 1310 kc., 100 watts, unlimited time.

FUTURE HEARINGS

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

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

Tuesday, June 24

WTFL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., 1500 kc., 250 watts, unlimited. Present assignment: 1310 kc., 100 watts, S-WHAT.

Wednesday, June 25

Investigation to determine what policy or rules, if any, should be promulgated in connection with operation of new high frequency (FM) broadcast stations and for future acquisition of standard broadcast stations by newspapers, pursuant to Order No. 79.

Thursday, June 26

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—C. P., 590 kc., 5 KW, unlimited, DA-night. Present assignment: 590 kc., 1 KW, unlimited, DA-night.

Monday, June 30

NEW—KNOE, Incorporated, Monroec, La.—C. P., 1420 kc., 250 watts, unlimited.

Monday, July 7

KWTO—Ozarks Broadcasting Company, Springfield, Mo.—C. P., 560 kc., 1 KW night, 5 KW day, unlimited, DA-night.

Consolidated Hearing

NEW—R. B. Terry, D. A. Rawley, C. M. Waynick and H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—Ralph L. Lewis, Greensboro, N. C.—C. P., 1370 kc., 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

New STL Broadcast Station—Capital Broadcasting Co., Inc., Schenectady, N. Y.—Granted construction permit for new STL (studio transmitter link) broadcast station to operate on frequency 331000 kc. (experimentally); power not in excess of 50 watts; special emission for frequency modulation with a maximum frequency swing of 200 kc. (B1-PST-1).

KVIC—Fred W. Bowen (Individually and as Trustee), Charles C. Shea and Walter T. Martin (Transferors), Morris Roberts (Transferee), Victoria, Texas.—Granted consent to transfer control of Radio Enterprises, Inc., licensee of station KVIC, from Fred W. Bowen (individually and as trustee), Charles C. Shea and Walter T. Martin, to Morris Roberts, representing 100% (250 shares) voting stock ownership in Radio Enterprises, Inc., for a total consideration of \$42,500. Station operates on 1340 kc., 250 watts unlimited time (B3-TC-253).

DESIGNATED FOR HEARING

Washington Broadcasting Co., Washington, Pa.—Application for construction permit for new station to operate on 1450 kc., 250 watts power, unlimited time (B2-P-3088).

APPLICATION PLACED IN PENDING FILES

Star Times Publishing Co., St. Louis, Mo.—Placed in pending file pursuant to Order No. 79, application for construction permit for new FM station (B4-PH-2).

MISCELLANEOUS

KMPC—The Station of the Stars, Inc., Beverly Hills, Calif.—Granted petition to intervene and to enlarge the issues in

re hearing on application of Minnesota Broadcasting Corp. (WTCN), Minneapolis, Minn., for construction permit to change frequency from 1280 to 710 kc., increase power from 1 KW night, 5 KW day to 10 KW unlimited, using directional antenna night.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted petition to intervene and to enlarge the issues in re hearing on application of Minnesota Broadcasting Corp. (WTCN), Minneapolis, Minn., for construction permit to change frequency from 1280 to 710 kc., increase power from 1 KW night, 5 KW day to 10 KW unlimited, using directional antenna night.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted petition to intervene and motion to enlarge the issues in re hearing on application of WHB Broadcasting Co. (WHB), Kansas City, Mo., for construction permit to change from 880 to 710 kc., from 1 KW daytime to 5 KW unlimited, using directional antenna at night.

WDAE—Tampa Times Co., Tampa, Fla.—Granted petition for leave to withdraw without prejudice application for construction permit to change frequency from 1250 to 740 kc., and increase power from 5 KW to 10 KW, unlimited time, using directional antenna for night only.

W1XG—General Television Corp., Boston, Mass.—Granted petition to amend application by filing an application for a commercial broadcasting television construction permit and that the record remain open and directed that the amendment be filed within two weeks.

Symons Broadcasting Co., Ellensburg, Wash.—Granted motion to continue hearing on application for new station, now set for June 2, 1941, for 60 days.

KRLD—KRLD Radio Corp., Dallas, Texas.—Granted petition to intervene in hearing on application of Mid-American Broadcasting Corp., Louisville, Ky., for construction permit for new station.

Olympic Radio Co., Hoquiam, Wash.—Referred to Commission petition to hold hearing on application for new coastal harbor station in Hoquiam or Aberdeen, Wash.

W2XMN—Edwin H. Armstrong, Alpine, N. J.—Granted extension of special temporary authority to operate an additional transmitter at Alpine, N. J., on 43 mc. with a power not to exceed 40 KW, using frequency modulation for a period of thirty days beginning June 10, 1941, and ending not later than July 9, 1941, in order to conduct further experiments on adjacent channel operation of high frequency broadcast stations and to demonstrate such operation to certain engineering committees of the Radio Manufacturing Association.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to broadcast a two-way conversation between a Navy airplane and a mobile unit of Station WRNL on June 3, 1941, only.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted license to cover construction permit for increase in power and installation of directional antenna for night use (B3-L-1346). Granted authority to determine operating power by direct measurement of antenna input (B3-Z-709).

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted authority to make changes in automatic frequency control equipment (B4-P-222).

WIOD—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted construction permit to move formerly licensed RCA 1-D-B main transmitter locally to be used as an auxiliary transmitter with power of 1 KW (B3-P-3184).

WKWK—Community Broadcasting, Inc., Wheeling, W. Va.—Granted license to cover construction permit as modified for new station (B2-L-1412). Granted authority to determine operating power by direct measurement of antenna input (B2-Z-922).

WPDF—Flint Broadcasting Co., Flint, Mich.—Granted modification of construction permit (for installation of new transmitter and directional antenna for day and night use, increase in power, change frequency and move transmitter) for extension of completion date from June 14 to August 14, 1941; 910 kc., 1 KW, unlimited time, directional antenna day and night (B2-MP-1314).

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted license to cover construction permit for installation of new directional antenna for night use (B2-L-1416). Granted authority to determine operating power by direct measurements of antenna input in compliance with Sec. 3.54 (B2-Z-950).

- KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted authority to determine operating power by direct measurement of antenna input (B-Z-873).
- WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-939).
- KITE—First National Television, Inc., Kansas City, Mo.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-929).
- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted authority to determine operating power by direct measurement of antenna input (B2-Z-940).
- KRIC—KRIC, Inc., Beaumont, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-935).
- KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-890).
- WCAL—St. Olaf College, Northfield, Minn.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-948).
- WGEZ—Donald C. Treloar, Kalispell, Mont.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-947).
- WJNO—WJNO, Inc., West Palm Beach, Fla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-811).
- WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted authority to determine operating power by direct measurement of antenna input on 1450 kc. (B4-Z-703).
- WELB—WAVE, Inc., Portable Mobile (area of Louisville, Ky.).—Granted construction permit to install a new transmitter and increase operating power of relay broadcast station to 50 watts (B2-PRE-389).
- WHER—Westinghouse Radio Stations, Inc., Portable mobile.—Granted construction permit to install new transmitter and increase power to 25 watts, for relay broadcast station (B2-PRY-244).
- WEIE—Havens and Martin, Inc. Portable mobile area of Richmond, Va.—Granted license to cover construction permit for changes in type of transmitter and to decrease power to 2 watts. (B3-LRE-349).
- W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of construction permit (for new television station) for extension of completion date to July 28, 1942 (B2-MPVB-41).
- W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit for new developmental broadcast station; 46500 kc., 1500 watts, special emission for frequency modulation with a maximum frequency swing of 75 kc., granted on experimental basis only, conditionally (B4-LEX-16).
- KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Granted modification of construction permit (for move of transmitter, install directional antenna for night use and new transmitter and increase in power) for changes in directional antenna for night use on 1350 kc., and extension of completion date from June 22, 1941, to 120 days after grant (B4-MP-1300).
- KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted motion to amend application to specify power of 1 KW instead of 5 KW, unlimited time, using directional antenna for night, operating on 690 kc.
- Orange Broadcasting Corp., Orange, Tex.—Granted motion for dismissal without prejudice, application for construction permit for new station to operate on 1550 kc., 1 KW, unlimited time.
- KSEI—Radio Service Corp., Pocatello, Idaho.—Granted motion for withdrawal of application for construction permit to change from 900 kc., 250 watts, 1 KW LS, to 600 kc., 1 KW, unlimited time, using directional antenna night and day.
- KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Referred to Commission petition to intervene in re hearing on application of Hawaiian Broadcasting System, Ltd., for construction permit for new station to operate on 1340 kc., 250 watts, unlimited time. Also referred to Commission petition to hold hearing in Honolulu and to set date of such hearing.
- Olympic Radio Co., Hoquiam, Wash.—Granted motion for continuance to July 15, 1941, of hearing on application for construction permit for new coastal harbor station, now set for June 30, 1941. Also, granted motion for authority to take depositions, upon condition that authority to take depositions is automatically cancelled in the event the Commission grants the pending motion to transfer hearing to State of Washington.
- C. R. Anderson, business manager of The Lamar Broadcasting Co., Lamar, Colo.—Dismissed without prejudice to participation in the hearing in accordance with Section 1.195, petition to intervene in hearing on application of The Lamar Broadcasting Co. (KIDW) for renewal of license.
- Airport Charter Service, Alaska Air Transport, Ellis Air Transport, Marine Airways, Alaska Aeronautical Radio, Inc.—Granted motion to amend, filed jointly by Aircraft Charter Service (KAWA), Alaska Air Transport (KBJW, KFWC, KANG, KANU, KAYP), Ellis Air Transport (KBOY), Marine Airways (KAIK), and Alaska Aeronautical Radio, Inc., to substitute Alaska Aeronautical Radio, Inc., as party to proceedings in Docket Nos. 5696, 5697, 5763, 5624, 5625, 5725, 5722, 5723, 5724, 5576, 5765, for aeronautical facilities in Alaska.
- God's Bible School and College, Cincinnati, Ohio.—Denied petition to hold record open in re application for construction permit for new international broadcast station; Application dismissed without prejudice to the filing of a new application.
- Natchez Radio Corp., Natchez, Miss.—Granted request for dismissal of petitioner's application for construction permit for new station to operate on 1370 kc., 250 watts.
- KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted special temporary authority to determine operating power by the indirect method for a period not to exceed 30 days.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to broadcast sustaining musical programs from 8:30 to 10 a.m. Monday through Friday from June 16 to July 15, 1941, provided WSVS remains silent.
- WCLE—United Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate from local sunset (June 8 p.m.) to conclusion of night baseball game between the Cleveland and Boston American League Professional Baseball Clubs on June 4, 1941, only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate from 7:30 to 10 p. m., CST, on June 5, 6 and 18, in order to broadcast the community high school graduation exercises of the Oswego Community High School; West High School, Aurora; and East High School, Aurora, respectively.
- WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of construction permit for increase in power and installation of directional antenna for night use, for extension of completion date from June 5 to August 5, 1941; 980 kc., 5 KW, unlimited time (B1-MP-1309).
- KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted special temporary authority to rebroadcast program of Army plane to ground communications in connection with Army Flying Cadet week, between 9:45 and 10 p. m. on June 5, 1941, only.
- KMO—Carl E. Haymond, Tacoma, Wash.—Granted special temporary authority to rebroadcast transmissions of amateur radio stations W7LB, W7BHQ, W7IMB, W7AEA, and W7IU between 9:45 and 10 a. m., June 7, 1941, in connection with program entitled "Amateur Radio in National Defense."
- KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted special temporary authority to operate simultaneously with station KRKO on Sunday, June 8, from 2:45 to 4 p. m., to carry a special broadcast of the Seattle Council of Churches only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate until 10 p. m., CST, on June 12 and 13 only, in order to broadcast graduation exercises of the Batavia Elgin High School (B4-S-995).
- WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to remain silent for the period June 12 to Sept. 18, in order to observe college vacation (B2-S-340).
- The Cincinnati Times-Star Co., Cincinnati, Ohio.—Granted special temporary authority to operate relay broadcast stations WLWE and WLWF licensed to the Crosley Corp. on 30820 kc. on June 13 and 14 only, in connection with golf tournament to be broadcast by WKRC (B2-S-280).
- WAAU—Columbia Broadcasting System, New York City.—Granted special temporary authority to operate relay broadcast station WAAU in an Eastern Airlines Plane flying over Birmingham, Ala., for purpose of relaying description of Air

Carnival for broadcast over station WAPI, Birmingham, on June 7 and 8.

W45D—The Eve. News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate FM station commercially on **44500 ke.**, using 3 KW power for period of 30 days from July 5 ending August 3, pending installation and preparations necessary to operate the complete transmitting plant in accordance with construction permit (B2-PH-21) and modification (B2-MPH-3) without prejudice to determination of the issues in the hearing on Order 79.

W39B—The Yankee Network, Boston, Mass.—Granted extension of special temporary authority to operate FM station commercially on **43900 ke.**, 1 KW power, special emission for FM, using transmitter of FM experimental station W1XER at summit of Mount Washington, Sargents Purchase, N. H., for period June 17 to July 16, 1941, pending completion of construction (B1-PH-13).

KTRB—KTRB Broadcasting Co., Inc., Modesto, Calif.—Granted special temporary authority to operate from 7:30 p. m. to conclusion of broadcast of High School Commencement Exercises on June 11, only (B5-S-825).

KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Granted petition for reconsideration and grant of application for construction permit to change frequency from **1400 to 1090 ke.**, increase power from 100 watts to 250 watts day and night; increase hours of operation from sharing with KRKO to unlimited; and move transmitter and studio, and install new equipment. Removed application from hearing docket.

Tri-State Broadcasting Corp., Wheeling, W. Va.—On request of applicant the application for a new station to operate on **1450 ke.**, 100 watts night and day, unlimited time, was dismissed without prejudice (B2-P-3080).

W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co. (Assignor), and W. C. Ewing and T. K. Weyher, trading as Cumberland Broadcasting Co. (Assignee), for assignment of license of WFNC, Fayette, N. C., and W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., for renewal of license of WFNC.—Granted petition to reconsider and grant without hearing their applications for consent to assignment of license and for renewal of license, respectively, of station WFNC; hearing scheduled for June 23 cancelled, and the application for renewal of license granted for **1370 ke.**, 250 watts daytime, and voluntary assignment of license to a new partnership was likewise granted (B3-AL-288 and B3-R-1070).

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted petition for leave to intervene in the hearing on the application of Hawaiian Broadcasting System, Ltd., Honolulu, T. H., for a new station. Denied petition to hold hearing on said application in Honolulu; said hearing to be held in Washington on July 28.

APPLICATIONS FILED AT FCC

600 Kilocycles

WICC—The Yankee Network, Inc., Bridgeport, Conn.—Authority to determine operating power by direct method.

610 Kilocycles

WAYS—Inter-City Advertising Co., Charlotte, N. C.—Modification of construction permit (B3-P-2878) for a new station, requesting approval of directional antenna, for day and night use.

620 Kilocycles

North Jersey Advertising Co., Elizabeth, N. J.—Construction permit for a new broadcast station to be operated on **620 ke.**, 250 watts, unlimited time. Amended: re corporate structure and finances.

630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 to 5 KW, directional antenna for day and night use. Amended: to make changes in directional antenna for day and night use.

640 Kilocycles

WHNC—United Broadcasting Co., Columbus, Ohio.—Authority to determine operating power by direct method.

680 Kilocycles

WPTF—WPTF Radio Company, Raleigh, N. C.—Authority to determine operating power by direct method.

WPTF—WPTF Radio Company, Raleigh, N. C.—License to cover construction permit (B3-P-2216) as modified to install new transmitter, increase power, and make changes in directional antenna for night use only.

WPTF—WPTF Radio Company, Raleigh, N. C.—License to use old RCA Type 1005-B 5 KW transmitter as an Auxiliary.

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (B1-P-2319) as modified, for changes in directional antenna system, for extension of commencement date from 1-1-41 to 7-1-41 and extension of completion date from 7-1-41 to 1-1-42.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (B1-P-2319) for changes in directional antenna, requesting further changes in directional antenna and extension of commencement and completion dates to 60 days after grant and 180 days thereafter, respectively.

790 Kilocycles

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority to determine operating power by direct method.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—License to cover construction permit (B5-P-2698) as modified for increase in power and installation of directional antenna for night use.

810 Kilocycles

KOAM—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Construction permit to change power and hours of operation from 1 KW daytime to 500 watts nighttime, 1 KW daytime, unlimited time, and install directional antenna for night use.

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—Authority to determine operating power by direct method (Aux. Transmitter).

840 Kilocycles

WHAS—Courier-Journal and Louisville Times Co., Louisville, Ky.—Authority to determine operating power by direct method.

870 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Authority to determine operating power by direct method.

WHCU—Cornell University, Ithaca, N. Y.—Authority to determine operating power by direct method.

880 Kilocycles

Fairfield Broadcasting Corp., Lancaster, Ohio.—Construction permit for a new broadcast station to be operated on **820 ke.**, 250 watts, daytime. Amended: To request **880 ke.**, 1 KW, changes in transmitting equipment, antenna, and make changes in finances.

910 Kilocycles

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Authority to determine operating power by direct method.

WQAN—The Scranton Times (co-partnership), E. J. Lynett, Wm. R. Lynett, Elizabeth R. Lynett and Edward J. Lynett, Jr., Scranton, Pa.—Authority to determine operating power by direct method (auxiliary transmitter).

WRNL—Richmond Radio Corp., Richmond, Va.—Construction permit to install new transmitter, make changes in directional antenna for night use, and increase power from 1 to 5 KW. Amended: To request **910 ke.** under NARBA and changes in directional antenna.

920 Kilocycles

KUSD—University of South Dakota, Vermillion, S. D.—Authority to determine operating power by direct method.

WBAA—Purdue University, West Lafayette, Ind.—Modification of construction permit (B4-P-2604) as modified, for in-

stallation of new transmitter and directional antenna for night use, increase in power, change in hours of operation, and move of transmitter, requesting extension of completion date from 6-22-41 to 9-22-41.

WBAA—Purdue University, West Lafayette, Ind.—Authority to determine operating power by direct method.

WBBB—Alamance Broadcasting Co., Burlington, N. C.—Modification of construction permit (B3-P-3093) for a new broadcast station, requesting approval of antenna and approval of transmitter and studio sites.

930 Kilocycles

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—License to cover construction permit (B1-P-2624) as modified for a new broadcast station.

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Authority to determine operating power by direct method.

950 Kilocycles

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Authority to determine operating power by direct method.

1080 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—Authority to determine operating power by direct method.

1130 Kilocycles

KGDM—E. F. Pepper, Stockton, Calif.—Authority to determine operating power by direct method.

1150 Kilocycles

KSWO—Willard Carver and Byrne Ross, Lawton, Okla.—Authority to determine operating power by direct method.

KSWO—Willard Carver and Byrne Ross, Lawton, Okla.—License to cover construction permit (B3-P-2664) as modified, for a new broadcast station.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Authority to determine operating power by direct method.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Authority to determine operating power by direct method.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—License to cover construction permit (B3-P-2766) as modified, for increase in power, installation of new equipment, and directional antenna for day and night use.

1190 Kilocycles

KEX—Oregonian Publishing Co., Portland, Ore.—Authority to determine operating power by direct method.

1210 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-3106) for installation of new auxiliary transmitter.

1230 Kilocycles

KAST—Astoria Broadcasting Co., Astoria, Ore.—Authority to determine operating power by direct method.

KVEC—Christina M. Jacobson, tr. as The Valley Electric Co., San Luis Obispo, Calif.—Authority to determine operating power by direct method.

WISE—Radio Station WISE, Inc., Asheville, N. C.—Authority to determine operating power by direct method.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Voluntary assignment of license from O. E. Richardson and Fred L. Adair to O. E. Richardson, Fred L. Adair and Robert C. Adair. Amended: To change name of assignee from O. E. Richardson, Fred L. Adair and Robert C. Adair to O. E. Richardson, Fred L. Adair and Robert C. Adair, d/b as Radio Station WJOB.

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—License to cover construction permit (B2-P-3109) for changes in equipment and increase in power.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Authority to determine operating power by direct method.

1240 Kilocycles

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Authority to determine operating power by direct method.

KWJB—Bartley T. Sims, tr. as Sims Broadcasting Co., Globe, Ariz.—Authority to determine operating power by direct method.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Modification of license to change frequency from 1340 kc. to 1240 kc.

WGBB—Harry H. Carman, Freeport, N. Y.—Authority to determine operating power by direct method.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Authority to determine operating power by direct method.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Authority to determine operating power by direct method.

WHAR—John W. Haigis, Greenfield, Mass.—Authority to install new automatic frequency control equipment.

WOMT—Francis M. Kadow, Manitowoc, Wis.—Authority to determine operating power by direct method.

WSAY—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—Authority to determine operating power by direct method.

1250 Kilocycles

KWSC—State College of Washington, Pullman, Wash.—Authority to determine operating power by direct method.

1260 Kilocycles

WNAC—The Yankee Network, Inc., Boston, Mass.—Authority to determine operating power by direct method.

1270 Kilocycles

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Authority to determine operating power by direct method.

1300 Kilocycles

WASH—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Authority to determine operating power by direct method.

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Authority to determine operating power by direct method.

1310 Kilocycles

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Authority to determine operating power by direct method.

WRR—City of Dallas, Texas, Dallas, Tex.—Modification of construction permit (B3-P-2229) for new equipment, increase in power, move of transmitter, and installation of directional antenna for night use, requesting extension of completion date from 6-30-41 to 9-30-41.

1320 Kilocycles

WATR—The WATR Company, Inc., Waterbury, Conn.—Modification of construction permit (B1-P-3032) for increase in power, installation of new transmitter, and changes in directional antenna for day and night use, requesting changes in directional antenna and extension of commencement and completion dates from 6-22-41 and 12-22-41 to 30 days after grant and 180 days thereafter respectively.

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Authority to determine operating power by direct method, auxiliary transmitter.

1340 Kilocycles

KCKN—The KCKN Broadcasting Co., Kansas City, Kans.—Authority to determine operating power by direct method.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Authority to determine operating power by direct method.

KFPL—C. C. Baxter, Dublin, Tex.—Construction permit for authority to make changes in tubes in last radio stage.

KFYO—Plains Radio Broadcasting Co., Lubbock, Texas.—Authority to determine operating power by direct method.

KROS—Clinton Broadcasting Corp., Clinton, Iowa.—Modification of construction permit (B4-P-1907) for a new station, requesting approval of antenna, approval of transmitter and studio sites, and installation of new type transmitter.

KSUB—Southern Utah Broadcasting Co., Cedar City, Utah.—Authority to determine operating power by direct method.
 WAIR—C. G. Hill, George D. Walker & Susan H. Walker, Winston-Salem, N. C.—Authority to determine operating power by direct method.
 WCMJ—The Ashland Broadcasting Co., Ashland, Ky.—Authority to determine operating power by direct method.
 WDMJ—Lake Superior Broadcasting Co., Marquette, Mich.—Authority to determine operating power by direct method.
 WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Authority to determine operating power by direct method.
 WJMA—John and Marcia Arrington, d/b as Arrington and Arrington, Covington, Va.—License to cover construction permit (B2-P-3066) for a new station.
 WJMA—John and Marcia Arrington, d/b as Arrington and Arrington, Covington, Va.—Authority to determine operating power by direct method.
 WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Authority to determine operating power by direct method.

1350 Kilocycles

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Authority to determine operating power by direct method.

1360 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—Authority to determine operating power by direct method.
 WKAT—A. Frank Katzentine, Miami Beach, Fla.—License to cover construction permit (B3-P-3120) to use formerly licensed W. E. 310-B, 250-watt transmitter as auxiliary and install new crystal oscillator.
 WKAT—A. Frank Katzentine, Miami Beach, Fla.—Authority to determine operating power by direct method.

1380 Kilocycles

WAWZ—Pillar of Fire, Zarephath, N. J.—Authority to determine operating power by direct method.
 WAWZ—Pillar of Fire, Zarephath, N. J.—Construction permit to install new transmitter and increase power from 1 KW day and night to 1 KW night, 5 KW day, directional antenna for day and night use.
 WMBG—Havens & Martin, Inc., Richmond, Va.—Construction permit for changes in directional antenna system, for night use only. (Modified license granted for 5 KW, subject to filing this application.)

1390 Kilocycles

KLPM—John B. Cooley, Minot, N. D.—Authority to determine operating power by direct method.
 WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Modification of construction permit (B3-P-2525) as modified, for change in frequency, increase in power, and installation of directional antenna for night use and new transmitter, requesting authority to change type of transmitter and extend completion date 180 days after grant.

1400 Kilocycles

Air-Waves, Inc., Baton Rouge, La.—Construction permit for a new broadcast station to be operated on **1400 kc.**, 250 watts, unlimited time.
 KEVR—Evergreen Broadcasting Corp., Seattle, Wash.—Authority to determine operating power by direct method.
 KFGQ—Boone Biblical College, Boone, Iowa.—Authority to determine operating power by direct method.
 KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Authority to determine operating power by direct method.
 KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Authority to determine operating power by direct method.
 KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Authority to determine operating power by direct method.
 KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Authority to determine operating power by direct method.
 KWLK—Twin City Broadcasting Corp., Longview, Wash.—Authority to determine operating power by direct method.
 WBLK—Charleston Broadcasting Co., Clarksburg, W. Va.—Authority to determine operating power by direct method.
 WBTM—Piedmont Broadcasting Corp., Danville, Va.—Authority to determine operating power by direct method.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Authority to determine operating power by direct method.
 WJLB—John L. Booth Broadcasting, Inc., Detroit, Mich.—Authority to determine operating power by direct method.
 WKPT—Kingsport Broadcasting Co., Inc., Kingsport, Tenn.—Authority to determine operating power by direct method.
 WRDO—WRDO, Incorporated, Augusta, Maine.—Authority to transfer control of corporation from Adeline B. Rines, Executrix of the last will and testament of Henry P. Rines, Deceased, to Adeline B. Rines (100 shares).
 WSRR—Stephen R. Rintoul, Stamford, Conn.—Modification of construction permit (B1-P-2789) for a new station, requesting approval of transmitter site and antenna. Amended: to change requested location of transmitter from Barrett St., Stamford, Conn., to Lindstrom Road, Stamford, Conn.

1440 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Authority to determine operating power by direct method.
 WAAB—The Yankee Network, Inc., Worcester, Mass.—Construction permit to increase power from 1 KW to 5 KW, install new transmitter and directional antenna for day and night use, move transmitter from Quincy, Mass., to Paxton, Mass., and move studio from Boston, Mass., to Worcester, Mass.
 WAAB—The Yankee Network, Inc., Boston, Mass.—Authority to determine operating power by direct method.
 WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Authority to determine operating power by direct method.
 KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Authority to determine operating power by direct method.

1450 Kilocycles

Dyke Cullum, Washington, D. C.—Construction permit for a new broadcast station to be operated on **1450 kc.**, 250 watts with 100 watt amplifier, unlimited time. Facilities of WWDC.
 Forward Wheeling Radio Corp., Wheeling, W. Va.—Construction permit for a new broadcast station to be operated on **1450 kc.**, 100 watts, unlimited time.
 KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Authority to determine operating power by direct method.
 KFAM—The Times Publishing Co., St. Cloud, Minn.—Authority to determine operating power by direct method.
 KVAK—Carl Latenser, Atchinson, Kans.—Authority to determine operating power by direct method.
 KXL—KXL Broadcasters, Portland, Ore.—Authority to determine operating power by direct method.
 WGNC—F. C. Todd, Gastonia, N. C.—Authority to determine operating power by direct method.
 WHLN—Blanfox Radio Company, Harlan, Ky.—Authority to determine operating power by direct method.
 WHLN—Blanfox Radio Company, Harlan, Ky.—License to cover construction permit (B2-P-2885) as modified for a new station.
 WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Authority to determine operating power by direct method.
 WMFJ—W. Wright Esch, Daytona Beach, Fla.—Authority to determine operating power by direct method.
 WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Authority to determine operating power by direct method.
 WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Authority to determine operating power by direct method.
 WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Authority to determine operating power by direct method.

1480 Kilocycles

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to change frequency from **1480 kc.** to **1060 kc.**, change power from 1 KW to 5 KW night and 10 KW day, install a new transmitter, install directional antenna for night use, and move transmitter. Amended: to change requested location of transmitter.
 KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Authority to determine operating power by direct method.

1490 Kilocycles

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—License to cover construction permit (B3-P-3112) for new transmitter, increase in power, and new frequency under NARBA.

KPLT—North Texas Broadcasting Co., Paris, Texas.—Authority to determine operating power by direct method.
 KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Authority to determine operating power by direct measurement of antenna power.
 KVWC—Northwestern Broadcasting Co., Vernon, Texas.—Authority to determine operating power by direct method.
 KXO—Valradio, Incorporated, El Centro, Calif.—Authority to determine operating power by direct method.
 WMRF—Valradio, Incorporated, El Centro, Calif.—Authority to determine operating power by direct method.
 WMRF—Lewistown Broadcasting Co., Lewistown, Pa.—License to cover construction permit (B2-P-2977) as modified for a new broadcast station.
 WNLC—Thames Broadcasting Corp., New London, Conn.—Authority to determine operating power by direct method.
 WSYB—Philip Weiss, tr. as Philip Weiss Music Co., Rutland, Vt.—Authority to determine operating power by direct method.
 WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Authority to determine operating power by direct method.
 WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Authority to determine operating power by direct method.
 WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Authority to determine operating power by direct method (auxiliary transmitter).

1590 Kilocycles

WALB—Herald Publishing Co., Albany, Ga.—Modification of construction permit (B3-P-2774) as modified, for a new broadcast station, requesting changes in directional antenna for night use, and extension of commencement and completion dates from 3-8-41 and 6-6-41 to 1 day after grant and 2 days thereafter respectively.

1600 Kilocycles

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Authority to determine operating power by direct method.

FM APPLICATIONS

K45LA—Don Lee Broadcasting System, Los Angeles, Calif.—Modification of construction permit (B5-PH-26) as modified for a new high frequency broadcast station, requesting extension of commencement and completion dates from 12-31-40 and 6-30-41 to 60 days after grant and 180 days thereafter, respectively.
 W2XCB—Columbia Broadcasting System, Inc., Portable-Mobile.—Modification of construction permit (B1-PVB-46) as modified for new television relay station, requesting extension of completion dates from 7-7-41 to 1-7-42.
 W6XLA—Television Productions, Inc., Portable-Mobile.—Modification of construction permit (B5-PVB-73) for a new television station, requesting extension of commencement and completion dates from 1-15-41 and 7-15-41 to 6-15-41 and 10-15-41, respectively.
 W9XCB—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of construction permit (B4-PVB-74) for a new television station, requesting extension of completion date from 7-15-41 to 1-15-42.
 W39B—The Yankee Network, Inc., Sargents Purchase, N. H.—Modification of construction permit (B1-PH-13) for a new high frequency broadcast station, requesting changes in antenna system and extension of commencement and completion dates from 12-31-40 and 6-30-41 to 60 days after grant and 180 days thereafter, respectively.
 W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of construction permit (B4-PH-5) for a new high frequency broadcast station, requesting change in coverage from 10,800 to 10,950 square miles and change in antenna system.

MISCELLANEOUS APPLICATIONS

Birney Imes, Tupelo, Miss.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts, unlimited time. Amended: To change requested frequency from **1240 kc.** to **1490 kc.**

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license to change frequency, power, and hours of operation from **1390 kc.**, 1 KW, daytime, to **1470 kc.**, 500 watts nighttime, 1 KW daytime, unlimited time.
 Don Lee Broadcasting System, Berkeley, Calif.—Construction permit for a new high frequency broadcast station to be operated on **43500 kc.**; coverage, 3,080 square miles; population, 1,428,331. Amended: To change transmitter site, make changes in antenna system, change coverage to 18,050 square miles and population to 1,098,612.
 King-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be operated on **47300 kc.**; coverage, 6,900 square miles; population, 2,564,008. Amended: To change coverage to 6,750 square miles and population to 2,674,580.
 The La Crosse Tribune Co., east of La Crosse, Wis.—Construction permit for a new high frequency broadcast station to be operated on frequency of **46500 kc.**; coverage, 4,520 square miles; and population, 166,600.
 National Broadcasting Co., Inc., New York, N. Y.—Authority to transmit programs to a foreign country; CMQ, Havana, Cuba, via International Broadcast Stations WRCA and WNBI.* PROGRAM—Recorded Spanish translation of the previous night's news commentary by Raymond Gram Swing on Monday, Tuesday, Wednesday, Thursday, and Saturday evenings from 7:00 to 7:15 p. m., EST.
 Tri-State Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, and 2790 kc.**, 50 watts, A3 emission.
 The Sun Company of San Bernardino, California, Crestline, Calif.—Construction permit for new high frequency broadcast station to be operated on **41100 kc.**; coverage, 17,101 square miles; population, 803,524.
 R. M. Wallace and G. E. Schnibben, d/b as Norfolk County Broadcasting Co., Norfolk, Va.—Construction permit for a new broadcast station to be operated on **1490 kc.**, 250 watts, unlimited time, contingent on WBOC going to **1230 kc.**
 KAOY—Don Lee Broadcasting System, Portable-Mobile.—Modification of construction permit (B5-PRE-297) as modified, for a new relay broadcast station, requesting change in type of transmitter and extension of commencement and completion dates from 12-23-40 and 6-21-41 to 60 days after grant and 180 days thereafter, respectively.
 KGDM—E. F. Pepper, Stockton, Calif.—Construction permit to change frequency from **1130** to **1140 kc.**, change hours of operation from daytime to unlimited time, using 1 KW day and night, and install directional antenna for night use.
 WCBJ—Lehigh Valley Broadcasting Co., Portable-Mobile.—License to cover construction permit (B2-PRY-231) for a new relay broadcast station.
 WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of construction permit (B1-PIB-28) as modified for change in frequencies, equipment and increase in power, requesting extension of completion date from 6-19-41 to 8-6-41.

* NBC studios at 30 Rockefeller Plaza, N. Y.

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.

Electro-Health Appliance Co., 2709½ West 7th St., Los Angeles, has been served with a complaint alleging misrepresentation in the sale of its "Electro-Health Short Wave Diathermy" device, intended for use in treating diseases.

The complaint alleges that in newspaper, radio and other advertising matter the respondent has represented that its apparatus may safely be used by the unskilled lay public in treating self-diagnosed diseases and ailments by individual self-application in the home without professional supervision. According to the complaint, the respondent has represented that its device is a scientific, safe, harmless and effective means for treating rheumatism, arthritis, sinus, hay fever, laryngitis, neuritis, high blood pressure and some thirty other diseases and pathological conditions, and that use of the device will have no ill effects upon the user.

The complaint alleges that the individual self-application of the respondent's device by unskilled persons in the home, either under conditions prescribed in the advertisements or under customary or usual conditions, will not accomplish the results claimed and is not a scientific, safe, harmless or effective means for treating the ailments or conditions mentioned.

Pointing out that there are many diseases and conditions in which diathermy is contra-indicated and in which its use will aggravate the disease and be injurious to health, the complaint charges that the advertisements disseminated by the respondent are false in that they fail to reveal that use of the device under customary conditions, or under conditions prescribed in the advertisements, may result in serious and irreparable injury to health, and in that they fail to conspicuously reveal that the device may be safely used only after a competent medical authority has determined, as a result of diagnosis, that diathermy is indicated, and has prescribed the frequency and amount of application, and the user has been adequately instructed by a trained technician in the operation of the device. (4501)

Graphic Arts Club of Charlotte, Inc.—A complaint has been issued charging the Graphic Arts Club of Charlotte, Inc., Charlotte, N. C., its officers and directors and 14 member commercial printing companies in Charlotte, with entering into and carrying out agreements, combinations and conspiracies to suppress competition and create monopoly by fixing and maintaining uniform prices and discounts in the interstate sale of printed products.

The complaint charges that pursuant to their agreements and combinations the respondents fixed and maintained uniform prices and discounts and other terms and conditions for the sale by the respondent members of their printed products, including stationery and forms and paper upon which printing or engraving has been effected.

According to the complaint, respondent officers, who are also directors of the club, are: Fred H. Plexico, president; Norman Foust and Elliott Hall, vice presidents; James Webb, secretary; William S. Wallace, treasurer, and Albert Stowe Blankenship, executive secretary, all of Charlotte. Other respondents, who served at various times during 1940 as directors, are: Alf Asten, Banks R. Cates, Steve Kokenas, W. W. Kale, and Haines Lassiter, Stephen G. Roszell, Savannah, Ga., who served as executive secretary of the respondent club from March to October, 1940, is also named a respondent.

The complaint points out that the respondent club and its respondent officers and directors and the respondent Roszell, while not in their official capacities, engaged in commerce, aided and abetted and were instrumentalities of and parties to some or all of the understandings and agreements alleged.

According to the complaint, representative "active" or "regular" members of the respondent club are: Roy T. Barbee, trading as R. T. Barbee Co.; F. William Cullingford, trading as Commercial Printing Service; John Goines, A. C. Goines and Charles Goines, trading as Economy Printing Co.; The Herald Press, Inc.; Huneycutt Printing Co., Inc.; Ivey Printing Co., Inc.; Kale-Lawing; Lassiter Press, Inc.; The Observer Printing House, Inc.; Pound and Moore Co.; Fred H. Plexico, trading as R. & W. Printing Co.; Samuel L. Rush, Sr., and James Webb, trading as Rush Printing Co.; Standard Printing Co.; and Washburn Printing Co., Inc., all of Charlotte, N. C. (4517)

International Parts Corporation. 1814 South Michigan Ave., Chicago, is charged, in a complaint, with misrepresentation in the sale of replacement mufflers for use on automobiles.

The complaint alleges that in catalogs, pamphlets and other printed matter the respondent represents that its mufflers have "Electric welded seams throughout—not locked, crimped or spot-welded," and that the occupant of a car equipped with a locked-seam, crimped or spot-welded muffler is in danger of injury from

carbon monoxide gas through leakage of exhaust gases through the seam.

The complaint further alleges that the respondent's mufflers are in fact spot-welded. According to the complaint, occupants of a car equipped with a locked-seam, crimped or spot-welded muffler are in no danger from carbon monoxide gas escaping from openings of the seam in the muffler as such methods of manufacture produce seams equally as effective as that used by the respondent in preventing the escape of exhaust gases. Furthermore, the complaint alleges, the escape of exhaust gases through a defect in the seam of the muffler on a car would not place the occupants in danger of carbon monoxide injury.

According to the complaint, the respondent also represents that its mufflers increase gas mileage; that the baffle-plates in its mufflers are a new engineering achievement; that because of their double-shell construction its mufflers are more efficient than those offered for sale by other manufacturers and vendors; and that its products are coated with a metallic finish which permanently prevents rust and corrosion, when such are not the facts. (4513)

Master Artists' Association, Inc.—A complaint has been issued charging Eugene M. Woolard, trading as Master Artists' Association, Inc., East St. Louis, Ill., and 12 business associates, with violation of the Federal Trade Commission Act in the sale of tinted or colored enlargements of photographs or snapshots and the frames for such pictures.

The 12 associate respondents are: Walter O. Wyatt, Danville, Ill.; Walter E. Sneed, Dahlgren, Ill.; Bessie Swanson, Alexandria, La.; L. E. Harrison and E. R. Malone, McLeansboro, Ill.; William Nadeau, Dexter, Mo.; G. D. Hill, Gilmer, Tex.; Caesar Morales, San Antonio, Tex.; Carl Rhine, D. Edwards and Eva Metcali, East St. Louis, Ill., and R. McIsaac, Arnold, Neb.

According to the complaint the respondents, under the control and direction of the respondent Woolard, and pursuant to various understandings, agreements, combinations and conspiracies, visit prospective customers in various parts of the country to sell the respondents' products, making various representations, among which are that they are advertising agents of an association of artists known as Master Artists' Association, Inc. and that the respondents' products are "paintings", "hand-painted portraits" or "polychrome portraits" worth \$30 or a like amount.

The complaint alleges that the respondents' representations are deceptive and misleading; that the Master Artists' Association, Inc., is not and never has been an art association but is a business enterprise, and that the pictures sold by the respondents are not portraits or paintings but cheap, quickly made photographic enlargements.

The complaint further alleges that the respondents' selling methods are directed primarily at selling picture frames at exorbitant prices. According to the complaint, they conceal from purchasers at the time a "portrait" is ordered the fact that the finished product will be delivered in a peculiar, convex form, shape and size, and that it will be impossible for the customer thereafter to obtain a frame to fit the "portrait" except from the respondents and at prices which they fix.

The complaint charges that purchasers are given the impression that photographs which they loan the respondents for reproduction will be returned upon delivery of the finished picture. However, according to the complaint, the respondents, in many instances where the purchaser refuses to buy a frame, retain the loaned photograph and refuse to deliver the finished picture, regardless of whether or not it has previously been paid for in full, until a frame is ordered or a claimed balanced is paid in full. (4514)

Mineral Wells Crystal Producers, Inc.—A complaint has been issued charging Mineral Wells Crystal Producers, Inc., of Mineral Wells, Tex., with misleading representation in the sale of mineral crystals intended for use in treating diseases.

According to the complaint, the respondent advertises as follows: "Mineral Wells Crystal Producers, Inc., Manufacturers, Certified Mineral Wells Crystals"; "Made in Mineral Wells, Texas"; "Made from Texas mineral water"; "Here's to Health, Use Certified Mineral Crystals"; " * * * ".

Through these and other representations, the complaint alleges, the respondent represents that its mineral crystals are produced exclusively from mineral water obtained in its natural state from the earth at or in the vicinity of Mineral Wells, Tex., and that such product has been endorsed as to quality and fitness by some governmental, scientific or other recognized agency empowered and qualified to certify as to the product's attributes.

The complaint charges, however, that the respondent's product is not processed from mineral water obtained in its natural state in the Mineral Wells, Tex., vicinity, nor is it made directly from Texas mineral water or any other natural mineral water. On the contrary, according to the complaint, the preparation is produced by mixing ordinary city water with commercial chemicals, heating the solution until it reaches a proper gravity and then cooling the concentrate in refrigerated compartments. The complaint alleges that the product is not properly described as "Certified" because it has not been endorsed by qualified authorities.

The complaint further alleges that the respondent's use of the words "Mineral Wells" as part of its corporate name constitutes a false and misleading representation that its product is produced from mineral water obtained from the wells at Mineral Wells, Tex., which are favorably known for their mineral water containing certain constituents. (4512)

Parfum L'Orle, Inc.—Charging unfair and deceptive practices in the sale of perfumes and related products, a complaint has been issued against Parfum L'Orle, Inc., 6 East 39th St., New York.

The complaint alleges that the respondent represents, directly or by inference, through use of its corporate name "Parfum L'Orle, Inc.," and of French names for its perfumes and the names "London" and "Paris," in advertising or other printed matter, that it is a French company; that it has offices and business connections in London and Paris, and that its products are made or compounded in France and imported into the United States, when in fact the respondent is not a French company and does not have the foreign connections indicated, and its products are made in the United States.

According to the complaint, the respondent's sales plans include the furnishing to dealer-customers of so-called "re-order blanks" and other printed matter containing in parallel columns a list of the French names of the respondent's products opposite a list of trade names of certain well known perfumes manufactured by others. The complaint alleges that the respondent has attempted to show a marked similarity in odor between its own products and the well known perfumes listed and that it uses the parallel lists in a plan to fill orders for perfume with its own products instead of the well known perfumes listed. (4511)

CEASE AND DESIST ORDERS

Following cease and desist orders have been issued by the Commission:

Altman Neckwear Corporation, 333 Fifth Ave., New York, has been ordered to cease making misleading representations in the sale of neckties and other similar merchandise.

Commission findings are that the respondent sells one style of neckties labeled "Cherokee Indian Homespun Wool" with the likeness of an Indian depicted thereon, when in fact these ties are not made from materials woven or manufactured by the Cherokee or any other Indians. Another style of tie is labeled "Duo-Silk-All-O Lined Throughout," when in fact these ties are not made entirely from silk but, instead, the tie materials consist of a mixture of silk and rayon, usually with rayon predominating, and with a lining of rayon and an interlining of wool or cotton.

The Commission order directs the respondent to cease using the unqualified term "silk" or other terms of similar meaning to designate any fabric or product not composed wholly of silk; provided that such terms may be used as descriptive of the silk content of fabrics or products composed in part of silk and in part of other materials if accompanied in conspicuous type by words truthfully designating each constituent fiber.

The respondent also is ordered to cease employing the term "Duo-Silk-All-O" or other terms of similar meaning on labels or otherwise to refer to fabrics or products not composed wholly of silk.

The order further prohibits the advertisement or sale of neckties or other products composed wholly or partly of rayon without clearly disclosing the rayon content and, in the case of fabrics or products composed partly of rayon and partly of other fibers or materials, truthfully designating each constituent fiber or material including the rayon in equally conspicuous type.

The respondent is further directed to cease using the term "Cherokee Indian Homespun Wool" or other terms of similar

meaning on labels or otherwise to describe a fabric or product not woven or manufactured by the Cherokee Indians; to cease employing any pictorial design of an Indian in connection with descriptions of fabrics or products not woven or manufactured by the American Indian, and to discontinue using the term "Indian" or any term which includes it or any colorable simulation thereof, or other term of similar meaning on labels or otherwise to designate fabrics or products not made by the American Indian. (4226)

Art-Web Manufacturing Co., Inc., 86 Meserole St., Brooklyn, A. M. Webb & Co., Inc., 93 Worth Street, New York, and Leon J. Isaacs and Jesse Kohn, officers and owners of the capital stock, of the two corporations, have been ordered to cease and desist from misleading representations in the sale of wearing apparel.

Commission findings are that the respondents sold polo shirts labeled with the words "Edward VIII Sportwear 'Fit for a King'" surmounted by a pictorial representation closely simulating the British Royal Crown. These products, according to findings, were packaged in containers bearing similar wording, with a depiction simulating the British Royal Crown and the word and figures "Edward VIII".

According to findings, during part of the time that the respondents were using these designations Edward VIII was King of Great Britain. The labels used by the respondents represented and implied approval of the respondents' products by a member of the British royal family and that the goods bearing the labels were of English manufacture and imported into this country, when such were not the facts.

The Commission order directs the respondents to cease using the designation "Edward VIII", either separately or in conjunction with any pictorial representation simulating the British crown, as a label for, or to designate or describe, any article of wearing apparel; or otherwise representing or implying that such products are of British manufacture, or imported from Great Britain, or have the approval of or warrant from any member of the British royal family. (3471)

Joseph Gluck & Co., Inc., 305 Seventh Ave., New York, importer and distributor of rugs, have been ordered to cease and desist from violation of the Federal Trade Commission Act in the sale of rugs.

Commission findings are that prior to about August 15, 1940, the respondent had used the names "Kirman," "Karavan," "Mossoul," and "Irak" and Oriental depictions to designate certain of its rugs which closely resembled true Oriental rugs but which neither were made by hand in the distinctive manner of the true Oriental rug nor possessed all of its characteristics, and which had been woven on power looms in French factories.

The Commission order directs the respondent to cease using the words "Kirman," "Karavan," "Mossoul," "Irak," or any other words or names indicative of the Orient, or pictorial representations of a star and crescent simulating the Turkish emblem, or other Oriental emblems, to designate rugs not made in the Orient and which do not possess all the essential characteristics and structure of the type of Oriental rug which they purport to be. (4221)

Sol. Raphael, Inc., 333 Seventh Ave., New York, an importer and distributor of rugs, has been ordered to cease and desist from certain representations in the sale of his products.

The Commission order directs the respondent to cease using the words "Khandah", "Aristan", "Karachi", "Numdah", "Calcutta", "Burma", "Daria", "Damascus", "Bagdad", "Tamura", or "Chinese", or any other words or names indicative of the Orient, or pictorial representations or simulations of the Persian coat of arms or other Oriental arms or of typically Oriental scenes, to mark, describe or refer to rugs not made in the Orient and not possessing all the essential characteristics and structure of the type of Oriental rug which they purport to be. (4205)

Stephenson Laboratories Trust, also trading as Stephenson Laboratory, 5 Irvington St., Boston, has been ordered to cease and desist from making misleading representations in the sale of licenses to manufacture foot supports and foot exercisers, and of correspondence courses in the treatment of foot troubles.

Commission findings are that the respondent represented in periodical and circular advertisements that its devices, corrective system and instruction are developed in and disseminated by a "laboratory"; that persons of ordinary intelligence mastering its courses are able to distinguish between surgical and non-surgical foot conditions and cure all foot troubles not requiring operative surgery, and that such students of its system can earn large incomes, when such are not the facts.

The Commission order directs the respondent to discontinue employing the term "Laboratory" or "Laboratories" or other terms of similar meaning in its name or in any trade name which it uses in the conduct of its business, or otherwise representing that it maintains a laboratory in which its system of foot culture or instruction courses in that subject were or are developed or prepared.

The respondent is further ordered to cease representing that its course will equip anyone with learning and proficiency adequate to: (1) diagnose and determine whether or not foot troubles require surgical treatment; (2) effectively and successfully treat non-surgical foot troubles, regardless of the origin or cause; and (3) effectively and successfully treat foot troubles which may result from systemic causes, such as aching feet, excessive or insufficient perspiration, foot neuralgia, painful heel, and enlarged joints; or foot troubles which may require operative surgery, such as Morton's toe, hammer toe, and bunions; or foot troubles which require immobilization as a part of any competent treatment, such as stretched ligaments, exclusively by foot supports and exercise.

The Commission order further directs the respondent to cease representing that any purchaser who masters its correspondence course is assured of a profitable business or will be able to obtain trade without solicitation, delay, or expense. (3622)

Wood & Hyde Co., Gloversville, N. Y., manufacturer of glove leathers, has been ordered to cease and desist from violation of the Federal Trade Commission Act in the sale of its products.

Commission findings are that the respondent uses the trade name "Kinkid" in connection with branding, labeling and advertising part of its products made from "capekin" and "cabretta" sheep-skin leathers; that many of its best pieces of leather sold and shipped to glove manufacturers bear the "Kinkid" label; that various glove manufacturers using the respondent's glove leathers are supplied with "Kinkid" transfer stamps for stamping the name "Kinkid" on the inside of gloves manufactured by them from such products, and that the respondent's use of the name "Kinkid" tends to lead consumer-purchasers into believing that such gloves are made from genuine kidskin.

The Commission order directs the respondents, in connection with the sale of glove leathers and other similar products, to cease and desist from using the word "Kid" or other words of similar meaning, alone or in combination with any other words, in advertising or otherwise, to describe or refer to any leather product which is not made from the skin of a young goat; and to cease employing the term "Kinkid" or any other term which includes the word "Kid" or any colorable simulation of it, or using other terms of similar meaning on labels or otherwise, to designate or refer to any leather product not made from the skin of a young goat. (4235)

STIPULATIONS

The Commission has entered into the following stipulations:

Adolph's Beauty Products Co.—Adolph R. Phillips and Daniel B. Scott, Jr., trading as Adolph's Beauty Products Co., 330 North 55th St., Philadelphia, entered into a stipulation to cease advertising that their preparation "Formula-X," consisting of two medicinal preparations known as "Formula-X Liquid" and "Formula-X Pomade," will cause hair to grow or is of value in the treatment of dandruff and eczema in excess of temporarily relieving itching, and that this product is of value in the treatment of falling or brittle hair. The respondents further agree to cease and desist from disseminating any advertisement of Formula-X Liquid which fails to reveal that unless used in specified proper dilution it would cause a marked local inflammation or other injury. 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 the label contains the proper cautionary language. (02802)

Curtis Furniture Co., 20th St. and 6th Ave., New York, stipulated that in connection with the advertisement or sale of furniture it will cease representing that such product is "hand-constructed" or "hand-carved", or that it is manufactured by the respondent corporation when in fact such products have been made by others either complete or complete except as to the upholstery. The stipulation recites that the respondent's furniture is not hand-constructed, but is merely finished by hand. (3125)

Lucky Tiger Manufacturing Co., Sixth and Delaware Sts., Kansas City, Mo., entered into a stipulation to cease advertising that either of its products known as "Lucky Tiger" and as "Lucky Tiger with Oil" removes the cause of dandruff or has therapeutic value in treating it in excess of temporary removal of loose dandruff scales; that either product will permanently stop scalp itching; that either preparation, as a part of the respondent's "Sulpho-Olive Treatment," will reduce or prevent the loss of hair or eliminate or end scalp disorders, and that no competitive product will produce like results. The respondent further agrees to cease representing that "Lucky Tiger" removes the cause of or cures dry hair or that "Lucky Tiger with Oil" removes the cause of, cures or affects this condition other than by supplementing with oil to relieve the condition temporarily. (02801)

Midget Radio Co.—W. P. Beshore, C. S. Beshore, D. L. Beshore and P. S. Beshore, co-partners trading as Midget Radio Co., Kearney, Nebr., entered into a stipulation to cease certain representations in the sale of radio sets. The stipulation is supplemental to one accepted by the Commission in July, 1937, from Tinytone Radio Co., a corporation formerly owning and operating the business and in which the respondent co-partners were officers or directors.

Under the supplemental stipulation the respondents agree to cease representing that their crystal type of midget or pocket radio receiving set is other than a crystal or crystal type set or is "wireless"; that the dial of this radio is of such luminosity as to be visible in the dark, or will afford perfect tuning; that this radio is guaranteed, without setting forth all essential terms and conditions; that this radio, as newly designed, weighs but four ounces or is smaller than the ordinary cigarette package; and that all competitive crystal radio sets with walnut cabinets are of the same quality and value, or that any of such sets retailing for more than 69 cents are necessarily excessively priced.

The respondents further agree to cease making any statements which misrepresent the quality or value of competitive sets or which otherwise falsely disparage such sets. (01798)

Montgomery Ward & Co., Chicago, entered into a stipulation to cease certain representations in the sale of "Wards Supreme Electric Fence Controller" and "Wards Standard Electric Fence Controller."

Under its stipulation, the respondent agrees to cease representing that the use of its electric fence controllers is a positive or certain method of confining livestock or that use of these devices will prevent the escape of livestock under all conditions, and that the respondent's electric fence controllers or fences require no attention, care or maintenance service.

The respondent corporation further agrees to desist from advertising that the use of its controllers will effect any stated amount or percentage of saving in "farm fencing costs" as compared with the costs of other types of fences, without stating the type or types of fence used as a basis for such comparison, and without taking into consideration in such comparison all costs including both initial costs and costs of maintenance.

The respondent also agrees to cease representing that all parts necessary for construction of an electric fence cost two cents a rod or any other amount less than the actual cost of construction, and that its electric fence controllers automatically adjust voltage, amperage or time interval of the electrical charge in a fence necessary for varying conditions of operation. (02797)

Ne-Wa-Te Company—Oscar F. Fox and W. Harvey Patterson, trading as Ne-Wa-Te Co., Greenville, S. C., has entered into a stipulation to cease representing that "Ne-Wa-Te Native Herbs" is an effective treatment or competent remedy for stomach, liver and kidney diseases and other ailments, and that the use of the

preparation will help to avoid appendicitis, catarrh, fevers, asthma, indigestion and other ailments or any other affliction or condition except as a purgative or laxative which should be sold with a caution notice. The respondents also agree to discontinue representing as the customary prices of their product prices which are fictitious and in excess of the regular prices. (3123)

Paramount Hosiery Co.—Holland E. Shoaf and Robert Shoaf, trading as Paramount Hosiery Co., Lexington, N. C., entered into a stipulation to cease certain representations in the sale of hosiery, lingerie, or other textile fabrics.

The respondents agree to cease using the words "Silk," "Satin," "Crepe," "Chiffon," or other silk-connoting words to describe a product not composed of silk, and, when the silk content of a product consisting partly of silk and partly of other fibers or material is properly described by the word "Silk" or other silk-connoting word, to accurately designate each constituent fiber or material in equally conspicuous type in the order of its predominance by weight.

Under their stipulation, the respondents further agree to cease advertising, branding, labeling, invoicing or selling products composed wholly or partly of rayon without clearly disclosing the rayon content by use of the word "Rayon," and without disclosing in type equally conspicuous as the word "Rayon" each constituent fiber in the order of its predominance by weight when a product consists partly of rayon and partly of other fibers or materials.

The respondents also stipulate that they will cease quoting fictitious prices which exceed their customary prices as the value of their products, and will discontinue using the word "slightly" as modifying the word "imperfect" or in any manner so as to imply that imperfections in hosiery or other wearing apparel are slight or negligible when, in fact, they are such as to be improperly referred to by the word "slightly." (3126)

Ray Products Co.—Marvin W. Ray, trading as Ray Products Co., 80 Federal St., Boston, stipulated that he will cease advertising his preparation for treating hosiery and lingerie and known as "Marv-Ray" as being a mysterious new preparation or new discovery. The respondent further agrees to cease representing that "Marv-Ray" stops runs in women's hosiery or banishes forever the fear that hosiery will run; that it makes hosiery more elastic, splash-proof or fade-proof, and that one treatment lasts the lifetime of the hose. The respondent also stipulates that he will cease representing in any manner that he owns and operates a laboratory. (02803)

Paul Rieger & Co., trading as Dorothy Boyd Art Studios, 220-230 Commercial St., San Francisco, selling pajamas, kimonos and other apparel for women, entered into a stipulation to cease using the words "Silk," "Silk Crepe," "Silk Pongee," or "Satin," alone or in combination with other words of similar meaning to describe any fabric or other product not composed wholly of silk.

The stipulation provides that such terms may be used to describe the silk content of fabrics or products composed in part of silk and in part of other materials if they are accompanied in conspicuous type by words truthfully designating each constituent fiber or material. The respondent further agrees to cease representing that it imports any article, when such is not a fact. (02799)

John Shea Co., trading as Shea Feed Stores, 53 Railroad St., Lawrence, Mass., entered into a stipulation to cease advertising that the feeding of "New England Economy Laying Mash" to hens will cause the resulting eggs to be better tasting, larger, better shelled or more uniform in color, than eggs produced when hens are fed other similar products. The respondent further agrees to desist from representing that the feeding of this mash will develop a proper gizzard or purify the entire system of the bird and will produce high gear egg production at all times. (02800)

United Radio Co., Herman Lubinsky, 58 Market St., Newark, N. J., stipulated that in the sale of radio accessories he will cease representing by any specified sum or in any other manner that the regular price of any product is any amount in excess of the price for which the article is regularly sold; that the price of any article is a special price when in fact it is the regular price, and that any article cannot be purchased elsewhere for less than the represented amount, when such is not a fact. The respondent Lubinsky further agreed that when the former price of an article is quoted, he will with equal conspicuousness disclose the fact that such price was the price of the article before it became obsolete. (02798).

Waltham Pen Co.—Joseph Starr and William Starr, co-partners trading under the names Starr Pen Co., and Waltham Pen Co., 300 West Adams St., Chicago, have entered into a stipulation to cease certain representations in the sale of fountain pens.

According to their stipulation, the respondents adopted the name "Waltham Pen Co." as one of their trade names and used the name "Waltham" in a manner tending to cause the belief that their "Waltham" fountain pens were manufactured and guaranteed by the Waltham Watch Co., well known watch manufacturer.

Under their stipulation, the respondents agree to cease using the word or name "Waltham" in connection with or as part of their trade name or as a brand or label for fountain pens, and to desist from the issuance and dissemination of "Life Time Service" certificates or "Guaranteed for Life" certificates as pertaining to such merchandise; or the designation of any representation or agreement as a guarantee, guaranty or warranty which involves a service charge or calls for payment of additional money by the purchasers of the merchandise.

The respondents further agree to cease using purported retail selling prices which are fictitious and in excess of the customary prices asked for the pens, and to discontinue representing that the respondents manufacture such pens. (3124)