



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W.

WASHINGTON, D. C.

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## FEDERAL TIME SALES TAX

The House Ways and Means Committee late Wednesday wrote into the new revenue bill an unjust and discriminatory provision to tax radio time sales.

According to best estimates, the tax would cost the industry about \$4,500,000 a year, net.

The bill, as approved by the committee, provides for the following taxes on net time sales of stations or networks:

5 per cent	\$100,000—\$500,000
10 per cent	\$500,000—\$1,000,000
15 per cent	\$1,000,000 or more

Affiliates would have to pay the tax on their payments from networks, as well as their own sales.

Earlier in the week, the NAB was assured by committee members that this discriminatory tax, first proposed by a small group of men purporting to represent printing trades unions, had been abandoned.

It was revived shortly before the bill was completed, however, when the committee was searching for items to replace some that had been discarded.

Although the NAB on Thursday made every effort to get the committee to reconsider its action, it appeared probable that the tax would be reported favorably to the House on Friday or Saturday. It probably will be approved by the House sometime next week under a rule which forbids amendment.

The bill then will go to the Senate Finance Committee, made up of the following:

Walter F. George, of Georgia  
David I. Walsh, of Massachusetts  
Alben W. Barkley, of Kentucky  
Tom Connally, of Texas  
Josiah W. Bailey, of North Carolina  
Bennett Champ Clark, of Missouri  
Harry Floyd Byrd, of Virginia  
Peter G. Gerry, of Rhode Island  
Joseph F. Guffey, of Pennsylvania  
Prentiss M. Brown, of Michigan

Clyde L. Herring, of Iowa  
Edwin C. Johnson, of Colorado  
George L. Radcliffe, of Maryland  
Robert M. La Follette, Jr., of Wisconsin  
Arthur Capper, of Kansas  
Arthur H. Vandenberg, of Michigan  
James J. Davis, of Pennsylvania  
John A. Danaher, of Connecticut  
Henry Cabot Lodge, Jr., of Massachusetts  
Robert A. Taft, of Ohio

The NAB is certain that the broadcasting industry is glad to pay its just share of the cost of the Defense Program. But the NAB will present to the Senate Committee the industry's case against such a rankly discriminatory tax that will, in the long run, militate against every station in the country, large or small.

Neville Miller addressed the following letter to Chairman Doughton (D-NC) and all other members of the House committee:

The broadcasting industry today was greatly disturbed by published reports that the Ways and Means Committee of the House of Representatives has *(Continued on page 624)*

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*

## FEDERAL TIME SALES TAX

(Continued from page 623)

decided to submit to Congress a recommendation to levy a special and discriminatory tax upon radio advertising.

Doubtless every industry whose tax payments are to be increased by the pending proposal will urge reasons against the action taken affecting their particular field. I wish to emphasize, therefore, that the broadcasting industry does not and will not seek to evade its just and proportionate share of the tax burdens which of necessity must be increased because of the present emergency. What we do object to most strenuously is the discrimination which is involved in imposing this special burden upon radio which places the industry at a disadvantage in competing for business with newspapers and magazines. I have received numerous telegrams and other communications from broadcasters throughout the country urging that I submit to you the views of the industry and request reconsideration of the action that has been taken.

I, therefore, respectfully submit for your consideration certain factors which I believe should convince you that this penalty on radio advertising is unwarranted and that the committee should reconsider its action. These factors include:

(1) This special penalty on radio advertising will undoubtedly drive many advertisers to newspapers and magazines or other forms of advertising. This loss of revenue would result in lessening the ability of stations to serve the public. The inequity of a special tax on only certain forms of advertising seems obvious.

(2) Although the tax appears to be in the nature of an excise, it is in reality a tax upon the gross income of radio stations. It is standard practice for the industry to enter into yearly contracts with advertisers at a fixed rate. Many of these contracts contain provisions protecting the rate to the advertiser for periods even in excess of a year. Even if the advertiser would pay an increased rate, many stations will be prohibited by contract from attempting to pass the increase along to the advertiser. Thus the certain result would be decreased profits and in many instances no profits. This would create a pressure to divert revenues which are now used in the development of a better radio service.

(3) Under the proposals as suggested by the committee, many broadcast stations would suffer a reduction of 50 per cent or more in their net income. This is true even after allowing for any saving that would result from a reduction in the amount to be paid under the excess profit tax provisions.

(4) Radio broadcasting, under general corporate levies, is paying its share of federal taxes and would of course continue to do so, under any general increase in these schedules which Congress might adopt.

(5) Earlier proposals for a special, punitive tax upon radio broadcasting originated with a small group purporting to represent certain unions in the printing trades field. Radio employs many thousands of persons who are members of labor organizations. I have been advised by the American Federation of Labor that it does not favor a special tax on broadcasting which would have the effect of penalizing certain of their members for the dubious advantage of other members employed by competing industries.

I know it is obvious to you that radio has a most important function to perform in this crisis. Unnecessary obstacles which will impair our ability to do a real job must be avoided. We are willing, as all American industry must be, to make whatever sacrifices may be necessary. All we ask is equality of treatment and, I am confident, that upon reflection you will agree we are entitled to no less. We are advised that Treasury estimates indicate that less than \$5,000,000 in additional revenue will be collected from this source. Therefore the fiscal program of the government could not be seriously affected by eliminating this discriminatory levy. We are convinced that the harm that will be done to broadcasting because of the penalty upon radio advertising greatly outweighs any advantage to the government because of the revenues deriving from this source.

I am transmitting these views on behalf of the National Association of Broadcasters, to the chairman and each member of the Ways and Means Committee of the House of Representatives.

## Newspaper Hearings

Hearings by the FCC on the question of whether newspapers should be permitted to acquire either FM or standard band stations in the future started Wednesday, July 23, in the auditorium of the Archives Building.

Just before the start of the hearings, the FCC announced that it had denied the petition of the American Newspaper Publishers Association to terminate the proceedings. This action was taken in the form of the following order:

Before the  
 FEDERAL COMMUNICATIONS COMMISSION  
 Washington, D. C.

Docket No. 6051

In re Orders No. 79 and 79-A

### Decision and Order on Motion to Vacate Order

This is a petition by American Newspaper Publishers Association to vacate Commission Order No. 79 and Order No. 79-A and to terminate the proceedings instituted thereunder.

Order No. 79, issued on March 20, 1941, directed that an investigation be undertaken to determine what statement of policy or rules, if any, should be made concerning applications for high-frequency broadcast stations (FM) by persons also associated with the publication of one or more newspapers, and concerning the future acquisition of standard broadcast stations by such persons. This order was supplemented by Order No. 79-A, issued July 1, 1941, setting forth the issues on which testimony would be taken. The hearing was originally scheduled for June 25, 1941, but was continued to July 23, 1941, on the petition of a committee representing certain newspaper publishers.



The instant petition, filed July 15, 1941—eight days before the date set for the hearing—requests the Commission to vacate its Orders No. 79 and 79-A on the ground that the Commission lacks authority to conduct proceedings of the type contemplated by the Order.

Our jurisdiction to issue Order No. 79 and Order No. 79-A was carefully considered prior to the promulgation of those orders. It seems inconceivable to us that an argument could be seriously advanced against the inherent power of any administrative agency, endowed by statute with power to hold hearings, issue subpoenas, etc., to conduct general hearings of the type involved here. One of the principal reasons for the establishment of administrative agencies is the expertness which such agencies are expected to develop in the administration of difficult and complicated matters. If problems involved in the regulation of an agency are complex enough to induce Congress to establish an administrative agency to administer them, it would seem unlikely that Congress would limit its usefulness by denying to it the power to hold general hearings for the purpose of acquainting itself with the problems of the industry and the best solution therefor. Such an intention is not to be imputed to Congress unless the statute creating the agency explicitly so provides.

But our jurisdiction does not rest alone on this inherent power of administrative agencies. The Communications Act explicitly confers on us the power to conduct such proceedings as that involved in Orders 79 and 79-A.

Section 403 of the Act provides:

*"The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act."* (Italics supplied.)

In the administration of Section 309 of the Act, authorizing the Commission to grant or deny applications for station licenses, the question whether the public interest, convenience, and necessity is served by the granting of a license to newspaper interests has arisen from time to time. (e.g. *Port Huron Broadcasting Co.*, 5 F.C.C. 177; *Dorrance D. Roderick*, 3 F.C.C. 616, 5 F.C.C. 563; *The South Bend Tribune*, 6 F.C.C. 783; *Barnes & Weiland et al.* — F.C.C. — (Decided April 15, 1940.))

With the recent advent of frequency modulation (FM) broadcasting, this question has taken on an increased importance. Out of 116 applications for FM licenses 45, filed by newspaper interests, confront the Commission with the necessity of determining whether or not the granting of FM licenses to such interests will serve the public interest, convenience or necessity. The Commission's duty to act upon these applications for licenses carries with it the duty to determine the qualifications of the applicants. Under Section 309 each of these applications would have to be set for hearing if the Commission could not determine from the examination thereof that public interest, convenience or necessity would be served by a grant. To deny the Commission the power to institute a general inquiry into the same matter under Section 403, as urged by petitioner, would deprive Section 403 of all meaning, and would lead to the unreasonable result that we are empowered to hold scores of particular hearings in order to arrive at a determination of policy but are not empowered to hold one general inquiry for the same purpose. The power conferred by Section 403, and the further power conferred by Section 4(j) to conduct proceedings "in such manner as will best conduce to the proper dispatch of business and to the ends of justice" were hardly intended to impose such a procedural straitjacket on the Commission.

The Commission's authority under Section 403 to institute the proceedings covered by Orders 79 and 79-A is not, moreover, limited to matters arising under Section 309. An inquiry may be authorized as to "any matter" concerning which "any question" may arise under "any of the provisions of this Act." Thus the issues to be examined pursuant to Order No. 79 may be broad enough to include subjects concerning which the Commission may wish to consider recommending additional legislation in its annual report to Congress, as directed by Section 4(k) of the Act. Even if the questions arising under Order No. 79 and 79-A were not clearly matters arising under Section 309, the Commission could conduct such a general inquiry preliminary to determining whether to make recommendations to Congress for additional legislation.

The instant petition appears to be less concerned with Order No. 79 and Order No. 79-A than with some possible regulations, the precise nature of which petitioner does not state, which it fears the Commission may promulgate at some future date. It would certainly not be conducive to the proper dispatch of business to permit petitioner at this time to argue the validity of purely supposititious regulations which may or may not be promulgated after the hearings are closed. If at the close of the hearings we do determine that the public interest makes regulations necessary or advisable, our procedure allows ample opportunity to argue the validity or invalidity of such regulations at that time.

It IS ORDERED, this 23rd day of July, 1941, that the petition filed by American Newspaper Publishers Association to vacate Commission Order No. 79 and 79-A BE, AND IT IS, HEREBY DENIED.

FEDERAL COMMUNICATIONS COMMISSION.

In opening the hearings, Mr. Fly said he "should like to comment briefly on two or three matters." He said:

"The general question of joint control over newspapers and broadcasting stations has been a topic of interest, both in Congress and elsewhere, for a long time. When the Radio Act of 1927 was being debated, for example, Senator Dill, the Senate sponsor of the bill, pointed out the need for deciding such questions as whether one newspaper in a city should have a radio station when other newspapers do not, and urged that such questions indicated the need for a federal commission to regulate broadcasting. (67 Cong. Rec. 12353, June 30, 1926.) There was discussion of newspaper ownership of broadcasting stations before the Senate Committee on Interstate Commerce in January, 1930, at which time Senators Wheeler, Dill, and Brookhart indicated an awareness of the problem. (*Hearings before the Senate Committee on Interstate Commerce* on S. 6, 71st Cong., 2nd sess., pp. 1643, 1718, 1744, 2077.) Senator Neeley expressed opinions on the subject in January, 1935, during the *Hearings on the Confirmation of the Members of the Federal Communications Commission* (74th Cong. 1st sess., p. 195). Representative Monaghan expressed outspoken opposition to newspaper ownership of broadcasting stations in August, 1935. (79 Cong. Rec. 14310-14316.) On January 28, 1937, Representative Wearin introduced H.R. 3892, entitled 'A Bill to amend the Communications Act of 1934 by adding thereto provisions designed to prohibit unified and monopolistic control of broadcasting facilities and printed publications, and for other purposes.'

"On March 15, 1937, Senator White commented at some length on newspaper ownership of radio stations, in the course of which he suggested that the Commission ought to formulate views on the subject. He said in part: 'If the Commission senses the situation, and if it has views as to what our policy should be, it has skillfully concealed the fact from Congress.' (81 Cong. Rec. 2334-2335.)

"The importance which has thus been continuously attached to the problem and the further fact that the Commission is now faced with a group of newspaper applications for FM facilities, have caused us to conclude that a general inquiry is advisable. Out of 99 applicants for FM licenses as of June 30th, 43 are newspaper interests. These newspaper applications raise the common question of the extent to which and the circumstances in which grants to newspapers will serve the public interest. We could, of course, have considered the question separately as to each of the 43 applicants. The proper dispatch of business, however, as well as the need to achieve that degree of uniformity, consistency, and informed judgment properly expected of administrative bodies, clearly indicate the advisability of these general hearings.

"I would like particularly to emphasize that the purpose of these hearings is to inform the Commission. No conclusions or opinions have been formulated by the Commission. The facts and circumstances which will be developed in these hearings may lead us to the conclusion that no rules or policies whatsoever need to be developed. Or they may lead us to the conclusion that recommendations to Congress should be made, and the problem handled by way of legislation. Or we may conclude that certain policies or regulations can and should be developed within the jurisdiction already committed to us by Congress.

"The Commission believes that discussion of its jurisdiction under existing law to take action with respect to joint control of newspapers and radio stations would be premature at this time. The jurisdictional question itself must be determined partly in the light of the facts and circumstances which the hearings develop, and argument should be based on concrete rather than supposi-

tious proposals. The Commission will afford ample opportunity for the expression of views on the jurisdictional question if and when it contemplates the issuance of any rules.

"I have emphasized the fact that the sole purpose of these hearings is to inform the Commission. I want to add, with equal emphasis, that the Commission is determined to be informed. Our jurisdiction to formulate rules will be determined subsequently; our jurisdiction to make a study of the problem we think clear, as stated in our decision released today on the petition filed by the American Newspaper Publishers Association. Government commissions have a duty to inform themselves of problems pertinent to the field in which they function. The public and the Congress would rightly criticize us for passing over without consideration problems basic to the welfare of the radio industry and the public which it serves. It is for just such reasons that Congress has empowered this Commission to hold hearings concerning any question which may arise under the Act which we administer, and to require the attendance and testimony of witnesses and the production of relevant documents and to pay the attendant expenses of such proceedings. Furthermore, it is wholly in accord with the traditions and institutions of our form of government that we should carry on such a study, and it has been familiar practice at least since the establishment of the Interstate Commerce Commission half a century ago.

"In the interests of comprehensiveness the Commission has itself conducted field investigations in sample localities, and will call witnesses competent to describe various local situations. Let me emphasize that such local matters will be entered into wholly for the light they cast upon the general issues. This is not an inquiry into the activities of particular licensees but into a nation-wide situation. Also the Commission will call some expert witnesses—scholars of recognized authority who will present evidence based on their independent studies.

"The following appearances have been filed in the present hearing and have been allowed:

"Oregonian Publishing Company, licensee of Radio Stations KGW and KEX, Portland, Ore.

"FM Broadcasters, Inc.

"Hildreth & Rogers Company, licensee of Radio Station WLAW, Lawrence, Mass.

"The American Network, Inc.

"In addition, Station WGN, Chicago, Illinois, and KOOS, Marshfield, Oregon, and the Newspaper-Radio Committee have given notice that they desire to be heard. They have been informed that their appearances will be allowed upon the filing of statements showing the nature and relevance of the evidence which they propose to present, and in the case of the Newspaper-Radio Committee, upon the furnishing also of a statement of the persons who are represented by that committee. As contemplated in the Commission's public notice of July 1, 1941, setting forth the 'Procedure for hearings under Order No. 79', requests to appear may be filed at any time during the course of the hearings, and, if in the proper form, will be allowed.

"The present sessions will be devoted to the calling of witnesses by the staff of the Commission and to its presentation of exhibits and documentary evidence. Persons whose appearances have been allowed will be permitted, in the discretion of the Commission, to cross-examine witnesses with respect to phases of the inquiry as to which they themselves propose to adduce evidence. Those persons who have appeared or who hereafter appear will be given notice at some later date as to when they will be afforded an opportunity to introduce evidence.

"It is not contemplated that all the hearings will be held consecutively. Following the calling of certain witnesses by the Commission, an opportunity will be given for those other witnesses who wish to testify at that time. Thereafter we will adjourn for a period to be then determined and then reconvene for the taking of additional testimony.

"One final matter: since the hearings are concerned with the relationship between broadcast stations and newspapers, some understanding of the latter industries is necessary. Inquiry will be made into the operations and functions of each. The Commission does not, of course, contemplate any action with respect to the newspaper industry apart from its relationship to broadcasting. Evidence as to the internal workings of the newspaper inquiry will be adduced therefore only insofar as it throws light upon the relationship which has existed or should exist between the broadcast and newspaper industries.

"We are confident that on the basis of evidence to be submitted by representatives of the broadcasting industry and the newspaper publishing industry, by scholarly authorities, and by persons

especially cognizant of local situations in communities of various sizes and kinds, a record will be developed which will aid us in the performance of our duties hereafter, and will enable us to reach a sounder solution of the problem than would be possible if we proceeded without this general inquiry to the determination of particular cases. It is in this spirit of *fact-finding* that the Commission desires to proceed."

Elisha Hanson, counsel for the ANPA, arose to argue his motion to dismiss, but was informed at that time that it already had been overruled. He started to discuss the matter, but was summarily refused the opportunity. Mr. Fly advised him that he and his clients would be permitted to contest the Commission's jurisdiction if and when the Commission proposed any rules and regulations affecting the clients' interests. Judge Thatcher, representing the Newspaper Radio Committee, likewise was refused opportunity to contest the legality of the hearings.

The Commission, however, granted Mr. Hanson permission to file the following statement:

Mr. Chairman and Gentlemen of the Commission:

I appear specially as Counsel for the American Newspaper Publishers Association to address myself to the motion filed on behalf of that Association on July 15, 1941, to vacate Orders Nos. 79 and 79A and terminate this proceeding.

Because of the serious question raised in the body of that motion, I also request that pending your decision thereon all further proceedings herein be stayed until the issue as to your authority to proceed at all is determined.

We are all familiar with the fact that on March 20 last, the Federal Communications Commission entered its Order No. 79, wherein it ordered that an immediate investigation be undertaken "to determine what statement of policy, or rules, if any, should be issued concerning applications for high frequency broadcast stations (FM) with which are associated persons also associated the publication of one or more newspapers" and also what "statements of policy or rules, if any, should be issued concerning future acquisition of standard broadcast stations by newspapers."

I think it will be conceded at the outset that if the Commission has the power to prohibit persons engaged in the newspaper business, because of that fact and only that fact, from receiving approval of applications for licenses for the operation of radio broadcast stations, either in the high frequency or the standard broadcast band, there can be no question as to your authority to conduct a proper inquiry for the purpose of determining a policy in respect of such applicants and promulgating rules barring them from receiving licenses if, in your judgment, they should be barred.

Also, I think, under our settled jurisprudence, it will be conceded that if you do not have the power to prohibit persons engaged in the newspaper business from receiving approval of applications for broadcast licenses on the sole ground that they are engaged in that business, then you do not have any power to make an investigation for the purpose of adopting any statement of policy or rules on the subject.

It has been judicially determined that you do not have such authority.

The United States Court of Appeals for the District of Columbia in a controversy between a licensee and this Commission arising over the granting of an application for a proposed station filed by the owner of a newspaper stated that it knew of no provision of statute or rule of law which forbids broadcasting by the owner of a newspaper. *Tri-State Broadcasting Company v. FCC*, 96 F. (2d) 564.

At this point it is pertinent to inquire as to who may or may not hold radio broadcast licenses.

The limitations on the holding and transfer of licenses are specifically and precisely set forth in Section 310 and 311 of the Act. Under Sec. 310 (a) a station license cannot be granted to or held by

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or its representative, or by any corporation organized under the laws of a foreign government;

(5) Any corporation directly or indirectly controlled by any of those precluded from a license in the preceding paragraph, if



the Commission finds that the public interest will be served by the refusal or revocation of such a license.

Sec. 310 (b) provides that a license shall not be transferred, assigned or disposed of, voluntarily or involuntarily, directly or indirectly, to any person unless the Commission shall, after securing full information, decide that the transfer is in the public interest and give its consent in writing.

Sec. 311 provides for the refusal of licenses and permits in certain cases, those cases being those of persons "finally adjudged guilty by a Federal Court" of certain violations of the Anti-Trust laws.

Such gentlemen, are the limitations of the statute under which your body functions on the holding or transfer of licenses. Solely by reason of being engaged in the newspaper publishing business, a newspaper publisher, whether an individual or a corporation, does not ipso facto become either an alien, a representative of an alien, a foreign government or the representative thereof. Neither does such an individual or corporation become a criminal solely by reason of being engaged in the newspaper publishing business.

Insofar as the application of the Anti-Trust Laws to licensees or applicants for licenses is concerned, this Commission does not have any original jurisdiction whatsoever. Proceedings under those laws must originate elsewhere and this Commission is without power to act until there has been a final judgment of guilt. Then its authority is limited to the person or persons finally adjudged guilty. It cannot be extended to others.

As I have pointed out, the limitations on the holding and transfer of licenses and on the refusal of licenses and permits, are specifically set forth in the statute. So are the limitations on the revocation of licenses and on the application of the Anti-Trust Acts.

This Commission has no power either to exceed or to extend the Act. It must operate within the confines of its authority. It cannot trespass beyond.

Being without authority to extend or increase the limitations of the statute it is without authority to conduct an inquiry to determine whether or not it shall adopt any policy or rules to that end.

Therefore it should vacate its Order No. 79 and terminate this proceeding without further ado.

It may be argued on behalf of that order that the Commission has general powers of inquiry (a) for the purpose of determining if the public interest will be served in the granting of licenses and (b) for the purpose of making reports to the Congress.

An analysis of the statute and a consideration of the controlling decisions of our courts, however, cannot be otherwise than convincing that the Commission in its consideration of the public interest must give consideration to that interest, insofar as applications for broadcast station licenses are concerned, as the facts are developed in connection with a particular application. There is no statutory authority empowering the Commission on its own motion to make general classifications of persons, otherwise qualified under the statutes, for the purpose of laying down a policy or adopting rules either for the purpose of prohibiting persons belonging to a certain class from holding licenses or limiting the number of persons within a certain class who may hold licenses.

Insofar as its reports to Congress are concerned, again the Commission's authority is limited.

One is a general power to be found in Section 4 (k) of the statute. This section requires the Commission to make an annual report to the Congress, just as similar sections in other statutes require such reports from all other legislative agencies. There is nothing in this section that either by inference or implication can be construed as authorizing an inquiry such as that initiated by the Commission's Order No. 79.

Two other sections of the statute namely 215 (a) and 307 (c) provide for reports to Congress. The provisions of Section 215 (a) are limited to common carriers engaged in wire and radio communication and subject to the Act. It does not extend to broadcast stations of any kind or description.

The provisions of Section 307 (c) are limited to non-profit programs and activities, on which the Commission was required to report not later than February 1, 1935.

The foregoing discussion should satisfy that the Commission does not have any authority under the Communications Act of 1934, as amended, to make the inquiry provided for in its Order No. 79. Consideration of the Commission's Order No. 79-A outlining the matters concerning which the Commission proposes to take testimony and receive other evidence shows that that order exceeds any power which the Commission has under the Act and runs into headlong conflict with an adjudication of the powers of the Commission by the Supreme Court of the United States.

Nowhere in the Communications Act of 1934, As Amended, is any power vested in the Commission to regulate the business of any broadcast station licensee, or exercise any supervisory control over any licensee's programs, business management or policy.

The Commission's powers in respect of broadcast station applicants are limited to consideration of specific applications for the purpose of determining (a) if there be an available frequency over which the applicant can broadcast without interference to others, (b) if the applicant is financially able to make good use of the assigned channel, (c) if his equipment is adequate and (d) if his proposed program service is competent to serve his listening public.

That is not my statement, gentlemen, but a summary of a statement made by the Supreme Court of the United States in a case which you yourselves asked that Court to review in order to construe your own powers, when you were not content with a decision in the controversy as rendered by the United States Court of Appeals for the District of Columbia.

I quote a few excerpts from that decision:

"The Act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel."

Again, as the Court said:

"The Act recognizes that broadcasters are not common carriers and are not to be dealt with as such. Thus the Act recognizes that the field of broadcasting is one of free competition. The sections dealing with broadcasting demonstrate that Congress has not, in its regulatory scheme, abandoned the principle of free competition, as it has done in the case of railroads, in respect of which regulation involves the suppression of wasteful practices due to competition, the regulation of rates and charges, and other measures which are unnecessary if free competition is to be permitted.

Finally the Court said:

"An important element of public interest and convenience affecting the issue of a license is the ability of the licensee to render the best practicable service to the community reached by his broadcasts." *F. C. C. v. Sanders Bros. Radio Station*, 309 U. S. 470.

Gentlemen, that case arose when the licensee of a radio station appealed from an order of this Commission granting approval to the application of a newspaper for the construction of another station in the area that the first station served and in the same city where the newspaper was published.

Now what do we find in respect of your Order No. 79-A? In that order you set forth 10 specific subjects on which you say that you desire information in order to determine what policy you shall lay down or what rules you shall adopt concerning applications for high frequency broadcast stations or the future acquisition of standard broadcast stations by newspapers.

In the order of their presence in Order No. 79-A your questions are as follows:

1. To what extent broadcast stations are at present associated with persons also associated with publication of one or more newspapers, the classification (in terms of power, location, network affiliation, etc.) of broadcast stations so associated, the circumstances surrounding such association, and the tendency toward such association in the future.
2. Whether joint association of newspapers and broadcast stations tends or may tend to prejudice the free and fair presentation of public issues and information over the air, or to cause editorial bias or distortion, or to inject editorial policy or attitude into the public service rendered by broadcast stations as a medium of public communication.
3. Whether joint association of newspapers and broadcast stations tends or may tend to restrict or distort the broadcasting of news, or to limit the sources of news to the public, or to affect adversely the relation between news-gathering services and broadcast stations.
4. Whether the joint association of newspapers and broadcast stations has or may have any effect upon freedom of access to the radio forum, for the discussion of public issues.
5. Whether the joint association of newspapers and broadcast stations tends or may tend to lessen or increase competition

among broadcast stations or to result in the monopolization of local broadcast facilities.

6. Whether the joint association of newspapers and broadcast stations tends or may tend to increase or decrease concentration of control over broadcast facilities or the use thereof.
7. Whether the joint association of newspapers and broadcast stations constitutes or may constitute an undue concentration of control over the principal media for public communication.
8. Whether joint association of newspapers and broadcast stations tends or may tend to result in the utilization of improved facilities and skilled, experienced personnel for the procuring and dissemination of information and opinions by broadcast stations.
9. Whether joint association of newspapers and broadcast stations tends or may tend to insure greater economic stability for broadcast stations and to encourage the maximum technological development of radio.
10. What considerations influence newspaper interests to acquire broadcast stations.

I submit that in the light of the decision of the Supreme Court of the United States in the *Sanders Bros.* case you have no power to inquire into any one of those matters.

Furthermore, I also submit that the questionnaire which the Commission sent out on June 28 to present licensees deals with subject matter over which the Commission has no authority either under the statute or as construed by the courts. That questionnaire is nothing more nor less than an impertinent effort on your part to inquire into the newspaper publishing business, the business policies of newspapers, the editorial policies of newspapers, the advertising practices of newspapers, the promotional activities of newspapers, the news policies of newspapers, the nature of the work performed by newspaper employees, and the business connections of newspapers over none of which does this Commission have any authority whatsoever. If it be argued that the questionnaire is designed to obtain information for use in connection with the administration of the broadcast provisions of the Communications Act of 1934, As Amended, then again I submit that the questionnaire shows on its face that it is an effort to inquire into matters which the Supreme Court says this Commission has no business with. You do not have a supervisory control over the programs, or the business management, or the policies of radio stations and you are not empowered to make any general inquiry into the nature of programs, business management or policies of radio stations such as you have attempted in this inquiry, as is forcibly illustrated in that questionnaire.

In conclusion I desire to call your attention to the fact that several years ago the Chairman of this Commission asked its General Counsel to submit an opinion on the question as to whether the Commission has authority to deny an application of a newspaper for radio facilities on the ground that it is against the public interest for newspapers to operate stations. Your own General Counsel as of that time told you you had no such authority. Since then the United States Court of Appeals for the District of Columbia has given you the same word and also the Supreme Court of the United States has told you just what your powers are.

Your powers do not embrace authority to adopt any policy or rules the purpose of which is to prohibit persons engaged in the newspaper publishing business from operating radio stations. Being without power to adopt any such policy or rules you are without power to conduct an inquiry for the purpose of determining whether or not you should adopt such a policy or rules.

Therefore, I respectfully submit that my motion to vacate Orders Nos. 79 and 79-A should be granted and this proceeding terminate.

I further submit that if the Commission is not at this time prepared to rule upon that motion it should stay all further proceedings in this inquiry until it determines this question. In the event the Commission decides to stay the inquiry then I should like a reasonable time if your body so desires within which to file a brief in support of my statement this morning.

Insertion in the record of a vast number of Commission exhibits dealing with the relationship of newspapers and radio stations consumed the rest of the Wednesday morning session and a part of the afternoon session. The other Wednesday witness was Elmo Roper, public opinion expert, who discussed at length the survey he made for *Fortune* magazine dealing with the public's opinion about news on the radio and news in the newspapers. He was questioned at length by members of the Commission as to

whether these figures represented the facts. He insisted, in all instances, that he represented only the public's opinion.

The first witness Thursday morning was Professor Mitchell V. Charnley of the Minnesota School of Journalism who testified to the different techniques in processing news for newspapers and radio broadcasting. He stated it was his belief that separate staffs to select news for the two media are desirable. On cross examination by Judge Thatcher it was brought out that the witness had not made or supervised any study as to the facts of whether it is usual or unusual for radio stations and newspapers to operate with the same staffs, and that the witness had not made or supervised any study as to the relative merits of service to the public by stations under newspaper management and stations under other management. He stated that he was, therefore, unable to express an opinion on the relative merits of such service.

The next witness was Mr. Marco Morrow who stated he was associated with the *Capper* newspaper interests and titular head of Senator Capper's radio stations. He testified that in his opinion radio is just another means of reaching the people, as necessary for newspapers as fast presses and cable service, and "inherently a part of journalism." When questioned by Chairman Fly as to whether or not in the case of a single newspaper and a single radio station in a community better service to the public would not be rendered if the two were under separate ownership, he stated that he believed that the better service would be rendered by the radio station owned by the newspaper as the advantages more than offset any danger of abuse by virtue of joint ownership. Commissioner Craven inquired if there was any reason why newspapers as a class should not own radio stations and the witness answered "no."

The next witness, Dr. Albert McClung Lee, assistant professor of marketing at New York University, stated that in his opinion the political and economic views of newspapers affect the enthusiasm of the response to their advertisements; that the long-term trend has been towards elimination of competition in the daily newspaper field and also towards fewer daily newspapers, due to economic restriction. In the course of a lengthy statement on the meaning of freedom of the press, he stated his belief that the present concentration of newspaper ownership prohibits a free press in the sense that that was understood at the time of the adoption of the Constitution.

When pressed under cross examination by Louis G. Caldwell, counsel for the *Chicago Tribune*, the witness stated that a free press under the first amendment of the Constitution means freedom from interference by Congress, as does freedom of speech.

The final witness was de Quincy Sutton of the Commission staff who discussed at length numerous summaries of various financial reports by licensees to the Commission.

The hearing was recessed until 10 a. m., Wednesday, July 30, in the Auditorium of the Archives Building.

## Sales

### Per-Inquiry and Free Time

Shapiro & Schoenbrod Agency of Chicago, reported here last week, continue to seek per-inquiry deals on behalf of **Monarch Cameras**. Investigation shows that FTC complaint No. 4169, still pending, involves Arnold F. Shapiro, Robert D. Schoenbrod and the Monarch Manufacturing Co. along with others in a "group of Chicago manufacturing corporations which have operated at different times in cooperation with Henry T. Schiff in the sale of radios, cameras, talking machines, electric sunlamps, clocks, razors and lighters, and electric and other novelties." The Shapiro & Schoenbrod address, 711 West Lake St., Chicago, is one of the addresses listed in the complaint, which was published in *NAB REPORTS* for June 28, 1940, page 4387, titled "Elgin Razor Corporation." Copies may also be secured from



the FTC. Stations are advised to check Monarch copy against the terms of this complaint. Attached to their letters soliciting per-inquiry deals is a sticker reading "The stations listed below are among the many now successfully merchandising the nationally famous Monarch Camera," and the list includes some of the country's leading broadcasters. The NAB has written each of these advising that many stations have misinterpreted the sticker and believe the stations mentioned are doing business on a per-inquiry basis. Of the replies received to date, every one states that the Monarch business it received was placed by the Henry J. Handlesman Agency of Chicago, at full published rates.

Pitluk Advertising Co. of San Antonio, Tex., on behalf of the Patriotic Plaque Co., is seeking *guaranteed* returns from stations in a variation of an attempt at per-inquiry buying.

## National Defense

### Radio Appeal Gets Auto

During the "Aluminum Man On the Street Broadcast," over WFMJ, Daytona Beach, Fla., last Wednesday, Ray Clancy, program director, received a telephone call from the Halifax Motors, automobile dealers. The call announced that the company was donating a 1926 all aluminum body Franklin sedan to the cause. The aluminum weighed two hundred pounds.

### Hold "Aluminum Maneuvers"

On Friday, July 25, WRAL, Raleigh, will hold "Aluminum Maneuvers" for a full hour during the evening. Solicitation of scrap aluminum will be built around red and blue armies, according to Fred Fletcher, program manager.

Two locally prominent citizens were named Generals of the Red and Blue Armies, respectively. These "Maneuver" Generals will make frequent appeals to the audience to join and give "weapons" to their respective armies. A Priorities Administrator and a Military Strategist will work hand-in-hand in recording contributions (by phone) of aluminum (weapons) and listeners (recruits).

Aluminum articles will be designated by these two in terms of weapon equivalents, such as a turkey roaster equals a 50-ton tank, a Jello mould equals a hand grenade, and a coffee pot equals a machine gun, etc.

"Weapons" given to the Red or Blue Armies will be called for by "Army Supplies Transports" (cars) driven by local members of the Junior Chamber of Commerce and Young Business Men's Club, and will be deposited at a central collecting point where the two Generals are "maneuvering" their "aluminum" armies.

The officers of the local Military Recruiting Stations will be the final judges and choose the winner at the completion of the broadcast. Their decision will be based on the superiority of "recruits" (listeners calling in) and "military weapons" (aluminum) contributed to their selected favorite Army by the listener.

### Strong Hoosier Campaign

In Indianapolis, Lester W. Lindow, manager, WFBM, is head over heels in the promotion of aluminum collection. He began broadcasting announcements last week. During the current week 5-minute programs are being aired.

### Big Cast in N. D. Show

At KQV, Pittsburgh, Manager G. S. Wasser is broadcasting "We're in the Army Now," Mondays, Wednesdays and Fridays, 2:00-2:30 p. m. Talent consists of a cast of five and a twelve-piece orchestra. The program plugs the various services of the

Army and Navy as well as giving interesting national defense information. "The program has a splendid following," said Mr. Wasser. He also plugs the "Keep 'em Flying" announcements and others.

"Be assured," he said in a recent letter, "that KQV will continue to cooperate with NAB and the United States Government in this great emergency."

### "Keep 'em Flying" Sign-Offs

WAGE, Syracuse, N. Y., WTAU, College Station, Texas, and KVNU, Logan, Utah, are all signing off with "Keep 'em Flying." At KVNU, Manager Reed Bullen, follows "Let's Go U. S. A. . . . Keep 'em Flying" with the playing of the Star Spangled Banner. "It has met with enthusiastic approval."

John Rosser, program director, WTAU, also asserted that the slogan sign off is well received by listeners.

Jack Kern of WAGE is also building a program around the slogan "Keep 'em Flying" for presentation at Loew's theater in Syracuse. This is to be a weekly feature.

### Junior Chamber Thanks Radio

A note from Walter A. Bass, Grand Rapids, Mich., president, Michigan Junior Chamber of Commerce, said:

"Throughout the State the Junior Chambers have had splendid support of local broadcasting stations. All radio stations have given generously to the promotion of Flying Cadet courses which the Junior Chambers have helped to create.

"I want to express sincere appreciation and gratitude to the broadcasting industry for the support you advocate in your bulletin as well as the generous support the Junior Chambers receive from all radio stations for the varied and many activities throughout the year."

Mr. Bass paid special compliment to Stanley Barnett, manager, WOOD-WASH, Grand Rapids, for his support of the Grand Rapids Junior Chamber of Commerce in its campaign to recruit Flying Cadets.

### 10,000 Repeat Pledge

The Association and the city now has its third group of Air Corps students in training.

Chet Wheeler, manager, KWIL, Albany, Ore., fed the Fourth of July celebration program to the state owned station, KOAC, at Corvallis. The program was also released over a PA system at the local Fourth of July celebration and heard by more than ten thousand people watching the Timber Carnival events. The ten thousand stood at attention and repeated the pledge in unison with the Chief Justice.

## BMI NOTES

### Song Birthdays

Many songs people have been singing all their lives would seem to be old enough to be in the public domain, but research into copyright records reveals that some of them have to wait a few years before their fifty-sixth birthday.

Under terms of the Copyright Law of 1909 an initial copyright protects a musical composition for a period of twenty-eight years. A renewal of this copyright can then be secured for an additional twenty-eight years, after expiration of which the song enters the public domain.

Still under the second copyright are *Rock-A-Bye Baby*, which becomes public property next year, and *Oh, Promise Me*, originally copyrighted in 1890.

Other American favorites that have been sung since grandfather's

day and will become available in the next few years are *Be Home When The Clock Strikes Ten*, *Boy's Best Friend Is His Mother*, *Brown October Ale*, from Reginald De Koven's Opera *Robin Hood*, *Down Went McGinty*, *I Believe It For My Mother Told Me So*, *In the Evening By the Moonlight*, and *Her Golden Hair Was Hanging Down Her Neck*.

### Tin Pan Alley Into Main Street

Just as radio has widened the horizons of music, so has BMI taken songwriters out of that narrow little square in New York known as Tin Pan Alley into the broad highways of the nation.

A glance over the addresses of the writers who have produced BMI originals shows that it is no longer necessary to live in New York to make a living at songwriting. A glance over the BMI songs which are broadcast most frequently outside of New York shows that the big city does not necessarily determine what the nation whistles and sings. Many tunes which never reach the Hit Parade are played over and over again for the home town folks and return their writers some worthwhile checks for performance rights. Every state in the union is represented by a BMI writer. Many outstanding hits have come from west of the Hudson.

California is the new Mecca with many of its writers clustered around Hollywood, but a few from San Francisco and two from Sierra Madre. Denver is represented by the writers of *Shy Ann From Old Cheyenne* and *X Marks the Spot*; Iowa by *When the Night Was New* and *Years From Now*; Oklahoma by *Stars Went To Sleep*; Texas by *Walking On Air* and *Eloise*; Canada by *Too Late* and *Coast-to-Coast*; Illinois comes through with too many tunes to mention, but among the better known are *You're A Double Lovely*, *There's An Old Easy Chair By The Fireplace* and *Rip Schottische*.

When we come east, Baltimore does the honors for Maryland, the best known tunes from the city of the little white stoops being *Stompin' Room Only*, *I Do Mean You* and *Business In Baltimore*. New Jersey has so much talent that we suspect that some of it is only sleeping there. One of the best of the Jersey tunes is *Let's Dream This One Out* by Eddie Lane, while Johnny Messner, the rhythm king of Ridgefield Park didn't do so badly with *Clarinet In A Haunted House*, not to speak of *Toy Piano Minuet* and *Toy Piano Jump*. Northern Ohio will be remembered as the home of Helen Bliss, writer of *I Went Out of My Way*, who lives in Cleveland and shares honors with the two Cleveland boys who collaborated with Ray Herbeck on *Time Stood Still*. Southern Ohio reports George Dunning, writer of *To Be Continued* and *I Can't Remember To Forget*. Pennsylvania is the home of one of BMI's two blind songwriters, Mabel Helen Toole, who wrote *Why Am I Still Dreaming*, while the City of Brotherly Love contributed *A Penny For Your Thoughts*.

### Coast-to-Coast

The parade is on for *Hi, Neighbor* and the song is winning acceptance as a "welcomer" the country over. Virtually every beach resort in Southern California is featuring a cordial "Hi" to visitors, and Jones Beach, New York's own, is offering the song as a greeter from Guy Lombardo's band playing there. Ted Lewis, head liner at Loew's State, New York, is billing it right close to his *Is Everybody Happy?*

### Thanks

Letter to BMI:

"We received our first royalty check from BMI for the months of Jan., Feb., and March, which showed that they had played our tunes 5600 times. If I had to buy the station time to play these tunes 5600 times it would take a great deal of money—but BMI did this gratis.

"In addition, BMI paid me three cents for each playing instead of two as my contract called for.

"What more fair treatment could anyone ask?

"We also wish to thank you personally for your splendid cooperation."

(signed) O. B. CLOW.

### U. S. O. Tune

Melody Moderne, Inc., a BMI affiliate, is releasing for public performance a new patriotic tune, *Land of the Free*, with lyrics by Lee Ryer and music by Noel Marchant, dedicated to the United Service Organizations. The U. S. O. has accepted the dedication and has stated its willingness to promote the tune.

### New Subscribers

Four new stations bring the BMI list to a total of 668: KBUR, Burlington, Iowa; WTNJ, Trenton, N. J.; W-39-B, Mt. Washington, New Hampshire; W-43-B, Boston, Mass.

### Page Boy to Publisher

Versatile Ted Steele, who three years ago was a page boy at NBC and who now plays the Novachord, sings, announces, and is the young man in "Young Man With A Band", an NBC program, has added the formation of a publishing house to his many accomplishments. Ted, frequently referred to as 'A one-man program department', wrote the music of the first offering, *Home Town Blues*. His wife, Doris Brooks, has written the words and added a little touch of something which she thinks will make it a hit.

### Say It With a Song

Not the least of the profitable adventures with which BMI has been identified is Greeting Card Hit Parade, Inc. Tying a friendly greeting to a hit tune, the card offers both music and lyric of the song. For example:

"There's nothing like a song of cheer  
To clear a dismal atmosphere.  
A lively tune will do the trick  
(And, incidentally, do it quick).  
So, when you find that things are wrong,  
Just hum yourself a little song,  
And presto! In the shortest while  
Your face once more will wear a smile!"

Then you turn the page and find a song.

More than 200,000 of the cards have been sold through both chain stores and independents. The idea was tried a few years ago and flopped. Apparently, blending of the entertaining lines of the BMI lyrics with the verses did the trick the second time around or perhaps the country is just enjoying a wave of friendliness.

The cards are circulated after the songs have run the gamut of popularity. BMI receives a percentage of the gross revenue which it divides equally with the writers. So, when you think of greetings, think of BMI and pick a card carrying one of the following tunes: *Practice Makes Perfect*, *So You're the One*, *Accidently On Purpose*, *There I Go*, *I Give You My Word* or *Keep An Eye On Your Heart*.

## BMI FEATURE TUNES

July 28 - August 4

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. MY SISTER AND I
5. BECAUSE OF YOU
6. G'BYE NOW
7. WITH A TWIST OF THE WRIST
8. THE RELUCTANT DRAGON

Two great numbers—"Yo Te Amo," an unusual novelty, and "Hi, Neighbor!" will be ready next week.



## Bright Idea

Laurette Carroll, 14 year old writer of BMI's *Phantom In the Dark*, will be interviewed on the NBC program, *Bright Idea*, some Saturday afternoon soon. Laurette won a beauty prize at the age of three. To disprove the notion that brains can't live with beauty, she has made the record of a brilliant student and is so dependable and so popular that she is a monitor in her school. She draws so well that she will probably become a commercial artist; she is a good swimmer; and she loves best of all to teach tricks to her wirehaired terrier, Mr. Smith.

## Daddy and Sister

Sammy Kaye, the pride of Ohio, leads all of the national and regional retail record sales this week with his *Daddy* which takes first place with every member of the geographic family except the west coast where the record buyers place it second to *Maria Elena*. In sheet music best sellers, the *Hut Sut Song* continues to lead the national parade, with *Intermezzo* in second place and *Maria Elena* third. *My Sister And I* is the biggest money maker in the automatic phonographs.

## INSURANCE COVERAGES

Additional copies of "Insurance Coverages" are now available to members by request from headquarters. This pamphlet describes the various coverages available from insurance companies. It was prepared by the Insurance Committee under the direction of Roger Clipp, chairman.

## FEDERAL LEGISLATION

### HOUSE

H. R. 5343 (LEA, D.—Calif.) DAYLIGHT SAVING TIME—To promote the national defense and the conservation of electrical energy by permitting the establishment of daylight-saving time. Referred to Committee on Interstate and Foreign Commerce.

## FEDERAL COMMUNICATIONS COMMISSION

### Network Rules Postponed

Following a conference held on Monday of this week between Chairman James Lawrence Fly of the FCC and network heads the following joint statement was made public:

"On petition from National and Columbia, without opposition by Mutual, the Commission is being requested to postpone the effective date of its Order of May 2, 1941, from July 30 to September 16, 1941. This postponement is being requested by National and Columbia in order to permit more time for the discussions that have been going on during the past ten days in which the various problems that confront the Commission and the networks are being explored.

"The officials of the networks are hopeful that the additional time will permit of a satisfactory solution of the various problems involved."

The FCC at its meeting on Tuesday took favorable action on the petition and issued the following announcement:

At a meeting of the Federal Communications Commission held at its office in Washington, D. C., on the 22nd day of July, 1941, the Commission having under consideration the petitions of the National Broadcasting Company and of the Columbia Broadcasting System requesting that the Commission postpone the effective date of its order entered in Docket No. 5060 promulgating regulations applicable to radio stations engaged in chain broadcasting:

IT IS ORDERED, That the last paragraph of the said order of May 2, 1941, entered in Docket No. 5060, BE, AND THE SAME IS HEREBY, AMENDED to read as follows:

"IT IS FURTHER ORDERED, That these regulations shall become effective immediately: *Provided*, That, with respect to existing contracts, arrangements, or understandings, or network organization station licenses, or the maintenance of more than one network by a single network organization, the effective date shall be deferred until September 16, 1941: *Provided further*, That the effective date of Regulation 3.106 with respect to any station and of Regulation 3.107 may be extended from time to time in order to permit the orderly disposition of properties."

## FM Station for Lansing; Hollywood Grant

Construction permit for a new FM (frequency modulation) broadcast station, to serve the Lansing, Mich., basic trade area, was granted by the FCC to WJIM, Inc., of that city. The proposed station is authorized to use 47,700 kilocycles to cover an area of 3,800 square miles with more than 250,000 population. The proposed antenna location is the Olds Tower. The applicant now operates standard broadcast station WJIM, affiliated with the Michigan Radio Network.

In connection with grant to Columbia Broadcasting System, Inc., for a Class C FM station at Hollywood, Calif. (announced July 16), to use 43,100 kilocycles for a service area of 38,000 square miles embracing San Diego and Bakersfield, the Commission stipulates that prior to issuance of construction permit the applicant shall obtain approval by the Commission of the exact coverage pattern and shall submit proof satisfactory to the Commission that the applicant's lease agreement of December 3, 1940, with Mount Wilson Hotel Company is so modified as to eliminate the provisions therein pertaining to exclusivity of use for broadcasting purposes of property on Mount Wilson controlled by the lessor.

## Broadcast Measurements

During June experts of the FCC measured 689 broadcast stations, leaving 201 not measured that month.

Of the 689 stations, 636 showed a maximum deviation within 0-10 cycles; 48 stations maximum deviation within 11-25 cycles; 5 stations within a maximum deviation of 26-50 cycles. No stations showed a maximum deviation over either 20 or 50 cycles.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, July 28. They are subject to change.

### Monday, July 28

KMA—May Broadcasting Company, Shenandoah, Iowa.—Renewal of license, **930 kc.**, 1 KW night, 5 KW day, unlimited.  
NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., **1340 kc.**, 250 watts, unlimited.  
WRDO—WRDO, Incorporated, Augusta, Maine.—Renewal of license, **1400 kc.**, 100 watts, unlimited.

### Friday, August 1

NEW—Symons Broadcasting Company, Ellensburg, Wash.—C. P., **1110 kc. (1140 kc. NARBA)**, 1 KW, unlimited time.

### To Be Held in Atlanta, Georgia

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

## FUTURE HEARINGS

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

### August 22

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., **1260 kc.**, 1 KW night, 5 KW day, DA-night, unlimited. Present assignment: **1400 kc.**, 250 watts, unlimited.

### August 28

NEW—West Allis Broadcasting Company, West Allis, Wis.—C. P., **1480 kc.**, 250 watts, daytime.

### September 12

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P., **1500 kc.**, 250 watts, unlimited time. Present assignment: **1340 kc.**, 100 watts, S-WHAT.

### September 17

KFRO—Voice of Longview, Longview, Texas.—Modification of C. P., **1370 kc.**, 5 KW, unlimited time, DA-night. Present assignment: **1370 kc.**, 1 KW, unlimited time, DA-night.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WJIM, Inc., Lansing, Mich.—Granted construction permit for new high frequency (FM) broadcast station to operate on **47700 kc.** with a service area of 3800 square miles (B2-PH-86).

KTUC—Tucson Broadcasting Co., Tucson, Ariz.—Granted consent to transfer of control of Tucson Broadcasting Co. (Station KTUC), from John Merino and Carleton W. Morris to Glenn Snyder, George R. Cook, Burridge D. Butler and Ralph W. Bilby; Carleton Morris is to sell his entire holdings (30 shares or 10%) to Butler for a cash consideration of \$1,333 and the assumption by Butler of the obligation of Morris to the corporation in the amount of \$2,000; Merino is to sell one share to Butler and 49 shares to Bilby, Butler and Bilby are to assume stock subscription obligations of Morris and Merino to the licensee corporation aggregating \$7,000; station operates on **1400 kc.**, 250 watts, unlimited time (B5-TC-269).

KMAC—W. W. McAllister & Howard W. Davis, d/b as Walmac Co., San Antonio, Tex.—Granted modification of license to change frequency from **1400 kc.** to **1240 kc.** and increase hours of operation from shares KONO to unlimited time; 250 watts night and day (B-3-ML-1072).

KLCN—Fred C. Grimwood, Blytheville, Ark.—Granted construction permit to install new transmitter and antenna, increase power from 100 watts daytime to 1 KW daytime and move transmitter locally; **1320 kc.** (B3-P-3037).

### RENEWAL OF LICENSES

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

KABR, Aberdeen, S. D.; KDFN, Casper, Wyo.; KERN, Bakersfield, Calif.; KFAC, Los Angeles, Calif.; KFH, Wichita, Kans.; KGIR, Butte, Mont.; KGNC, Amarillo, Tex.; KGNF, North Platte, Nebr.; KGNO, Dodge City, Kans.; KIDO, Boise, Idaho; KINY, Juneau, Alaska; KLO, Ogden, Utah; WAAB and auxiliary, Boston, Mass.; KGHF, Pueblo, Colo.; KIEM, Eureka, Calif.; KQV, Pittsburgh, Pa.; KRIS, Corpus Christi, Tex.; KRNT, Des Moines, Iowa; WMBD, Peoria, Ill.; KSCJ and auxiliary, Sioux City, Iowa; KSLM, Salem, Ore.; KWK, St. Louis, Mo.; WBYN, Brooklyn, N. Y.; WAWZ, Zarephath, N. J.; WBRV, Waterbury, Conn.; WDRC, Hartford, Conn.; WEVD and auxiliary, New York, N. Y.; WFEA, Manchester, N. H.; WFNC, Fayetteville, N. C.; WHIS, Bluefield, W. Va.; WKBH, LaCrosse, Wisc.; WMBG and

auxiliary, Richmond, Va.; WMPS, Memphis, Tenn.; WNBC, New Britain, Conn.; KTSM, El Paso, Tex.; WOKO and auxiliary, Albany, N. Y.; WQBC, Vicksburg, Miss.; WSAN, Allentown, Pa.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio; WTJS, Jackson, Tenn.; WGES, Chicago, Ill.; WHBL, Sheboygan, Wisc.; KUJ, Walla Walla, Wash.; KSO, Des Moines, Iowa; KPMC, Bakersfield, Calif.; KMO, Tacoma, Wash.; KMED, Medford, Ore.; KXYZ, Houston, Tex.; KLR, Little Rock, Ark.; WALA, Mobile, Ala.; WADC, Tallmadge, Ohio; WAGA, Atlanta, Ga.; WAKR, Akron, Ohio; WBIG, Greensboro, N. Car.

The Commission granted extension of the following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, to not later than September 1, 1941:

KCMO, Kansas City, Mo.; KGB, San Diego, Calif.; KTBS and auxiliary, Shreveport, La.; KTUL, Tulsa, Okla.; WBCM, Bay City, Mich.; WBNS, Bay City, Mich.; WBNX, New York City, WCB, Allentown, Pa.; WCSC, Charleston, S. C.; WFBC, Greenville, S. C.; WFBL, Syracuse, N. Y.; WGAR and auxiliary, Cleveland, Ohio; WHEC, Rochester, N. Y.; WHK, Cleveland, Ohio; WHP, Harrisburg, Pa.; WING, Dayton, Ohio; WKAT, Miami Beach, Fla.; WPAB, Ponce, P. R.; WSAI, Cincinnati, Ohio; WTSP, St. Petersburg, Fla.

The Commission granted extension of the following station licenses, upon a temporary basis only, pending determination upon application for renewal of license, to not later than October 1, 1941:

WROK, Rockford, Ill.; WSMB, New Orleans, La.; WTAQ, Green Bay, Wisc.; KFRO, Longview, Tex.; KID, Idaho Falls, Idaho; KLP, Minot, N. Dak.

The Commission granted further extension upon a temporary basis only, pending determination upon applications for renewal of licenses, to not later than September 1, 1941, of the following television station licenses:

W3XE, Philadelphia, Pa.; W3XP, portable (area of Philadelphia).

The Commission granted further extension upon a temporary basis only pending determination upon applications for renewal of licenses, to not later than September 1, 1941, of the following high frequency broadcast station licenses:

W2XVP, New York, N. Y.; W9XLA, Denver, Colo.; W4XA, Nashville, Tenn.; W5XAU, Oklahoma City, Okla.

### DESIGNATED FOR HEARING

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Application for construction permit to make changes in equipment, install directional antenna for day and night use, increase hours of operation from simultaneous day and shares night with WWVA to unlimited time, and increase power from 10 KW night and day to 50 KW night and day; **1190 kc.** (B4-P-2635).

Designated for joint hearing the following four applications:

Air Waves, Inc., Baton Rouge, La.—Application for construction permit for new station to operate on **1400 kc.**, 250 watts night and day, unlimited time, exact site to be determined subject to Commission's approval (B3-P-3203).

Henry Norman Saurage, Baton Rouge, La.—Application for construction permit for new station requesting same facilities as above; exact site and antenna system to be determined subject to Commission approval (B3-P-3192).

Louisiana Communications, Inc., Baton Rouge, La.—Application for construction permit for new station requesting same facilities as above (B3-P-3242).

William J. Bray, James L. Ewing, T. B. Lanford and John C. McCormack, d/b as The Capitol Broadcasting Co., Port Allen, La.—Application for construction permit for new station requesting same facilities as above (B3-P-3191).

South Florida Broadcasting, Inc., Miami, Fla.—Application for construction permit for new station to operate on **1450 kc.**, 250 watts, unlimited time (B3-P-2942). To be heard jointly with:

Pan American Broadcasting System, Inc., Hollywood, Fla.—Application for new station requesting same facilities as above (B3-P-2768).



## DENIAL

WBYN—WBYN, Brooklyn, Inc., Brooklyn, N. Y.—Denied request for special temporary authority to operate with main studios located at 132 West 43rd St., New York City, pending grant of application for same.

## MISCELLANEOUS

WBRV—American-Republican, Inc., Waterbury, Conn.—Application for modification of construction permit to change frequency from 1590 kc. to 560 kc., decrease power from 5 KW night and day to 1 KW night and day, move transmitter to East Waterbury Road, Newhaven County, Naugatuck, Conn., make changes in directional antenna, and extend commencement and completion dates to 60 days after grant and 180 days thereafter, respectively (B1-MP-1195).

KLCN—Fred O. Grinwood, Blytheville, Ark.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1134).

WGOV—E. D. Rivers, Valdosta, Ga.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1017).

KSUB—Southern Utah Broadcasting Co., Cedar City, Utah.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1037).

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1015).

KWSC—State College of Washington, Pullman, Wash.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1068).

KAND—Navarro Broadcasting Assn., Corsicana, Tex.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1085).

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted license to cover construction permit as modified to install new transmitter, new antenna, increase in power from 500 watts to 1 KW (B2-L-1423).

WBBB—Alamance Broadcasting Co., Inc., Burlington, N. C.—Granted modification of construction permit for approval of antenna system, approval of transmitter site; 920 kc.; 1 KW; daytime (B3-MP-1321).

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Granted modification of construction permit for installation of new transmitter, directional antenna for day and night use, increase in power, and unlimited time, for change in frequency to 1470 kc., change in directional antenna system, and change in type of transmitter (B2-MP-1332).

KAND—Navarro Broadcasting Assn., Corsicana, Tex.—Granted license to cover construction permit for changes in equipment and increase power to 250 watts on 1340 kc. (B3-L-1404).

W6XEA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modification of construction permit for new television broadcast station for extension of commencement and completion dates from January 15, 1941, and July 15, 1941, to July 15, 1941, and January 15, 1942, respectively (B5-MPVB-47).

W9XBB—Balaban & Katz Corp., Chicago, Ill.—Granted extension of special temporary authority to operate two transmitter units to be installed and operated from the State Lake Bldg., Chicago, Link Transmitter Type No. 50-UTX with 100 watts power for visual and Link Transmitter Type No. 25-UBX 25 watts power to be used for aural; temporary steel tower to be used on roof of said building, in order to conduct tests for the period July 18 to not later than August 17, 1941, in accordance with construction permit.

WNBT—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate a specially constructed 1 KW peak tower, special emission laboratory model FM visual transmitter in conjunction with the main picture transmitter power amplifier of WNBT on Channel No. 1 in order to make comparisons on FM and A3 emissions and to obtain engineering data for period July 19 to not later than August 17, 1941.

WMIP—Northwest Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter KHCNH, aboard plane owned by Northwest Airlines, Inc., as a relay broadcast station on 2790 kc., to relay broadcast program in connection with the Aquatennial to radio station WCCO on July 16, 1941, only.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted license to cover construction permit to increase night power and make changes in directional antenna system (B4-L-1401). Granted authority to determine operating power by direct measurement of antenna input (B4-Z-892).

WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted authority to determine operating power by direct measurement of antenna input (B1-Z-1069).

KLPM—John B. Cooley, Minot, N. D.—Granted authority to determine operating power by direct measurement of antenna input (B4-Z-1006).

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted authority to determine operating power by direct measurement of antenna input (B3-Z-1138).

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted authority to determine operating power by direct measurement of antenna input (B5-Z-1108).

KSTR—KSTP, Inc., St. Paul, Minn.—Granted special temporary authority to operate already licensed ship station WOWB aboard the Yacht *Standick*, owned by Stanley E. Hubbard of St. Paul, Minn., as a relay broadcast station on 2058 kc. with power of 25 watts in order to relay broadcast program in connection with the Minneapolis Aquatennial to station KSTP on July 15, 1941, only.

W71NY—Bamberger Broadcasting Service, Inc., New York, N. Y.—Granted extension of special temporary authority to operate frequency modulation station commercially on 47100 kc., 1000 watts, special emission for frequency modulation at 444 Madison Ave., New York City, using Western Electric No. 503-A1 transmitter, 1000 watts driver for No. 504-A1 transmitter, for the period July 17 to not later than September 14, 1941.

W39B—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate frequency modulation station commercially on 43990 kc., 1000 watts, special emission for frequency modulation, using the transmitter of high frequency experimental station WIXER at summit of Mt. Washington, Sargents Purchase, N. H., for a period July 17 to not later than September 14, 1941, pending completion of construction permit.

KFXM—J. C. Lee and E. W. Lee; Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted special temporary authority to operate simultaneously with Station KPPC from 7 p. m. PST to the close of the boxing matches presented by Mike Jacobs in Madison Square Gardens, New York City, on July 23, 1941, only.

KFXM—J. C. Lee and E. W. Lee; Lee Bros. Broadcasting Co., San Bernardino, Calif.—Granted special temporary authority to operate simultaneously with Station KPPC from 7 p. m. PST to the close of the Billy Soose-George Abrams non-championship overweight title fight to be held in Madison Square Gardens, New York City, on July 30, 1941, only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted extension of special temporary authority to broadcast sustaining musical programs from 8:30 to 10 a. m. Monday through Friday from July 16 to August 15, 1941, provided WSVS remains silent.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification of construction permit to install directional antenna for night use and increase power, for changes in directional antenna and extend completion date from September 14, 1941, to 180 days after grant; 1320 kc. (B3-MP-1234).

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 8 a. m. to 12 noon and from 5 p. m. to 9 p. m. CST, daily except Sunday, for a period not to exceed 10 days, instead of unlimited time, due to shortage of licensed radio operators.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to operate from 10:45 to 11:30 a. m. CST, July 16, 1941, in order to broadcast Luther College summer session convocations only (B4-S-320).

Thomas J. Watson, Endicott, N. Y.—Granted petition to intervene in hearing re application of Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y., for construction permit for new station to operate on 1420 kc., 250 watts, unlimited time.

The following action was taken by Wakefield, Commissioner, under authority of Paragraph 6 of Administrative Order No. 2, on July 17:

- Mid-American Broadcasting Corp., Louisville, Ky.—Granted petition for leave to amend application and remove from hearing docket; amendment to be filed within seven days; application is for a new station.
- WGRC—Northside Broadcasting Co., New Albany, Ind.—Granted petition for leave to amend application and remove from hearing docket; amendment to be filed within 15 days; application is for change in facilities.
- WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Withdrawn petition to intervene in above two cases (Mid-American Broadcasting Corp. and WGRC).
- James F. Hopkins, Inc., Ann Arbor, Mich.—Granted motion to dismiss without prejudice application for new station to operate on **1600 kc.**, 1 KW, unlimited, using directional antenna.
- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition to continue hearing on application for construction permit to operate on **1500 kc.**, 250 watts, unlimited time, now set for July 24, to September 12, 1941.
- Brainerd-Bemidji Broadcasting Co., Brainerd, Minn.—Granted petition for order to take depositions in re hearing on application for new station to operate on **1550 kc.**, 1 KW, unlimited time.
- KORN—Nebraska Broadcasting Corp., Fremont, Nebr.; Clark Standiford (transferor) and C. J. Malmsten, A. C. Sidner, S. S. Sidner, & Arthur Baldwin (transferees).—Granted requests for order to take depositions in Fremont, Nebr., and Phoenix, Ariz., in re hearings on applications for renewal of license of Station KORN and for transfer of control of KORN.
- WTNJ—WOAX, Inc., Trenton, N. J.—Granted motion to dismiss without prejudice application for construction permit to operate on **1230 kc.**, 1 KW, unlimited time, directional antenna day and night (Docket No. 5951).
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted motion to sever Dockets 5951 (above mentioned) and 6049 (application for construction permit to operate on **1260 kc.**, 1 KW night, 5 KW day, directional antenna night, unlimited time) and granted continuance of hearing now scheduled for July 25 on applications of WCAM, Camden, N. J., for renewal of license, WCAP, Asbury Park, N. J., for renewal of license, WTNJ, Trenton, N. J., for renewal of license, and WDAS, Philadelphia, Pa., for construction permit to operate on **1260 kc.**, 1 KW night, 5 KW day, unlimited time, directional antenna night, until August 22, 1941.
- KFRO—Voice of Longview, Longview, Tex.—Granted petition for continuance of hearing on application for modification of construction permit to operate on **1370 kc.**, 5 KW, unlimited time, directional antenna night, now scheduled for August 4, to September 17, 1941 (Docket 5954).
- Frontier Broadcasting Co., Cheyenne, Wyo.—Granted special temporary authority to operate two 2-watt pack transmitters on **30820, 33740, 35820 and 37980 kc.** from July 22 to July 27, 1941, in order to relay broadcast to station KFBC programs in connection with the "Frontier Days" celebration at Cheyenne, Wyoming, only.
- WRCA—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate on **9670 kc.** with effective power of 100 KW, using separate power amplifiers feeding separate directional antennas for the period July 20 to not later than August 18, 1941.
- WABP—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted special temporary authority to operate already licensed relay broadcast station WABE on **2758 kc.**, 12 watts, from July 23 to July 26, 1941, in order to relay to station WTRY programs in connection with the New York State Amateur Open Golf Tournament, only.
- W51C—Zenith Radio Corp., Chicago, Ill.—Granted extension of special temporary authority to operate frequency modulation station commercially on **45.1 mc.**, 5000 watts, special emission for frequency modulation with transmitter at 135 South LaSalle St., Chicago, from July 17 to not later than September 14, 1941.
- WABA—Agricultural Broadcasting Co., Chicago, Ill. (WLS).—Granted special temporary authority to operate a special laboratory transmitter as a relay broadcast station on **37980 kc.** with power of  $\frac{1}{2}$  watt in order to record on the ground and to rebroadcast over WLS the human voice and the rate of the heart beat, and other scientific data during a free fall in the air prior to the opening of a parachute, from July 17 to not later than August 15, 1941.
- KBJA—Golden Empire Broadcasting Co., Redding, Calif.—Granted special temporary authority to operate relay transmitter KRME on **1616, 2090, 2190 and 2830 kc.** with power of 15 watts, from July 19 to July 21, 1941, in order to relay to station KVOV program in connection with the Lake Redding Regatta, only.
- W1XTG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted extension of special temporary authority to operate high frequency broadcast station W1XTG on **43400 kc.**, 1000 watts, special emission for frequency modulation, maximum band width not over **200 kc.**, for period August 1, 1941, to not later than October 30, 1941, at Shrewsbury St., Worcester, Mass., pending action on application for new FM station.
- W55M—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Granted extension of special temporary authority to operate frequency modulation station commercially on **45500 kc.**, 1 KW, special emission for frequency modulation, with transmitter located at 606 West Wisconsin Ave., Milwaukee, Wisc., from July 30 to not later than October 27, 1941, and subject to any rules and regulations that may be adopted by the Commission.
- WHAL—Harold F. Gross & Edmund C. Shields, Saginaw, Mich.—Granted modification of construction permit for new station, for additional time for commencement and completion of construction from January 14, 1941, and July 14, 1941, to October 14, 1941, and 180 days thereafter, respectively (B2-MP-1335).
- West Allis Broadcasting Co., West Allis, Wis.—Continued hearing now scheduled for July 23, until August 28, 1941, in re application for construction permit for new station to operate on **1480 kc.**, 250 watts, daytime (Docket No. 5098).
- WHKC—United Broadcasting Co., Columbus, Ohio.—Granted special temporary authority to remain on the air from regular sign-off time (10 p. m. EST, July, 9:45 p. m. EST, August) to the conclusion of the Fritzie Zivic-Freddy Cochrane boxing match on July 28, 1941, the Billy Soose-George Abrams bout on July 30, 1941, and the Abe Simon-Buddy Baer bout on August 14, 1941, in the event these bouts run later than the regular sign-off time.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 6:30 p. m. EST, to 12 midnight EST, on August 2, 9, 16, 23 and 30, 1941, only, in order to broadcast both local and network programs (provided WOSU remains silent).
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate additional time from sign-off (August 7:15 p. m. EST), until 11 p. m. EST, on the nights of August 24, 25 and 26, 1941, in order to participate in the Sharon Centennial Week, using 250 watts, only.
- WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate from sign-off time (July, 9 p. m., August, 8:15 p. m. EST), to conclusion of the broadcast of the New York Philharmonic Lewisohn Stadium Concerts, approximately 9:30 p. m. EST, on July 18, 20, 25, 26, and 27, and August 1, 8, and 10, 1941, only.
- KBZA-KBZB—Telegraph-Herald, Dubuque, Iowa.—Granted special temporary authority to operate already licensed relay transmitters on **1622, 2058, 2150 and 2790 kc.**, with power of 125 watts for KDJB and 2 watts for KQHS from July 21, 1941, to August 15, 1941, only, in order to relay to Station KDTH special events, particularly the Darlington, Wisconsin, Fair.
- WWNY—The Brockway Co., Watertown, N. Y.—Denied request for special temporary authority to operate from sign-off time (July, 8:45 p. m. EDST) to 9:30 p. m. EDST, July 19, 1941, only, in order to broadcast the NBC Spin and Win program from 9 to 9:30 p. m. EDST.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Denied special temporary authority to operate from 8 p. m. to 9:30 p. m. MST, on Thursday nights, July 24 and 31, and August 7, 14 and 21, 1941, in order to broadcast musical programs of the Sterling High School Band.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7 to 9 p. m. CST July 19, 1941, in order to broadcast the Purdue University Music Festival, only.



E. Anthony & Sons, Inc., New Bedford, Mass.—Placed in pending files pursuant to Order No. 79, application for new high frequency (FM) broadcast station (B1-PH-98).

WFMD—Monocacy Broadcasting Co., Frederick, Md.—Dismissed without prejudice petition for rehearing of the order of the Commission granting application of WBEN, Inc., Buffalo, N. Y., for construction permit and order of the Commission of September 4, 1940, granting application of WSAZ, Inc., Huntington, W. Va., for construction permit: Denied petition insofar as it requested rehearing of Order of June 4, 1941 granting modification of construction permit of WSAZ, Inc.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Modification of construction permit (B1-P-2706) for installation of new transmitter, changes in directional antenna for day and night use, and increase in power from 1 to 5 KW, requesting changes in directional antenna and extension of completion date to 180 days after grant. Amended: to change type of transmitter.

### 580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Modification of construction permit (B1-P-3019), for increase in power from 1 KW and 5 KW to 5 KW, and changes in directional antenna for day and night use, requesting changes in directional antenna.

### 590 Kilocycles

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Modification of construction permit (B2-P-2898), for increase in daytime power from 1 to 5 KW and installation of new transmitter, requesting change in type of transmitter.

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—License to cover construction permit (B2-P-2898) as modified, for increase in daytime power from 1 to 5 KW and change in type of transmitter.

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Authority to determine operating power by direct method.

### 600 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of construction permit (B3-P-2814) to install new equipment, install directional antenna for night use, increase power from 250 watts to 1 KW, change frequency from 1310 to 600 kc., requesting new transmitter, increase in power from 1 to 5 KW, change in directional antenna, change of transmitter site, and extension of commencement and completion dates from 1-26-41 and 7-26-41 to 60 days after grant and 180 days thereafter, respectively. Amended: to make changes in directional antenna and change transmitter site.

### 620 Kilocycles

NEW—Newark Broadcasting Corp., Newark, N. J.—Construction permit for a new broadcast station to be operated on 620 kc., 5 KW, directional antenna for day and night use, unlimited time.

### 660 Kilocycles

KSKY—Chilton Radio Corp., Dallas, Texas.—Modification of construction permit (B3-P-2487) for a new broadcast station, requesting approval of antenna system and approval of studio and transmitter sites.

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Construction permit to change frequency from 1230 to 660 kc., increase power from 250 watts to 1 KW, and install new transmitting equipment and antenna.

### 680 Kilocycles

KFEQ—KFEQ, Incorporated, St. Joseph, Mo.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 500 watts night, 2½ KW day, to 5 KW day and night, change hours of operation from daytime (local sunset at San Francisco, Calif.), to

unlimited time, and move transmitter. Amended: to make changes in directional antenna (day pattern).

KPO—National Broadcasting Co., Inc., San Francisco, Calif.—Construction permit for changes in equipment.

### 770 Kilocycles

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to make changes in equipment.

### 790 Kilocycles

WEAN—The Yankee Network, Inc., Providence, R. I.—Construction permit to reinstate construction permit (B1-P-2037), as modified, for changes in directional antenna and increase in power, which expired 6-8-41.

### 850 Kilocycles

KOA—National Broadcasting Co., Inc., Denver, Colo.—Construction permit to make changes in equipment.

### 860 Kilocycles

WSN—Paducah Broadcasting Co., Inc., Henderson, Ky.—Modification of construction permit (B2-P-3149) for approval of antenna and approval of studio and transmitter site.

### 910 Kilocycles

WFDF—Flint Broadcasting Co., Flint, Mich.—License to cover construction permit (B2-P-2451) as modified, for a new transmitter, directional antenna for day and night use, increase in power, change in frequency, and move of transmitter.

WFDF—Flint Broadcasting Co., Flint, Mich.—Authority to determine operating power by direct method.

### 930 Kilocycles

WSIX—WSIX, Incorporated, Nashville, Tenn.—Modification of construction permit (B3-P-3053) for a new transmitter, directional antenna for night use, increase in power from 250 watts to 1 KW night and 5 KW day, change in frequency, and move of transmitter, requesting approval of transmitter site, increase in power from 1 KW night and 5 KW day to 5 KW day and night, changes in directional antenna, and installation of new transmitter.

WSIX—WSIX, Inc., Nashville, Tenn.—Modification of construction permit (B3-P-3053) for a new transmitter, directional antenna for night use, increase in power from 250 watts day and night to 1 KW night and 5 KW day, change in frequency, and move of transmitter, requesting approval of transmitter site, increase in power from 1 KW night and 5 KW day to 5 KW day and night, changes in directional antenna, and installation of new transmitter.

### 990 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Modification of construction permit (B3-P-2839) for installation of directional antenna for night use, increase in power to 10 KW, and installation of new transmitter, requesting changes in transmitter and approval of directional antenna.

### 1030 Kilocycles

KOB—Albuquerque Broadcasting Co., Albuquerque, N. M.—Modification of construction permit (B5-P-2783) for changes in equipment and increase in power, requesting extension of completion date from 8-5-41 to 10-3-41.

### 1090 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Voluntary assignment of license from Hot Springs Chamber of Commerce to Southland Radio Corporation.

KTHS—Southland Radio Corp., Hot Springs, Ark.—Construction permit to increase power from 5 to 50 KW, with 250-watt synchronous amplifier, change hours of operation from shares KRLD equally to unlimited time, install new transmitter and directional antenna for night use, and change location of transmitter from Hot Springs National Park to near Wrightsville, Ark.

### 1100 Kilocycles

WTAM—National Broadcasting Co., Inc., Cleveland, Ohio.—Construction permit to make changes in equipment.

### 1200 Kilocycles

NEW—H. Ross Perkins & J. Eric Williams, d/b as New Haven Broadcasters, New Haven, Conn.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 1 KW, limited time.

### 1230 Kilocycles

NEW—Edwin A. Kraft, Kodiak, Alaska.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time.

NEW—Paul Forman Godley, Newark, N. J.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, unlimited time.

KRLH—Clarence Scharbauer, Midland, Texas.—License to cover construction permit (B3-P-2981) as modified, for increase in power, new antenna, changes in equipment, move of transmitter, and change in frequency.

KRLH—Clarence Scharbauer, Midland, Texas.—Authority to determine operating power by direct method.

WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Modification of construction permit (B2-P-2582) as modified, for a new broadcast station, requesting extension of completion date from 8-12-41 to 1-12-42.

WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Construction permit to move transmitter and studio, and install new antenna. Amended: Re antenna.

WFTC—Jonas Weiland, Kinston, N. C.—Authority to determine operating power by direct method.

KBTM—Jay P. Beard, d/b as Regional Broadcasting Co., Jonesboro, Ark.—Authority to determine operating power by direct method.

### 1240 Kilocycles

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—License to cover construction permit (B4-P-3133) for change in type of transmitter, changes in antenna, and move of transmitter. Amended: Re number of tubes.

NEW—John R. Crowder, tr. as Dimple Broadcasting Co., Columbia, Tenn.—Construction permit for a new broadcast station to be operated on **1240 kc.**, 250 watts power, unlimited time, facilities of WSIX requested when vacated.

WIBU—Wm. C. Forrest, Poynette, Wisc.—Authority to make changes in automatic frequency control equipment.

### 1250 Kilocycles

WREN—The WREN Broadcasting Co., Inc., Topeka, Kans.—Construction permit to install directional antenna for night use, change frequency from **1250 to 1060 kc.**, increase power from 5 to 50 KW, change hours of operation from shares-KFKU to unlimited time, change location of transmitter from southwest of Kansas City to near Jarbola, Kansas, and change location of studio from Kansas City, Missouri, to Topeka, Kansas, and install new transmitter. Amended: to make changes in directional antenna.

### 1260 Kilocycles

WOL—American Broadcasting Co., Washington, D. C.—License to cover construction permit (B1-P-3033) for move of old W.E. Type 301-B transmitter from Washington, D. C., to near Chillum, Maryland, and use as auxiliary transmitter with 100 watts power for emergency purposes only.

### 1310 Kilocycles

WRR—City of Dallas, Texas, Dallas, Texas.—Modification of construction permit (B3-P-2229) as modified, for new equipment, installation of directional antenna for night use, increase in power, and move of transmitter, requesting change in frequency from **1280 to 1310 kc.** under NARBA, changes in directional antenna system, change type of transmitter, and extension of completion date to 180 days after grant.

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to change hours of operation from shares with WCAM and WCAP to unlimited, requesting facilities of WCAM and WCAP.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Authority to determine operating power by direct method.

### 1320 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—License to cover construction permit (B5-P-2721) for increase in power and installation of directional antenna.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Authority to determine operating power by direct method.

### 1350 Kilocycles

NEW—Rock Hill Broadcasting Corp., Rock Hill, S. C.—Construction permit for a new broadcasting station to be operated on **1350 kc.** under NARBA, 250 watts, daytime. Amended: to specify transmitter and studio sites.

### 1380 Kilocycles

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Modification of license to change hours of operation from shares with WAWZ to unlimited, requesting facilities of WAWZ.

### 1390 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license for increase in hours of operation from shares with WSBT to unlimited time.

### 1400 Kilocycles

KENO—George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Los Vegas, Nev.—Voluntary assignment of construction permit (B5-P-3135) for move of transmitter and studio, from George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Company, to Nevada Broadcasting Company.

WINC—Richard Field Lewis, Jr., Winchester, Va.—License to cover construction permit (B2-P-3005) for a new broadcast station.

WINC—Richard Field Lewis, Jr., Winchester, Va.—Authority to determine operating power by direct method.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Authority to determine operating power by direct method.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wisc.—Authority to transfer control to W. E. Walker by purchase of 5 shares of stock from M. F. Chapin.

NEW—Louisiana Communications, Inc., Baton Rouge, La.—Construction permit for a new broadcast station to be operated on **1400 kc.**, 250 watts power, unlimited time.

KTEM—Bell Broadcasting Co., Temple, Texas.—Construction permit for changes in equipment.

### 1410 Kilocycles

WKBH—WKBH, Inc., LaCrosse, Wisc.—Modification of construction permit (B4-P-2733), as modified, for move of transmitter, installation of new transmitter, directional antenna for night use, increase in power, and change of frequency to **1410 kc.** under NARBA, requesting change of transmitter location from Shelby Township to Campbell Township, and extension of commencement and completion dates from 6-23-41 and 12-20-41 to 30 days after grant and 180 days thereafter, respectively.

WKBH—WKBH, Incorporated, La Crosse, Wisc.—Modification of construction permit (B4-P-2733) as modified, for changes in directional antenna and change of transmitter site, requesting extension of commencement and completion dates to 30 days after grant and 180 days thereafter, respectively.

### 1420 Kilocycles

WMDF—Grenco, Inc., Greenwood, S. C.—Modification of construction permit (B3-P-2930) for a new broadcast station, requesting installation of new transmitter, changes in antenna move of studio, and frequency of **1450 kc.** under antenna system, move of studio, and frequency of **1450 kc.** under NARBA.

### 1430 Kilocycles

WBYN—WBYN, Brooklyn, Inc., Brooklyn, N. Y.—Construction permit to install new transmitter, increase power from 500



watts day and night to 500 watts night and 1 KW night, and move studio from Brooklyn to 132 West 43rd Street, New York City.

#### 1450 Kilocycles

WKEU—Radio Station WKEU, Griffin, Georgia.—Construction permit for increase in power and hours from 100 watts day to 250 watts unlimited, move transmitter, and make changes in antenna.

NEW—Coastal Broadcasting Co., Inc., New Bern, N. C.—Construction permit for a new broadcast station to be operated on **1450 kc.**, 250 watts power, unlimited time.

KWAL—Chester Howarth & Clarence Berger, Wallace Idaho.—Authority to determine operating power by direct method.

#### 1460 Kilocycles

WBNS—WBNS, Inc., Columbus, Ohio.—Authority to install automatic frequency control equipment for auxiliary transmitter.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Modification of construction permit (B4-P-2727) as modified, for installation of new transmitter and new directional antenna for night use, move of transmitter, and increase in power, requesting use of old transmitter at new site.

#### 1600 Kilocycles

NEW—The Gazette Co., Cedar Rapids, Iowa.—Construction permit for a new broadcast station to be operated on **1600 kc.**, 5 KW, directional antenna for night use, unlimited time. Amended: to make changes in directional antenna.

### FM APPLICATIONS

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 changes in antenna system. Amended: to change population from 4,645,500 to 4,913,756.

NEW—WHEC, Inc., Rochester, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **44700 kc.**; Coverage: 2,318 square miles; Population: 551,374. Amended: to change coverage to 3,200 square miles and population to 599,256.

NEW—News Syndicate Co., Inc., New York, N. Y.—Construction permit for a new frequency broadcast station to be operated on **44700 kc.**; Coverage: 8,500 square miles; Population: 11,212,416. Amended: to change frequency to **47900 kc.**

### TELEVISION APPLICATIONS

W9XBT—Balaban & Katz Corp., Portable-Mobile, Area of Chicago, Ill.—Reinstatement of construction permit (B4-PVB-72) for a new television relay station to be operated on **204000-210000**, and **210000-216000 kc.**, requesting change in equipment and reduction in power from 250 to 40 watts.

NEW—Don Lee Broadcasting System, Hollywood, Calif.—Construction permit for a new commercial television broadcast station (formerly W6XAO), to be operated on Channel No. 1, **50000-56000 kc.**, A5 and special emission for frequency modulation, ESR 3840, unlimited time.

NEW—Allen B. DuMont Laboratories, Inc., New York, N. Y.—Construction permit for a new television (commercial) broadcast station (formerly W2XWV) to be operated on Channel No. 6, **78000-84000 kc.**, A5 and special emission for frequency modulation, ESR 1750, unlimited time.

W2XBB—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-42) as modified, for a new television broadcast station, requesting extension of commencement and completion dates from 1-22-41 and 7-22-41 to 8-22-41 and 1-22-42, respectively.

### MISCELLANEOUS APPLICATIONS

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—License to cover construction permit (B1-PIB-28) as modified, for change in frequencies, equipment, and increase in power.

WSAZ—WSAZ, Inc., Portable-Mobile, area of Huntington, W. Va.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150 and 2790 kc.**, power of 40 watts, A3 emission. Amended: To change frequencies to **1696, 2074, 2102 and 2758 kc.**

NEW—First Baptist Church, Pontiac, Mich.—Extension of authority to transmit programs from First Baptist Church at Pontiac, Michigan, to radio station CKLW, Windsor, Ontario, Canada, for period beginning 8-13-41.

WHAE—Courier-Journal and Louisville Times Co., Louisville, Ky.—Reinstatement of construction permit (B2-PRE-361) for new relay broadcast station, changing equipment and power from 50 to 100 watts.

NEW—Golden Empire Broadcasting Co., Portable-Mobile, area of Redding, Calif.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190 and 2830 kc.**, power of 15 watts, A3 emission.

NEW—Golden Empire Broadcasting Co., Portable-Mobile, area of Chico, Calif.—Construction permit for a new relay broadcast station to be operated on **1646, 2090, 2190 and 2830 kc.**, power of 15 watts, A3 emission.

NEW—Redwood Broadcasting Co., Inc., Portable-Mobile, area of Eureka, Calif.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, and 37980 kc.**, power of 2 watts, A3 emission.

WNYE—Board of Education, City of New York, Brooklyn, N. Y.—Modification of construction permit (B1-PED-18) for change in frequency, power, emission, and equipment, requesting change in type of transmitter and extension of commencement and completion dates from 5-25-41 and 11-25-41 to 90 days after grant and 180 days thereafter, respectively.

W47A—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—License to cover construction permit (B1-PH-23) as modified, for a new high frequency broadcast station.

NEW—Pinellas Broadcasting Co., Portable-Mobile, area of St. Petersburg, Fla.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, and 37980 kc.**, power of 25 watts, A3 emission.

NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for a new studio transmitter broadcast station to be operated on **333400 kc.**, power of 25 watts, special emission for frequency modulation.

KEIY—Oregonian Publishing Co., Portable-Mobile, area of Portland, Ore.—Construction permit to make change in equipment and decrease power from 4.5 to 3.5 watts.

KEIZ—Oregonian Publishing Co., Portable-Mobile, area of Portland, Ore.—Construction permit to make changes in equipment and decrease power from 4.5 to 3.5 watts.

WTHB—The Tribune Company, Portable-Mobile, area of Tampa, Florida.—License to cover construction permit (B3-PRY-241) for new relay broadcast station.

KEMA—May Broadcasting Co., Portable-Mobile, area of Shenandoah, Iowa.—License to cover construction permit (B4-PRO-243) for a new relay broadcast station.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit (B1-P-2730) as modified, for a new transmitter, increase in power, and changes in directional antenna, requesting extension of completion date from 8-4-41 to 10-3-41 (**1370 kc.**).

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corporation (period 9-15-41 to 9-15-42).

NEW—Frontier Broadcasting Co., Portable-Mobile, area of Cheyenne, Wyo.—License to cover construction permit (B5-PRE-393) for a new relay broadcast station.

NEW—Frontier Broadcasting Co., Portable-Mobile, area of Cheyenne, Wyo.—License to cover construction permit (B5-PRE-394) for a new relay broadcast station.

NEW—Evansville on the Air, Inc., Portable-Mobile, area of Evansville, Ind.—Construction permit for a new relay broadcast station to be operated on **156750, 158400, 159300, and 161100 kc.**, power of 30 watts, special emission for frequency modulation.

NEW—Radio Service Corporation of Utah, Salt Lake City, Utah.—Construction permit for a new studio transmitter broadcast station to be operated on **331000 kc.**, power of 25 watts, special emission for frequency modulation.

## FEDERAL TRADE COMMISSION ACTION

*Any NAB member wishing to have the full text of any of the FTC releases, printed in part below, should write to the NAB, referring to the number in parentheses at the end of each item.*

### 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.

**Middlebrook Hospital & Clinic**—James R. Middlebrook, M. D., individually and doing business under the name of Middlebrook Hospital and Clinic, Del Rio, Tex., is charged, in a complaint with false advertising and misrepresentation.

The complaint charges that the respondent allegedly specializes in the surgical and medical treatment of diseases and disorders of the prostate gland and has caused to be disseminated through the United States mails various letters, circulars and other advertising literature purportedly descriptive of the conditions giving rise to the need for such operations or treatments and further designed to induce prospective patients to travel to the respondent's places of business for treatment. (4539)

**Spangler Candy Company**—Arthur G. Spangler, Ernest D. Spangler and Mrs. Faie Spangler, trading as Spangler Candy Co., Bryan, Ohio, are charged in a complaint with the use of lottery methods in the sale and distribution of candy manufactured by them. (4540)

### STIPULATIONS

During the past week the Commission has announced the following cease and desist orders:

**American Poultry Journal**—Henry G. Eisert, B. M. Eisert, and Henry F. Eisert, doing business under the trade name of American Poultry Journal, 536 South Clark St., Chicago has entered into a stipulation to cease certain representations in the sale of their periodical the "American Poultry Journal."

The respondents agree to cease representing that one must subscribe to the American Poultry Journal to become eligible to participate in a chick raising contest sponsored by them, and to desist from the representation that a person, by subscribing to the American Poultry Journal, will become eligible to participate in a chick raising contest or any other contest or in contest prizes when there are not disclosed in connection with such representation conditions which must be met before eligibility is established. (02828)

**Associated Writers**—Howard N. Rose, trading under the name of Associated Writers, 816 Oakwood Ave., Columbus, Ohio, which he terms an unincorporated association of free lance writers, and engaged in the sale and distribution of membership certificates, press cards and press car signs to persons allegedly engaged in the business of writing, has stipulated to cease and desist from making use of the word "Associated" in any way so as to import or imply that the business conducted by him is that of an association, and from representing that "Associated Writers" has authority to issue press cards, press car signs for automobile windshields, or any other documents which permit the holder thereof to go within police or fire lines during fires, accidents or other situations where the public is excluded. (3169)

**Borin Art Products Corporation**, 1325 South Cicero Ave., Chicago, a corporation engaged in the production of framed pictures and mirrors, has entered into a stipulation in which it agrees to

cease and desist from use of the term "Sheet" or "Sheet Glass" or any other words of similar import as descriptive of mirrors made of window glass without clearly disclosing that the glass in such mirrors is in fact window glass; from describing, branding, labeling or otherwise directly or indirectly representing any mirror as being made of or containing crystal glass or as being crystal when in fact such glass is not crystal glass, and from use of the term "Copper Colored Backs" or other words of similar implication as descriptive of its mirrors so as to imply that the coloring of the backs is the result of the application thereto by the electrolytic process of a paint which contains metallic copper. (3170)

**Colembet-Werk, Inc.**, 58 West Fortieth St., New York, textile fabrics distributor, has entered into a stipulation to cease advertising, branding, labeling, invoicing or selling products composed in part of rayon and in part of silk without disclosing in immediate connection and in equally conspicuous type each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent. If, according to the stipulation, the rayon content predominates, the word "Rayon" should precede the word "Silk," and if the silk content predominates, the word "Silk" should precede the word "Rayon." (3172)

**Lampson's, Inc.**, 115 Chauncy St., Boston, operator of a chain of men's haberdashery stores, has entered into a stipulation to cease and desist from the use on labels or in printed or advertising matter of any fictitious or exaggerated sales price which is in excess of the price for which its products are customarily sold. According to the stipulation, the respondent corporation advertised certain shirts and hosiery at prices in excess of the regular prices and offered them at purported reductions. (3176)

**Lucien Lelong, Inc.**, 55 East Washington St., Chicago, a corporation engaged in the sale of cosmetic and toilet preparations, has stipulated to cease and desist from representing through the use of the words "Paris" or "London" or other terms, symbols or picturizations indicative of French or other foreign origin of such products, that the perfumes, colognes or other cosmetic preparations are compounded or made in France or in any other foreign country; provided, however, that the country of origin of the various ingredients may be stated when immediately accompanied by a statement that such products are compounded or made in the United States. (3174)

**Martin Stringer, Inc.**, 665 Fifth Ave., New York, textile fabrics distributor, stipulated that in the sale of its products it will cease employing the words "Pure Dye" or other silk-connoting words to describe a product not composed of silk. If, according to the stipulation, the product consists partly of silk and partly of other fibers or materials, the word "Silk" or other silk-connoting word, used properly to describe the silk content, shall be accompanied by other words in equally conspicuous type to accurately designate each constituent fiber or material in the order of its predominance by weight. (3175)

**Steve Stuart, Elkhart, Ind.**, trading under his own name and engaged in selling perfume oils in interstate commerce, has entered into a stipulation in which he agrees to cease and desist from further use of the word "Imported" or other words of similar implication or meaning on labels affixed to his products or in any other way as descriptive of such products which are not of foreign origin; from use, in the labeling of the products, of trade names used by nationally or widely known perfumers the effect of which may tend to convey the belief to purchasers that the products are those of such perfumers, if and when such is not the fact; and from labeling or otherwise referring to the products as "Flower Oils" or through the use of the name of a flower so as to imply that the products have been made or compounded from the absolute or true oil of flowers or of the named flower, when such is not the case. (3171)

**J. & R. Wilson, Inc.**, 133 Steuart St., San Francisco, a corporation engaged in the sale and distribution, both individually and as agent for The Beldam Packing & Rubber Co., Ltd., an English firm, of packing material for steam engines, designated "V Packing," has stipulated in connection with the sale or offering for sale of the product, to cease and desist from the use of the words or



phrases "Imitations have Limitations but Beldam's 'V' Pilot Packing for Steam and Water is Genuine," "Only Genuine when Bearing this Seal" or "Sole Patentees & Manufacturers" or other words or phrases of similar meaning. (3173)

## CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders:

**Golf Products Company**—Ben Gordon (also known as Benjamin Gordon) and Louis Gordon trading as Bengor Products Company and as Golf Products Company, 878 Broadway, New York City, have been ordered to cease and desist from false advertising and misrepresentation in the sale and distribution of two medicinal preparations, one being designated as "Dupree Pills" and as "Dr. Gordon's Single Strength Pills," and the other as "Dupree Pills Double Strength" and as "Dr. Gordon's Double Strength Pills." (4479)

**Wilbert W. Haase Co., Inc.**, Forest Park, Ill., which licenses the manufacture and sale of the "Wilbert" burial vault, and two of its officers and three licensee manufacturing companies has been ordered to cease and desist from making misleading representations in the sale of concrete burial vaults.

The other respondents are Wilbert W. Haase, president and majority stockholder of the Haase and American Vault corporations; Sidney L. Schultz, secretary-treasurer of the Haase corporation; American Vault Works, Inc., Forest Park, Ill; Lee A. Wolfkill, trading as Washington Vault Works, Rockville, Md.; and Baltimore Concrete Products Co., trading as Baltimore Wilbert Vault Co., Baltimore. (3808)

**Hollywood Racket Manufacturing Company, Inc.**, 7462 Melrose Avenue, Hollywood, Calif., sellers and distributors of tennis,

badminton and squash rackets, has been ordered to cease and desist from misrepresentation in the sale of rackets. (3931)

**National Grain Yeast Corporation**, Belleville, N. J., and Republic Yeast Corporation, Newark, N. J., have been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act, in the sale of bakers' yeast.

The order against National Grain Yeast Corporation also prohibits violation of the brokerage provision of the Robinson-Patman Act and the giving of secret gratuities to employees of prospective buyers without the knowledge of such buyers in contravention of the Federal Trade Commission Act. (3903-4367)

**Refrigeration & Air Conditioning Institute, Inc.**, Chicago, has been ordered to cease and desist from making misleading representations in the sale of courses in refrigeration and air conditioning which consist mainly of home study instruction and include also several weeks of shop training in Chicago. (3811)

**Rex Drug Company**, a corporation, and Louis Podrofski, individually and trading as Rex Drug Company, and as an officer of Rex Drug Company, 201 East 35th St., Chicago, have been ordered to cease and desist from false advertising in connection with the sale of a medicinal preparation. (4342)

**Helena Rubinstein, Inc.**, 715 Fifth Ave., New York City, has been ordered to cease and desist from the dissemination of certain misleading representations in the sale of cosmetic preparations. (4254)

**Stetsen China Co., Inc.**, 1801 West 74th St., Chicago, distributor of dinnerware, has been ordered to cease and desist from misrepresentation concerning its products. (4477)