

Federal Time Sales Tax

Under a strict rule against amendment, the House approved and sent to the Senate the new general revenue bill including the radio time sales tax.

The fight has now moved to the Senate.

Hearings before the Senate Finance Committee were scheduled to start Friday, August 8. The NAB and other opponents of the radio tax were tentatively slated to appear Monday, August 18.

Here are the members of that committee:

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 Flood 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. LaFollette, Jr., of Wisconsin.
Arthur Capper, of Kansas.
Arthur H. Vandenberg, of Michigan.
James J. Davis, of Pennsylvania.
Henry Cabot Lodge, Jr., of Massachusetts.
John A. Danaher, of Connecticut.
Robert A. Taft, of Ohio.

The NAB Board, at its meeting this week, considered at length the best means of combating the tax proposal, and the Legislative Committee will continue its daily work.

Numerous representatives spoke against the radio time sales tax provision during House debate on the new Revenue Bill.

Representative Leavy (D.-Wash.) said that the tax seemed to be "extremely discriminatory" and that "if you do tax anyone, they ought all to be taxed."

Representative Gearhart (R.-Calif.) pointed out that "news-papers and national magazines, with which radio competes for advertising revenue with which to maintain its service to the public, gets off scot-free."

"This special penalty on radio advertising will unquestionably drive many advertisers from radio to other competing media," he said. "The resulting loss of revenue would undoubtedly impair the ability of radio stations to serve the public."

Mr. Gearhart also pointed out that the International Allied Printing Trades Council was the first to agitate for a special punitive tax on radio broadcasting.

"To show that all labor unions do not share the ideas of the printers," he added, "it is only fair to point out that three large A. F. of L. unions, the International Brotherhood of Electrical Workers, the American Federation of Musicians and the American Federation of Radio Artists, have registered their opposition to this discriminatory tax."

Representative Voorhis (D.-Calif.) urged the Ways and Means Committee to consider an amendment to remove the radio tax.

Representative Izac (D.-Calif.) said he had "tried to view this from every angle but for the life of me I cannot see the fairness of such a tax on one medium and not on another."

Representative Patrick (D.-Ala.) said he was "sure the inequality and consequences will give the radio stations a harder job than they ought to have to undertake to overcome and absorb."

"There is not in the United States an organization or a band of people who has come forward with more full-hearted support of the nation and who has given more time than the radio stations," he said. "Radio is a fine art that as a matter of public good should be encouraged and supported."

Representative Brooks (D.-La.) urged the Ways and Means Committee to reconsider the tax.

ASCAP Accepts NBC Proposal

Niles Trammell, president of NBC, announced August 2 that he had been advised by the Board of Directors of ASCAP that it had approved a proposal under which ASCAP music would be returned to the Red and Blue networks and the managed and operated stations of NBC.

Following approval of the proposal by ASCAP, attorneys for both NBC and ASCAP immediately began drafting a contract covering the terms of the agreement. Mr. Trammell expressed the hope that the contract would be drawn up and ready for signature as quickly as possible.

The network contract between NBC and ASCAP will not be signed by NBC, however, Mr. Trammell explained, until NBC affiliates have agreed to refund to NBC 2¾% of the stations' compensation on network business, except in those states where such refunds are prohibited by law.

"Wires have been sent to all NBC stations and we hope to have telegraphic approvals from them so as to enable us shortly to sign the contracts which are now being prepared," Mr. Trammell said. "When these contracts are signed, arrangements will be made to return ASCAP music to our networks for both commercial and sustaining programs."

The action of the ASCAP Board approved a proposal made to NBC by the ASCAP negotiating committee which was based upon a proposal made by NBC in June. In wiring NBC affiliated stations, advising them of ASCAP's action, Mr. Trammell emphasized that the terms applied to the network licenses on the Red and Blue networks and the managed and operated stations of the National Broadcasting Company and that the affiliated stations of NBC were entirely free to make their own contracts with ASCAP for local broadcasting. It is understood that ASCAP is making the same per program and blanket license proposals for settlement to all individual stations that it made to NBC covering local programs on its managed and operated stations.

The essential points of the new agreement between ASCAP and NBC as outlined by Trammell are:

1. NBC agrees to pay to ASCAP at the source 2¾% on network commercial business while NBC's managed and

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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

ASCAP ACCEPTS NBC PROPOSAL

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operated stations will pay 2¼% on local and national spot business.

2. NBC agrees to pay at the source \$200 per year for each managed and operated and affiliated station on the NBC networks for the use of ASCAP music on all network sustaining and public service programs.

3. NBC's managed and operated stations will pay ASCAP the following fees on local sustaining programs: if the net receipts of the station, from local business, are over \$150,000, twelve times the station's half-hour rate; if between \$50,000 and \$150,000, twelve times the quarter-hour rate. A nominal local sustaining license fee of \$12 per year would be applied to any stations earning less than \$50,000 per year.

4. NBC's new services of Frequency Modulation and International Shortwave Broadcasting will pay for the ASCAP music on the same basis.

The new contracts will run to December 31, 1949. On that date the contracts will be automatically extended for any period not in excess of nine years, for which ASCAP has the right to contract for its members, with the understanding that if, for the extended term, ASCAP demands an increase in fees to which NBC is then unwilling to agree, the question of such increase only would be determined by arbitration.

Mark Woods, vice president and treasurer of NBC, appeared before the NAB Board of Directors on Thursday to explain in great detail the proposed contract. He emphasized that there were several questions still to be resolved by further negotiation.

After Mr. Woods' talk, and after numerous questions had been asked and answered, the Board adopted the following resolution:

The Board of Directors of the National Association of Broadcasters at its meeting in Washington today, authorized its Executive Committee to offer within its discretion to meet with any negotiators on music contracts and to cooperate with them in devising terms for the use of music which will be as widely acceptable as possible.

The purpose of the resolution is to assure the inclusion in any contract which may be negotiated with respect to the use of music, of terms and conditions which will safeguard the interests of all of the segments of the radio industry, independent and affiliate stations, as well as networks.

Estimated Proposed and Actual Music Fees on NBC Networks

BASED ON 1940 BUSINESS

(Compiled by NBC)

| | ASCAP | | BMI | |
|--|---------------|--------------|-------------------|------------------|
| | Proposed Plan | Actual 1940 | Reduced Rate Plan | Est. 1940 12 Mo. |
| Network Commercial License | | | | |
| Gross Time Sales..... | | \$50,663,000 | | |
| Deductions | | | | |
| Time Discounts..... | \$14,024,000 | | | |
| Agency Commission..... | 5,489,000 | | | |
| Wire Lines..... | 3,473,750 | | | |
| Sales Commission (15%)..... | 4,672,500 | 27,659,250 | | |
| | | \$23,003,750 | | |
| Network Fee at 2¾%..... | 632,603 | | | |
| Less Recapture 2¾% Compensation..... | 281,188 | | | |
| Net Network Commercial Fee..... | | 351,415 | | |
| Network Sustaining License | | | | |
| \$200 Per Station Per Year..... (234 stations) | | 46,800 | | |
| Total Net Network License..... | | \$398,215 | 80,000 | |
| M & O Licenses—Commercial | | | | |
| Net Time Sales (Spot & Local)..... | 3,007,119 | | | |
| Deduction | | | | |
| Sales Commission (15%)..... | 451,068 | | | |
| | 2,556,051 | | | |
| Commercial Licenses at 2¼%..... | | \$57,511 | 214,000 (5%) | |
| M & O Licenses—Sustaining | | | | |
| Stations at 12 x ½ Hr. Rate..... | 37,464 | | | |
| 12 x ¼ " "..... | 2,304 | | | |
| Sustaining Licenses..... | | \$39,768 | 196,000 | |
| Total M & O Licenses..... | \$97,279 | \$410,000 | 80,000 | 181,600* |
| Total Cost to NBC..... | \$495,494 | \$410,000 | \$160,000 | 181,600* |

* Includes BMI stock—\$36,320.

BAN ON MULTIPLE OPERATION

Ban on more than one standard broadcast station under the same ownership serving a substantial portion of the same area is proposed by the Federal Communications Commission, which has drafted a proposed rule to that effect and has scheduled oral argument on the same for October 6 next.

In an order issued August 5, which was drafted upon instructions of the Commission en banc at its previous meeting, the Commission expresses the opinion that public interest, convenience and necessity may be served by prohibiting such multiple operation. Accordingly, it proposes a new section (Section 3.35) to the Rules Governing Standard Broadcast Stations to become effective immediately upon adoption. However, with respect to existing stations the effective date would be 90 days from the date on which the rule might be adopted, with provision for extension of time where orderly disposition of properties may be necessary.

The ban would apply to persons under common control, as well as to individuals. The word "control" in this connection would not be limited to majority stock ownership but would include "actual working control in whatever manner exercised."

The contemplated rule has a basis in certain restrictions now applicable to multiple operation of FM (frequency modulation) and television stations. However, it differs in that it imposes no limitation on the total number of standard broadcast stations which may be owned or controlled by the same person so long as they serve different areas.

All interested persons are afforded opportunity to file briefs and to appear before the Commission en banc on the October date and argue orally for or against adoption of the proposed rule. The briefs may be filed up to within two weeks of the oral argument.

Order No. 84

WHEREAS, The Commission is of the opinion that public interest, convenience and necessity may be served by adoption of the following proposed rule:

"Section 3.35—Multiple ownership. (a) No person (including all persons under common control^{9a}) shall, directly or indirectly, own, operate or control a standard broadcast station that would serve a substantial portion of the area served by another standard broadcast station owned, operated or controlled by such person.

(b) This rule is to take effect immediately. Provided, however, that with respect to persons (including all persons under common control^{9a}) who now directly or indirectly own, operate or control a standard broadcast station serving a substantial portion of the area served by another standard broadcast station owned, operated, or controlled by such persons, the effective date of this rule shall be six months from date; provided, further, that with respect to such persons the Commission may extend the effective date of this rule from time to time in order to permit the orderly disposition of properties."

^{9a} The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. See Rule 3.108 for the definition of "control" in regulations pertaining to chain broadcasting.

WHEREAS, the Commission is of the opinion that it will best conduce to the proper dispatch of business and to the ends of justice that all interested persons be given an opportunity to file briefs and to appear before the Commission and argue orally why the above proposal should not be adopted or why it should not be adopted in the form proposed by this order.

NOW, THEREFORE, IT IS HEREBY ORDERED, That oral argument be held before the Commission en banc on October 6, 1941, at 10:00 a. m., at which time all interested persons will be given an opportunity to appear and present argument as to why the above proposed rule should not be adopted or why it should not be adopted in the form proposed by this Order, and that briefs may be filed at any time up to two weeks prior to such argument.

FEDERAL COMMUNICATIONS COMMISSION,

T. J. SLOWIE,
Secretary.

INVESTIGATION ASKED

Senator Clark (D.-Mo.) on August 1, introduced a resolution calling for a Senate investigation of "any propaganda disseminated by motion pictures and radio or any other activity of the motion picture industry to influence public sentiment in the direction of participation by the United States in the present European war." The resolution (S.R. 152) was referred to the Interstate Commerce Committee which ordered a hearing Wednesday, September 3.

Newspaper Hearing

Chairman James L. Fly on August 1 ordered the legal staff of the Federal Communications Commission to take steps to force two newspaper executives to testify at the inquiry into newspaper ownership of radio stations.

The order came after Elisha Hanson, counsel for the American Newspaper Publishers Association, had told the Commission for the second time that it was conducting an unlawful and illegal inquiry and that he had advised the executives not to appear.

Those facing action are Edwin S. Friendly, business manager of the New York Sun, and James G. Stahlman, publisher of the Nashville Banner, former president of the publishers association. Mr. Stahlman now is on active duty with the Navy as a lieutenant commander.

The names of the two executives were called as the Commission began its hearing and Mr. Hanson stepped forward to announce that they had been advised to ignore several subpoenas served on them.

Copies of subpoenas and letters to the men were placed formally in the hearing record over objections by Mr. Hanson.

Thomas E. Harris, assistant FCC counsel, told reporters that the Federal district court would be asked for an order forcing the appearance of the witnesses. He added that if such an order were issued and the men ignored it they could be cited for contempt of court.

Estimate of NBC-ASCAP Plan Applied to Entire Industry

1940 BASIS

(NAB Research Department)

| | |
|--|-------------|
| Payments by all stations on Spot and Local Time Sales..... | \$1,425,709 |
| Payments on Network Payments to Affiliates and M & O Stations..... | 760,084 |
| Payments by Networks on retained time sales less wire lines and sales commissions..... | 486,072 |
| Sustaining Fees paid by Networks (\$200 per affiliate)..... | 107,200 |
| Sustaining Fees paid by all stations (approximate)..... | 360,000 |
| Total Estimated Payments to ASCAP..... | \$3,139,065 |

He declared that the FCC could seek an immediate Federal court action for criminal contempt, but that this method probably would not be used because it would involve grand jury action and long procedure and possible jailing of the executives.

"We don't want to put them in jail," he stated.

Last week similar subpoenas were ignored on advice of counsel by Arthur Robb, editor of Editor and Publisher, and William A. Thomson, director of the advertising bureau of the publishers association, but no action has been taken to force their appearance.

When Mr. Friendly and Mr. Stahlman failed to appear, L. D. Lloyd, FCC attorney, said that he had planned to question them about a number of exhibits obtained by FCC investigators from the publishers organization. He added that he had asked officials of the association for certification of these exhibitors.

"The material will not be forthcoming," Mr. Hanson interposed.

Chairman Fly asked Mr. Lloyd whether there was any question concerning accuracy of the exhibits.

"None whatever," the attorney replied.

"Just a minute," Mr. Hanson interrupted. He stated that the exhibits might be inaccurate or unrevised proofs, that proceedings of the publishers' convention were not public and that only part of convention proceedings were published, for the benefit of members and trade publications.

Mr. Fly accepted the first exhibit, which was a purported recommendation by the association's radio committee to a 1932 convention that radio and newspaper advertising be placed on the same basis through a Federal law banning lotteries on the radio.

Paul W. White of the Columbia Broadcasting System testified that the "dark ages" when newspapers and radio battled over the right to broadcast news had passed and that the public had become accustomed to "all the news and it will not tolerate restrictions." He declared that the United States was the "best-informed country in the world" as a result of the present relationship between newspapers, press associations and the radio broadcasting industry.

Officials of two news gathering organizations, Lloyd Stratton, assistant general manager of the Associated Press, and Joseph V. Connolly, president of King Features Syndicate, of which International News Service is a department, testified that there was now no restriction on the availability of news for use on the radio.

James W. Barrett, who served as editor of the Press-Radio Bureau, testified that the bureau received news reports from the three major news-gathering organizations without cost, processed it for broadcasting and supplied it to radio stations for \$12.50 a month. He said that the National Broadcasting Company and the Columbia Broadcasting System paid expenses of the bureau from 1934 to 1938.

He stated that at first the news broadcasts were restricted as to time to enable newspapers to publish news ahead of the radio, but that these restrictions were modified gradually until major news-gathering organizations were selling a special radio report directly.

"What did the press get out of this, simply a restriction on competition, from broadcasting?" Mr. Fly asked.

Mr. Barrett said that newspaper publishers had been bothered with outlaw competition in which radio stations "pirated news" before it reached newspaper readers and that this was a factor in formation of the bureaus.

The hearing was recessed until September 17.

Sanders Introduces Amendments to FCC Law in House

Representative Sanders (D-La.) introduced a bill August 5 to make broad changes in the Federal Communications Act of 1934. Introduction of the Sanders Bill followed by only a few days the introduction of the White Bill in the Senate (NAB REPORTS, p. 643). Mr. Sanders made the following statement:

A bill entitled "To Amend the Communications Act of 1934, and For Other Purposes" was introduced today by Mr. Sanders. In general, it provides for (1) a reorganization of the Federal Com-

munications Commission, (2) changes in the procedure before that Commission, (3) clearer definitions of interests and rights of licensees and applicants, including rights of appeal, and (4) reports and recommendations by the Commission to the Congress on various matters of present importance, including the question of whether or not the Congress should redefine and fix the qualifications of the licensees of radio broadcast stations.

Sections 1 to 6, inclusive, and 9 to 10, inclusive, of the Bill represent recommendations recently made by the executive committee of the Federal Communications Bar Association, and cover the first three purposes listed above. In this respect, it is noted that the same recommendations are included in a Bill (S. 1806) introduced in the Senate on July 31. In other respects, the bills seek to accomplish different purposes. While the Senate Bill, in its Sections 7 to 11, inclusive, appears to relate to equalities of rights and opportunities in the use of radio for public discussion and the matter of censorship, this Bill, in its Section 7, provides that the Federal Communications Commission shall make studies and reports to the Congress upon certain specified proposals. The provisions of this section are as follows:

"The Commission shall study the following proposals and shall report to Congress not later than July 1, 1942, its recommendations thereon together with the reasons for the same:

1. Whether and upon what terms and conditions Congress shall by statute confer upon the Commission the power to regulate the contractual or other relations between the licensees of radio broadcast stations and networks or other organizations which supply program material to such licensees.
2. Whether and upon what terms and conditions the Congress shall provide by statute for the licensing of networks.
3. Whether and in what terms the Congress shall by statute redefine and fix the qualifications of the licensee of any radio station which is intended to and does communicate with the public.
4. Whether and upon what terms and conditions the Congress shall by statute limit the number of services which may be conducted by any network organization and the number of stations of any class which may be licensed to any network organization.

"The Commission shall report to the Congress not later than January 1, 1942, the standards and principles adopted by it to effectuate the mandate contained in Section 307 (b) of the Communications Act of 1934, as amended, which requires the Commission to make and maintain a fair, efficient and equitable distribution of radio facilities among the several states and communities together with its recommendations, if any, for further legislation on this subject.

"The Commission shall report to Congress not later than January 1, 1942, the steps taken and the policies adopted by it to effectuate the purposes of Section 303 (g) of the Communications Act of 1934, as amended, insofar as those purposes have application to the larger and more effective use of radio by stations which are intended to and do communicate with the public."

In my judgment the Congress should review the facts and problems incident to each of the foregoing subjects after the Commission has stated them to us in their simplest terms. The Bill which I have introduced requests the Commission to study and report with recommendations on each of these subjects. By this method I believe that the Congress can best utilize the knowledge and experience of the Commission and its personnel, and, based upon this, determine what future policies should be.

In this connection it must be borne in mind that virtually all of the substantive provisions of the present law are 14 years old. They were first written into the Radio Act of 1927, at which time the radio industry was an infant industry and the knowledge of the Congress was necessarily limited. In 1934, when the present law was enacted, it did little more than to adopt then existing provisions of the Radio Act of 1927. Many new problems have arisen and many old problems have been given greater importance since any comprehensive attempt at legislation has been made in this field. I have attempted to direct the attention of the Congress to some of the most pressing and important problems in a manner in which I think they can be most speedily and effectively dealt with.

IN THE HOUSE OF REPRESENTATIVES

Mr. Sanders introduced the following bill; which was referred to the Committee on Interstate & Foreign Commerce.

A BILL

TO AMEND THE COMMUNICATIONS ACT OF 1934, AND
FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of Title I of the Communications Act of 1934 be amended by adding after paragraph (aa) of said section the following:

"(bb) The term "construction permit" or "permit for construction" means that instrument of authorization required by this Act for the construction of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission.

"(cc) The term "license", "station license", or "radio station license" means that instrument of authorization required by this Act, or the Rules and Regulations of the Commission enacted pursuant to this Act, for the use or operation of apparatus for the transmission of energy, or communications, or signals by radio, by whatever name designated by the Commission."

SEC. 2. Amend paragraph (b) of section 4 of said Title I by striking out the last sentence of said paragraph and by inserting in lieu thereof the following:

"Not more than four members of the Commission and not more than two members of either division thereof shall be members of the same political party."

SEC. 3. Amend section 5 of said Title I by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The members of the Commission other than the Chairman shall be organized into two divisions of three members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications and no member designated or appointed to serve on one division shall have or exercise any duty or authority with respect to the work or functions of the other division, except as hereinafter provided. The President shall designate the Commissioners now in office who shall serve upon a particular division but all Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular division and the Chairman subsequently appointed shall be appointed to serve in that capacity.

"(b) The Division of Public Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications intended to be received by the public directly, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(c) The Division of Private Communications shall have jurisdiction over all cases and controversies arising under the provisions of this Act and the rules and regulations of the Commission enacted pursuant to this Act relating to wire and radio communications by a common carrier or carriers, or which are intended to be received by a designated addressee or addressees, and shall make all adjudications involving the interpretation and application of those provisions of the Act and of the Commission's regulations.

"(d) The whole Commission shall have and exercise jurisdiction over the adoption and promulgation of all rules and

regulations of general application authorized by this Act, including procedural rules and regulations for the Commission and the divisions thereof; over the assignment of bands of frequencies to the various radio services; over the qualification and licensing of all radio operators; over the selection and appointment of all officers and other employees of the Commission and the divisions thereof; and generally over all other matters with respect to which authority is not otherwise conferred by the other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any division thereof, such question of jurisdiction shall be determined by the whole Commission.

"(e) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to coordinate, and organize the work of the Commission and each division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission. The Chairman of the Commission shall not be a member of or serve upon either of said divisions, except that in the case of a vacancy or the absence or inability of any Commissioner appointed to serve thereon, the Chairman may temporarily serve on either of said divisions with full power as a member thereof until the cause or circumstance requiring said service shall have been eliminated or corrected.

"(f) Each division of the Commission shall choose its own chairman, and, in conformity with and subject to the foregoing provisions of this section, shall organize its membership and the personnel assigned to it in such manner as will best serve the prompt and orderly conduct of its business. Each division shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions over which it has jurisdiction. Any order, decision, report made, or other action taken by either of said divisions with respect to any matter within its jurisdiction, shall be final and conclusive. Except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

"(g) In the case of a vacancy in the office of the Chairman of the Commission or the absence or inability of the Chairman to serve, the Commission may temporarily designate and appoint one of its members to act as Chairman of the Commission until the cause or circumstance requiring said service shall have been eliminated or corrected. During the temporary service of any such commissioner as Chairman of the Commission, he shall continue to exercise the other duties and responsibilities which are conferred upon him by this Act.

"(h) The term "Commission" as used in this Act shall be taken to mean the whole Commission or a division thereof as required by the context and the subject matter dealt with. The term "cases and controversies", as used herein, shall be taken to include all adversary proceedings whether judicial or quasi-judicial in nature, and whether instituted by the Commission on its own motion or otherwise, and the term "adjudications" means the final disposition of particular cases, controversies, applications, complaints, or proceedings involving named persons or named *res*."

SEC. 4. Amend paragraph (a) of section 308 of Title III by striking out all appearing before the first proviso clause in said paragraph and inserting in lieu thereof the following:

"The Commission may grant instruments of authorization entitling the holders thereof to construct or operate apparatus for the transmission of energy, or communications, or signals by radio only upon written application therefor received by it."

SEC. 5. Amend section 309 of said Title III by striking out the whole of said section and inserting in lieu thereof the following:

"(a) If upon examination of any application provided for in Section 308 hereof, the Commission shall determine (1) that public interest, convenience or necessity would be served by the granting thereof, and (2) that such action would not aggrieve or adversely affect the interest of any licensee, applicant or other person, it shall authorize the

issuance of the instrument of authorization for which application is made in accordance with said findings.

"(b) If upon examination of any such application the Commission is unable to make either or both of the findings specified in paragraph (a) hereof, it shall designate the application for hearing and forthwith notify the applicant and other parties in interest of such action and the grounds or reasons therefor. Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest, whether originally notified by the Commission or subsequently admitted as interveners, shall be permitted to participate. Such hearing shall be preceded by a notice to all such parties in interest specifying with particularity the matters and things in issue and not including issues or requirements phrased generally or in the words of the statute.

"(c) When any instrument of authorization is granted by the Commission without a hearing, as provided in paragraph (a) hereof, such grant shall remain subject to protest as hereinafter provided, for a period of thirty days. During such thirty-day period, any person who would be entitled to challenge the legality or propriety of such grant under the provisions of Section 402 of this Act may file a protest directed to such grant, and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a proper party in interest and shall specify with particularity the matters and things in issue but shall not include issues or allegations phrased generally or in the words of the statute. Upon the filing of such protest, the application involved shall be set for hearing upon the issues set forth in said protest and heard in the same manner in which applications are heard under paragraph (b) hereof. Pending hearing and decision upon said protest, the effective date of the Commission's action to which said protest is directed shall be postponed to the date of the Commission's decision after hearing unless the authorization involved in such grant is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing on said protest.

"(d) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject: (1) the station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein; (2) neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act; (3) every license issued under this Act shall be subject in terms to the right or use or control conferred by Section 606 hereof."

SEC. 6. Amend paragraph (b) of section 310 of said Title III by striking out the whole of said paragraph and by inserting in lieu thereof the following:

"No instrument of authorization granted by the Commission entitling the holder thereof to construct or operate radio apparatus shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such instrument of authorization, to any person except upon application to the Commission and upon a finding by the Commission that the proposed transferee or assignee is capable of constructing or operating under such instrument of authorization in the public interest, convenience and necessity. The procedure to be employed in the handling of such applications shall be that provided in Section 309 of this Act, as amended."

SEC. 7. Add to said Title III the following new section:

Sec. 330 (a) The Commission shall study the following proposals and shall report to Congress not later than July 1, 1942 its recommendations thereon together with the reasons for the same:

1. Whether and upon what terms and conditions Congress shall by statute confer upon the Commission the power to regulate the contractual or other relations between the licensees of radio broadcast stations and networks

or other organizations which supply program material to such licensees.

2. Whether and upon what terms and conditions the Congress shall provide by statute for the licensing of networks.
3. Whether and in what terms the Congress shall by statute redefine and fix the qualifications of the licensee of any radio station which is intended to and does communicate with the public.
4. Whether and upon what terms and conditions the Congress shall by statute limit the number of services which may be conducted by any network organization and the number of stations of any class which may be licensed to any network organization.

(b) The Commission shall report to Congress not later than January 1, 1942, the standards and principles adopted by it to effectuate the mandate contained in Section 307 (b) of the Communications Act of 1934, as amended, which requires the Commission to make and maintain a fair, efficient and equitable distribution of radio facilities among the several states and communities together with its recommendations, if any, for further legislation on this subject.

(c) The Commission shall report to Congress not later than January 1, 1942, the steps taken and the policies adopted by it to effectuate the purposes of Section 303 (g) of the Communications Act of 1934, as amended, insofar as those purposes have application to the larger and more effective use of radio by stations which are intended to and do communicate with the public.

SEC. 8. Amend Section 402 of Title IV by striking out the whole of said section and by inserting in lieu thereof the following:

"(a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul or suspend any order of the Commission under this Act (except those appealable under the provisions of paragraph (b) hereof), and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court for the District of Columbia.

"(b) Appeals may be taken from decisions and orders of the Commission to the Circuit Court of Appeals of the United States within any circuit wherein the appellant resides or has his principal place of business, or to the United States Court of Appeals for the District of Columbia in any of the following cases:

- "(1) By an applicant for any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio whose application is denied by the Commission.
- "(2) By any party to an application for authority to assign any such instrument of authorization or to transfer control of any corporation holding such instrument of authorization whose application is denied by the Commission.
- "(3) By any applicant for the permit required by Section 325 of this Act or any permittee under said section whose permit has been modified, revoked or suspended by the Commission.
- "(4) By any other person who is aggrieved or whose interests are adversely affected by any order of the Commission granting or denying any application described in sub-paragraphs (1), (2) and (3) hereof.
- "(5) By the holder of any instrument of authorization required by this Act, or the regulations of the Commission enacted pursuant to this Act, for the construction or operation of apparatus for the transmission of energy, or communications, or signals by radio, which instrument has been modified, revoked, or suspended by the Commission.
- "(6) By any radio operator whose license has been revoked or suspended by the Commission.

"(c) Such an appeal shall be taken by filing a Notice of Appeal with the appropriate court within thirty days after the

entry of the order complained of. Such Notice of Appeal shall contain a concise statement of the nature of the proceedings as to which appeal is taken; a concise statement of the reasons on which the appellant intends to rely, separately stated and numbered; and proof of service of a true copy of said notice and statement upon the Commission. Upon the filing of such notice, the Court shall have exclusive jurisdiction of the proceeding and of the questions determined therein and shall have power, by order directed to the Commission or any other party to the appeal, to grant such temporary relief as it may deem just and proper. Orders granting temporary relief may be either affirmative or negative in their scope, and application and may be such as to permit either the maintenance of the status quo in the matter in which the appeal is taken or the restitution of a position or status terminated or adversely affected by the order appealed from and shall, unless otherwise ordered by the court, be effective pending hearing and determination of said appeal and compliance by the Commission with the final judgment of the court rendered in said appeal.

"(d) Upon the filing of any such Notice of Appeal, the Commission shall, not later than five days after date of service upon it, notify each person shown by the records of the Commission to be interested in said appeal of the filing and pendency of the same and shall thereafter permit any such person to inspect and make copies of said notice and statement of reasons therefor at the office of the Commission in the City of Washington. Within thirty days after the filing of an appeal, the Commission shall file with the court a copy of the order complained of, a full statement in writing of the facts and grounds relied upon by it in support of the order involved upon said appeal, and the originals or certified copies of all papers and evidence presented to and considered by it in entering said order.

"(e) Within thirty days after the filing of an appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the Court a Notice of Intention to Intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said Notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the order of the Commission complained of shall be considered an interested party.

"(f) The record upon which any such appeal shall be heard and determined by the court shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time the court shall hear and determine the appeal upon the record before it and shall have power upon such record to enter judgment affirming or reversing the order of the Commission. As to the findings, conclusions and decisions of the Commission, the court shall consider and decide so far as necessary to its decision and where raised by the parties, all relevant questions of (1) constitutional right, power, privilege, or immunity; (2) the statutory authority or jurisdiction of the Commission; (3) the lawfulness and adequacy of Commission procedure; (4) findings, inferences, or conclusions of fact unsupported, upon the whole record, by substantial evidence; and (5) administrative action otherwise arbitrary or capricious.

"(h) In the event that the court shall render a decision and enter an order reversing the order of the Commission, it shall remand the case to the Commission to carry out the judgment of the court and it shall be the duty of the Commission, in the absence of proceedings to review such judgment, to forthwith give effect thereto, and unless otherwise ordered by the court, to do so upon the basis of the proceedings already had and the record upon which said appeal was heard and determined. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under Section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

"(i) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

SEC. 9. Amend section 405 of said Title IV by striking out the whole thereof and by inserting in lieu thereof the following:

"Sec. 405. After a decision, order, or requirement has been made by the Commission or any division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a division of the Commission, the petition for rehearing shall be directed to that division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the entry of any decision, order or requirement complained of and except for those cases in which the decision, order or requirement challenged is necessary for the maintenance or conduct of an existing service, the filing of such a petition shall automatically stay the effective date thereof until after decision on said petition. The filing of a petition for rehearing shall not be a condition precedent to judicial review of any such decision, order or requirement, except where the party seeking such review was not a party to the proceedings before the Commission resulting in such decision, order or requirement, or where the party seeking such review relies on questions of fact or law upon which the Commission has been afforded no opportunity to pass. Rehearings shall be governed by such general rules as the Commission may establish but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order."

SEC. 10. Amend paragraph (a) of section 409 of said Title IV by striking out the whole of said paragraph and by inserting in lieu thereof the following:

"(a) In all cases where a hearing is required by the provisions of this Act, or by other applicable provisions of law, such hearing shall be a full and fair hearing. Hearings may be conducted by the Commission or a division thereof having jurisdiction of the proceeding or by any member or any qualified employee of the Commission when duly designated for such purpose. The person or persons conducting any such hearing may sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission. In all cases, whether heard by a quorum of the Commission or a division thereof, or by any member or qualified employee of the Commission, the person or persons conducting such hearing shall prepare and file an intermediate report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all cases the Commission, or the division having jurisdiction thereof, shall, upon request of any party to the proceeding, hear oral argument on said intermediate report or upon such other and further issues as may be specified by the Commission or the division and such oral argument shall precede the entry of any final decision, order or requirement. Any final decision, order or requirement shall be accompanied by a full statement in writing of all the relevant facts as well as conclusions of law upon those facts."

CONVENTION IN CLEVELAND

In conformity with the advisory ballot taken at the St. Louis convention, the NAB Board on Wednesday fixed the 1942 convention for May 11-14 at Cleveland. Contracts for a convention hotel are being negotiated.

DAYLIGHT SAVING

Hearings were held before the House Committee on Interstate and Foreign Commerce August 5, 6, and 7 on H. R. 5343, a bill to authorize the President to establish daylight saving time in such areas and for such periods of time as he deems necessary to conserve electrical energy or otherwise to promote the national defense. Maximum daylight saving time under this bill would not be more than two hours in advance of standard time.

The NAB, represented at the hearings by Robert Myers, Assistant Director of Research, urged enactment of legislation which will provide for nation-wide daylight saving time, in conformity with the Convention resolution adopted in St. Louis. The resolution itself was read into the record. NAB support of the Keough and McLean bills which would provide for uniform observance of daylight saving time throughout the nation was mentioned. The problems of the industry incident to the switches to and from daylight saving time were reviewed.

BMI NOTES

A Song from the Heart

J. Russell Robinson, composer of *Margie*, *Mary-Lou*, and many of the great hits of American song history, has written a new BMI tune with Andy Razaf entitled *I'll Be A Good Soldier, Too*. In answer to the question "How did you come to write it," Mr. Robinson has given us the following story:

A majority of tunesmiths are ever on the alert for new melodic ideas. For many years I have had the habit of seeking first the title or lyrical idea for a new song, and then have always been able to construct a chorus melody with which to wed a lyric, either one written alone or in collaboration.

I have been wanting to produce something of a patriotic nature for the last several years. In fact, two of my unpublished songs of such flavor have been sung over the networks—THANK OUR YANKEE STARS and HOORAY FOR OUR SIDE OF THE OCEAN. Tho' both songs were stirring to the emotions and well liked by the singers they didn't seem to get a good public reaction. Nothing daunted, I still kept my ear attuned, feeling that somewhere, somehow I would get the right kind of an idea for a patriotic song which would have real heart appeal to everyone.

While visiting with a sister-in-law, her husband and two sons, several months ago it came. The eldest son, just twenty-two years of age had been called by his local board only two days before my visit. The mother was taking it very hard and could hardly keep her tears back when telling me of it. The son walked in while we were conversing and started telling me how he looked forward to camp life in the service of his country.

She burst into tears, then suddenly her son said, "Aw, Mom, why don't you be a good soldier about it, it's probably the best thing that ever happened to me."

With that remark she seemed to gain control of her emotion and at the same moment I said, "Boy, what a song idea you just handed your Uncle Russell! I've got the title and thought that should appeal to every woman, mother, wife, sister, aunt, grandmother or even a MOTHER-IN-LAW, right out of your answer to your mother, I'LL BE A GOOD SOLDIER, TOO."

An Artistic Success

Despite ASCAP's conviction that BMI would not be able to develop new songwriters who could satisfactorily entertain the radio audience, BMI has been able to produce a group of current song hits which compare favorably with any group of hits at any given time in the past twenty years. In addition to its obligation to provide good music to its subscribers, BMI feels that it has an obligation to the writers of these tunes and plans to promote their work.

As the music situation now stands, talented songwriters have two alternatives:

1. Ready cash from BMI which pays on a performance basis regardless of seniority and leaves its writers completely free to do anything which they wish to do in their own interest.
2. ASCAP, which ties its writers to ten year contracts calling for their entire output, bases its payments to writers on contribution to the Society as well as on seniority, and promises a pension based on a continuous flow of creative genius.

Chief complaint of the young writer under the ASCAP system has been that he has not been compensated for the radio performance of his best work. Many writers produce their best songs

in their early youth. These songs have a fresh note, are eagerly accepted by the public—they climb to the Hit Parade. The publishers are liberally compensated for them, but the writers do not receive a penny from performances until they have become established creators and assure ASCAP that they can produce hits year after year. This is one reason the legend of the "starving songwriter" has persisted. We will probably hear less of it from now on as BMI has demonstrated that anyone with talent can earn substantial sums from air performance regardless of age.

Foremost of the many hundred songwriters who have found opportunity with BMI follow:

Alex Kramer, Hy Zaret, Joan Whitney—*So You're the One, It All Comes Back To Me Now, My Sister and I*.
 Alex Kramer, Joan Whitney—*High On A Windy Hill*.
 Hy Zaret, Irving Weiser—*There I Go*.
 Jack Owens—*Hut Sut Song, Hi, Neighbor*.
 Bernie Wayne, Ben Raleigh—*You Walk By, Wasn't It You*.
 Robert Sour, Ernest Gold, Don McCray—*Practice Makes Perfect, Come Down To Earth, My Angel, You're A Mystery To Me*.
 Robert Sour, Una Mae Carlisle—*Walkin' By the River, I See A Million People*.
 Don McCray, Ernest Gold—*Accident'ly On Purpose, Painted Desert Lullaby*.
 Ernest Gold—*The Shining Hour, Blue Grass Regions*.
 Helen Bliss—*I Went Out Of My Way, I Could've Told You So*.
 Michael Field, Newt Oliphant—*The Same Old Story*.
 Joe Ricardel—*The Wise Old Owl*.
 Norman Weiser, Louis Urban—*Here's My Heart*.
 Jean Barry, Leah Worth—*The Old Jalop, I've Got A Date With A Gate*.
 Betty Barton, Buddy Arnold, Jack Gould—*What D'Ya Hear From Your Heart*.
 Henry Manners, Robert Sour—*We Could Make Such Beautiful Music*.
 Henry Manners, Jimmie Shirl—*Braggin', Good Evening', Good Lookin', Delilah, That Lingering Longing*.
 Laurette Carroll—*Phantom In The Dark*.
 Sano Marco, Jack Erickson—*May I Never Love Again*.
 Sylvia Dee—*Talking To the Wind, So Ends Our Night*.
 Bill Hampton, George Duning—*I Can't Remember To Forget*.
 Paul Kulthau, Johnny Messner—*Toy Piano Minuet, Toy Piano Jump, Clarinet In A Haunted House*.
 Jerry Bowne, Frank de Vol—*Friendly Tavern Polka*.

The Independent Publisher Comments

Al Debin, of Porgie, Debin and Friedman, BMI affiliated publisher which produced the outstanding hit *Just A Little Bit South of North Carolina*, has the following comment to make regarding the negotiations looking to the return of ASCAP music to the NBC networks: "We believe that the song business is primarily a matter of discovering and promoting good songs. Our opportunity to do this will be just as great as ever with ASCAP music on the air and I feel that regardless of the greater prestige and financial strength of the ASCAP publishing houses both broadcasters and bandleaders will see that the 'little fellow' is protected."

Radio Tunes, Inc.

New songs to be promoted by Radio Tunes, Inc., BMI subsidiary, will be, *I See A Million People* by Una Mae Carlisle and Bob Sour; *A Little Bit of Dark* by Roy Jacobs, writer of *Boogily Woogily Piggy* and Johnny Murphy; and *I Want To Be A Good Soldier, Too* by J. Russell Robinson and Andy Razaf.

A Little Bit of Dark will have a solid week of introduction from Johnny Long at the Hotel New Yorker beginning Friday, August 9th.

Radio Tunes, Inc., will open offices in principal cities and operate as a national organization. Phil Kornheiser will be the General Manager.

Elmo White will be Professional Manager. Mr. White was first known as a member of the vaudeville team of Murphy and White, famous for their song and dance routine. When he entered the music business, it was as a member of the professional department of Shapiro, Bernstein. His work attracted attention and he was offered the Professional Managership of De Sylva, Brown

& Henderson. For several years he alternated between that firm and the Robbins Music Corp. He is the writer of *When He Gave Me You, Mother of Mine*.

Harold Wald, a brother of Jerry Wald, is the first man selected by Mr. White as a member of his staff.

Choose 'Friendly Tavern'

The tavern industry has chosen BMI's *Friendly Tavern Polka* as their national theme song and plan to feature it prominently in the promotion of nation-wide good-will for taverns. A series of advertisements are being planned for the joint signature of tavern groups and the song will form the theme of whatever advertising the taverns plan to do on the air.

The Patriotic Rhythm

The Rhythm Is Red An' White An' Blue, a BMI tune by David Gregory and Al Moss is featured in the RKO Dr. Christian picture *We Meet Again* which has just been released. The lyric rejoices in the manifold blessings of life in America pointing out that "There's no other place on earth where they use up two Thanksgivings."

BMI FEATURE TUNES

August 11 - August 18

1. I WENT OUT OF MY WAY
2. WASN'T IT YOU
3. ALL ALONE AND LONELY
4. HI, NEIGHBOR
5. YO TE AMO, OH BABY
6. MY SISTER AND I
7. BECAUSE OF YOU
8. THE RELUCTANT DRAGON

In preparation: A rhythm novelty, *Delilah*.

Lament to Love

Lament To Love the new torch song which has already been recorded by four leading orchestras—Harry James, Sonny Dunham, Les Brown, and Lanny Ross—looks like a real hit. Its writer is no sophisticated oldster bored with little Dan Cupid, but a 15-year-old Chicago schoolboy named Mel Towne. It's Mel's first published song, and he didn't know a thing about the publication of his opus until his uncle came back from the offices of the publisher, Roe-Krippene, and announced its acceptance.

Sales

Cash Discount Tabled

Fred Gamble, AAAA Managing director, presented the agency case for the cash discount principle before the NAB Board August 7. The matter was tabled without action.

Carnival Buys Time

Industry efforts to persuade circuses, carnivals, and other entertainment ventures to purchase radio time are having some effect, as shown by this letter from S. A. Cisler, WGRC, Louisville:

"I wish you would put a good word in the BULLETIN for Mr. Naylor, advance man for the Bockman & Gerety Shows, a traveling carnival, one of the largest in the world. Mr. Naylor bought his spots at card rate, did not ask for any free time or try to chisel the rate. He wrote good, clean, punchy copy; we gave him extra good positions, and he got results. He bought more while still here, and left very happy with business and with radio. Such people ought to be encouraged. I hope other stations will watch out for this show that buys time, and give Mr. Naylor 100% cooperation."

Per-Inquiry and Free Time

J. M. Mathes Agency, New York, is seeking free time on home economics programs for **STA-WAY**, an insect repellent of the National Carbon Co.

The Barbizon Studio, New York, a modeling school, is seeking per-inquiry deals, although it is understood to be paying regular rates to magazines and other media.

Chicago, Rock Island & Pacific Ry. Co., Chicago, is seeking free time for a transcribed program under the guise of "national defense" by telling listeners what railroads are doing in defense preparations.

All the above have been invited to use radio on the proper basis.

Radio Needs Dealer Support

The necessity for constantly seeking recommendations for radio advertising from local dealers should frequently be impressed upon radio salesmen.

National spot business and local dealer-cooperative business as well as added network business can effectively be increased only with this sort of cooperation from local distributors and dealers.

Numerous national manufacturers can be persuaded to use radio only if the sales efforts of those in the national field are supported by an ever-increasing weight of local recommendations. An excellent example of the effectiveness of this approach is contained in a *Radio Daily* story August 5, telling how the Trimount Clothing Co. used radio for the first time in 1940 with spot announcements on five stations, later expanding to additional outlets, and now has signed for a fall campaign on 125 stations. The Emil Mogul Co., agency in charge, reports:

"Response from the stores covered by these initial radio spots was so enthusiastic and the demand from other *Clipper Craft dealers for radio mention in their own territories so insistent*, that Trimount undertook a considerably expanded campaign for the spring of 1941."

The fall campaign will include network, national spot and local dealer-cooperative services.

Similar demand from other dealers would no doubt have a similar effect upon other manufacturers.

That the newspaper industry also recognizes the power of dealer recommendations is shown by a statement by Pierre Martineau, advertising promotion manager of the *Memphis Commercial Appeal* and *Press-Scimitar*:

"National advertisers have frequently stated that newspapers ought to do a basic selling job on the retailer. One of their favorite reasons in explaining why they use radio is that, *when queried about media, their retailers and dealers vote for radio.*"

National Defense

Duplication Not Desired

The Naval Recruiting Office in Richmond, Va., sent out several announcements which partially duplicated those the Navy released through NAB. This matter was called to our attention by several stations in the area involved and we, in turn, called it to the attention of the Navy.

The Navy suggested that we notify stations immediately advising them to disregard the second request.

Send July Reports

Please send your July National Defense Broadcast Report. There is a nice steady stream of reports coming in now, but editing will be delayed until all of the reports have been received.

More Cooperation

Five more stations have inserted "Keep 'em Flying" in nightly sign-off. They are:

KELA—Sioux Falls, S. D.
KSAC—Manhattan, Kan.
KSOO—Sioux Falls, S. D.
WJTN—Jamestown, N. Y.
WSAZ—Huntington, W. Va.

KIEM, Eureka, Cal., says: "Keep 'em Flying and Keep Tuned to KIEM, Eureka, California," at least ten times every afternoon.

WCMI, Ashland, Ky., is one of the stations cooperating in the U. S. Army campaign whose call letters have for some reason or other escaped the published list. There are approximately eight hundred stations now cooperating. They also assist the U. S. Navy in its quest for Naval Flyers, Reserves and general enlistments. Same stations also back Manpower announcements for U. S. Civil Service and carry the Treasury schedule for the sale of bonds and stamps.

PUDNEY, BLAKE

The NAB has been asked for information as to the whereabouts of Earl J. Pudney, an announcer, and Joe Blake, a salesman.

FEDERAL LEGISLATION

HOUSE

H. R. 5497 (SANDERS, D-La.) COMMUNICATIONS ACT—To amend the Communications Act of 1934, and for other purposes. Referred to Committee on Interstate and Foreign Commerce.

SENATE

S. 1806 (WHITE, R-Maine) COMMUNICATIONS ACT—To amend the Communications Act of 1934, and for other purposes. Referred to Committee on Interstate Commerce.

SENATE RESOLUTION

S. Res. 152 (CLARK, D-Mo. & Nye, R-N.D.) PROPAGANDA—Authorizing an investigation of propaganda disseminated by the motion picture and radio industries tending to influence participation of the United States in the present European war. Referred to Committee on Interstate Commerce.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be held before the Commission during the week beginning Monday, August 11. They are subject to change.

Monday, August 11

Consolidated Hearing

NEW—Nashville Radio Corporation, Nashville, Tenn.—C. P., 1410 ke., 1 KW, unlimited time, DA-day and night.
NEW—A. M. Burton, Nashville, Tenn.—C. P., 1410 ke., 1 KW, unlimited time, DA-day and night.

Tuesday, August 12

Consolidated Hearing

KONB—MSB Broadcast Co., Omaha, Nebr.—C. P., 1500 ke., 250 watts, unlimited time.

KONB—MSB Broadcast Co., Omaha, Nebr.—Modification of C. P., 1500 ke., 250 watts, unlimited time under C. P.

Thursday, August 14

KWK—Thomas Patrick, Inc., St. Louis, Mo.—C. P., 680 ke., 50 KW, unlimited time, DA-day and night.

Friday, August 15

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Renewal of license, 1400 ke., 250 watts, unlimited time.

KORN—Clark Standiford (transferor), and C. J. Malmsten, A. C. Sidner, S. S. Sidner & Arthur Baldwin (transferees), Fremont, Nebr.—Transfer of control, 1400 ke., 250 watts, unlimited time.

FUTURE HEARINGS

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

September 5

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—C. P., 860 ke., 1 KW night, 5 KW day, unlimited time, DA-night.

KFNF—KFNF, Incorporated, Shenandoah, Iowa.—Renewal of license, 920 ke., 500 watts night, 1 KW day, share KUSD.

September 16

KGLU—Gila Broadcasting Co., Safford, Ariz.—Renewal of license, 1450 ke., 250 watts, unlimited time.

September 17

KFRO—Voice of Longview, Longview, Texas.—Modification of C. P., 1370 ke., 5 KW, unlimited time, DA-night.

Further Hearing

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

September 23

WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Ill.—C. P., 1540 ke., 500 watts night, 1 KW day, unlimited time.

September 29

Further Hearing

NEW—Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—C. P., 1340 ke., 250 watts, unlimited time.

October 7

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—C. P., 1110 ke., 50 KW, unlimited time, DA-night.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., 1110 ke., 50 KW, unlimited time, DA-night.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Modification of license, 770 ke., 50 KW, unlimited time.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—C. P., 770 ke., 1 KW, daytime.

October 8

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Renewal of license, 1450 ke., 100 watts, specified hours.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Granted, subject to such rules or action as the Commission may here-

after adopt or take with regard to multiple ownership, construction permit for a new station to operate on **980 kc.**, 1 KW, daytime only (B5-P-2472).

Findlay Radio Company, Findlay, Ohio.—Granted construction permit for a new station to operate on **1330 kc.**, 1 KW, daytime only. Exact site and antenna system to be determined subject to Commission's approval (B2-P-2846).

Frank T. Nied & Perry H. Stevens, d/b as Neid and Stevens, Warren, Ohio.—Granted construction permit for new station to operate on **1440 kc.**, 250 watts, unlimited time (B2-P-3181).

WMC—Memphis Publishing Company, Memphis, Tenn.—Granted, subject to such rules as may be adopted by the Commission as might affect licensee's ownership of said station, construction permit to increase night power from 1 to 5 KW, and install a new directional antenna for night use; **790 kc.**, 5 KW day, unlimited time (B3-P-2743).

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted, subject to such rules or action as the Commission may hereafter adopt or take with regard to multiple ownership, construction permit to increase power from 5 to 50 KW night and day; increase hours from simul-d, s-WOWO-night, to unlimited; move transmitter to R.F.D. St. Clairsville, Ohio, about 7 miles west of Wheeling; install new transmitter and directional antenna for day and night use; **1170 kc.** (B2-P-2540).

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted construction permit to increase power from 25 to 50 KW days and night; increase hours of operation from simul-d, s-WAPI, night, to unlimited; install new equipment and new directional antenna for night use; **1170 kc.** (B3-P-2539).

KYW—Westinghouse Radio Stations, Inc., Philadelphia, Pa.—Granted construction permit to make changes in directional antenna (B2-P-3145).

WORK—York Broadcasting Co., York, Pa.—Granted construction permit to install a new directional antenna system for night use only (B2-P-3205).

KWOS—Tribune Printing Company, Jefferson City, Mo.—Granted modification of license to change frequency from **1340 to 1240 kc.**; 250 watts, unlimited time (B4-ML-1075).

WRDO—Adeline B. Rines, Executrix of Last Will and Testament of Henry P. Rines, deceased (Transferor), Adeline B. Rines (Transferee), Augusta, Maine.—Granted consent to transfer control of WRDO, Inc., from Adeline B. Rines, Executrix of the Last Will and Testament of Henry P. Rines, deceased, to Adeline B. Rines (B1-TC-271). Also granted motion to reconsider and grant without hearing application for renewal of license; cancelled said hearing and granted renewal of license for WRDO to operate on **1400 kc.**, 100 watts, unlimited time (B1-R-804).

Burns Avenue Baptist Church, Detroit, Mich.—Granted extension of authority to transmit religious programs to Station CKLW, Windsor, Ontario, Canada (operating on **1030 kc.**, with 5 KW power), through the facilities of the Michigan Bell Telephone Co. (B2-FP-90).

First Baptist Church, Pontiac, Mich.—Granted extension of authority to transmit religious programs to Station CKLW, Windsor, Ontario, Canada (operating on **1030 kc.**, with 5 KW power), through the facilities of the Michigan Bell Telephone Co. (B2-FP-91).

Columbia Broadcasting System, Inc., New York City.—Granted extension of authority to transmit programs to Stations CKAC, Montreal, Canada, CFRB, Toronto, Canada, and other stations under the control of the Canadian Broadcasting Corp. (B1-FP-92).

DESIGNATED FOR HEARING

Hugh McClung, Fresno, Calif.—Application for construction permit for new standard broadcast station to operate on **1590 kc.**, 5 KW, unlimited time (B5-P-3143).

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending August 1, 1942:

KCMO, Kansas City, Mo.; KGB, San Diego, Cal.; KTBS and auxiliary, Shreveport, La.; KTUL, Tulsa, Okla.; WBCM, Bay City, Mich.; WBNS and auxiliary, Columbus, Ohio; WCBA, Allentown, Pa.; WCSC, Charleston, S. C.; WFBC, Greenville, S. C.; WGAR and auxiliary, Cleveland, Ohio; WHEC, Rochester, N. Y.;

WHP, Harrisburg, Pa.; WING, Dayton, Ohio; WKAT, Miami Beach, Fla.; WPAB, Ponce, Puerto Rico; WSAI, Cincinnati, Ohio, and WTSP, St. Petersburg, Fla.

MISCELLANEOUS

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of construction permit (B5-P-2783, for changes in equipment, and increase in power to 50 KW), for extension of completion date to Oct. 3/41 (B5-MP-1367).

WIBA—Badger Broadcasting Co., Inc., Madison, Wisc.—Granted modification of construction permit (B4-P-2689, for new transmitter, changes in directional antenna system for night use, increase in power to 5 KW and move of transmitter and studio), for change in frequency from **1280 to 110 kc.** under NARBA and changes in directional antenna accordingly (B4-MP-1352).

WRR—City of Dallas, Texas, Dallas, Tex.—Granted modification of construction permit (B3-P-3229, as modified, for new equipment, installation of directional antenna for night use, increase in power and move of transmitter) for changes in frequency from **1200 to 1310 kc.** under NARBA, and changes in directional antenna system accordingly; change in type number of transmitter, and extend completion date to 180 days after grant (B3-MP-1361).

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted modification of construction permit (B4-P-2727, which authorized installation of new transmitter and new directional antenna for night use; move of transmitter to new location and increase power to 5 KW unlimited time), for use of old transmitter at new site (B4-MP-1360).

KRLH—Clarence Scharbauer, Midland, Texas.—Granted license to cover construction permit (B3-P-2981), for change in frequency to **1230 kc.**, increase in power to 250 watts, new antenna and changes in equipment and move of transmitter (B3-L-1439).

WJBO—Baton Rouge Broadcasting Co., Baton Rouge, La.—Granted license to cover construction permit (B3-P-2766), which authorized increase in power to 5 KW, and installation of new equipment and directional antenna for day and night use; **1150 kc.**, unlimited time (B3-L-1400).

American Broadcasting Corp. of Kentucky, Portable-Mobile Area of Lexington.—Granted construction permit for new relay broadcast station to be used with applicant's station WLAP; **1622, 2058, 2150, 2790 kc.**; 75 watts (B2-PRY-252).

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted license to cover construction permit (B1-PIB-28, which authorized change in frequencies, equipment and increase in power of International Broadcast Station to 50 KW and frequencies **6100, 11890* 15150* and 21630 kc.** (*Subject to condition no interference is caused to International broadcast stations having priority of registration on same or adjacent frequencies) (B1-LIB-17).

The Birmingham News Co., Portable-Mobile Area of Birmingham, Ala.—Granted construction permit for new relay station to be used with applicant's standard broadcast station WSGN; **30820, 33740, 35820, 37980 kc.**; 2 watts (B3-PRE-395).

Frontier Broadcasting Co., Portable-Mobile Area of Cheyenne, Wyo.—Same except to be used with applicant's standard broadcast station KFBC (B5-PRE-393).

Frontier Broadcasting Co., Portable-Mobile Area of Cheyenne, Wyo.—Same except to be used with applicant's standard broadcast station KFBC (B5-PRE-394).

Rome Broadcasting Corp., Portable-Mobile Area of Rome, Ga.—Same except to be used with applicant's standard broadcast station WRGA and 15 watts power (B3-PRE-390).

Wichita Broadcasting Co., Portable-Mobile Area of Wichita Falls, Texas.—Same except to be used with applicant's standard broadcast station KWFT, and 2 watts power (B3-PRE-396).

Westinghouse Radio Stations, Inc., Portable-Mobile Area of Philadelphia, Pa.—Granted construction permit for a new relay broadcast station to be used with applicant's standard station KYW; frequencies **31220, 35620, 37020, 39260 kc.**; 2 watts. (B2-PRE-392). Also granted license covering same (B2-LRE-352).

KRME—Merced Broadcasting Co., Portable-Mobile Area of Merced, Cal.—Granted license to cover construction permit (B5-PRY-245) for new relay station; frequencies **1646, 2090, 2190, 2830 kc.**; 15 watts; to be used with applicant's standard broadcast station KYOS (B5-LRY-228).

Golden Empire Broadcasting Co., Portable-Mobile Area of Redding, Cal.—Granted construction permit for new relay

- broadcast station to be used with applicant's standard broadcast station KVCV; frequencies **1646, 2090, 2190, 2830 ke.**; 15 watts (B5-PRY-250).
- Golden Empire Broadcasting Co., Portable-Mobile Area of Chico, Cal.—Same except to be used with applicant's standard station KHSL (B5-PRY-251).
- Portland Broadcasting System, Inc., Portable-Mobile Area of Portland, Me.—Same except to be used with applicant's standard station WGAN; frequencies **1622, 2058, 2150, 2790 ke.**, 150 watts (B1-PRY-253).
- Portland Broadcasting System, Inc., Portable-Mobile Area of Portland, Me.—Same except 40 watts (B1-PRY-254).
- KEIY, KEIZ—Oregonian Publishing Co., Portable-Mobile Area of Portland, Ore.—Granted construction permits to make changes in equipment and decrease power from 4.5 to 3.5 watts in relay station (B5-PRE-398) (B5-PRE-399).
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted license to cover construction permit (B5-P-2721), for increase in power to 5 KW and installation of directional antenna (B5-L-1458).
- WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Granted construction permit to move transmitter and studio sites from 51 to 54 E. First Street, Ft. Myers, and install new transmitting equipment; **1240 ke.**, 250 watts, unlimited time (B3-P-3233).
- WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted modification of construction permit (B1-P-2750, for new transmitter, increase in power, changes in directional antenna), for extension of completion date to Oct. 3/41 (B1-MP-1365).
- WGRB—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Granted modification of construction permit (B2-P-2582, covering new station to operate on **1230 ke.**, 250 watts, unlimited time), for extension of completion date to Jan. 12, 1942 (B2-MP-1363).
- WMDP—Gresco, Inc., Greenwood, S. C.—Granted modification of construction permit (B3-P-2930 for new station to operate on **1450 ke.**, 250 watts, unlimited time), for move of studio to Greenville Road, (Wilson St.), Greenwood, S. C., install new transmitter, make changes in antenna system, and **1450 ke.** under NARBA (B3-MP-1358).
- WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted license to cover construction permit (B4-P-3133) which authorized change in type of transmitter, change in antenna, and change of location of transmitter to lower floor level, same address (B4-L-1457).
- WJOB—O. E. Richardson and Fred L. Adair, Hammond, Ind.—Granted construction permit to move transmitter and studio locations to 449 State Street, Hammond, Ind., and install new antenna (B4-P-3223).
- WHAE—Courier-Journal and Louisville Times Co., Louisville, Ky.—Granted reinstatement of construction permit (B2-PRE-361), which authorized construction of a new relay broadcast station, changing equipment and increase power from 50 to 100 watts; frequencies **156750, 158400, 159300, 161100 ke.**; to be used with applicant's standard broadcast station WHAS (B2-PRE-397).
- KEMA—May Broadcasting Co., Portable-Mobile Area of Shenandoah, Ia.—Granted license to cover construction permit (B4-PRY-243) for new relay broadcast station frequencies **1646, 2090, 2190, 2830 ke.**; 25 watts, to be used with applicant's standard station KMA. The license is granted upon condition that said grant is not to be construed as a finding upon KMA's application for renewal of license nor upon any of the issues involved in that case (B4-LRY-231).
- WEPA—Edwin H. Armstrong, Portable-Mobile, Area of New York City.—Granted license to cover construction permit (B1-PRE-277) which authorized a new portable-mobile special relay broadcast station to be used with applicant's FM station W2XMN, north of Alpine, N. J., frequencies **156750, 158400, 159300, 161100 ke.**, 50 watts (B1-LRE-347).
- Triple-Cities Broadcasting Co., Inc., Binghamton, N. Y.—Letter from counsel stating applicant does not desire to prosecute application for new station to operate on **1420 ke.**, 250 watts, unlimited time, accepted as motion for dismissal and granted.
- KGLU—Gila Broadcasting Co., Safford, Ariz.—Petition for continuance for 60 days of hearing now scheduled for August 6 on application for renewal of license, granted, and hearing continued to September 16.
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Motion for 60 day postponement of hearing on application for renewal of license now set for August 5, granted for period of 30 days, to September 5.
- Edward E. Reeder, Seattle, Wash.—Motion for leave to amend application to specify **1560** instead of **1450 ke.**, 250 watts unlimited time, granted; amendment to be filed within 15 days. Application removed from hearing docket.
- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted petition to intervene in the hearing on application of KWK, St. Louis, Mo., for construction permit to operate on **680 ke.**, 50 KW, unlimited time, using directional antenna day and night.
- WAPI—Voice of Alabama, Inc., Birmingham, Ala.—Granted petition for leave to amend application for construction permit to change frequency from **1170** to **1070 ke.**; increase power to 50 KW, and time of operation to unlimited, with respect to transmitter and antenna site, amendment to be filed within 15 days; denied as to removal from docket. Hearing now scheduled for September 10.
- American Legion, Dept. of Hawaii, Honolulu, T. H.—Petition for extension of time in which to present evidence granted for 60 days, in re application of Hawaiian Broadcasting System, Ltd., for new station in Honolulu, to operate on **1340 ke.**, 250 watts, unlimited time; record to be kept open to September 29. Exception noted by counsel for Hawaiian Broadcasting System, Ltd.
- WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.; WBBM—Chicago, Ill.; KFAB—KFAB Broadcasting Co., Lincoln, Neb.; WJAG—The Norfolk Daily News, Norfolk, Neb.—Motion to postpone hearing now set for August 7, for period of 60 days, granted and hearing on applications of WBT and KFSB to operate on **1100 ke.**, 50 KW; WBBM and WJAG to operate on **770 ke.**, WBBM to use 50 KW, unlimited, WJAG 1 KW daytime, continued to October 7.
- WTMV—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Mo.—Granted petition to accept applicant's late appearance in re application for construction permit to operate on **1540 ke.**, 500 watts night, 1 KW day, unlimited time.
- WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Motion for extension of time to file proposed findings, granted, and time extended to August 12, in re application for construction permit to erect a synchronous station to operate on **1340 ke.**, 100 watts, unlimited time.
- KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted petition to reopen proceedings in re application for renewal of license of KIDW; hearing to be held August 8.
- KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Granted modification of construction permit for increase in power and installation of directional antenna for night use, for extension of completion date from July 31 to August 31, 1941; **1310 ke.**, 5 KW, unlimited time, directional antenna night (B5-MP-1372).
- W45D—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate frequency modulation station commercially on **44500 ke.** using 3 KW power for a period of 30 days, beginning August 4 to not later than September 2, 1941, pending the installation and preparations necessary to operate the complete transmitting plant in accordance with construction permit and modification thereof, without prejudice to the determination of the issue in the hearing on Order 79.
- WAYS—Inter-City Advertising Co., Charlotte, N. C.—Granted modification of construction permit for approval of directional antenna system to be used with new station to operate on **610 ke.**, 1 KW, unlimited time, directional antenna day and night (B3-MP-1318).
- Glens Falls Broadcasting Corp., Glens Falls, N. Y.—Placed in pending files pursuant to Order No. 79 application for construction permit for new standard broadcast station to operate on **1230 ke.**, 250 watts, unlimited time (B1-P-3167).
- Homer Rodheaver, Winona Lake, Ind.—Denied petition and amended petition (filed June 10 and July 3, 1941) for reconsideration and grant without hearing application for construction permit for new broadcast station at Winona Lake, Ind., to operate on **1480 ke.**, 1 KW daytime (Docket No. 6118).
- KONB—MSB Broadcast Co., Omaha, Nebr.—Granted petition for reconsideration and grant (1) application for construction permit for new station to operate on **1490 ke.**, 250

watts, unlimited time, and (2) application for modification of construction permit specifying transmitter site and antenna (Dockets No. 6111 and 6112).

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Granted petition for reconsideration and grant (1) application for renewal of license of Station KORN, and (2) consent to transfer of control of Nebraska Broadcasting Corp. (KORN) from Clark Standiford (transferor) to C. J. Malmsten, A. C. Sidner, S. S. Sidner, and Arthur Baldwin (transferees) (Docket Nos. 6076, 6077).

Southwest Broadcasters, Inc., Las Vegas, N. Mex.—Granted petition for assignment of call letters KFUN under construction permit for new station granted July 16, 1941.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Granted authority to change call letters KGFI to KEEW.

Broadcasting Corp. of America, Riverside Broadcasting Co. (both of Riverside, Calif.)—Adopted order modifying Proposed Findings of Fact and Conclusions (B-137) granting application of Broadcasting Corp. of America for new station to operate on **1440 ke.**, 1 KW, unlimited time, upon condition that modification of construction permit be filed specifying the exact transmitter location and the antenna to be employed within two months after the effective date of this order; and denying the application of Riverside Broadcasting Co. for new station. (The Proposed Findings were modified to substitute **1440 ke.** in lieu of **1420 ke.**, for Broadcasting Corp. of America.)

APPLICATIONS FILED AT FCC

560 Kilocycles

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Modification of construction permit (B3-P-2870) as modified, for changes in directional antenna and increase in power, requesting changes in directional antenna and extension of commencement and completion dates from 7-15-41 and 1-15-42 to 60 days after grant and 180 days thereafter, respectively.

620 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—License to cover construction permit (B-P-2385) as modified, for a new transmitter, change in antenna system, change in frequency, and increase in power.

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.—Authority to determine operating power by direct method.

770 Kilocycles

WCAL—St. Olaf College, Northfield, Minn.—Authority to install automatic frequency control.

790 Kilocycles

WWNY—The Brockway Co., Watertown, N. Y.—Construction permit to install directional antenna for night use, change frequency from **1300 ke.** to **790 ke.**, change power from 500 watts to 1 KW, and change hours of operation from daytime to unlimited time.

850 Kilocycles

WJW—WJW, Inc., Akron, Ohio.—Construction permit to install new transmitter and directional antenna for night use, change frequency from **1240 ke.** to **850 ke.**, increase power from 250 watts to 5 KW, and move transmitter.

860 Kilocycles

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1440 ke.** to **860 ke.**, increase power from 1 KW night and 2½ KW day to 50 KW, and move transmitter from Bellaire Park, Amarillo, Texas, to near Wilton, Texas. Amended: To request 5 KW night and 10 KW day, install 10-KW transmitter, make changes in directional antenna for night use, and move transmitter to near Masterson, Texas.

920 Kilocycles

NEW—General Broadcasting, Inc., Miami, Fla.—Construction permit for a new broadcast station to be operated on **920 ke.**, 5 KW, unlimited, directional antenna for day and night

use. Amended: To change frequency from **920 ke.** to **1140 ke.**, make changes in directional antenna, and move transmitter from near Ojus to near Miami, Florida.

930 Kilocycles

NEW—Paducah Newspapers, Inc., Paducah, Ky.—Construction permit for a new broadcast station to be operated on **930 ke.**, 1 KW, unlimited time, using directional antenna day and night. Amended: Re directional antenna system.

950 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—License to use old RCA 1-B transmitter as an auxiliary transmitter with power of 1 KW.

1030 Kilocycles

NEW—S. Brad Hunt, Alton, Ill.—Construction permit for a new broadcast station to be operated on **1030 ke.**, 1 KW, daytime.

1080 Kilocycles

NEW—Mid-America Broadcasting Corp., Louisville, Ky.—Construction permit for a new broadcast station to be operated on **1080 ke.**, 1 KW night, 5 KW day, unlimited time, using directional antenna day and night. Amended: re directional antenna.

1110 Kilocycles

NEW—Pacific Coast Broadcasting Co., Pasadena, Calif.—Construction permit for a new broadcast station to be operated on **1110 ke.**, 10 KW, unlimited time, using directional antenna day and night.

1150 Kilocycles

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

WAPO—W. A. Patterson, Chattanooga, Tenn.—License to cover construction permit (B3-P-1939) as modified, for installation of new transmitter and directional antenna for night use, increase in power, change in frequency, and move of transmitter.

1180 Kilocycles

WLDS—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Modification of construction permit (B4-P-2465) for a new broadcast station to be operated on **1180 ke.**, 250 watts, daytime, requesting change in type of transmitter, approval of transmitter and studio sites, and approval of antenna.

1200 Kilocycles

WMAW—C. T. Sherer Co., Inc., Worcester, Mass.—Modification of construction permit (B1-P-2963) for construction of a new station to be operated on **1200 ke.**, 250 watts, unlimited time, requesting extension of completion date from 8-17-41 to 2-17-42.

1210 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-P-3001) as modified, for a new transmitter, changes in antenna, and move of transmitter.

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Authority to determine operating power by direct method.

1240 Kilocycles

KGY—KGy, Incorporated, Olympia, Wash.—License to cover construction permit (B5-P-3071) as modified, for new antenna, increase in hours of operation and move of transmitter.

KGy—KGy, Incorporated, Olympia, Wash.—Authority to determine operating power by direct method.

WGRM—P. K. Ewing, Greenwood, Miss.—Authority to determine operating power by direct method.

1270 Kilocycles

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Texas.—Modification of construction permit (B3-P-2497) as modified, for a new transmitter, increase in power from 1 to 5 KW, install direc-

tional antenna system, and move transmitter, requesting change in frequency under NARBA from **1240 to 1270 kc.** and make changes in directional antenna accordingly, and extension of completion date. Amended: to change type of transmitter.

1290 Kilocycles

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Construction permit for installation of new transmitter, directional antenna for night use, change in frequency from **1400 to 1290 kc.**, increase in power from 250 watts to 1 KW night and 5 KW day, and move of transmitter.

1300 Kilocycles

KGLO—Mason City Globe-Gazette Co., Mason City, Iowa.—Construction permit to install new transmitter, make changes in directional antenna for night use, and increase power from 1 KW to 5 KW.

1310 Kilocycles

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—License to cover construction permit (B4-P-2908) as modified, for a new broadcast station to be operated on **1310 kc.**, 1 KW night, 5 KW day, using directional antenna night, unlimited time.

WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Authority to determine operating power by direct method.

1320 Kilocycles

WNEL—Juan Piza, San Juan, Puerto Rico.—Authority to determine operating power by direct method.

1330 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—License to cover construction permit (B4-P-2462) as modified, for installation of new transmitter and directional antenna for night use, increase in power from 1 KW night and 5 KW day to 5 KW day and night, and move of transmitter.

KFH—Radio Station KFH Co., Wichita, Kans.—Authority to determine operating power by direct method.

1350 Kilocycles

KSRO—Ernest L. Finley, Santa Rosa, Calif.—Authority to determine operating power by direct method.

1360 Kilocycles

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Modification of construction permit (B4-P-2290) as modified, for installation of directional antenna for night use and increase in power from 1 KW night and 5 KW day to 5 KW, requesting extension of completion date from 9-24-41 to 11-24-41.

1370 Kilocycles

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Authority to transfer control of corporation from Adeline B. Rines, Executrix of last will and testament of Henry P. Rines, deceased, to Adeline B. Rines, by transferring 1000 shares of common stock.

1400 Kilocycles

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Modification of license to change studio location.

1440 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Construction permit to install new transmitter, increase power from 500 watts night and 1 KW day to 5 KW, install directional antenna for night use, and change transmitter location.

1450 Kilocycles

WWDC—Capital Broadcasting Co., Washington, D. C.—Authority to determine operating power by direct method for amplifier. Amended: re engineering data.

1470 Kilocycles

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Construction permit to change frequency from **1480 to 1470 kc.** and make changes in directional antenna for day and night use.

1490 Kilocycles

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—License to cover construction permit (B4-P-1799) as modified, for a new broadcast station to be operated on **1490 kc.**, 250 watts, unlimited time.

KBUR—Burlington Broadcasting Co., Burlington, Iowa.—Authority to determine operating power by direct method.

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Authority to determine operating power by direct method.

1510 Kilocycles

KGA—Louis Wasmer, Spokane, Wash.—Modification of construction permit (B5-P-2602) for a new transmitter, changes in antenna, installation of directional antenna for night use, increase in power to 10 KW, and move of studio and transmitter, requesting change in type of transmitter and changes in directional antenna system.

1540 Kilocycles

KRMC—Jamestown Broadcasting Co., Inc., Jamestown, N. D.—Construction permit to install new transmitter and new antenna, change frequency from **1400 to 1540 kc.**, increase power from 250 watts to 5 KW night, 10 KW day, and change studio and transmitter sites.

1560 Kilocycles

WQXR—Interstate Broadcasting Co., Inc., New York, N. Y.—Special service authorization to operate on **1560 kc.**, 10 KW, non-directional antenna, unlimited time for the period ending 2-1-42, in accordance with B1-MP-1086.

1600 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover construction permit (B1-P-2233) or changes in equipment, installation of new antenna, and move of transmitter.

FM APPLICATIONS

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on **41900 kc.**; coverage: 1,371 square miles; population: 2,253,392. Amended: to change frequency to **43500 kc.**, service area to 21,071 square miles, population to 3,311,399, make changes in antenna system, change transmitter location, and change type of equipment.

W55M-NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Modification of construction permit (B4-PH-6) as modified, for a new high frequency broadcast station, requesting extension of completion date from 9-30-41 to 11-30-41.

TELEVISION APPLICATIONS

W3XNB—National Broadcasting Co., Inc., Washington, D. C.—Modification of construction permit (B1-PVB-58) as modified, for a new television broadcast station, requesting extension of completion date from 7-28-41 to 3-1-42.

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for a new commercial television broadcast station (formerly W9XMJ) to be operated on Channel No. 3, **65000-72000 kc.**, A5 and special emission for frequency modulation, ESR 4176, unlimited time.

W9XBK—Balaban & Katz Corp., Chicago, Ill.—Modification of construction permit (B4-PVB-50) as modified, for a new experimental television station, requesting extension of completion date from 9-1-41 to 2-1-42.

MISCELLANEOUS APPLICATIONS

WAKR—Summit Radio Corporation, Akron, Ohio.—Special service authorization to operate with 5 KW power and non-directional antenna daytime for a period of six months, using 5

KW transmitter specified under construction permit (B2-P-3038).

WELB—WAVE, Incorporated, Mobile (Louisville, Ky.).—License to cover construction permit (B2-PRE-389) for installation of new transmitter and increase in power.

NEW—Harmon LeRoy Stevens & Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Portable-Mobile, Area of Port Huron, Mich.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, and 2790 kc., power of 15 watts, A3 emission.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Construction permit to use old Collins transmitter as an auxiliary transmitter and move same to site of main transmitter, and make changes in antenna system, using 250 watts power.

W9XLA—The KLZ Broadcasting Co., Denver, Colo.—License to cover construction permit (B5-PHB-285) for move of transmitter.

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.

E. J. Brach & Sons, Chicago, one of the few large candy manufacturers, is charged, in a complaint, with knowingly inducing some manufacturers of corn syrup to discriminate in price in favor of itself and with knowingly receiving the benefits of price discrimination from some of such manufacturers contrary to the Robinson-Patman Act. (4548)

Inland Empire Bakers' Association, Inc., Spokane, Wash., three of its officers, and three member companies manufacturing and distributing bread and bakery products in eastern Washington and western Idaho are charged, in a complaint, with a price fixing agreement and combination in restraint of trade.

The respondent officers are: L. L. Francis, president; Mel Jacobsen, vice president, and V. B. Pringle, secretary and executive manager; and the respondent companies: Silver Loaf Baking Co.; E. A. Boge, operator of Boge Brothers Bakery, and Olaf Jacobsen, operator of Jacobsen's Bakery, all of Spokane. The respondent members, according to the complaint, are representative of the association's entire membership, including those not specifically named in the complaint.

The complaint alleges that the respondent officers and association members have united in a concerted action, through the association, to restrain competition by agreeing to fix and observe, among themselves, uniform and non-competitive prices and by agreeing to act collectively to impose on all bakers selling bread and bakery products in the respondents' area the use of the non-competitive prices so fixed. (4550)

CEASE AND DESIST ORDERS

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

Hudson Fur Dyeing Company—Louis Estrin, Charles Estrin, Sidney Estrin, Esther Estrin and Belle Estrin, trading as Hudson Fur Dyeing Company, Newark, N. J., have been ordered to cease

and desist from certain misrepresentations in connection with the business of dyeing rabbit peltries for fur dealers and garment manufacturers. (3951)

Inter-State Cigarette Merchandisers Association, Newark, N. J., and five member associations composed of persons or companies operating automatic cigarette vending machines in various States and their officers, directors and members, have been ordered to cease and desist from certain agreements and combinations in restraint of competition in the sale of their products. (4388)

Majestic China Co., Inc., and Art China Co., corporations, Herman Siegel, Sigmund Gladstone, and John Lindsey, sometimes known as Jack Lindsey, individually and as officers and employees of Majestic China Co., Inc. and trading as Art China Co., and John H. Feinne, individually and as an officer of Majestic China Co., Inc., and trading as Windsor China Co., all of South Bend, Ind., have been ordered to cease and desist from certain misrepresentations in connection with the sale of their products and from making disparaging statements concerning competitors and their products. (3748)

National Distillers Products Corporation, with executive offices at 120 Broadway, New York City, has been ordered to cease and desist from misrepresentation in the sale and distribution of a semi-solid poultry feed supplement variously designated as "Produlac Brand Semi-Solid Distillers Grains Mash," "Semi-Solid Produlac," and "Produlac." (4425)

Rosse Products Company—Edward C. Rose, trading as Rosse Products Co., 2708 West Farwell Ave., Chicago, has been ordered to cease and desist from certain misrepresentations in connection with the advertising, sale and distribution of a medicinal preparation designated "Rosse Rheuma Tabs." (4428)

STIPULATIONS

Commission has made public the following stipulations:

Abbott Brothers—Francis W. Abbott, George J. Abbott and Stuart Abbott, trading as Abbott Brothers, Paterson, N. J., and King Ribbon Co., Inc., East Stroudsburg, Pa., engaged in the manufacture and sale of seam binding, have stipulated in connection with the sale of their seam binding or other ribbons in commerce to cease and desist from use of the marking "100 Yards" on bolts or containers when in fact less than 100 yards of material are contained therein, or otherwise mismarking or misbranding such products with respect to the yardage thereof or in any other way with the tendency and capacity of misleading or deceiving purchasers or the consuming public. (3180-3181)

Benay Novelty Company—Harry Richter and Benjamin Moglinsky, trading as Benay Novelty Co., 11 West Third St., New York City, engaged in the manufacture and sale of hats and caps, have entered into a stipulation in which they agree to cease representing that hats or caps, composed in whole or in part of used or second-hand materials, are new or are composed of new materials, by failure to stamp on the exposed surface of the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that the products are composed of second-hand or used materials. The stipulation provides that if sweat bands are not affixed to the hats or caps then the stamping must appear on the bodies of the hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. The respondents further agree to cease representing in any manner that hats or caps made in whole or in part from old, used or second-hand materials are new or composed of new materials. (3179)

Bloomfield Manufacturing Co., Inc., trading as Kant-Slam Door Check Co., Bloomfield, Ind., engaged in selling a device to prevent doors slamming designated "Kant-Slam Door Check," has

stipulated that it will cease and desist from representing that the device operates in oil; closes all doors; will do the work of the most expensive door checks, or that there is nothing about it to get out of order, and that it is built, or operates, on a new principle.

It is further stipulated and agreed by Bloomfield Manufacturing Co., Inc., that it will cease and desist from representing that sample demonstrators will be given to producers when such offer is conditioned upon a deposit being made before delivery. (02849)

Colonial Baking Co., 4410 Gravois Ave., St. Louis, Mo., engaged in selling "Colonial Bread," has entered into a stipulation in which it agrees to discontinue representing that Colonial Bread is not fattening, is necessary in a reducing diet, helps burn up body fat, or helps one reduce safely, or that six slices of Colonial Bread in a reducing diet will give one pep, energy and prevent one from becoming tired, fatigued, irritable, or experiencing nervous strain, or that Colonial Bread will protect one from the harmful residues that cause fatigue or that it protects one's health while reducing. (02845)

Harry A. Fischel, Inc., 418 North Third St., Philadelphia, engaged in selling certain medicinal preparations designated "Faunilin Tobacco Flakes" and Faunalax Worm & Laxative Compound," has stipulated that it will discontinue representing that either product is effective in the prevention or treatment of worms in animals or that either of these products is of any benefit in the prevention or treatment of gapeworms or spiral stomach worms in poultry. (02848)

Fox Studio, Cheyenne, Wyo., has entered into a stipulation to cease certain representations in the sale of photographic enlargements. The respondent agrees to cease representing in any way that his regular method of sale is either a "special" or an "introductory" offer, and to cease representing that his products are "oil colored photographs," or to cease using any other designation for such products in a manner implying that his products are photographs in the ordinarily accepted meaning of a picture of a person drawn from life, particularly in oil. The respondent also agrees to cease use of the word "guaranteed" or any word of similar meaning in connection with the sale of his products, unless clear disclosure is made of exactly what is offered by way of security as, for example, refund of purchase price. (3184)

Garcia Grande Cigars Incorporated, 141 Fifth Ave., New York, stipulated to cease and desist from certain representations in the sale of its cigars designated "Garcia Grande Crowns."

According to the stipulation, the respondent, in advertising these cigars, employed among other representations, the statement: "Guaranteed 100% Havana and other imported long filler tobaccos," when in fact not more than 25 per cent of the tobacco constituting the filler of the Garcia Grande Crowns is imported from Cuba.

The respondent agrees to cease representing that these cigars contain "100% Havana and other imported long filler tobaccos," or making other representations designating the geographical origin of the filler tobacco of these cigars unless in every such representation to the country of origin of each of the filler tobaccos used in the cigars is set forth in the order of their respective predominance by weight and in letters of equal size and conspicuousness. (02837)

Giezendanner Company—Charles J. Giezendanner, Jr., operating under the trade name of The Giezendanner Co., Houston, Texas, engaged in conducting an advertising agency which disseminated advertisements for a drug preparation designated "Locao Belem" on behalf of the Belem Products Co., Houston, Texas, has stipulated that in connection with the dissemination of future advertising, he will cease and desist from representing that the preparation is a remedy or cure for baldness, falling hair, aggravated conditions of the scalp, dandruff, itching or irritated scalp, or oily hair or scalp; that it will grow hair or rejuvenate the scalp, stimulate or revitalize the hair cells, add new life to hair, correct soft or fine hair which is difficult to wave or set, promote activity in the oil glands, or that it is prescribed by physicians for hair or scalp. The respondent has also agreed to discontinue representing that Locao Belem has been subjected to laboratory tests by the

Food and Drug Administration or that, upon analysis by the Food and Drug Administration, it was found to comply with the "Pure Food and Drugs law." (02843)

Globe Fur Company—A group of Middle Western fur products dealers have entered into stipulations to cease certain representations in the sale of their products. The respondents are Globe Fur Co., also trading as Marilyn Fur Studios and as Marilyn Furs, having places of business in Detroit, Fort Wayne and Toledo, and David B. Silverman and Harry Shulak, who were co-partners trading as Marilyn Fur Studios with places of business in Fort Wayne and Toledo, and are now officers of the Globe Fur Co. (3182)

Herb Farm Shop, Ltd., 347 Fifth Ave., New York City, engaged in selling a number and variety of soaps, cosmetics, perfumes, toilet articles and culinary products, including the cosmetic products designated "Country Garden Cleansing Cream," "Country Garden Smoothing Cream," "Country Garden Under Powder Cream," "Country Garden Refresher," "Fragrant Meadow Cleansing Cream," "Fragrant Meadow Astringent," "Fragrant Meadow Under Powder Cream," "Fragrant Meadow Smoothing Cream," "Under Powder Mist," "Bath Essences," and perfumes, toilet water and bath talcum, has stipulated that in the dissemination of advertising it will cease and desist from using the phrase, "Herb Farm Shop of London," or the name "The Herb Farm Shop Ltd.," or by any other words or phrases or in any other manner indicating, contrary to fact, that any of its products has an English or other foreign origin, unless in direct connection therewith it is clearly and conspicuously stated that such product is made, compounded or packaged (as the case may be) in the United States; and that it will cease representing that any of its products is infused with or contains herbal oils unless, where such product does not contain a substantial amount of herbal oil, the percentage of herbal oil present is given in immediate connection therewith; and will cease representing that the herbal oil contained in any of its products is present as an emulsion when such is not the fact. (02844)

Lacto-Cal Laboratories—Olive M. Goulet, trading as The Lacto-Cal Laboratories, 1121 Ingraham St., Los Angeles, Calif., engaged in selling a drug preparation designated "Lacto-Cal," has stipulated that she will cease and desist from representing that the preparation will exert or have a beneficial influence on the nerves, speed up or aid digestion or increase the flow of the gastric juices; that it possesses tonic or stimulant effects or powers or that it is a general gland builder; that it will feed the brain, nerves, tissues, testicles, or ovaries; that the preparation is a scientific compound of lactic acid and calcium or contains calcium in sufficient quantities to be of therapeutic value, or that its use will reduce acidity or be of value in the relief or treatment of hyperacidity; that the preparation has any beneficial effect on the circulatory system or on metabolism, will prolong life or enable one to live to be 100 years old, or any other definitely stated number of years; that it contains Vitamin B, Vitamin D, or phosphorus or contains elements essential to the building of hemoglobin, or that the general dietary condition of the American people is such as to make the purchase and consumption of the product necessary or advisable. (02841)

Maurice Larsen, trading as Fox Studio, Cheyenne, Wyo., has entered into a stipulation to cease certain representations in the sale of photographic enlargements. The respondent agrees to cease representing in any way that his regular method of sale is either a "special" or an "introductory" offer, and to cease representing that his products are "oil colored photographs," or to cease using any other designation for such products in a manner implying that his products are photographs in the ordinarily accepted meaning of a picture of a person drawn from life, particularly in oil. The respondent also agrees to cease use of the word "guaranteed" or any word of similar meaning in connection with the sale of his products, unless clear disclosure is made of exactly what is offered by way of security as, for example, refund of purchase price. (3184)

Medford Laboratory—Edward Howell, trading as Medford Laboratory, 210 South Kedzie Ave., Chicago, engaged in selling drug products designated "Nutrase" and "Kleen," has entered into

a stipulation in which he agrees to discontinue representing that either of the products is a cure or remedy for or that either of them will overcome food discomfort, indigestion, gas, heartburn, gastro-intestinal symptoms, cancer, diabetes, liver trouble, or other ailments; that Nutrase is free from drugs or will impart new life or energy, or that Kleen affords perfect intestinal elimination. (02847)

Michigan Magnetic Mineral Water Co., and Natural Ray Mineral Water Co., the latter trading as such and as Michigan Mineral Water Co., St. Louis, Mich., engaged in bottling and selling mineral water under the brand name "Natural Ray Mineral Water," have stipulated to discontinue representing that the product is a remedy or cure for stomach, bladder or kidney troubles, chronic constipation, paralysis, high blood pressure, anemia, glandular difficulties, arthritis, rheumatism, or the aches or ailments arising from any of the diseases or conditions mentioned; is a safeguard, a body builder, a way to gain, retain or maintain health, a preventative of infantile paralysis or other illness, or an aid to muscle or bone development, or that it affects the appetite, the weight, or the ability to sleep, builds up resistance to colds or headaches, or wards off colds. (02846)

Nu-Tone Products Corp., 151 West 28th St., New York City, engaged in selling certain hair dye preparations designated "Tuch-Up," has stipulated to discontinue representations that the hair dye products which it sells are manufactured by it or by any other organization affiliated with or owned or controlled by Nu-Tone Products Corp. unless and until the hair dye products which it sells are manufactured by it or by some organization owned, operated or controlled by Nu-Tone Products Corp.; that the use of its hair dye products will cause hair to look natural or cause hair to have a soft texture or have any beneficial effect on hair texture; that their use will banish, eliminate, end, or rid one of gray hair or cause one to remain young; that its hair dye products are vegetable compounds; that their use will cover hair roots or have any effect upon the color of hair roots; that hundreds of thousands or any other number of women have specified their requirements for a hair dye, or that the respondent's hair dye products are new or made of ingredients of recent origin or development. (02840)

Physicians' Supply Co., Inc., 1127 Fourth Ave., San Diego, Calif., engaged in selling girdles designated "Air-Way Girdles," has stipulated that it will discontinue representing by the use of the designation "Air-Way Reducing Girdle," or by any other means, that wearing an Air-Way Girdle will cause one to reduce, or will effect a definite reduction in weight or measurement, or result in the loss of fatty tissue; that Air-Way Girdles are non-absorbent, and that the possibility of skin infection from excreted waste matter absorbed by a girdle is eliminated by wearing an Air-Way Girdle. (02842)

Polar Co., a corporation trading under the name Masterlite Lamp Co., Hoboken, N. J., engaged in the manufacture and sale of electric bulbs or lamps of various types, including one such device called "Double-Life," has entered into a stipulation in which it agrees to cease and desist from stating or representing in any manner that the use of its commodities will effect or result in a saving of 20% or up to 40% on lighting costs, that is to say, reduce electric light bills by 20% or more, or any other amount which is exaggerated or in excess of what is actually the fact, or that its commodities will last from two to four times longer than standard bulbs, or that the commodities have an average burning life of 2000 hours, or that they meet Bureau of Standards specifications in all respects. (3185)

David B. Silverman—David B. Silverman and Harry Shulak, in connection with the sale of fur coats, agree to desist from the use in advertisements or on labels, tags, brands, or otherwise of any designation or description of a fur garment which deceptively conceals the true name or nature of the fur, with the effect of misleading purchasers; from disseminating advertisements, invoices or other descriptive literature pertaining to coats or garments manufactured from dyed furs which fail clearly to disclose that they are made from dyed furs, peltries of skins; and from representing the sales price of their products as a "mere fraction of their

actual worth" or as less than the worth or cost price thereof when such worth or cost price is in excess of or equal to such sales price; or from representing that so-called "values" offered are due to quantity purchases, unless the number of articles purchased is as represented and unless such quantity purchases do in fact result in special values or reduced prices to purchasers. (3183)

Supreme Hosiery Company—Samuel K. Kreenberg, trading as Supreme Hosiery Co., 807 Roosevelt Road, Chicago has made a stipulation to cease certain representations in the sale of lingerie and hosiery.

Under his stipulation, the respondent agrees to cease using the terms "Fashioned," "Full Fashioned" or "New Fashioned" to describe hosiery not made by the process used in producing "fashioned" hosiery, and to desist from various other representations concerning the quality of his products or the materials of which they are made. (02838)

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