

## Executive Committee Approves New ASCAP Deal

The Executive Committee met in New York City on Tuesday, September 9. The ASCAP proposals in their revised form were considered in detail and after full discussion the following resolution was adopted:

"The Executive Committee of the NAB has had ample opportunity to study, through a series of meetings, the terms and conditions of the proposed ASCAP contracts. It is the consensus of the Executive Committee that these contracts in their present form are highly satisfactory and offer broadcasters who desire to use ASCAP music an eminently fair and equitable basis for such use, provision having been made for the various operating problems which confront the industry.

"The NAB, therefore, recommends favorable consideration of that form of contract which best suits the station's individual operating needs."

Elias, Elmer, Morency and Shouse voted in the affirmative, and Gillin voted in the negative. West was absent.

The forms of contracts which are to be tendered to stations were not available in final form when this issue of the REPORTS went to press so no analysis could be made. However, a complete analysis will be contained in next week's NAB REPORTS.

After the meeting, Neville Miller issued the following statement:

"The contract in its present form achieves principles for which broadcasters have been contending for many years. It enables them to take their choice of a blanket contract for all ASCAP music, or to purchase this music for the programs on which it is played. Moreover, the contract reduces substantially the fees which our industry has hitherto been compelled to pay."

It was pointed out by Mr. Miller that the contact with ASCAP would not affect the operations of BMI, to which both NBC and CBS had pledged their continued support on a long term basis.

"The proposed contracts with ASCAP in their final form will be mailed to all stations within the next few days, and will be subject to the scrutiny and approval of the individual broadcaster," Mr. Miller said. He further stated that the terms and conditions of the proposed contracts were acceptable, he had been informed, to the National Broadcasting Company and to the Columbia Broadcasting System. Signature by the networks, it is understood, is contingent upon the agreement of affiliated stations to bear their proportion of the cost of the license.

## Radio Priorities Conference

Manufacturers and suppliers of materials and equipment for commercial broadcast stations, representing every branch of the industry, came to Washington, last Wednesday, at the invitation of NAB President Neville Miller for an all day conference to

ascertain the exact nature of the critical problem facing the industry.

The meeting was called in the face of the anticipated order P-22 which was actually issued September 9, the day before the meeting. This order places commercial broadcasting in the National Defense category.

The consensus of manufacturers attending the meeting was to the effect that A-10 would soon prove thoroughly inadequate to procure a large variety of critical repair parts. Most factories are filled with equipment orders bearing substantially higher priorities, they said.

On the day prior to the NAB meeting the Radio Apparatus & Electronic Tube Section of the National Electrical Manufacturers Association met in New York City to discuss the problem of supplying broadcasters. The findings of these manufacturers were transmitted to the NAB meeting by S. Norris, chairman, Tube Line Committee, Radio Apparatus & Electronic Tubes Section and C. J. Burnside, chairman, Radio Apparatus & Electronic Tubes Section. Frank Martin of the NEMA staff and S. Norris were in attendance. The latter read the report which he said would be anything but cheerful news. It reads in part:

"It is the considered opinion of the Radio Apparatus & Electronic Tubes Section of NEMA that manufacturers are approaching the point where they can no longer give assurance that they can supply to the broadcasting industry replacement tubes that may be needed to maintain services.

"As of today, the situation on certain transmitting tubes is extremely critical and certain types must soon be unavailable except on the highest priority ratings, because of the present and immediate future demand for manufacturing facilities, skilled labor and materials.

"Discussion with various Government departments regarding 1942 tube requirements would indicate the possibility that National Defense needs for TRANSMITTING TUBES will exceed the productive capacity of the industry.

"Sometime ago, it seemed that a priority rating in the nature of A-10 would be sufficient to render the broadcasters adequate service. The present quantity of transmitting tubes being produced or contemplated to which high priority ratings have been or will be assigned indicates that an A-10 rating on these products would not be adequate.

"Everything that has been said above with regard to transmitting tubes applies with equal force to transmitting apparatus and replacement parts.

"The members of this Committee individually and collectively through the Association have for some time been cognizant of the tube and parts replacement problem of the broadcasting industry and have expended considerable effort to obtain relief.

"The situation has now come to a point where it is very evident that a high priority rating would be, in our opinion, the best solution to the problem, since this would permit the manufacturers to ship broadcaster requirements in conjunction with defense schedules.

"This Committee is anxious to be of assistance in the preparation of statistics or further information which might be of help to the broadcasters in their effort to obtain such Industry rating."

After an hour and a half discussion of the entire problem the manufacturers divided themselves into four groups for the purpose of accurately estimating the amounts of various critical

(Continued on page 734)

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

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

## RADIO PRIORITIES CONFERENCE

(Continued from page 733)

materials required for keeping the present broadcast system in operation on a 1940 basis.

They also made estimates of materials required in new construction. By remaining late the compilations were practically completed. These will be used in making a case before the proper Government agencies.

It is realized that in applying an A-10 rating to the broadcasting industry that it is the belief of the Government that such a rating is satisfactory. The condition of the individual factories making up the industry does not support this contention. The information which NAB gathered with the cooperation of the manufacturers is naturally the latest information available. Conversations will be continued with the Government.

NAB sets forth below suggestions which bear on the problem of getting the necessary parts and equipment for repairs and emergency inventory.

### Present at Meeting

S. Norris, Amperex Electronic Products, Inc., New York City.  
 B. Haynes, Audio Devices, Inc., New York City.  
 E. J. Staubitz, Blaw-Knox Company, Pittsburgh.  
 H. H. Darbo, Burgess Battery Company, Freeport, Ill.  
 P. M. Deeley, Cornell-Dubilier Elec. Corp., South Plainfield, N. J.  
 Ernest F. Ling, Corning Glass Works, Corning, N. Y.  
 W. Eitel, Eitel-McCullough, Inc., San Bruno, Calif.  
 C. E. Brigham, Federal Telegraph Co., Newark, N. J.  
 S. G. Jones, Gates Companies, Quincy, Ill.  
 G. W. Henyan, General Electric Company, Schenectady.  
 L. H. Whitten, Graybar Electric Co., Inc., Washington, D. C.  
 Harry Ehle, International Resistance Company, Philadelphia.  
 Kenneth D. Hamilton and H. L. Quick, Isolantite, Inc., New York City.  
 J. F. Neary, Lehigh Structural Steel Co., New York City.  
 Wesley Thompson, John E. Lingo & Son, Inc., Camden, N. J.  
 G. M. Ruoff, Locke Insulator Corporation, Baltimore  
 Sigurd Sollie, Memovox, Incorporated, Beverly Hills, Calif.  
 Joseph Tait, Presto Recording Corporation, New York City.  
 I. R. Baker, RCA Manufacturing Company, Camden, N. J.  
 G. Reiniger and Miss Marion Wade, Radio Engineering Laboratories, Inc., Long Island City, N. Y.  
 D. I. Cooke, The Triplett Electrical Instrument Co., Bluffton, Ohio.  
 E. O. Onstead, Thordarson Electric Mfg. Co., Chicago.  
 George F. Bateson, Truscon Steel Company, Youngstown, Ohio.  
 A. J. Eaves and H. N. Willets, Western Electric Company, New York City.  
 E. T. Morris and W. M. Anderson, Westinghouse Electric and Mfg. Co., Baltimore.  
 R. F. Weinig, Wincharger Corp., Sioux City, Iowa.  
 Frank Martin, NEMA, New York City.  
 Lawrence C. F. Horle, RMA, Washington, D. C.  
 Members of the NAB staff present were: Neville Miller, C. E. Arney, Jr., Russell Place, Lynne Smeby and Arthur Stringer.

## New Priority Procedure

As of September 9 the following is the procedure which commercial broadcast stations are to follow in order to procure tubes, parts and apparatus necessary to the station's continued operation, i.e., for repairs and emergency inventory. This procedure was set forth in OPM's Preference Rating Order P-22.

That order has assigned to the commercial broadcasting industry an A-10 rating for repairs and emergency inventory. Because A-10 is a national defense rating, all repair work in broadcasting automatically becomes national defense so far as the Supplier is concerned.

### How Commercial Broadcasters Are to Get Material for Repairs and Emergency Inventory:

Fill out a purchase order as usual,—you don't need a form,—and endorse on the order and all copies as follows (this exact wording must be used and it must be signed by a responsible station official duly designated):

"Purchase Order for Repair or Emergency Inventory—Preference Rating A-10 under Preference Rating Order P-22."

A station is privileged to use A-10 for orders covering breakdown; orders in the face of an imminent breakdown; and, to build up an emergency inventory. Emergency inventory is held to be as small an inventory as is needed to safeguard continued operation. It corresponds to the individual station's inventory practice. It is advised that your emergency inventory be maintained 100 per cent.

If your Supplier tells you an A-10 rating will not enable him to make delivery, ask him what rating is necessary and then communicate with the Repair Section of the Office of Production Management, 462 Indiana Avenue, N. W., Washington, D. C. (REpublic 7500, Extension 2897. Until further notice talk with Colonel J. F. Coneybear. This work may be assigned to another man in the near future). Explain to him the emergency, that you cannot wait for material under the A-10, reciting the facts your Supplier has given you. With this explanation it is likely that you may be assigned a higher defense rating which will enable you to get the material delivered almost immediately. This procedure should be followed to build up your emergency inventory, if that is necessary, as well as in case of breakdown. It is not necessary to wait until you go off the air before using it. The same procedure should be used in case your tower collapses.

**IMPORTANT.** Do not use the A-10 rating under the following circumstances:

- (1) To obtain material IN EXCESS of your requirements for repairs or emergency inventory;
- (2) Unless the material to be delivered cannot be obtained when requested without such rating.

(Severe penalties including criminal prosecution are provided for wilful violations of the terms and provisions of Order P-22).

### What to Do for New Construction:

At the present time new construction means everything that is not a repair job or emergency inventory. The erection of one tower, for example, by an existing station, in order to protect against another station, is new construction. (This week one such project was given a B-1 rating, which was too low for the Supplier to secure steel for fabrication). A new transmitter for increased power is new construction exactly as an entire layout to satisfy a brand new construction permit.

In these cases the station owner is to apply for a "Project Rating". When granted, this provides for all of the material necessary to complete the job. You do not fill out a form for a "Project Rating". You write a letter to Mr. Ward Freeman, Project Rating Section, Priorities Division, Office of Production Management, 462 Indiana Avenue, Washington, D. C. After



telling him that you are applying for a "Project Rating", supply the following information:

1. Owner or owners of the station.
2. Principle office of the broadcasting station.
3. Indicate the plant site.
4. Material produced. In the case of the broadcasting station this is not filled out as it would be ether waves.
5. Justification of the project.
6. General description of the project.
7. Types and quantities of material required. This means list of materials.
8. Number of certificate of necessity. Disregard this as a broadcaster would not have such a certificate.
9. Date of completion.
10. Cost.
11. Per cent completed now.

## M.I.T. SCHEDULES RADIO COURSE

Massachusetts Institute of Technology, Worcester Polytechnic Institute and five or six other important New England schools have agreed with the suggestion made by NAB that it is in the country's interest to institute radio technician courses.

This information was telephoned on Thursday by E. E. Hill, director, WTAG, who is District No. 1 liaison for the NAB National Defense Committee. Mr. Hill was morally certain that Harvard and Yale would be among five or six other important New England schools participating in the plan.

At M.I.T. Professor E. L. Moreland is carrying the ball for the courses. With Mr. Hill's aggressive support and that of the New England radio station MIT, Worcester and the other participating schools should have their full quota of students. It is expected that a large number of course graduates capable of passing the FCC examination for operator's license will result.

At Ohio State, Columbus, Professor Harry E. Nold, director, Engineering, Science and Management Defense Training, has arranged for a "Defense Training Program in Applied Electronics" beginning September 29. This intensive course of twelve weeks duration is open only to college graduates who have majored in engineering or physics and advanced undergraduates who have completed three years of college work with a strong major in engineering or physics.

Seventy-one prospective students have been recruited for the Radio Training courses at North Carolina State by Manager J. Frank Jarman, Jr., of WDNC, Durham. In accordance with the plan suggested by A. J. Fletcher, WRAL, Raleigh, the North Carolina stations are "taking to the air" and forwarding the prospect names to the college officials.

## SPEED NECESSARY DELAYED

In an effort to facilitate delayed broadcasting of speeches by public officials and programs in the interest of national defense, when facilities are not available for live broadcasts, John Shepard, III, NAB's National Defense Committee chairman, has contacted the three national networks. He has authorized the following statement:

CBS affiliates have blanket authority, as transmitted by H. V. Akerberg, to transcribe and repeat above types of programs without securing special permission.

MBS affiliates, according to notice from Fred Weber, can also record and repeat programs without securing permission.

William S. Hedges of NBC states that they do not desire to give blanket permission; but that they will bend every effort to give prompt answers when their affiliates request permission on any specific program of the above type.

## NEW MILITARY SERIES

A series of outstanding defense programs originated by WSUN, St. Petersburg, Fla., are picked up from nearby military es-

tablishments. First broadcast was from the new U. S. Maritime Training School; second, from the school's full-rigged training ship, the Joseph Conrad. In subsequent weeks broadcasts will originate in the Training Station's auditorium. Later on broadcasts will be presented from MacDill Field and Drew Field, Tampa, headquarters of the Third Interceptor Command. Transcriptions will be sent to the various stations in the eleven southern states embraced by the Command.

## Movie-Radio Hearing

Hearings began Tuesday before a subcommittee of the Senate Interstate Commerce Committee headed by Senator D. Worth Clark of Idaho on Senate Resolution 152 proposing an investigation into alleged pro-war propaganda in motion pictures and radio. When the hearings adjourned today after two and a half days of testimony, only three witnesses had appeared: Senator Gerald P. Nye (R—N. Dak.) Senator Bennett Champ Clark (R—Mo), the senators who proposed the investigation, and publicist John T. Flynn of New York. Testimony of these witnesses was devoted almost entirely to a discussion of alleged motion picture propaganda, although Senator Clark's prepared statement read to the committee, contained a strongly-worded indictment of radio broadcasters.

In his statement Senator Clark charged that the "man who owns the radio machine. . . . a business man who, by virtue of his acquisitive talents, has gotten possession of this little microphone" now exercises a power even greater than that of the Government itself over freedom of speech and discussion in the United States. He pictured a "few men" as having complete control over what the American people shall or shall not hear on the radio, and said that radio broadcasters are "fighting for the freedom to say what *they* want, and the freedom to prevent those who disagree with them from uttering a syllable in opposition."

NAB President Neville Miller immediately addressed an open letter to the Chairman of the committee vigorously objecting to the charges which he characterized as an "unwarranted public indictment" of the radio broadcasting industry.

"It is difficult to believe that charges such as these are made in all sincerity," Mr. Miller said. "There are more than 800 broadcasting stations in this country. These stations are operated by men and women of all creeds and political beliefs—Republicans and Democrats, farmers, lawyers, newspaper people—plain business people of all kinds. Some are members of the Senate and the House of Representatives. After full examination into their fitness and responsibility, the Federal Government has granted them the license to broadcast. They have invested substantial sums of money in the necessary physical facilities to carry on broadcasting operations, and have devoted their intelligence and energy to the building of a radio broadcasting service which is conceded to be the best in the world.

"These men and women are charged by their Government with the duty of conducting their broadcasting operations at all times in the public interest, convenience, and necessity, and whenever they fail to measure up to their responsibilities, they are subject to loss of their right to broadcast.

"Of course it is absurd on its face to say that any man or group of men control what is broadcast in this country. The American people and they alone exercise a day-to-day control of broadcasting far too powerful for anyone, even Government itself, to interfere with. But beyond this, these men and women have voluntarily accepted as part of their public responsibility the duty to see to it that radio shall promote and enlarge free public discussion and debate, that it shall serve as an instrument of enlightenment as well as of entertainment for all the people. This assumption of responsibility is given expression in the industry Code by which radio broadcasters declare that they shall conduct radio as an instrument of public expression, and that in the discussion of public questions, the people shall be given an opportunity to hear all sides of controversial issues, and that the news of the day shall be reported factually and analyzed objectively.

"Senator Bennett Clark has charged radio with keeping the air 'hot with propaganda for war'. In all critical periods there is a tendency on the part of those who harbor differing beliefs and conceptions to regard their opponents as 'propagandists'. Ever since this country embarked upon a program of strengthening its national defenses, radio has given wholeheartedly of its time and energies and resources to the furtherance of our preparedness program. Radio is 'all-out' for national defense. If that is what the Senator means, radio admits it. And any malicious attempt to smear a great industry at a time when it is playing so important a part in the interest of the public welfare—any attempt to produce confusion, disbelief and disunity among our people—will fail, as all such efforts have failed in the history of the Union."

## Sales

### Dealer-Cooperative List

All NAB stations this week will receive a brief questionnaire asking for a list of dealer-cooperative advertisers. Please give this as prompt attention as possible.

When all returns are in, duplicates will be eliminated, the final compilation made, and copies will be sent to all those participating. This study, authorized by the Sales Managers Division, will be of real value to radio in two ways:

1. Working from this list, stations can direct their sales efforts most effectively in securing more dealer-cooperative advertising than in the past;

2. The list will also be used in national solicitation to obtain a dealer-cooperative advertising policy, more favorable to radio, from those manufacturers who now discriminate against this medium.

Thus by both methods, total radio revenue can be increased, but to make the study truly effective, *your* cooperation is essential.

### The Hoover Co. Policy

Dealer advertising in radio, while not encouraged, is permitted by the Hoover Co. of North Canton, O.

D. K. Colvin, advertising manager of the company, has advised the NAB that his company confines its local advertising to six-week periods in the spring and fall when it conducts a special dealer campaign, and the company pays the entire cost of such local advertising.

"Because of the shortness of the period and the relatively small appropriations available to individual dealers, we have not been able to offer dealers a wrapped-up radio campaign. Since we pay the entire cost, we generally insist that it be spent in the same manner as the dealer spends the majority of his own advertising money," Mr. Colvin said.

"In certain instances, however, upon the request of individual dealers who were carrying on a consistent radio advertising effort, we have approved the expenditure of our funds in this medium.

"You asked whether we have any index of our dealers' attitude toward radio, and I can only say that we get practically no requests for such cooperation. We are confident that radio can be used very effectively by retail merchants, and we would be very happy if our local advertising setup permitted us to provide adequate funds for dealer participation in radio advertising. Under present circumstances it does not seem to fit in very well with our program, other than in those isolated instances which I have mentioned," Mr. Colvin declared.

Obviously, therefore, if more Hoover money is to be spent on radio, stations should endeavor to sell local campaigns to Hoover dealers for their own advertising, and then persuade them to request radio when the Hoover appropriation becomes available. Here is a good case of a company, open-minded towards radio, that declares it gets "practically no requests for such cooperation."

The NAB Department of Broadcast Advertising will continue to work with Mr. Colvin, stressing the success of other manu-

facturers with radio in dealer-cooperative advertising. When the survey mentioned in the previous item is completed, it will be a potent sales point to use with this and similar companies.

### FAA Convention Held

Members of the Sales Managers Executive Committee are co-operating with the NAB Department of Broadcast Advertising by seeing to it that radio is represented at various national conventions which the Director cannot attend. Eugene Carr, WGAR, committee chairman, represented the NAB at the annual convention of the Financial Advertisers Association held in Cleveland September 8. Reports Mr. Carr:

"Practically every banking institution represented is now using radio and apparently most of them are using radio successfully. I was greatly impressed with the intelligent approach of these men to the use of the medium with various types of program and announcement campaigns. Not once did anyone so much as indicate that radio is an uncertain medium for banking institutions and, all in all, I would say that any salesman for a radio station should find banks and savings and loan associations very susceptible to our selling arguments."

### National Dairy Council

The National Dairy Council, 111 North Canal St., Chicago, has appointed McCann-Erickson, Chicago, to handle its advertising campaign. Neal D. Kelly, assistant to the president of the National Dairy Council, represents the Council on advertising matters. Also, Carl F. Deysenroth was named by the Council to devise some plan, possibly radio, whereby syndicated advertising material could be furnished to independent dairy groups for local advertising. Earl Thomas is radio director of McCann-Erickson. Recommendations for radio by local members of the Council will be helpful.

## Miscellaneous

### Radio Time for Defense

With permanent government departments continuing their customary requests and national defense agencies asking more and more time on the stations of the country, it is impossible to make an entirely accurate estimate of the time which radio has been and is contributing to the government. In an attempt to take some broad general measurements, the NAB recently made a test survey of representative radio broadcasting stations throughout the country. An analysis of the replies to a questionnaire discloses that during the month of July, 1941, the "average" station made the following contribution to the agencies directly involved in the national defense effort:

<i>Defense Effort Aided</i>	<i>Number of Announcements</i>	<i>Program Minutes</i>
Man power .....	116	120
Financing .....	114	205
Morale .....	47	435
Totals .....	277	760

Since more than 800 radio stations are actively cooperating in this effort, it may be conservatively estimated that the broadcasting stations of the country are giving some 200,000 announcements and approximately 600,000 program minutes monthly directly to the cause of national defense.

In addition, the average station presented in behalf of government agencies other than those primarily engaged in defense work, ten announcements and 90 program minutes for the month of July. For the industry this means a total of 8,000 announcements and 7,200 program minutes.

In addition to this contribution by the individual stations, the network companies have devoted a considerable amount of time



to national defense. The National Broadcasting Company reports that during the first seven months of 1941 it presented 627 programs dealing with every phase of the defense effort, 473 of these programs having been carried by the Blue network of NBC and 154 by the Red network. During the month of August, Columbia Broadcasting System presented 112 programs in the interest of national defense, representing a contribution of  $41\frac{1}{4}$  hours of network time. Mutual Broadcasting System reports that during July alone it presented 41 network programs, totalling  $16\frac{1}{2}$  hours of network time, devoted to national defense.

Many of these broadcasts have been produced and presented by the network companies themselves; others have been broadcast in cooperation with various departments of the government, the military establishments and a large number of civil organizations engaged in defense activities. Carried over nationwide networks, and reaching people simultaneously throughout the country, these programs have been of inestimable aid to furtherance of our preparedness program and to maintenance of national morale.

## DAYLIGHT SAVING

Last Saturday Neville Miller wrote Chairman Lea of the House Interstate and Foreign Commerce Committee, urging his support for daylight-saving time legislation that will provide uniformity and certainty of operation. We print the letter below.

Uncertainty still prevails as to the entire daylight-saving time situation. In the absence of Federal legislation meanwhile, it appears that New York will return to standard time with the coming of Sunday, September 28, and there is virtually no chance of Congress acting before then. Of the southeastern states which went on daylight-saving time in the middle of the summer at the President's request in order to conserve power. North Carolina and Virginia will also return to standard time on September 28, unless a request from the President should intervene to alter present plans. Alabama, Mississippi, and South Carolina will stay right on daylight-saving time until the President indicates the emergency is over, or Congress enacts a daylight-saving law. It is reliably reported here that the Federal Power Commission desires the southeastern states to stay on D.S.T. the year 'round.

September 6, 1941

Honorable Clarence F. Lea  
House Office Building  
Washington, D. C.

My dear Mr. Lea:

The situation in respect of the subject matter of your bill, H.R. 5343 (daylight-saving time), is a matter of grave concern to the radio broadcasting industry. As September 28 draws near, when states on daylight-saving time return to standard time, radio stations in other states are faced with the necessity of changing over their broadcast schedules to meet the change in time observed by the network-originating stations in New York City. These change-overs are exceedingly difficult and expensive operations. It now appears that states in the southeastern area, just recently changed to daylight-saving time, may remain on daylight-saving time throughout the year as a result of the President's request; this involves another change-over for stations in those states. Furthermore, should your bill or a similar bill be enacted after September 28—and enactment before then appears to be unlikely—stations might again be forced to rearrange their program schedules. I think you can picture the confusion in which broadcasters now find themselves as a result of these uncertainties as well as the burden and expense involved.

We appeared at the hearing on H.R. 5343 and testified that the broadcasting industry is chiefly concerned with certainty and uniformity in the matter of daylight-saving time. Will you permit me again to urge in behalf of the broadcasting industry that you lend your support to a measure that will make daylight-saving time nationwide and for definite periods of time. The benefits of uniformity and certainty in this connection, it seems to me, which would result from nationwide daylight-saving time greatly outweigh any consideration favoring regional daylight-saving time and executive discretion to change it at any time and from time to time.

In ordinary times, partial observance of daylight-saving time is a heavy burden to the industry and creates confusion in the minds of the public. Any bill which does not provide for uniform observance of daylight-saving time for definite periods of time would only make the situation worse, rather than better, for all communication and transportation industries and the public served by them.

Sincerely yours,  
Neville Miller

NM/hml

## A GOLDEN OPPORTUNITY

Scarcely a day goes by that does not bring from one to a dozen requests from school teachers, clubs and other organized groups for copies of NAB publications. Most recently the requests have been for the second edition of HOW TO USE RADIO IN THE CLASSROOM. The ABC OF RADIO seems quite popular as does HOW TO USE RADIO and Dorothy Lewis' report, BROADCASTING TO THE YOUTH OF AMERICA, has brought a veritable flood of requests.

As we have announced in previous editions of the REPORTS these books are available to stations at cost, the prices being as follows:

### HOW TO USE RADIO IN THE CLASSROOM—

1 to 1,000—6¢ each  
1,001 to 3,000—5¢ each  
3,001 and over—4¢ each

### ABC OF RADIO—

1 to 3,000—6¢ each  
3,001 to 6,000—5½¢ each  
6,001 and over—5¢ each

### HOW TO USE RADIO—

1 to 6,000—6¢ each  
6,001 and over—5½¢ each

### BROADCASTING TO THE YOUTH OF AMERICA—

1 to 1,000—15¢ each  
1,001 and over—12½¢ each

The primary purpose of issuing these booklets was to make them available to stations to distribute in their communities as a public relations activity. A lot of advantage can accrue to a station or to the combined NAB stations of a community by buying a quantity of these and having imprinted upon them the call letters of the station or stations participating in the distribution.

When these publications are sent out from headquarters to a local group in any quantity, two results follow: First, the local stations get no credit; and second, an undue burden of expense is placed upon the Association which in reality should be carried by the local stations.

It may be that stations are missing a splendid opportunity by not securing a quantity of each of the publications and wisely distributing them. It is a matter that is entitled to some careful thought.

## CHILDREN'S PROGRAM SURVEY

Mrs. Dorothy Lewis, Vice President of the Radio Council on Children's Programs, last year under RCCP and NAB auspices made a nation-wide tour primarily to study children's radio programs. The results of her survey are set forth in an interesting report entitled, BROADCASTING TO THE YOUTH OF AMERICA, published by NAB.

So widespread has been the commendation of Mrs. Lewis' splendid work on children's programs and in the field of educational and cultural programs generally, that a second tour and survey has been scheduled. The general purposes will be to follow up the survey on children's programs, to encourage local radio councils already established, and to assist in organizing and founding others, to hold conferences with radio station executives on the subject of children's programs, to visit colleges and radio educational councils, to promote good will and enlist

cooperation between public and industry and to hold conferences with unorganized groups.

Mrs. Lewis plans to leave her New York office on September 21. Her itinerary follows:

September 22—Albany, New York  
September 23—Syracuse and Rochester, New York  
September 24—Erie, Pennsylvania  
September 25-26—Cleveland, Ohio  
September 27—Toledo, Ohio  
September 28-29—Indianapolis, Indiana  
September 30—Peoria, Illinois  
October 1—Rockford, Illinois  
October 2-3—Chicago, Illinois  
October 4—Davenport, Iowa  
October 5—Iowa City, Iowa  
October 6—Cedar Rapids, Iowa  
October 7—Des Moines, Iowa  
October 8-9—Kansas City, Missouri  
October 10—Omaha, Nebraska  
October 11—Omaha and Lincoln, Nebraska  
October 12-13—McCook, Nebraska (Nebraska Federation of Women's Clubs)  
October 14—Travel  
October 15—Denver, Colorado  
October 16—Boulder, Colorado, and Cheyenne, Wyoming  
October 17—Rock Springs, Wyoming  
October 18—Ogden, Utah  
October 19-20—Salt Lake City, Utah  
October 21—Pocatello, Idaho  
October 22—Boise, Idaho  
October 23—Portland, Oregon  
October 24—Seattle, Washington  
October 25-26—Portland, Oregon  
October 27—Medford, Oregon  
October 28—Sacramento, California  
October 29—Berkeley, California  
October 30-31—San Francisco, California  
November 1—Fresno, California  
November 2 to 14—Los Angeles, San Diego and other Southern California points  
November 15—Phoenix, Arizona  
November 16—Travel  
November 17—Albuquerque, New Mexico  
November 18—Amarillo, Texas  
November 19—Oklahoma City, Oklahoma  
November 20-21—Fort Worth, Texas  
November 22—San Antonio and Austin, Texas  
November 23—Travel  
November 24—Dallas, Texas  
November 25—Shreveport, Louisiana  
November 26—Jackson, Mississippi  
November 27—Tuscaloosa, Alabama  
November 28—Birmingham, Alabama  
November 29-30—Nashville, Tennessee  
December 1—Louisville, Kentucky  
December 2—St. Louis, Missouri  
December 3-4-5—Chicago, Illinois.

The schedule for return trip will be arranged and notices sent later.

This project is one of outstanding importance to the industry. It is to be hoped, therefore, that broadcasters in the various areas through which Mrs. Lewis will pass and where she will hold meetings will actively cooperate with her. From time to time during the course of the tour, communication will be had in advance with station managers to advise them of the details of Mrs. Lewis' plans.

## BAR COMMITTEE REPORT

The American Bar Association's standing committee on communications finds that public opinion strongly favors the American System of Broadcasting. The committee, in its annual report printed below, also suggested a fresh start in consideration of network regulations.

This committee's activities throughout the year have in general followed the objectives set out in its last year's report.

The committee has kept in touch with the Section of International and Comparative Law, and with the Federal Communica-

tions Bar Association, and has observed public opinion as it reacted to the various matters which have been under active discussion.

On May 23, the committee sponsored a luncheon in honor of the editorial staff of the *Communications Bar Journal*. Addresses were made by Chairman James Lawrence Fly of the Federal Communications Commission and General Counsel John E. Lockwood of the Office for Coordination of Commercial and Cultural Relations Between the American Republics. Eighty-eight persons attended, including Honorable Clarence F. Lea, Chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, and several members of the Communications Commission.

Inquiries by this committee among members of the Association developed the following as topics which are at present regarded as most important for the committee to concern itself with: maintaining a "free radio" and seeing to it that radio programs give to the public the opportunity of hearing a full variety of points of view regarding controversial topics; the problem of keeping government out of *proprietaryship* of radio stations; extent of governmental *regulation* of operations and programs; current legislative proposals; important court decisions; developments as to procedure before the Federal Communications Commission.

### "Free Radio"

1. Public opinion appears to remain, as reported in last year's committee report, strongly in favor of non-government ownership and management of stations, but in favor of their operating under reasonable government regulation.

2. It is vitally important that radio programs shall present to the public opposing points of view on controversial subjects in a reasonably well-balanced way. The committee believes that the present situation with regard to this is reasonably satisfactory.

Plainly, such a result could not be accomplished by the haphazard method of seeing to it that anyone who desires to broadcast may do so, if that were possible; the balance between conflicting points of view can be attained only by intelligent and affirmative executive effort. Any agency which undertakes this task of maintaining a proper balance should be and will be subject to searching criticism. It is our view that whatever the difficulties of attaining this balance when programs are privately managed, the difficulties would be immensely more serious if programs were under government control, because in this country government control means party control and is closely tied in with politics.

3. What is the proper construction of that part of Section 326 of the Communications Act which provides that the Commission shall not "interfere with the right of free speech by means of radio communication"? The Commission has recently held that it is misconduct for a licensee to broadcast editorials urging the election of various candidates or supporting one side or another of questions affecting the public, saying: "The broadcaster cannot be an advocate." This is consistent with what has just been said about the necessity of preserving a balance of viewpoints in presenting views on controversial subjects, and yet the Federal Constitution, providing that Congress shall make no law "abridging freedom of speech or of the press," has been immemorably construed as protecting a newspaper publisher in the right to favor one candidate and attack opposing candidates; no one has ever suggested that a newspaper publisher has to make his paper judicial. It seems, then, that our conclusion as expressed in the preceding paragraph can be supported only if a new and special meaning is given to the words "right of free speech by means of radio communication."

### Report and Regulations Concerning Chain Broadcasting

On May 2, 1941, the Commission issued regulations concerning radio networks and their affiliates, undertaking for the first time to deal with these relationships. At the same time, the Commission, two members dissenting, made a detailed report entitled "Report on Chain Broadcasting," covering this matter, based on the hearings held in 1938 and 1939. The regulations provide, in brief, that no license shall be granted to a standard broadcast station having any network organization contract (1) which prevents the station from broadcasting the programs of any other network; or (2) which prevents another station serving the same area from broadcasting the network's programs not taken by the former station; or (3) which provides for affiliation of a station with a network for longer than one year; or (4) which gives the network an option on time; or (5) which prevents the station from refusing network programs reasonably believed to be un-



satisfactory or unsuitable or contrary to the public interest, or from substituting a program of outstanding local or national importance. No license is to be granted to a network, or to any person united in control with a network, for more than one standard broadcast station where one of the stations covers substantially all the service area of the other station, or for a station in any locality where the existing standard broadcast stations are so few or of such unequal desirability that competition would be substantially restrained by such licensing. No license is to be issued to a standard broadcast station affiliated with a network organization which simultaneously operates more than one network in such manner that the networks overlap. No license is to be granted to a station having a contract with a network preventing it from fixing or altering its rates for time to be used for other programs than those of the network.

Some maintain and others deny the Commission's power, under the terms of the Communications Act, to regulate the business relations between stations and networks. Aside from this question of authority, the wisdom and usefulness of the new regulations is being vigorously disputed in some quarters, while upheld in others. Of the three larger networks, National and Columbia attack them, and Mutual, having contended that regulation of this general type should be adopted to correct monopolistic practices in the industry, approves of the new regulations in principle though not in entire detail.

It seems reasonably plain that if for any cause our present advertising-supported, privately operated system should break down, then clearly our radio system would have to be supported by taxation, and this means ownership by the government, and government domination of programs. Therefore, officials of the government who consider it vital to avoid government proprietorship of broadcasting stations will want to be reasonably sure that any proposed regulations can be put into effect without upsetting our present privately operated system. On the other hand, officials who do not believe that serious consequences would occur if the government assumed proprietorship of the radio system, and, further, those who believe that continuing success of large corporations is contrary to the public interest, will feel rather free in trying experiments with new forms of regulation designed to stop monopolistic practices or to produce other desirable results.

That the convictions of the majority and of the minority of the Commission, both sincere, are very far apart, is emphasized by the minority's statement that "... some of the corrective processes suggested by the majority may easily result in faults which are far more basic than the known defects which exist today. ..." The minority believe, further, that the decision of the majority, instead of resulting in "free competition," would "more likely create 'anarchy' or a kind of business chaos in which the service of the public would suffer." The great differences in fundamental approach not only account for the differences between the conclusions reached, but for the impatience which each side shows for the other's views, and the somewhat extreme attitudes noticeable in the majority and in the minority reports. A similar situation is observable in comparing the arguments submitted by the major networks with the views of the majority of the Commission.

Thus the discussions about these problems appear to be in a relatively primitive state—a state not very apt, at the moment, for arriving at a sound solution. Since no immediate action is being forced by circumstances, it is the feeling of this committee that further consideration, from many angles, is advisable before the government takes action. Our minds are open as to whether or not the measures favored by the majority of the Commission are wise. Hearings have been held before the Senate Committee on Interstate Commerce, but at the time of this report no action has been taken by the committee.

In the important task of trying to get a workable solution, we feel that the following should be taken into account. There are undoubtedly other considerations which have to be dealt with in seeking to arrive at the right answer in this complicated matter. These statements are not set out here in behalf of one side or the other of the existing controversy, but are stated as a starting point for a fresh consideration as to what solution is really in the public interest. We are conscious that perhaps neither the majority nor the minority of the Commission would subscribe to them all.

(a) As between the special disadvantages of government ownership and the special disadvantages of private ownership in the radio field, the latter are relatively slight, under proper governing regulations, as compared with the serious dangers of public ownership.

(b) Technical and economic problems of radio alike point to the conclusion that, if private proprietorship of the radio is retained, we must endure a considerable extent of monopoly and a

considerable degree of "bigness" in the network units involved. The problem is a vast one, and there cannot be such a thing here as free and uncontrolled competition.

(c) Private interests need to be controlled by government regulation in the broadcasting field. Smaller competitive businesses should be encouraged, and monopoly discouraged, as far as possible without upsetting the private-proprietorship system. How far such regulation can safely go is a complicated question of fact.

(d) In deciding how far it is safe to go in regulating the business of broadcasting, it is necessary to bear in mind that if regulation proceeds to the point where the public becomes dissatisfied with the service it gets, the public, which now favors private ownership, might become inclined to favor public ownership—against its long-term interest, as we believe.

(e) While there is and should be no "vested interest" in licenses, it is necessary for the proper development and maintenance of a successful non-governmental radio system that private capital be offered reasonable chances of safety and of profit. The field being a technical and a rapidly developing one, it is necessary that large amounts be spent for equipment, for programs, for experiments looking to improvement, and for maintaining lucrative relationships with advertisers. Private capital cannot be expected to risk the money necessary for these unless governmental regulation is such as to afford reasonable incentives. The problem is not so much one of preserving built-up property rights and being fair to existing interests—they must yield to the public interest—as one of recognizing that if the public desires private enterprise to perform important and nationwide services without the aid of government money, it is essential to the public interest to give some substantial assurance of profit and of safety to money that private capital shall so invest.

(f) In judging whether any particular form of proposed regulation involves danger of upsetting the existing private-proprietorship status, the fact must be taken into account that practically the whole of the very large expense of maintaining our present radio service to the public is being borne by advertisers. The only reason they are willing to spend this immense sum is that, because of a large listening audience, they are able to make enough sales through radio advertising to justify the expense. Thus if regulation went to the point of altering program content so as to diminish the number of listeners, the business advantage which makes it possible for advertising sponsors to assume this financial burden would be immediately impaired. The same is true of any type of regulation which prevents advertisers from securing the coverage needed to maintain the selling effect of their radio programs.

## 912 STATIONS

The Federal Communications Commission granted nine permits for the construction of new stations during the month of August. A comparative table by months follows:

	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1
Operating . . . . .	806	810	816	825	831	835	836	837	836	849	854	859	859
Construction . . . . .	57	54	52	51	51	46	54	54	55	48	43	44	53
	836	864	868	876	882	881	890	891	891	897	897	903	912

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, September 15. They are subject to change.

### Monday, September 15

KPAC—Port Arthur College, Port Arthur, Texas.—Modification of license, 1220 kc., 1 KW, unlimited, DA-night.

### Consolidated Hearing

NEW—Herald Publishing Company, Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.

NEW—Dorman Schaeffer, Klamath Falls, Ore.—C. P., 1400 kc., 250 watts, unlimited.

Tuesday, September 16

KGLU—Gila Broadcasting Company, Safford, Ariz.—Renewal of license, 1450 kc., 250 watts, unlimited.

#### Consolidated Hearing

WARM—Union Broadcasting Company, Scranton, Pa.—License to cover C. P., has C. P. for 1400 kc., 250 watts, unlimited.  
NEW—Anthracite Broadcasting Company, Inc., Scranton, Pa.—C. P., 1400 kc., 250 watts, unlimited.  
NEW—George Grant Brooks, Jr., Scranton, Pa.—C. P., 1400 kc., 250 watts, unlimited.

Wednesday, September 17

#### Broadcast

Further hearing before the Commission to be held in Hearing Room 6121, New Post Office Building, 12th Street and Pennsylvania Avenue, N. W.

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. 70.

Friday, September 19

KGO & Auxil.—National Broadcasting Company, Inc., San Francisco, Calif.—Renewal of license, Main: 810 kc., 7½ KW, unlimited. Auxil.: 810 kc., 2½ KW, unlimited.  
KOA—National Broadcasting Company, Inc., Denver, Colo.—Renewal of license, 850 kc., 50 KW, unlimited.  
WMAL—National Broadcasting Company, Inc., Washington, D. C.—Renewal of license, 630 kc., 5 KW, unlimited

#### FUTURE HEARINGS

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

September 29

#### Further Hearing

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

#### Further Hearing

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

#### Consolidated Hearing

WCAM—City of Camden, Camden, N. J.—Renewal of license, 1310 kc., 500 watts, S-WTNJ and WCAP.  
WCAM—City of Camden, Camden, N. J.—Modification of license, 1310 kc., 500 watts, S-WCAP; require facilities WTNJ.  
WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Renewal of license, 1310 kc., 500 watts, S-WTNJ and WCAM.  
WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Modification of license, 1310 kc., 500 watts, S-WCAM, require facilities of WTNJ.  
WTNJ—WOAX, Incorporated, Trenton, N. J.—Renewal of license, 1310 kc., 500 watts, S-WCAM and WCAP.  
WTNJ—WOAX, Incorporated, Trenton, N. J.—Modification of license, 1310 kc., 500 watts, unlimited, require facilities of WCAM and WCAP.  
WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—C. P., 1260 kc., 1 KW night, 5 KW day, DA-night, unlimited.

October 24

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—C. P., 1190 kc., 50 KW, DA-day and night, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

#### APPLICATIONS GRANTED

Independent Broadcasting Co., Springfield, Mo.—Granted construction permit (B4-P-3156) for new standard broadcast station to operate on 1400 kc., 250 watts, unlimited time.  
Pacific Coast Broadcasting Co., Pasadena, Calif.—Granted construction permit (B5-P-3261) for new standard broadcast station to operate on 1110 kc., 10 KW power, unlimited time, using directional antenna day and night, subject to whatever action the Commission may finally adopt with respect to Order No. 84 (multiple ownership), and approval of antenna site.

WAKR—Summit Radio Corp., Akron, Ohio.—Granted special service authorization to operate with 5 KW power daytime, with a conventional antenna system during daytime, for the remainder of the regular license period. (B2-SSA-3.) Now operates on 1590 kc., 1 KW, unlimited time, DA-day and night (under C. P. 5 KW).

KENO—George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. (Assignors), Nevada Broadcasting Co. (Assignee), Las Vegas, Nev.—Granted consent to construction of construction permit of existing station—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. from George Penn Foster, Maxwell Kelch, and Calvert Charles Applegate, d/b as Nevada Broadcasting Co. to Nevada Broadcasting Company (B5-AP-34).

KBIZ—J. D. Flavey, Ottumwa, Iowa.—Granted modification of license (B4-ML-1077) to increase power to 250 watts, unlimited time. (Now operates on 1240 kc., 100 watts, unlimited time.)

KQW—Pacific Agricultural Foundation, Inc., San Jose, Calif.—Granted construction permit (B5-P-3021) to increase power to 50 KW night and day; install new transmitter and make changes in directional antenna for day and night use, conditioned upon submission within 6 months for approval of plan of independent financing; and subject to whatever action the Commission may finally adopt with respect to Order No. 84 (Multiple Ownership). Now operates on 740 kc., 5 KW, unlimited time, DA-day and night.

WEAN—Yankee Network, Inc., East Providence, R. I.—Granted construction permit (B1-P-3244) authorizing changes in directional antenna for nighttime use and increase in night power to 5 KW. (Now operates on 790 kc., 1 KW night, 5 KW day, unlimited time).

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit recorded programs to all broadcast stations in Canada licensed to operate by the Canadian Government, which may be heard consistently in the United States, thereby continuing the exchange of good-will programs (B1-FP-94).

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit programs to stations CFCF, CBL and the Canadian Broadcasting Corp., thereby continuing the exchange of good-will programs (B1-FP-95).

#### DESIGNATED FOR HEARING

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit (B5-P-2776, Docket 6005) amended so as to request change in frequency to 740 kc., increase in power to 50 KW, install new transmitting equipment and directional antenna for day and night use. (Now operates on 560 kc., 1 KW night, 5 KW-LS, unlimited time.)

News Syndicate Co., Inc.; FM Radio Broadcasting Co., Inc.; WMCA, Knickerbocker Broadcasting Co.; WBNN Broadcasting Co., Inc.; WEVD, Debs Memorial Radio Fund, Inc.; WOV, Greater New York Broadcasting Corp.; WNEW, Wodaam Corp.; Mercer Broadcasting Co.—Designated for consolidated hearing to determine which, if any, FM application should be granted on applied-for frequency or on any of three remaining unassigned Class B frequency channels in that area. (The FM situation in the New York area was the subject of a press release June 17 last.)



# MISCELLANEOUS

- W49D—John Lord Booth, Detroit, Mich.—Granted extension of special temporary authority to operate an RCA 1 KW transmitter on **44900 kc.**, using a temporary antenna for the period September 5 to November 4 pending completion of construction in accordance with construction permit (B2-PH-20), conditionally.
- W45D—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate FM station commercially on **44500 kc.**, using 3 KW power for the period September 3 to October 2, pending installation and preparations necessary to operate and complete transmitting plant in accordance with construction permit and modification thereof, without prejudice to the determination of the issues in hearing on Order No. 79.
- WEOF—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Granted special temporary authority to operate a Motorola Type, 30 watt, narrow band frequency modulation transmitter experimentally under current license for the period September 1 to September 25, for the purpose of relaying Army maneuvers in Louisiana to radio station WSM.
- WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate on frequency **1070** with power of 5 KW day, 1 KW night, limited to KFBI using the transmitter and one of the antenna towers at the transmitter site authorized in construction permit (B4-P-3047) for a period from September 8 to October 7, pending completion of the second antenna tower and proof of performance measurements, provided transmitter and associated equipment are tested during experimental period and frequency adjusted to within 5 cycles and that frequency modulation monitors are operating satisfactorily (B4-S-924).
- W71NY—Bamberger Broadcasting Service, Inc., New York City.—Granted extension of special temporary authority to operate FM station commercially on **47100 kc.**, 1000 watts, special emission for FM at 444 Madison Ave., New York City, for the period September 15 to November 13, conditionally.
- W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate on FM broadcast station experimentally on **43200 kc.**, 1000 watts, with transmitter located at 1210 Wisconsin Ave., N. W., Washington, D. C., for the period August 28 to September 26, 1941, conditionally.
- Nashville Radio Corp., Nashville, Tenn.—Motion for order to take depositions in re application for new station, withdrawn.
- WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Granted motion to dismiss without prejudice application for construction permit to operate on **1540 kc.**, 500 watts night, 1 KW day, unlimited time.
- KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Granted motion for leave to withdraw without prejudice application for modification of license to operate on **570 kc.**, 1 KW night, 5 KW day, DA-night, unlimited time.
- KOVO—Clifton A. Tolboe, tr. as Citizens Voice and Air Show (Assignor); and KOVO Broadcasting Co. (Assignee), Provo, Utah.—Granted petition for leave to amend application for voluntary assignment of license and for reconsideration of application as amended. Application removed from hearing docket.
- Granite District Radio Broadcasting Co., Murray, Utah.—Dismissed petition for leave to file applicant's proposed findings of fact and conclusion in re application for new station.
- Southern Broadcasting Stations, Inc., Atlanta, Ga.—Granted petition for leave to intervene in the hearing on application of WGST for renewal of license.
- WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Granted petition for continuance to November 12 of hearing now scheduled for September 12 in re application for construction permit to operate on **1500 kc.**, 250 watts, unlimited time.
- KFRO—Voice of Longview, Longview, Texas.—Granted petition for continuance to November 17 of hearing now scheduled for September 17 in re application for modification of construction permit.
- WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted motion for continuance to November 18 of hearing now scheduled for September 18 on application for construction permit to operate on **1060 kc.**, 10 KW, DA-day and night, unlimited time.
- Utica Broadcasting Co., Inc., Utica, N. Y.—Granted motion for order to take depositions in re application for new station.
- Hawaiian Broadcasting System, Ltd., Honolulu, T. H.—Granted petition for postponement of the taking of depositions by intervenor in re application for new station.
- WAAQ—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate a composite transmitter on **1622 kc.**, with a power output of approximately 5 watts, using the call letters of Relay Station WAAQ, for the period beginning September 10, 1941, and ending upon conclusion of the Louisiana War Games.
- W75C—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted special temporary authority to operate frequency modulation station commercially on **47500 kc.**, special emission for frequency modulation with transmitter located at R. D. #1, Addison, Ill., and described as W. E., Type 503A-1, Serial No. 103, maximum rated carrier power 1 KW for a period not to exceed 90 days.
- W39B—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate frequency modulation station commercially on **43900 kc.**, 1000 watts, power, special emission for frequency modulation, using the transmitter of high frequency experimental station WIXER at summit of Mount Washington, Sargents Purchase, N. H., for a period beginning September 15, 1941, to not later than November 13, 1941, pending completion of construction permit.
- WCRC-WCBX—Columbia Broadcasting System, Inc., New York, N. Y.—Granted extension of special temporary authority to use already licensed Mackay Radio and Telegraph Company point-to-point transmitter, Type 34-C, Serial No. 3615, on **6080, 6120, 6170, 9650, 11830, 18270, 17830, 21520, and 21570 kc.**, A1 emission, in order to conduct antenna tests for International Broadcast Stations WCRC and WCBX, for a period of 30 days beginning September 11, 1941, to not later than October 10, 1941.
- WNAD—University of Oklahoma, Norman, Okla.—Granted extension of special temporary authority to remain silent for the period beginning September 15, 1941, and ending not later than September 22, 1941.
- WCLE—United Broadcasting Co., Cleveland, Ohio.—Denied request for special temporary authority to operate from sign-off time (September 6:45 p. m. EST), to 7 p. m. EST, for a period beginning September 4, 1941 and ending not later than September 30, 1941, only, in order to carry baseball games and half-hour network programs (B2-S-282).
- WSXFM—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on **43200 kc.**, 1000 watts power, special emission for frequency modulation, with the transmitter located at corner Vine and Fifth Streets, Cincinnati, Ohio, and described as Crosley, Type EDS-213-M, maximum rated carrier power output 1000 watts, for the period beginning September 29, 1941, and ending not later than December 27, 1941.
- The Sun Company of San Bernardino, Calif.—Placed in pending file pursuant to Order No. 79, application for construction permit (B5-PH-114) for new FM broadcast station.
- Frequency Broadcasting Corp., Brooklyn, N. Y.—Adopted order setting aside Commission's actions taken October 31, 1940, February 13, 1941, and June 17, 1941, with respect to application of Frequency Broadcasting Corp. (B1-PH-47), and modification of construction permit (B1-MPH-6) for new FM broadcast station; designated said applications for hearing; and dismissed petition for rehearing filed by Frequency Broadcasting Corp.
- KPAC—Port Arthur College, Port Arthur, Tex.—Denied petition to reconsider and grant the application for modification of license to increase power to 1 KW day and night and make changes in the directional antenna system employed during nighttime; hearing now scheduled for September 15, 1941, postponed pending consultation with licensee.
- WBT, Columbia Broadcasting System, Inc., Charlotte, N. C.; KFAB, KFAB Broadcasting Co., Lincoln, Nebr.; WBBM, Columbia Broadcasting System, Inc., Chicago, Ill.; WJAG, The Norfolk Daily News, Norfolk, Nebr.—Postponed until such time as the Commission may consider applications to be filed looking toward improving service with a minimum of interference, the joint hearing tentatively scheduled for

October 7, 1941, on applications of WBT for construction permit, KFAB for construction permit, WBBM for modification of license, and WJAG for construction permit (Docket Nos. 5269, 5270, 5271, 5864.)

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 a. m. to 10 a. m. EST, Monday through Friday, beginning September 8, 1941, and ending not later than September 16, 1941, provided WSVS remains silent.

WSVS—Board of Education, City of Buffalo, N. Y.—Granted special temporary authority to remain silent for the period beginning September 9, 1941, and ending not later than September 16, 1941, in order to reorganize school Defense Classes.

WTNJ—WOAX, Inc., Trenton, N. J.—Denied request for special temporary authority to operate simultaneously with WCAP during the hours from 2 to 4 p. m. EST, on October 4, 11, 18 and 25, and November 1 and 8, 1941, only, in order to broadcast play by play description of the football games of Princeton University.

## APPLICATIONS FILED AT FCC

### 660 Kilocycles

KGIR—KGIR, Incorporated, Butte, Mont.—Construction permit to install new transmitter, antenna, increase in power from 5 to 50 KW, change in frequency from 1370 to 660 kc.

KOIN—KOIN, Inc., Portland, Oregon.—Construction permit to make changes in equipment, changes in directional antenna system for use day and night, change frequency from 970 to 660 kc., and increase power from 5 to 25 KW.

### 850 Kilocycles

WEEU—Berks Broadcasting Co., Reading, Pa.—Construction permit to install directional antenna for night use, change hours from daytime to unlimited time, using power of 1 KW day and night. Amended: To request 5 KW power, install new transmitter and make changes in proposed directional antenna.

### 860 Kilocycles

WSO—Paducah Broadcasting Co., Inc., Henderson, Ky.—Modification of construction permit (B2-P-3149) as modified, requesting increase in power from 250 watts daytime to 500 watts daytime and changes in transmitting equipment and extension of commencement and completion dates to 60 days after date of grant and 180 days, respectively.

### 880 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Construction permit to make changes in transmitter, changes in directional antenna for day and night use, change in frequency from 1320 to 880 kc., increase in power from 5 to 10 KW.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct method.

### 950 Kilocycles

KPRC—Houston Printing Corp., Houston, Texas.—Modification of construction permit (B3-P-2791) as modified, for installation of directional antenna, increase in power, requesting new transmitter, increase in power from 5 KW to 5 KW night, 10 KW day, using directional antenna night.

WWJ—The Evening News Assn., Detroit, Mich.—Authority to determine operating power by direct method.

WWJ—The Evening News Assn., Detroit, Mich.—License to cover construction permit (B2-P-2880) as modified, for increase in power, directional antenna for night use, and changes in transmitting equipment.

### 980 Kilocycles

WGBG—Greensboro Broadcasting Co., Inc., Greensboro, N. C.—Modification of construction permit (B3-P-2472) for a new broadcast station, requesting move of transmitter and extension of commencement and completion dates from 10-5-41 and 4-5-42 to 30 days after grant and 180 days thereafter respectively.

### 1150 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wisc.—Construction permit to move old RCA 1-D-A transmitter to site of new transmitter and use as auxiliary transmitter, for emergency purposes.

### 1170 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Modification of special service authorization for unlimited time, power of 25 KW night, 50 KW day, using directional antenna at night, period ending 2-1-42.

### 1240 Kilocycles

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Modification of license to move studio from Upper Deerfield Twp., N.N.E. of Bridgeton to Bridgeton, N. J.

### 1260 Kilocycles

WFBM—WFBM, Inc., Indianapolis, Ind.—Authority to determine operating power by direct method.

### 1310 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Modification of construction permit (B3-P-2641) as modified, for move of transmitter, increase in night power and installation of directional antenna for night use, and change in frequency, requesting extension of completion date from 9-23-41 to 1-23-42.

### 1320 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—License to cover construction permit (B1-P-3032) as modified for increase in power, install new transmitter and changes in directional antenna for day and night use.

WATR—The WATR Co., Inc., Waterbury, Conn.—Authority to determine operating power by direct method.

### 1340 Kilocycles

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—Authority to determine operating power by direct method.

WGAA—Northwest Georgia Broadcasting Co., Cedartown, Ga.—License to cover construction permit (B3-P-3029) as modified for a new broadcast station.

KIIMO—The Courier-Post Publishing Co., Hannibal, Mo.—License to cover construction permit (B4-P-1011) as modified, for a new broadcast station.

### 1360 Kilocycles

KMO—Carl E. Haymond, Tacoma, Wash.—License to cover construction permit (B5-P-2707) as modified, for new equipment, changes in antenna system, and increase in power.

### 1400 Kilocycles

KRKO—Everett Broadcasting Co., Inc., Everett, Wash.—Special service organization to operate unlimited time, period ending 12-1-41.

### 1420 Kilocycles

KUJ—KUJ, Inc., Walla Walla, Wash.—Authority to determine operating power by direct method.

### 1440 Kilocycles

KPRO—Broadcasting Corporation of America, Riverside, Calif.—Modification of construction permit (B5-P-2296) for a new broadcast station, requesting change in type transmitter, approval of antenna and approval of transmitter and studio sites.

### 1450 Kilocycles

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Transfer of control from Estelle P. Chapman, Transferor to Joseph Wiggs Hart, Joseph Carl Russell and Frank Mitchell Farris, Jr., transferees, through sale of 999 shares of stock.



WCRS—Grenco, Inc., Greenwood, S. C.—License to cover construction permit (B3-P-2930) as modified, for a new broadcast station.

WCRS—Grenco, Inc., Greenwood, S. C.—Authority to determine operating power by direct method.

#### 1490 Kilocycles

KIBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—License to cover construction permit (B5-P-2028) as modified, for a new station.

KIBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Authority to determine operating power by direct method.

WDDB—Delta Broadcasting Co., Escanaba, Mich.—License to cover construction permit (B2-P-2854) as modified for a new broadcast station.

WDDB—Delta Broadcasting Co., Escanaba, Mich.—Authority to determine operating power by direct method.

NEW—The Torrington Broadcasting Co., Inc., Torrington, Conn.—Construction permit for a new broadcast station to be operated on 1490 kc., 250 watts and unlimited hours.

#### 1530 Kilocycles

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Construction permit to make changes in directional antenna system, change frequency from 1530 to 640 kc., move transmitter from near Crescent Springs, Ky., to near New Burlington, Ohio, contingent on WCLE's change to 600 kc. and WHKC's change to 610 kc. Amended: to make changes in proposed directional antenna.

#### FM APPLICATION

W49D—John Lord Booth, Detroit, Mich.—Modification of construction permit (B2-PH-20) as modified for a new high frequency broadcast station, requesting extension of commencement and completion dates from 4-11-41 and 10-11-41 to 10-11-41 and 4-11-42, respectively.

#### MISCELLANEOUS APPLICATIONS

KEHC—Topeka Broadcasting Assn., Inc., Mobile.—Construction permit to make changes in equipment, change frequencies from 31620, 35260, 37340, 39620 kc. to 1622, 2058, 2150, 2790 kc. and increase power from 10 to 50 watts.

KEHB—Topeka Broadcasting Assn., Inc., Mobile.—Construction permit to change type of equipment and increase power from 10 to 15 watts.

### 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.

**Champion Battery Company**—William B. Bartlett, trading as Champion Battery Co., 549 West Washington St., Chicago, engaged in the sale and distribution to retail dealers of a so-called sales stimulator plan including certificates and merchandise to be used in connection with the plan, is charged, in a complaint with unfair and deceptive acts and practices in commerce. (4578)

**Eastern Herb Company**—Robert T. K. Hee, trading as The Eastern Herb Company, 1156 Seventh St., San Diego, Calif., is charged in a complaint with misrepresentation. (4582)

**Gulf Oil Corporation**, Pittsburgh, engaged in manufacturing and distributing two insecticide products designated "Gulf Live-stock Spray" and "Gulfispray," is charged in a complaint with misrepresentation. (4581)

**Normis Corporation**—Charging the use of a deceptive sales plan in the sale of prefabricated and ready-cut houses advertised as "Nomis Ready-Cut Homes," a complaint has been issued against Normis Corporation, formerly of Lafayette, Ind., and now being operated from a so-called branch office in Jacksonville, Fla.; Simon Levy, its principal stockholder, Jacksonville, Fla.; Stoker Corporation of America, Indianapolis; and Charles B. Levy, its principal stockholder. (4580)

**Woodfinishing Products Company**—James Ledwith and Morton E. Rosenthal, copartners trading as Woodfinishing Products Company, and J. M. Thomas, individually and acting as agent for James Ledwith and Morton E. Rosenthal, trading as Woodfinishing Products Company, are charged in a complaint with commercial bribery and unfair methods of competition in commerce. (4579)

#### CEASE AND DESIST ORDERS

Commission has issued the following cease and desist orders during the past week:

**G & F Sales Company**—Orders prohibiting the use of lottery methods in the sale of commodities in commerce have been issued against a Chicago and an Indianapolis firm each selling miscellaneous merchandise, and a Brooklyn manufacturer of smoking pipes and other articles. The respondents are Clara Feitler, Lillian M. Granger and L. H. Murray, trading as G. & F. Sales Co., Chicago; Hamilton, Harris & Co., Indianapolis; and Continental Briar Pipe Co., Inc., Brooklyn.

In the case against the three Chicago dealers, trading as G. & F. Sales Co., the proceeding was dismissed as to the former respondent, Adolf Feitler, now deceased. (4155-4253-4293)

**Haskelite Manufacturing Corporation**, 208 West Washington St., Chicago, which operates a factory in Grand Rapids, Mich., and which manufactures and distributes serving trays, including certain trays designated as "Hasko DeLuxe Buffet Trays" and "Hasko Trays," has been ordered to cease and desist from misrepresentation in the sale of its products. (4442)

**Ozon Chemical Company, Inc.**, trading as Duncan Chemical Co., 607 Delmonte Way, St. Louis, has been ordered to cease and desist from misrepresentation in the sale and distribution of a medicinal preparation designated "Duncan's Ozon." (4421)

**W. Hillyer Ragsdale, Inc.**, W. Hillyer Ragsdale, Annie M. Ragsdale, Marshall D. Ragsdale and Ida J. Ragsdale, doing business under the names and styles of W. Hillyer Ragsdale, W. Hillyer Ragsdale, Inc., and Ragsdale Candies, 307 North Walnut Street, East Orange, N. J., have been ordered to cease and desist from misleading representations in the sale of instruction courses, outfits and supplies represented as offering opportunities for persons to establish candy businesses in their homes. (4472)

**Sanford Mills**, of Sanford, Maine, and its subsidiary and exclusive sales agency, L. C. Chase & Co., Inc., 295 Fifth Ave., New York City, have been ordered to cease and desist from representing as "moth-proof" upholstery fabrics which are not permanently moth-proof. (4084)

**Schuler Chocolates, Inc.**—Orders prohibiting the use of lottery methods in the sale of commodities in commerce have been issued against a Winona, Minn., corporation selling candy, and a Milwaukee firm selling miscellaneous merchandise. The respondents are Schuler Chocolates, Inc., also doing business as Schuler Candy Co., Winona, Minn., and Continental Premium Mart, Milwaukee. (4385-4462)

**Stomar Manufacturing Company**—Joseph H. Kevorkian, Joseph D. Kevorkian and Louis Stone, trading as Stomar Manufacturing Company, 1027 Ridge Ave., Philadelphia, engaged in the manufacture and sale of steel kitchen utensils known as graters and shredders, have been ordered to cease and desist from misrepresentation in the sale of their products. (4272)

## STIPULATIONS

During the past week the Commission has announced the following stipulations:

**Elizabeth Arden Sales Corporation**—681 Fifth Ave., New York, has stipulated to discontinue certain representations in the sale of cosmetics designated "Ardena Sensation Cream," "Joie de Vivre" and "Ardena Skin Lotion." (02873)

**Biofoods Corporation**, 16 West 22nd St., New York City, engaged in selling certain health food products, has stipulated to cease and desist from representing that "Fortified Palm-Co." is "the modern calcium phosphorus Vitamin 'D' aid," or has a beneficial effect on symptoms of nervousness, low resistance, soft teeth, brittle nails and poor endurance, unless these conditions are due to a lack of calcium and phosphorus in the diet, associated with a deficiency of Vitamin D; that "Vimm's Wheat Germ Oil Vitamin E Capsules" are a concentrated source of Vitamin E; that "Vimm's Powdered Wheat Germ" or "Vimm's Whole Wheat Germ" are excellent sources of Vitamins B<sub>1</sub>, B<sub>2</sub>, B<sub>3</sub> and B<sub>6</sub> or are excellent sources of iron, copper, phosphorus, potassium, manganese, magnesium and other valuable minerals; or that "Vimm's Powdered Wheat Germ" is "ideal" for infant feeding and those on a bland diet. (02868)

**Cole and Company**, an advertising agency, Sterick Building, Memphis, Tenn., which disseminated advertisements for cosmetics on behalf of Newbro Manufacturing Company, Atlanta, Ga., has stipulated that it will cease and desist from disseminating advertisements which represent that the Atlanta Company's product "Tuxedo Club Pomade" invigorates the scalp or helps the hair as nothing else will. (02872)

**Ever-Dry Laboratories, Inc.**, also trading as Trans-Pacific Importers, with principal office and place of business in Los Angeles, Calif., and Robert W. Miller, trading as Hula-Lei Products, with place of business at Honolulu, Hawaii, engaged in the sale and distribution of perfumes, have stipulated in connection with the sale of their products to cease and desist from representing that the following named perfumes: "Ginger," "Sandalwood," "Pikaki," "Pomi Moi," or "Plumeria" are made in Hawaii from the tropical flowers of Hawaii, and from use of any representation or statement which may convey the belief that the products are made in or are products of Hawaii; or from representing that the perfumes represent the exotic fragrance of tropical flowers from Hawaii. (3209)

**Laboratory Products Company**—Harry J. Knorr, trading as Laboratory Products Company, Glendale, Calif., formerly engaged in selling and distributing a preparation called "Van-Tox," consisting of two kinds of tablets containing the same active ingredients but in different quantities, and which were described as

"Special Formula Single Stg. No. 1" and "Special Formula Double Stg. No. 2," the tablets comprising a treatment for alcoholism and the liquor habit, has stipulated that in connection with the sale or distribution of the preparation designated "Van-Tox" or any other preparation composed of substantially similar ingredients, he will cease and desist from representing that the preparation is a cure or remedy or a competent or effective treatment for chronic alcoholism or the liquor habit; that use of the preparation will overcome the craving or desire for or indulgence in alcohol; that the preparation is in all cases safe or harmless; or that it contains no harmful drugs. (3207)

**Lindstrom Hatchery & Poultry Farm**, Clinton, Mo., engaged in the sale and distribution of chicks in commerce, has stipulated to cease and desist from certain representations. (3208)

**Parks-Phillipps Health Foods Company**—Stanley N. Phillipps and Walter M. Grome, doing business as Parks-Phillipps Health Foods Company, formerly Parks Health Food Company, 1542 Knowlton St., Cincinnati, engaged in selling medicinal preparations, have stipulated to discontinue representing that "Phillipps Alfalfa and Mint Tea" is of any benefit in the treatment of prostate gland trouble, overacidity, arthritis and rheumatism; that "Phillipps Wheat Germ Meal" is rich in four vitamins, revitalizes, and restores needed elements to the diet; that "Phillipps Wheat Germ Meal" produces any beneficial results in cases of nervous conditions and faulty digestion except those caused by a deficiency of Vitamin B; that "Phillipps Vegetable Mucen" is of any appreciable benefit in the treatment of stomach ulcers or irritations, hyperacidity or colon irritation; that "Vigro Garlic Tablets" are rich in Vitamins A, B and C or are rich in potassium, calcium, phosphorus, iodine or food chemicals or that they possess any nutritional value or produce any appreciable therapeutic effect in excess of a slight temporary decrease in blood pressure; that "Vigro Vitamin Tablets" help to combat germs or eradicate colds or furnish an abundance of protection against every possible winter sickness; or that "Vigro Laxative No. 2" is effective for increasing intestinal or liver activity. (02870)

**Thomas Patrick, Inc.**, St. Louis, engaged in the radio broadcasting business and in preparing and disseminating advertisements for various commodities, disseminated advertisements over its Radio Station KWK for a food designated "Colonial Bread" on behalf of Colonial Baking Company, St. Louis. The respondent stipulated that in disseminating such advertising it will cease representing that Colonial Bread is not fattening or is necessary in a reducing diet; that it helps burn up body fat or helps to reduce safely, and that six slices of Colonial Bread in a reducing diet will give one pep and energy and prevent one from becoming tired, fatigued, irritable or experiencing nervous strain. (02871)

**Perfect Manufacturing Company**, also trading as Safe Electric Company, 3321 Madison Road, Cincinnati, engaged in the sale and distribution of an electrical heating unit or device designated "Otto-Matik Darning Machine," has stipulated in connection with the sale and distribution of its product, that it will cease and desist from the use of the words "Otto-Matik Darning Machine" or "Automatic Darning Machine" as a designation for or as descriptive of its product; or the use of a coined word "Otto-Matik" or the words "automatic," "darning" or "machine" or other words of similar implication to cause the belief that the device is automatic in operation, that darning can be accomplished by its use, or that it is a machine. (3206)

**Robina Studios**—Samuel Schaap, trading as Robina Studios, 150 Nassau St., New York City, engaged in the sale and distribution of mimeographed material purporting to be horoscopic or astrological readings and of so-called "Talismans" and "Lucky Stones," has stipulated that he will cease and desist from statements which imply that he is an astrologer or that his business is conducted by or under the supervision of an astrologer. (3205)