



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W.

WASHINGTON, D. C.

Vol. 10, No. 40, October 9, 1942

DISTRICT MEETINGS SCHEDULE

<i>District</i>	<i>Day</i>	<i>Date</i>	<i>Place</i>
3	Monday-Tuesday	Oct. 19-20	Benjamin Franklin Hotel Philadelphia, Pennsylvania
4	Friday-Saturday	Oct. 23-24	Carolina Hotel Pinehurst, North Carolina
5	Sunday-Monday	Oct. 25-26	George Washington Hotel Jacksonville, Florida
	Wednesday-Thursday	Oct. 28-29	Henry Grady Hotel Atlanta, Georgia
6	Friday-Saturday	Oct. 30-31	The Hermitage Nashville, Tennessee
12	Monday-Tuesday	Nov. 2-3	Tulsa, Oklahoma
13	Thursday-Friday	Nov. 5-6	Baker Hotel Dallas, Texas
14	Monday-Tuesday	Nov. 9-10	Salt Lake City or Ogden, Utah
16	Thursday-Friday	Nov. 12-13	Ambassador Hotel Los Angeles, California
15	Monday-Tuesday	Nov. 16-17	Fairmont Hotel San Francisco, California
17	Thursday-Friday	Nov. 19-20	Portland or Seattle
11	Tuesday-Wednesday	Nov. 24-25	Nicollet Hotel Minneapolis, Minnesota
10	Friday-Saturday	Nov. 27-28	Fort Des Moines Hotel Des Moines, Iowa
9	Monday-Tuesday	Nov. 30-Dec. 1	Palmer House Chicago, Illinois
8	Wednesday-Thursday	Dec. 2-3	Indianapolis, Indiana
7	Friday-Saturday	Dec. 4-5	Deshler-Wallick Columbus, Ohio
2	Monday-Tuesday	Dec. 7-8	New York, N. Y.
1	Wednesday-Thursday	Dec. 9-10	Boston, Massachusetts

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

Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*; Russell P. Place, *Counsel*; Howard Frazier, *Director of Engineering*; Arthur C. Stringer, *Director of Promotion*

WAR DOMINANT THEME

The relation of radio broadcasting to the war effort will be the dominant theme at the forthcoming series of District meetings. This series gets under way with a meeting at Philadelphia on Monday, October 19, and the schedule presented above will be followed closely.

These 1942 District sessions assume unusual importance because of the fact that many of the major government war agencies will be represented. The following have already advised that they will be represented:

Office of War Information
 Office of Censorship
 Office of Civilian Defense
 The War Department
 The Navy Department
 The Marine Corps
 The Treasury Department

In addition it is expected that representatives of Selective Service, the War Manpower Commission and the War Production Board will attend the sessions.

The representatives of each of the foregoing services and agencies will discuss problems of mutual concern to themselves and broadcasters.

Consistent with the theme of the sessions, the sales managers meeting on the second day will be devoted to a discussion of wartime radio advertising. Lewis H. Avery, newly appointed Director of the NAB Department of Broadcast Advertising, will key these discussions.

The breadth of subjects to be considered at these meetings suggests the importance of the attendance of every station manager and of his sales manager, as well as the head of his news department and possibly his engineer.

Radio has already contributed splendidly to the war effort but there is much to be learned about ways and means to improve that service. These meetings afford that opportunity.

Following is an outline of the tentative program which will be presented at each of the District meetings. Undoubtedly other subjects will be added.

Tentative Program for District Meetings

First Day

- 9:00 a.m.— Registration
 10:00 a.m.— Registration
 10:00 a.m.— 1. Call to Order by District Director
 2. Announcements
 3. Appointment of Committees
 4. "The War Work of NAB"—Neville Miller
 5. "Keeping People Informed on the War"—Carl Haverlin, Stations Relations Consultant, Office of War Information
 12:30 p.m.— Luncheon (This may be put on in cooperation with some civil group at the option of the Director or one of the men from the government departments could speak at the luncheon session.)

- 2:00 p.m.— 6. "Keeping the Enemy Uninformed"—Gene Carr, Office of Censorship
 7. "Financing the War"—Representative, Radio and Press Section, Treasury Department
 8. "Radio and Army Morale"—Representative, Radio Branch, Public Relations Bureau, War Department
 9. "Radio and the Men at Sea"—Representative, Public Relations Division, Navy Department
 10. "Radio and the Marine Corps"—Representative, United States Marine Corps
 11. "Radio's Contribution to Civilian Morale"—Representative, Office of Civilian Defense
 12 The Music Situation
 a. AFM—Petrillo
 b. BMI—ASCAP—SESAC—AMP
 13. Legislation
 a. Sanders Bill
 b. Tax Bill
 c. State Legislatures
 14. Plug Ugliers and other Magazine Articles

Second Day

"Radio Advertising in Wartime"—A Sales Managers Clinic

- 10:00 a.m.— 1. Call to Order by District Sales Managers Chairman
 2. Announcements
 3. Appointment of Resolutions Committee
 Panel discussions of the following subjects will be led by Lew Avery:
 4. Tying Broadcast Advertising to the War Effort—But NOT to the War.
 5. Radio Leaves Such a Good Taste—Let's Keep it in Good Taste (Magazine articles and replies)
 6. Recommended Standards for the Determination of Coverage Maps
 7. What Radio Buyers Want to Know
 8. Increased Use of Recommended Rate Card
 9. Per-Inquiry and Free Time Requests
 10. Building Increased Confidence in Broadcast Advertising by Reducing Errors of Performance
 11. New Ideas to Maintain or Improve Present Volume of Business
 (Every Sales Manager who attends these meetings will be expected to bring and explain one idea that: Convinced an existing account to invest more of the advertising budget in radio; brought a new account to his station; introduced broadcast advertising to a type of account that had not previously used radio in his market.)
 12. NAB Sales Helps
 13. The Outlook for Business to Keep Radio Stations Running Full Blast to Aid the War Effort.

SALES MANAGERS' CLINICS

In this industry, it is definitely trite to say: "Faced with the gravest problems the sales managers have ever been asked to solve . . ." That's what we have been saying for years. Perhaps we have cried "wolf" that once-too-often time. But the fact remains that the sales managers have some real thinking to do to meet today's needs and problems.

Probably you've read enough about the connection of the war effort with broadcasting in general to realize that winning the war is our first objective. War is, therefore, the major topic of the one-day meeting of the sales managers to be held on the second day of the district meetings. Most of the broadcast advertising carried by all stations—great and small—is helping to promote the war effort.

But, here and there, an advertiser has taken advantage of the war to enhance the appeal for his merchandise or service. How to detect such infringements of good taste and patriotism is one of the problems that will be explored by the sales managers.

Perhaps we have thought that advertising in general—and broadcast advertising in particular—has been criticized unfairly in the past. But such criticism has doubled and quadrupled within the last few months. As you all know, one publication has sought to build what amounts to an anti-radio-advertising league.

If we are honest with ourselves—and we must be—such criticism is deserved in part; must be met in whole, if we are to progress as an advertising medium. That's just what the sales managers will do at the forthcoming district meetings.

Perhaps this is no time to plan even a "slicking-up" around the house but, based on the old adage that "there's no time like the present," the Sales Managers' Executive Committee has recommended a study of the factors that contribute to good taste in broadcast advertising, looking toward the preparation of a statement that codifies the practices and principles of good broadcasting.

Evidence so far accumulated indicates that the rate of turnover among local advertisers is undoubtedly the highest in the history of our medium. What's more, the foresighted feel that this rate may even be stepped up as we swing into 1943. How, then, can we continue to hold or increase the present volume of broadcast advertising so that the owner, the manager, the program director and the newscasters can continue to render their vital service in the leading role that broadcasting is playing in the conduct of the war. You'll hear plenty about that at the district meetings, so be sure to attend.

Now that you are thinking about it—what about the future of our business in 1943? What can we reasonably expect in the light of the past? How much of what has happened in the past has a bearing on the future? Perhaps we can all contribute to such a forecast as will kindle our enthusiasm and build hope and confidence.

But that's only part of the story of the sales managers' meetings that will be held on the second day of the district meetings. You'll certainly want to attend. You have ideas and plans that the whole industry can use. Perhaps you, too, can glean something of value from the ideas of others.

Recheck that list of district meetings and plan now to be at one of them.

SPECIAL MEETING NAB BOARD

A special meeting of the NAB Board of Directors will convene at the Palmer House, Chicago, on Tuesday, October 13. This meeting will immediately follow the hearing of the arguments in the government's case against the A. F. of M. and James C. Petrillo. The case will be argued on the government's behalf by Thurman Arnold, head of the Anti-Trust Division of the Attorney General's Office and NAB will present a brief as a friend of the court.

Pay Freezing

President Roosevelt on October 3 issued his long-expected wage freezing order and appointed the War Labor Board to enforce it.

In brief, the order freezes all *wage rates* at their September 15 level, except in cases where the WLB finds increases are "necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct

gross inequities, or to aid in the effective prosecution of the war."

Salaries *above* \$5,000 are frozen, too, "except in instances in which an individual has been assigned to more difficult or responsible work."

We used the italics in the previous two paragraphs because it now appears that there was a mistake in drafting the order, and that *salaries below \$5,000 were not frozen*.

Unless and until this mistake is corrected (which it probably will be), the order leaves the broadcasting industry practically untouched, because the bulk of broadcasting employees are paid on a salary basis (by the week, month or year) and not on an hourly ("wage rate") basis. As it stands, only the salaries of radio's top executives and performers are frozen.

We repeat, however, that this mistake probably will be rectified, and all salaries as well as wages will be frozen.

Within the next few days, the WLB will issue some general regulations as to enforcement. One of these probably will automatically allow any increases made prior to October 3, despite the September 15 freeze date. Another will permit so-called "automatic" increases. As an example, an employee hired with the understanding that he is to receive a \$5 increase after 6 months service will be permitted to receive that increase.

The NAB will keep you advised.

The text of the Executive Order:

By virtue of the authority vested in me by the Constitution and the statutes, and particularly by the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes," as President of the United States and Commander in Chief of the Army and Navy, and in order to control so far as possible inflationary tendencies and the vast dislocations attendant thereon which threaten our military effort and our domestic economic structure, and for the more effective prosecution of the war, it is hereby ordered as follows:

TITLE I

Establishment of an Office of Economic Stabilization

1. There is established in the Office for Emergency Management of the Executive Office of the President an Office of Economic Stabilization at the head of which shall be an Economic Stabilization Director (hereinafter referred to as the Director).

2. There is established in the Office of Economic Stabilization an Economic Stabilization Board with which the Director shall advise and consult. The Board shall consist of the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Bureau of the Budget, the Price Administrator, the Chairman of the National War Labor Board, and two representatives each of labor, management, and farmers to be appointed by the President. The Director may invite for consultation the head of any other department or agency. The Director shall serve as Chairman of the Board.

3. The Director, with the approval of the President, shall formulate and develop a comprehensive national economic policy relating to the control of civilian purchasing power, prices, rents, wages, salaries, profits, rationing, subsidies, and all related matters—all for the purpose of preventing avoidable increases in the cost of living, cooperating in minimizing the unnecessary migration of labor from one business, industry, or region to another, and facilitating the prosecution of the war. To give effect to this comprehensive national economic policy the Director shall have power to issue directives on policy to the Federal departments and agencies concerned.

4. The guiding policy of the Director and of all departments and agencies of the Government shall be to stabilize

the cost of living in accordance with the Act of October 2, 1942; and it shall be the duty and responsibility of the Director and of all departments and agencies of the Government to cooperate in the execution of such administrative programs and in the development of such legislative programs as may be necessary to that end. The administration of activities related to the national economic policy shall remain with the departments and agencies now responsible for such activities, but such administration shall conform to the directives on policy issued by the Director.

TITLE II

Wage and Salary Stabilization Policy

1. No increases in wage rates, granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in wage rates, shall be authorized unless notice of such increases or decreases shall have been filed with the National War Labor Board, and unless the National War Labor Board has approved such increases or decreases.

2. The National War Labor Board shall not approve any increase in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

Provided, however, that where the National War Labor Board or the Price Administrator shall have reason to believe that a proposed wage increase will require a change in the price ceiling of the commodity or service involved, such proposed increase, if approved by the National War Labor Board, shall become effective only if also approved by the Director.

3. The National War Labor Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between January 1, 1942 and September 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war.

4. The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this title in the case of small total wage increases or decreases as it deems necessary for the effective administration of this Order.

5. No increases in salaries now in excess of \$5,000 per year (except in instances in which an individual has been assigned to more difficult or responsible work), shall be granted until otherwise determined by the Director.

6. No decrease shall be made in the salary for any particular work below the highest salary paid therefor between January 1, 1942 and September 15, 1942 unless to correct gross inequities and to aid in the effective prosecution of the war.

7. In order to correct gross inequities and to provide for greater equality in contributing to the war effort, the Director is authorized to take the necessary action, and to issue the appropriate regulations, so that, insofar as practicable, no salary shall be authorized under Title III, Section 4 to the extent that it exceeds \$25,000 after the payment of taxes allocable to the sum in excess of \$25,000. Provided, however, that such regulations shall make due allowance for the payment of life insurance premiums on policies heretofore issued, and required payments on fixed obligations heretofore incurred, and shall make provision to prevent undue hardships.

8. The policy of the Federal Government, as established in Executive Order No. 9017 of January 12, 1942, to encourage free collective bargaining between employers and employees is reaffirmed and continued.

9. Insofar as the provisions of Clause (1) of section 302(c) of the Emergency Price Control Act of 1942 are inconsistent with this Order, they are hereby suspended.

TITLE III

Administration of Wage and Salary Policy

1. Except as modified by this Order, the National War Labor Board shall continue to perform the powers, functions, and duties conferred upon it by Executive Order No.

9017, and the functions of said Board are hereby extended to cover all industries and all employees. The National War Labor Board shall continue to follow the procedures specified in said Executive Order.

2. The National War Labor Board shall constitute the agency of the Federal Government authorized to carry out the wage policies stated in this Order, or the directives on policy issued by the Director under this Order. The National War Labor Board is further authorized to issue such rules and regulations as may be necessary for the speedy determination of the propriety of any wage increases or decreases in accordance with this Order, and to avail itself of the services and facilities of such State and Federal departments and agencies as, in the discretion of the National War Labor Board may be of assistance to the Board.

3. No provision with respect to wages contained in any labor agreement between employers and employees (including the Shipbuilding Stabilization Agreements as amended on May 16, 1942, and the Wage Stabilization Agreement of the Building Construction Industry arrived at May 22, 1942) which is inconsistent with the policy herein enunciated or hereafter formulated by the Director shall be enforced except with the approval of the National War Labor Board within the provisions of this Order. The National War Labor Board shall permit the Shipbuilding Stabilization Committee and the Wage Adjustment Board for the Building Construction Industry, both of which are provided for in the foregoing agreements, to continue to perform their functions therein set forth, except insofar as any of them is inconsistent with the terms of this Order.

4. In order to effectuate the purposes and provisions of this Order and the Act of October 2, 1942, any wage or salary payment made in contravention thereof shall be disregarded by the Executive Departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 or any maximum price regulation thereof, or for the purpose of calculating deductions under the Revenue Laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the Government of the United States.

TITLE IV

Prices of Agricultural Commodities

1. The prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942 and in compliance with the Act of October 2, 1942.

2. In establishing, maintaining or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions shall be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies.

3. Subject to the directives on policy of the Director, the price of agricultural commodities shall be established or maintained or adjusted jointly by the Secretary of Agriculture and the Price Administrator; and any disagreement between them shall be resolved by the Director. The price of any commodity manufactured or processed in whole or in substantial part from an agricultural commodity shall be established or maintained or adjusted by the Price Administrator, in the same administrative manner provided for under the Emergency Price Control Act of 1942.

4. The provisions of sections 3(a) and 3(c) of the Emergency Price Control Act of 1942 are hereby suspended to the extent that such provisions are inconsistent with any or all prices established under this Order for agricultural commodities, or commodities manufactured or processed in whole or in substantial part from an agricultural commodity.

TITLE V

Profits and Subsidies

1. The Price Administrator in fixing, reducing, or increasing prices, shall determine price ceilings in such a manner that profits are prevented which in his judgment are unreasonable or exorbitant.

2. The Director may direct any Federal department or agency including, but not limited to, the Department of Agriculture (including the Commodity Credit Corporation and the Surplus Marketing Administration), the Department of Commerce, the Reconstruction Finance Corporation, and other corporations organized pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended, to use its authority to subsidize and to purchase for resale, if such measures are necessary to insure the maximum necessary production and distribution of any commodity, or to maintain ceiling prices, or to prevent a price rise inconsistent with the purposes of this Order.

TITLE VI

General Provisions

1. Nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act, the National Labor Relations Act, the Walsh-Healey Act, the Davis-Bacon Act, or the adjustment procedure of the Railway Labor Act.

2. Salaries and wages under this Order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. "Salaries" as used in this Order means remuneration for personal services regularly paid on a weekly, monthly or annual basis.

3. The Director shall, so far as possible, utilize the information, data, and staff services of other Federal departments and agencies which have activities or functions related to national economic policy. All such Federal departments and agencies shall supply available information, data, and services required by the Director in discharging his responsibilities.

4. The Director shall be the agency to receive notice of any increase in the rates or charges of common carriers or other public utilities as provided in the aforesaid Act of October 2, 1942.

5. The Director may perform the functions and duties, and exercise the powers, authority, and discretion conferred upon him by this Order through such officials or agencies, and in such manner, as he may determine. The decision of the Director as to such delegation and the manner of exercise thereof shall be final.

6. The Director, if he deems it necessary, may direct that any policy formulated under this Order shall be enforced by any other department or agency under any other power or authority which may be provided by any of the laws of the United States.

7. The Director, who shall be appointed by the President, shall receive such compensation as the President shall provide, and within the limits of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities and services necessary to discharge his responsibilities.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
October 3, 1942.

BROADCASTING NOT COVERED BY PREMIUM PAY ORDER

The broadcasting industry is not covered by President Roosevelt's Executive Order on "premium pay."

This was made clear October 3 by a statement from Secretary of Labor Frances Perkins, in which she said the order applied only to industries engaged in *manufacture* of war products.

The previous day the NAB had applied for an exemption for the broadcasting industry, following a meeting of the Wage and Hour Committee on the subject.

The principal effect of the Executive Order would have been to require those stations not now so doing to pay time and one half for holiday work.

Sales

TAX EXEMPTION OF ADVERTISING

Paul B. West, President of the Association of National Advertisers, has issued a most helpful statement regarding the recent order dealing with the question of advertising expense as an allowable item of cost on government war contracts (see NAB REPORTS, p. 580, and also p. 515).

The warning sounded by Mr. West regarding the use of this exemption as an argument for advertising is most timely. The release follows:

"The statement of Commissioner of Internal Revenue Helvering as to the deductibility of advertising expense on corporate income tax returns is a welcome amplification of Secretary Morgenthau's statement before the Joint Congressional Committee on Taxation and bears out the clarification of the subject sent out by the Association of National Advertisers with the approval of the Internal Revenue Bureau on August 28," said Mr. West.

"Now, when our nation is at war, there is no room for uncertainties and misunderstandings. Such clear and forthright statements as that of Commissioner Helvering are of inestimable aid to business in allaying fears and permitting sound planning. The statement shows a sympathetic understanding of the problems of business and a desire to be fair and cooperative. In our conferences with Bureau officials, we found their attitude to be wholly one of cooperation and it was most gratifying to have this response to our request after pointing out the need for business to have such clarification.

"Quite naturally, the Bureau is charged with upholding the law and will have no patience with any taxpayer who seeks to avoid proper payment of taxes. This is just and reasonable. Excessive advertising expenditures, as excessive expenditures of any kind, should not be deductible, especially in this war period.

"We have noted a tendency in some quarters on the part of over-zealous advertising salesmen to use the excess profits tax as an argument for the expenditure of increased sums on advertising. I do not believe that such selling reflects the judgment or the wishes of publishers or radio station owners and that this practice is very much the exception. Nevertheless it is to be deplored and discouraged as strongly as possible. To attempt to sell advertising on a false basis implies that the publication or radio station lacks merit. We are hearing from A.N.A. member advertisers about this type of solicitation and they deeply resent it. It is obviously an unsound business practice and has always been regarded so. For salesmen to try to take advantage of the situation for selfish gain not only does harm to all advertising and business but in these times is wholly unpatriotic.

"There is plenty of occasion for business to use advertising in a perfectly legitimate and justifiable way, for advertising as an essential tool has new responsibilities and new uses for serving the ends of business and of the

nation in these critical times. It is heartening to hear this fact recognized by the government and it is up to all of us to see that the privilege is not abused."

"HOT FROM HOLLYWOOD"

Several member stations have written regarding the five-minute "Hot from Hollywood" transcriptions being offered by Thomas J. Valentino, Inc., 1600 Broadway, New York, N. Y. In response to an inquiry from the Department of Broadcast Advertising, Mr. Valentino reports:

"The transcriptions entitled 'Hot from Hollywood' are designed to maintain a public interest in news of Hollywood personalities. These transcriptions are being prepared on behalf of various members of the motion picture industry and consist of a good-will gesture in which is included a dramatization of scenes from forthcoming motion pictures. No advertising of any kind is included in these programs and the only mention of the title of the picture is to identify the scene which is dramatized. The distributor of the picture is in nowise mentioned."

Under the circumstances, the Department strongly advises against the use of these five-minute transcriptions on a sustaining basis. However, Mr. Valentino adds in his letter that: "These entertainment programs . . . may be broadcast by the station for local sponsors without any payment to us".

Since one of the member stations has reported that these transcriptions are definitely entertaining and of good quality, the availability of this series may offer you an opportunity to interest a local theatre or group of theatres in the use of your facilities. Similar programs have been successfully sold by other stations to women's ready-to-wear, shoe, department and similar stores.

PER-INQUIRY AND FREE TIME REQUESTS

Vanderbie and Rubens, Inc., 410 N. Michigan Ave., Chicago, Ill., is seeking per-inquiry deals in an effort to sell the Le Roy piano lessons. Many stations are carrying this account on a straight rate-card basis, so the business can be obtained that way.

Several members stations have reported letters from the "Doughboy Commemorative Committee" to observe the 25th anniversary of the serving of the first donut in World War I. Although the president of the committee insists that the activity is sponsored by a group of patriotically inclined war veterans, he admits that the sponsors of the "National Donut Week"—which oddly coincides with the commemorative activity—are co-operating. To NAB, it looks like a good opportunity to sell a local bakery on some broadcasting advertising.

WPB RATING ORDER P-133 ASSIGNS BROADCASTERS A-1-J

Assignment of preference ratings to facilitate the acquisition of equipment and supplies for the maintenance and repair of radio broadcast and commercial sound-recording facilities is provided in Preference Rating Order P-133, issued October 5 by the War Production Board.

The order may not be used for any expansion, improvement or change of design of equipment. It covers only materials needed for maintenance and repair and assigns the preference rating A-1-j to all operators of radio and communication facilities, including broadcasting, police, direction-finding and aviation facilities, as well as all commercial sound-recording studios. The rating, however, is assigned only after the operator has complied with nine conditions stipulated in section (e) of the order.

Plans are also under way to allocate materials and manufacturing facilities to make available vacuum tubes and

other parts on the A-1-j preference rating. This should eliminate the necessity in most instances in filing PD-1-A applications.

Preference ratings for maintenance and repair of radio communication equipment formerly were assigned by P-129, which expired September 30. The new order replaces this one, and extends the field somewhat, since P-129 was primarily designed to cover maintenance of telephone equipment.

The order reads as follows:

PART 3037—ELECTRONIC EQUIPMENT [Preference Rating Order P-133]

Section 3037.5 *Preference Rating Order P-133*—(a) *Definitions*. For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not, the United States, and the several states thereof, and any political, corporate, administrative or other division of agency thereof, to the extent engaged in any activity listed in Schedule A, hereof.

(2) "Material" means any commodity, equipment, accessory, assembly, or product of any kind.

(3) "Maintenance" means the upkeep of an operator's buildings, structures and equipment in sound working condition; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(4) "Repair" means the reconstruction or restoration without expansion, improvement or change of design of any portion of an operator's buildings, structures and equipment when such portion has been rendered unsafe or unfit for service by wear and tear or other similar causes, but not including reconstruction or restoration of any portion damaged or destroyed by fire, flood, tornado, earthquake, act of God or the public enemy; and this, without regard to whether the expenditures therefor are for any reason required to be recorded in the operator's accounting records in accounts other than maintenance and repair.

(5) "Operating supplies" means any material which is essential to and consumed directly in the operation of any of the services specified in (a) (1) above but does not include recording discs, film, other recording media, fuel, office or building supplies, or equipment of any kind.

(b) *Assignment of preference rating*. Subject to the terms of this order, preference rating of A-1-j is hereby assigned:

(1) To deliveries of material to an operator for operating supplies and for maintenance and repair.

(2) To deliveries to any supplier of material to be physically incorporated in other material required by an operator for operating supplies, maintenance or repair.

(c) *Persons entitled to apply preference rating*. The preference rating hereby assigned shall be applied where a preference rating is required to obtain material for maintenance, repair and operating supplies by:

(1) Any operator engaged in an activity in Schedule A hereof and may be applied by

(2) Any supplier, provided deliveries to an operator or another supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this order.

(d) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) *Restrictions on inventory and use*. The preference rating hereby assigned may be applied by any operator, provided:

(1) Such rating is not used to replace in inventory more than one spare tube for each active tube socket.

(2) Such rating is not used to replace in inventory any spare parts except:

(i) Those subject to frequent failure, deterioration or other exhaustion.

(ii) Those which are so unique that failure would inevitably result in long delay in resumption of essential operations.

(3) Such rating is not used in any case to increase the value of an operator's inventory of repair parts, other than tubes, above the value of such inventory on the date of this order.

(4) Such rating is not used to replace in inventory a new part if the defective part can be repaired with a smaller consumption of raw material.

(5) The tube which has been replaced from operator's inventory or for which replacement is required has been operated to failure.

(6) The operator has returned to the manufacturer any power tube rated at 25 watts or more which has failed, unless such tube is to be repaired.

(7) Equipment which has failed has been operated within the ratings specified by the manufacturer.

(8) Such rating is not used to build up inventory of operating supplies other than tubes, in excess of requirements for a three-month period.

(9) Such operator was actively engaged in one of the activities listed on Schedule A hereof, on the date of issuance of the order, or has received specific authorization for his installation from the Director General for Operations of the War Production Board.

(f) *Application and extension of rating.* An operator or supplier, in order to apply the preference rating assigned by this Order, shall endorse the following statement on the purchase order or contract for such material signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purposes.

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply or extend the preference ratings indicated opposite the items shown on this purchase order, and that such application or extension is in accordance with Priorities Regulation No. 3, as amended, with the terms of which the undersigned is familiar.

Name of Purchaser	Address
By _____	_____
(Signature and title of duly authorized officer)	Date

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 5th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

1. Radio communication, including broadcasting.
2. Sound recording for commercial purposes.
3. Radio direction finding.

WPB CURTAILS BATTERY PRODUCTION

An overall control over production of dry cell batteries and flashlights for civilian use was ordered today by the War Production Board.

Cuts in civilian production of both batteries and flashlights in the hands of manufacturers were put under priority control.

At the same time, the order (L-71, as amended) permits smaller plants which do not have large military orders to

operate at a considerably greater rate of civilian production than larger plants. The latter are for the most part operating at capacity on orders for the armed forces.

It is expected that this action will assure continued operation of the smaller plants in the industry in spite of the production cuts which have been ordered. Further steps may be taken toward this end after an opportunity to consider the effects of the present order.

Curtailement of civilian production, put on a quarterly basis, will have these results:

Only 35 per cent of the number of radio batteries produced in 1941 will be manufactured. These will be primarily for radios used on farms. Batteries for the portable type of radio are entirely eliminated as being non-essential, since most of these sets can operate on A.C. household current.

Production of flashlight batteries will be cut one-half, compared to 1941 output.

Other types of dry cell batteries will be reduced 10 per cent, although the order provides that batteries for hearing aids and railroad lanterns will be produced in greater quantity during the quarter ending December 31, 1942.

No direct restriction is placed on sales of lights in the hands of dealers and wholesalers, but the only way they can replenish their stocks is by certification that their sales have been only for A-10 or higher orders. Therefore, unless dealers and wholesalers restrict their sales to A-10 or better order, they will be unable to replace their inventories.

Use of raw materials is further restricted by the order, which originally (March 27) imposed strict control over the use of critical materials in flashlights and batteries. The amended order allows use of copper and copper base alloy for electrical connections up until October 31, if the materials had been in inventory before October 2. After October 31, no copper except in wire and brass plating will be permitted.

As a result of the production cuts and raw material restrictions, approximately 8,000 tons of zinc will be saved, about 1,000 tons of copper, and several hundred tons of steel compared to 1940 consumption. In addition, badly needed production facilities for military purposes will be made available.

RADIO BATTERIES: Class A Manufacturers will be allowed 30 per cent of their 1940 monthly production. These manufacturers include the following: General Dry Batteries, Inc., of Cleveland, Ohio; National Carbon Company, Inc., of New York, N. Y., and Ray-O-Vac Company of Madison, Wisconsin.

Class B Companies, including all other manufacturers of radio batteries in the field, will be allowed to produce batteries equal to their 1940 production.

The guiding principle behind this determination of production of batteries and portable lights was to provide for an equitable distribution of permitted production among all manufacturers. The result is expected to be that a minimum of dislocation in the battery industry will be felt because of the essential curtailement of output.

It seems obvious that radio "B" batteries commonly used in remote control amplifiers and field equipment are going to become increasingly difficult to obtain. There is also a patriotic duty to limit the use of these batteries to equipment which cannot be powered from either 6 volt storage batteries or commercial electric power supplies. Station engineers should carefully consider the advisability of providing A.C. rectifiers or 6 volt vibrator type power supplies to remote control equipment now operated from dry batteries. Such conversions will not only conserve the critical materials used in the manufacture of dry batteries but in most cases will reduce the maintenance expense on the equipment as well as insuring continued operation during the emergency.

SUPPLEMENTARY GAS RATIONS

Applicants for additional rations of gasoline are urged to arm themselves with the necessary facts about their driving requirements before asking their Local Rationing Boards for supplemental cards.

Not only must the applicant sign his statement of fact,

but, if he is an employee and the supplemental ration is needed to carry on his work he must also present the affidavit or affirmation of his employer, or an authorized representative of his employer.

Under the gasoline rationing regulations, the board is authorized to grant supplemental rations only if it finds that they are "essential to life or to the pursuit of a gainful occupation and that no reasonably adequate alternative means of transportation are available." The board in granting a supplemental ration will issue an A card or whatever B card or combination of cards, are necessary to provide for the amount of the ration.

The applicant must state why his present ration is insufficient. He must support this reason with facts. Next, the applicant must state what means of public transportation are available to him.

Other questions ask the applicant to state what vehicles owned by members of his family, or by friends or business associates are available to his use, and to specify what effort has been made to "double-up" with other car owners.

Generally speaking, workers in the broadcasting industry should experience no difficulty in getting B cards entitling them to gasoline for occupational driving based on their requirements up to 470 gallons a month. Under Section 1394.506 (k) (2) of the Gasoline Rationing Regulations, workers in the radio broadcasting industry including executives, technicians or office workers but not including salesmen are eligible to apply for preferred mileage (C cards).

TIRE RATIONING

Under Amendment 33, effective October 8, to the Revised Tire Rationing Regulations, "communications facilities" is included under List A entitling workers requiring transportation to or from communication facilities, which includes radio broadcasting, to apply for certificates to purchase new automobile tires except when public transportation facilities are readily available. Heretofore workers in the radio broadcasting industry were entitled only to recaps under List B.

MONOPOLY CASE ARGUED

Argument was had Thursday in New York on the pending motions in the cases of CBS and NBC against the FCC. The Commission's motion for summary judgment and the networks' motions for temporary injunctions were heard by the statutory three-judge court composed of Judges Learned Hand (C. J.), Goddard and Bright. No decision had been handed down when this issue went to press.

June 1 the Supreme Court ruled that the Commission's network regulations should be subjected to judicial review before they were put into effect. The Commission had contended that the network regulations amounted to nothing more than a statement of policy, and that broadcasters had no right to contest these rules in court until they were actually hurt by them,—that same network affiliate would have to put his license in jeopardy before the rules could be tested. But the Supreme Court said, no. The Commission is now seeking summary judgment in its favor, and the networks temporary injunctions pending decision on the merits of the case.

"FOUR FREEDOMS"

A copy suitable for framing of "Our Freedoms and Rights", prepared by the National Resources Planning Board, is being sent to all radio stations. This emphasizes the freedoms for which we are fighting; namely, freedom of speech and expression, freedom of worship, freedom

from want and freedom from fear, and was transmitted to Congress by the President on January 14, 1942.

Rev. M. A. Burke, S.J.

Father Burke, former faculty director of Station WWL, New Orleans, and Station WEW, St. Louis, died September 18 in New Orleans after a long illness. He was 61. For many years Father Burke was interested and active in NAB affairs. He will be missed.

FEDERAL COMMUNICATIONS COMMISSION

TUBE SURVEY

FCC Chairman James Lawrence Fly said at his press conference early this week that it has not been decided if the results of the recent tube survey will be made public. If the results are given out he stated it will be in the near future.

DENNY, NEW FCC GENERAL COUNSEL

FCC today announced the appointment of Charles R. Denny, Jr., as General Counsel to succeed Telford Taylor who has been commissioned as a Major in the Army. Mr. Denny has been with the Commission since February of this year when he came over from the Department of Justice where he was chief of the Appellate Section of the Lands Division.

Mr. Denny was born in Baltimore, Md., on April 11, 1912. He has resided in Washington for several years and attended the public schools there. He was graduated from Amherst College in 1933 and from Harvard Law School in 1936. From 1936 to 1938 he was associated with the Washington law firm of Covington, Burling, Rublee, Acheson & Shorb. From 1938 to February 1942 he was in the Lands Division of the Department of Justice.

FORCE TO OWI

Arthur Force of NBC has been named editor of the radio news section, News Bureau, Office of War Information.

Mr. Force comes to OWI with fifteen years newspaper and radio news experience. He was night news editor of the National Broadcasting Company in New York City and previously worked on newspapers in New York, Newark, Detroit and Toledo.

The OWI radio news section will become the liaison agency for radio news press associations, newscasters and news commentators.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, October 12. They are subject to change.

Monday, October 12

WINK—Mid-American Broadcasting Corporation, Louisville, Ky.—Modification of C. P., 1080 ke., 1 KW night, 5 KW day, DA-day and night, unlimited.

Tuesday, October 13

W55NY—William G. H. Finch, New York, N. Y.—Modification of C. P., 45500 ke., 8,500 sq. mi., unlimited.

Wednesday, October 14

KFSD—Airfan Radio Corporation, Ltd., San Diego, Calif.—Modification of C. P., under C. P., 600 ke., 5 KW, unlimited.

Thursday, October 15

NEW—Larus and Brother Company, Inc., Richmond, Va.—C. P., 1646, 2090, 2190, 2830 ke., 40 watts, EM-A3, Sec. 4.24.
NEW—Larus and Brother Company, Inc., Richmond, Va. Transmitter location: 12 mi. SE of Richmond, Va., on James River.—C. P., 1646, 2090, 2190, 2830 ke., 35 watts, EM-A3, unlimited.

Friday, October 16

K51L—St. Louis University, St. Louis, Mo.—Modification of C. P., 45100 ke., 13,000 sq. mi., unlimited.
WJLS—Joe L. Smith, Jr., Beckley, W. Va.—C. P., 560 ke., 100 watts night, 250 watts day, unlimited.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KAND—Navarro Broadcasting Assn., N. C. West, Pres., Corsicana, Texas.—Granted modification of license to use as main studio the present auxiliary studio at ½ mile north of Corsicana on Highway 75. (B3-ML-1140.)
WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted license to cover construction permit as modified, for installation of directional antenna for night use, increase in power, and move of transmitter (B2-L-1559); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1295); granted license to cover construction permit as modified, for 100 watt synchronous amplifier for daytime use (B2-L-1442); granted authority to determine operating power by direct measurement of antenna power (B2-Z-1442).
KWKW—Southern California Broadcasting Co., Pasadena, Calif.—Granted license to cover construction permit as modified, for new broadcast station (B5-L-1711); granted authority to determine operating power by direct measurement of antenna power (B5-Z-1443).
KWOS—Tribune Printing Co., Jefferson City, Mo.—Granted authority to make changes in automatic frequency control equipment (B4-F-250).
WWNY—The Brockway Company, Watertown, N. Y.—Granted modification of construction permit as modified, for installation of directional antenna for night use, change of frequency, increase power, change hours of operation and move transmitter, for extension of completion date from October 16 to December 16, 1942 (B1-MP-1642).
KXO—Valradio, Inc., El Centro, Calif.—Granted motion for continuance of hearing set for October 1, 1942, on application for modification of license to change frequency from 1490 to 1230 ke., and continued said hearing until November 2, 1942. (Docket No. 6365.)
WIUC—University of Illinois, Urbana, Ill.—Granted license to cover construction permit as modified, for new non-commercial educational broadcast station (B4-LED-7).
KEJM—Perkins Brothers Company (The KEJM Sioux City Journal), Portable Mobile, Area of Sioux City, Iowa.—Granted modification of relay broadcast station license to change name of licensee from Perkins Brothers Company (The

Sioux City Journal) to Perkins Brothers Company (B4-MLRE-109).

W6XDU—Don Lee Broadcasting System, Portable Mobile, Area of Los Angeles, Calif.—Granted modification of construction permit which authorized the addition of aural equipment using special emission, for extension of completion date from September 1 to December 1, 1942 (B5-MPVB-86).

WINS—Hearst Radio, Inc., New York City.—Granted modification (B1-MP-1649) of construction permit (B1-P-3026) for extension of completion date to November 3, 1944. Also granted construction permit (B1-P-3511) to increase power from 1 to 5 KW, change hours of operation to unlimited time and install a new transmitter and directional antenna for day and night use and move transmitter; and granted construction permit (B1-P-3512) to increase power to 10 KW, change hours of operation to unlimited time and install a new transmitter and directional antenna for day and night use, and move transmitter. (Applications B1-P-3511 and B1-P-3512) request the use of directional antenna authorized under (B1-MP-1259). The station has agreed to surrender its 50 KW transmitter to the government for urgent war needs.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted license (B2-L-1715) to cover construction permit (B2-P-3281) for increase in power to 5 KW, changes in directional antenna for night use and authority (B2-Z-1449) to determine operating power by direct measurement of antenna power.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted modification (B3-MP-1601) of construction permit (B3-P-2539) for changes in directional antenna and 60 day extension of commencement and completion dates. This grant is made contingent upon the installation of an antenna system when conditions make it feasible, which will provide proper protection to WWVA and will also produce the required effective field set forth in the Standards.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted modification (B2-MP-1641) of construction permit (B2-P-2540) as modified for changes in directional antenna for night-time use, contingent upon WWVA taking whatever measures are necessary to afford complete protection to KVOO when materials and engineers again become readily available.

DESIGNATED FOR HEARING

KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Designated for hearing modification of license application (B3-ML-1057) to increase night power from 1 to 5 KW, make changes in directional antenna and use directional antenna at night only.
WCSH—Congress Square Hotel Co., Portland, Maine.—Designated for hearing application (B1-P-3490) to install a new transmitter.
WISH—Capitol Broadcasting Corp., Indianapolis, Ind.—Designated for hearing application (B4-P-3496) to increase night-time power from 1 to 5 KW, and make changes in directional antenna for night use.
Olympic Broadcasting Corp., Bremerton, Wash.—Designated for hearing application (B5-P-3367) for new station to operate on 1540 ke., 500 watts, unlimited time.
WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Designated for hearing application (B1-P-3337) for construction permit to make changes in antenna system and to move main studio and transmitter site; also (B1-R-185) for renewal of license. On February 16, 1941, this station was destroyed by fire and has remained off the air since that date. Since October 1, 1941, temporary extensions of license have been granted from month to month.

LICENSE RENEWALS

Granted renewal of following relay broadcast station licenses for the period October 1, 1942, to not later than October 1, 1944:

KABF, McClatchy Broadcasting Co.; KBQA, Winona Radio Service; KDAC, KARM, The George Harm Station; KIEO, Airfan Radio Corp., Ltd.; KNEB, KNEC, Puget Sound Broadcasting Co., Inc.; KSCR, McClatchy Broadcasting Co.; KWFR, Wichita Broadcasting Co.; WADA, Charleston Broadcasting Co.; WAHJ, The Champaign News-Gazette, Inc.; WAIX, WJHL, Inc.; WALH, Piedmont Publishing Co.; WASJ, City of New York,

Municipal Broadcasting System; WATB, Indianapolis Broadcasting, Inc.; WAUC, Matheson Radio Co., Inc.; WAXD, The Birmingham News Co.; WAXH, Savannah Broadcasting Co.; WAXL, Jonas Weiland; WBGH, The Champaign News-Gazette, Inc.; WBLR, Columbus Broadcasting Co., Inc.; WCBJ, Lehigh Valley Broadcasting Co.; WDAC, State of Wisconsin, University of Wisconsin; WHPT, Radio Station WMFR, Inc.; WJAE, WJNO, Inc.; WJJW, Greenville Broadcasting Co.; WJWA, Birney Imes; WNYK, WNYL, WNYN, WNYO, City of New York, Municipal Broadcasting System; WQER, Georgia School of Technology; WSMA, WSMC, WSMB, Inc.

Granted renewal of following relay broadcast station license for the period October 1, 1942, to not later than July 21, 1944:

WAOB, National Broadcasting Co., Inc.

Granted extension of following relay broadcast licenses, upon a temporary basis only, pending receipt and/or determination upon applications for renewal of licenses, in no event later than November 1, 1942:

KAAN, Southern Minnesota Broadcasting Co.; KBTB, Red River Broadcasting Co., Inc.; KGBK, Helen Townsley; KGKF, KGKL, Inc.; WAEA, W. A. Patterson; WAFK, A. Frank Katzentine; WENM, The Evening News Association.

The following stations were granted renewal of licenses for the period ending February 1, 1943:

KFJB, Marshalltown, Ia.; KF XD, Nampa, Idaho; KHAS, Hastings, Neb.; KVN U, Logan, Utah; WAJR, Morgantown, W. Va.; WBOC, Salisbury, Md.; WCAT, Rapid City, S. Dak.; WDSM, Superior, Wisc.; WHBY, Appleton, Wisc.; WHOP, Hopkinsville, Ky.; WISE, Asheville, N. Car.; WJOB, Hammond, Ind.; WOLS, Florence, S. Car.; WRBL, Columbus, Ga.; WTOL, Toledo, Ohio.

The following stations were granted renewals for the period ending April 1, 1943:

KAVE, Carlsbad, N. Mex.; KVS O, Ardmore, Okla.; WCOU, Lewiston, Maine; WFTM, Fort Myers, Fla.; WINN, Louisville, Ky.; WJLS, Beckley, W. Va.; WGAC, Augusta, Ga.; WJW, Akron, Ohio; WOMT, Manitowoc, Wisc.; WPID, Petersburg, Va.; WSAY, Rochester, N. Y.

The following stations were granted renewals for the period ending June 1, 1943:

KPDN, Pampa, Texas; KROC, Rochester, Minn.; KSUB, Cedar City, Utah; KVIC, Victoria, Texas; KVOL, Lafayette, La.; KWOC, Poplar Bluff, Mo.; WAML, Laurel, Miss.; WCLS, Joliet, Ill.; WCM I, Ashland, Ky.; WDAK, West Point, Ga.; WGAA, Cedartown, Ga.; WGAU, Athens, Ga.; WINX and amplifier, Washington, D. C.; WLNH, Laconia, N. H.; WMFF, Plattsburg, N. Y.; WSAJ, Grove City, Pa.

The following stations were granted renewals for the period ending October 1, 1944:

KFGO, Boone, Ia.; KFOX, Long Beach, Calif.; KLS, Oakland, Calif.; KOL, Seattle; KVOA, Tucson, Ariz.; WKST, New Castle, Pa.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted renewal of license for the period ending December 1, 1944.

MISCELLANEOUS

WAWU—The Baltimore Radio Show, Inc., Area of Baltimore, Md.—Cancelled relay broadcast station license in accordance with written request (B1-RRE-358).

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mexico; KVSF—Santa Fe, N. Mexico.—Dismissed without prejudice applications for construction permits (Docket No. 6142 and Docket 6143), since applicant has failed to file petitions indicating desire to prosecute applications in conformity with Memo. Opinion of April 27, 1942.

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—Dismissed without prejudice application (B3-P-3153) for construction permit to operate with 5 KW, unlimited time, and install a new transmitter.

Hughes Productions, Division of Hughes Tool Co., Los Angeles, Calif. and San Mateo County, Calif.—Petition for 6-months' continuance of hearing granted for period of 60 days; hearing granted for period of 60 days; hearing now set for Oct. 7 continued to December 7, in re applications for new television stations.

WINK—Mid-American Broadcasting Corp., Louisville, Ky.—Granted motion for continuance of hearing now set for October 12 to November 13 on application for modification of construction permit (B2-MP-1589).

W55NY—William G. H. Finch, New York City.—Motion for 6-months' continuance of hearing now set for Oct. 13, granted for 60 days, and continued hearing to December 14 in re application for modification of construction permit (B1-MPH-104).

Northeastern Penna. Broadcasters, Inc., Wilkes-Barre, Pa.—Reserved decision until next week on petition for specification of issue in re further hearing on application for a new station in Wilkes-Barre.

Hennessy Broadcasting Co., Butte, Mont.; Marclay Craighead, Butte, Mont.—Granted petition to dismiss without prejudice applications for new station (B5-P-3158 and B5-P-3103).

WOKO—WOKO, Inc., Albany, N. Y.—Granted petition to dismiss without prejudice application for construction permit (B1-P-3238).

APPLICATIONS FILED AT FCC

580 Kilocycles

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—License to cover construction permit (B5-P-3428) for move of transmitter.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Authority to determine operating power by direct measurement of antenna power.

600 Kilocycles

WCAO—The Monumental Radio Co., Baltimore, Md.—License to cover construction permit (B1-P-3024 as modified), which authorized increase in power, installation of new transmitter, directional antenna for day and night use and move of transmitter.

WCAO—The Monumental Radio Co., Baltimore, Md.—Authority to determine operating power by direct measurement of antenna power.

WSIS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of construction permit (B3-P-2814 as modified), which authorized change in frequency, increase power, new transmitter, move transmitter and directional antenna, for extension of completion date from 10-22-42 to 12-22-42.

710 Kilocycles

WFTL—Ralph A. Horton, Fort Lauderdale, Fla.—Modification of construction permit (B3-P-3355 as modified), which authorized change in frequency, increase in power, installation of new transmitter, directional antenna for night use and move of transmitter, for extension of completion date from 11-5-42 to 1-5-43.

910 Kilocycles

WRNL—Richmond Radio Corp., Richmond, Va.—License to cover construction permit (B2-P-3505) for changes in directional antenna system for night use.

WRNL—Richmond Radio Corp., Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

WRNL—Richmond Radio Corp., Richmond, Va.—License to use the directional antenna system as authorized under construction permit (B2-P-3505) with auxiliary transmitter.

WRNL—Richmond Radio Corp., Richmond, Va.—Authority to determine operating power of auxiliary transmitter by direct measurement of antenna power.

940 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of construction permit (B3-P-3043 as modified), which authorized change in frequency, increase in power, directional antenna for day and night use and move of transmitter for extension of completion date from 10-6-42 to 11-6-42.

1000 Kilocycles

WINS—Hearst Radio, Inc., New York, N. Y.—Construction permit to increase power from 1 KW to 5 KW, change hours

of operation from limited time to unlimited time, install new transmitter, directional antenna for day and night use and change location of transmitter from Paterson Plank Road, Carlstadt, N. J., to near Kingsland, N. J.

WINS—Hearst Radio, Inc., New York, N. Y.—Construction permit to increase power from 1 KW to 10 KW, change hours of operation from limited time to unlimited time, install new transmitter, directional antenna for day and night use, and change location of transmitter from Paterson Plank Road, Carlstadt, N. J., to near Kingsland, N. J.

WINS—Hearst Radio, Inc., New York, N. Y.—Modification of construction permit (B1-P-3026 as modified), which authorized increase in power from 1 KW to 50 KW, change hours of operation, installation of new transmitter, directional antenna for day and night use, and move of transmitter for extension of completion date from 11-3-42 to 11-3-44.

1110 Kilocycles

WMBI—The Moody Bible Institute of Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

1140 Kilocycles

KGDM—E. F. Peffer, Stockton, Calif.—Modification of construction permit (B5-P-3199 as modified), which authorized change in frequency and hours of operation, increase power and installation of new transmitter and directional antenna for night use, for extension of completion date from 10-20-42 to 12-20-42.

1170 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension of special service authorization to operate unlimited time, using 25 KW night and 50 KW daytime, directional antenna night and using transmitter authorized by construction permit for the period ending 4-1-44.

1250 Kilocycles

WTMA—Atlantic Coast Broadcasting Co., Charleston, S. Car.—Construction permit to move present licensed RCA transmitter to location of main transmitter as authorized by construction permit and use same as an auxiliary with power of 250 watts.

1290 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Modification of construction permit (B5-P-3100 as modified), which authorized increase in night power and directional antenna for day and night use for extension of completion date from 10-16-42 to 11-16-42.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit to install new sampling loops.

1440 Kilocycles

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Authority to make changes in automatic frequency control equipment.

1490 Kilocycles

WSAP—Portsmouth Radio Corp., Portsmouth, Va.—Modification of construction permit (B2-P-3097) which authorized construction of new standard broadcast station for approval of studio site, change in transmitter location and antenna changes.

FM APPLICATIONS

W63NY—Marcus Loew Booking Agency, New York, N. Y.—License to cover construction permit (B1-PH-3 as modified) which authorized construction of new high frequency broadcast station, in part in accordance with Commission action of 8-4-42.

W69PH—WCAU Broadcasting Co., Philadelphia, Pa.—License to cover construction permit (B2-PH-127) which authorized construction of new high frequency broadcast station.

TELEVISION APPLICATIONS

W8XCT—The Crosley Corp., Cincinnati, Ohio.—Modification of construction permit (B2-PVB-23 as modified) which authorized construction of new television broadcast station for extension of completion date from 10-28-42 to 4-28-43.

MISCELLANEOUS APPLICATIONS

WEGR—Westinghouse Radio Stations, Inc., area of Philadelphia, Pa.—License to cover construction permit (B2-PRE-423) which authorized construction of new relay broadcast station.

WJZM—Roland Hughes, Clarksville, Tenn.—Voluntary assignment of license to William Kleeman.

FEDERAL TRADE COMMISSION DOCKET

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

The 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.

Harlem Company, 30 Church St., New York, is charged in a complaint with misrepresentation. (4843)

Happy Hostess Candy Company, Inc., and Harry Rachlin, as its president, 615 South Peoria St., Chicago, are charged in a complaint issued with use of lottery methods in the sale and distribution of their products. (4842)

Hecht Company, also trading as Hecht Bros., Baltimore, operating department stores in Baltimore, Washington and New York, is charged in a complaint with misrepresentation in the sale of mattresses. (4840)

Immerclean Manufacturing Co., 846 East Sixth St., Los Angeles, and Wilbur C. Jeffries, engaged in the advertising business as W. C. Jeffries Co., 165 North LaBrea Ave., Los Angeles, are charged in a complaint with misrepresentation in the sale of a medicinal preparation (4839)

Leonard Custom Tailors Co., also trading as Leonard Custom Tailors Co., Leonard Custom Tailors and as Avon Park Clothes, Textile Building, Cincinnati, Ohio, manufacturers and distributors of men's clothing, is charged in a complaint with misrepresentation. (4845)

Richman Brothers Co., 1600 East 55th St., Cleveland, Ohio, manufacturers and distributors of men's clothing, which operate approximately 62 retail stores in 47 states throughout the country, is charged in a complaint with misrepresentation. (4844)

Van Camp Sea Food Co., Inc., Terminal Island, Calif., packer and distributor of canned fish, including tuna, is charged in a complaint with violation of the Robinson-Patman Act by making unlawful discriminations in price and in services in connection with the sale of its products. (4841)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Memorial Granite Company, Inc., Quincy, Mass., manufacturer and distributor of tombstones and monuments, has been ordered to cease and desist from misrepresentation. (4214)

Sherman Hat Company, 159 North Wabash Ave., Chicago, and Ben D. Fogel and Louis Singer, trading as B. & L. Hat Co., 612 West Lake St., Chicago, have been ordered to cease and desist from misrepresentation in the sale of hats. In each case, the Commission finds that the respondents were engaged in the business of manufacturing women's hats from felt and other materials obtained from old, worn and previously used hats and selling their products to retailers and other dealers without disclosing by markings or labels that the hats were made from old and previously used hat bodies, such practice constituting a representation that the hats were new hats manufactured entirely from new materials. (4628-4679)

R. L. Watkins Company, 170 Varick St., New York, with its principal factory at Newark, N. J., manufacturer and distributor of various cosmetics and proprietary products, including a dentifrice known as "Dr. Lyon's Tooth Powder," has been ordered to cease and desist from misrepresentation of its dentifrice product. (3596)

STIPULATIONS

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

Alert Safety Products Corp., 879 Broadway, Newark, N. J., engaged in the sale and distribution of a product designated "Sure-Out," purportedly for use in extinguishing magnesium incendiary bombs, has stipulated to cease and desist from representing that the product has been proven to be effective in extinguishing, or will extinguish magnesium fire bombs in homes or elsewhere when in contact with combustible material; representing by the use of any statement such as "Tested By United States Governmental Agencies" or by depictions, or in any other manner, that the product has been approved, endorsed or recommended by any department or agency of the United States Government, or using statements to the effect that no dangerous gases or after odors result from use of the product. (3537)

Armor Insulating Company, 800 Forrest St., Atlanta, Ga., also trading as Defense Blackout Company, engaged in the sale and distribution of blackout material and equipment, has stipulated to cease and desist from use of the trade name "Defense Blackout Company" and from the use of the word "Defense" in any manner, the effect of which causes the belief that the corporation or its selling agency is an agency of the United States Government; and representing by use of statements, such as "Meet all the requirements of the Army, Navy and Civilian Defense," or in any other manner, that its products have been approved, endorsed or recommended by the War Department, the Navy Department, the Office of Civilian Defense, or any other department or agency of the United States Government. (3539)

Howard Wig Company, 143 West 125th St., New York, engaged in the sale and distribution of hair goods, cosmetic preparations and related products, has stipulated to cease and desist from representing that healing will be accomplished by use of Nadine Flesh Soap; that Nadinola Bleaching Cream will clear away freckles or muddy sallow skin or is capable of whitening the skin; that High-Brown Cold Cream is a skin food; that Overtons High-Brown Bleach Ointment is an effective treatment

for pimples, blackheads, eczema or other skin diseases; that Aida Hair Pomade encourages the growth of hair or is a competent treatment for dandruff; that High-Brown Hair Grower will grow hair or is a competent treatment for dandruff; that Apex Hair Preparation is an effective treatment for dandruff or for thin or falling hair; or that Apex Pomade is an effective treatment for short, thin or falling hair or thin temples, or that it constitutes an adequate treatment for scalp eruptions generally. (3536)

National Automotive Fibres, Cohoes, N. Y., engaged in the manufacture and sale of milk filter discs used in the dairy industry in the straining of milk to remove particles of foreign matter, has stipulated to cease and desist from use of the word "non-cotton" as descriptive of its discs or in any way so as to imply that the fabric of which the discs are composed contains no cotton. (3538)

B. G. Pratt Co., 50 Church St., New York, selling a medicinal preparation designated "Sulfo-Bath," has stipulated to cease and desist from representing that the product is effective for the relief of nervousness, colds, insomnia, pimples, eczema, hives or poison ivy; that it has any effect on rheumatism, neuritis, sciatica, arthritis or lumbago except to the extent that it may relieve the pains of such conditions; that it is "health-giving" or provides or causes radiant health; that it will give one energy; that by use of the product sulphur will be absorbed into the system or that it will give one a healthy or beautiful complexion; that the product relieves or aids in relieving the conditions which cause dandruff, itching scalp or falling hair or that it relieves skin troubles; or that it is effective in severe cases of athlete's foot. (03058)

Standard Sales Company, 2231 First Ave., North, Birmingham, Ala., selling a preparation known as "Speedo Headache Powders," has stipulated to cease and desist from representing that the preparation will have any effect on colds in excess of such relief as it may afford for the pain and discomfort of head colds; that it will eliminate, remedy or cure head colds, minor muscular aches, simple neuralgia or jittery nerves; that it is a stimulant or stimulates; that it contains special ingredients that dissolve in a hurry, or that the preparation is safe. (03055)

Vegetable Juice & Products Co. and **Vegetable Products Co.**, 480 East Main St., Rochester, N. Y., sellers and distributors of a product designated "ViVi-Ta Superior Wheat Germ," have stipulated to cease representing that the product will provide users with any significant amount of vitamin A or of the minerals calcium, iron, copper, magnesium or manganese; or that it can be relied upon to prevent colitis, sterility, eye cataracts, or gray hair, or to successfully treat catarrh, arthritis, neuritis, eczema, or anemia, or to stimulate the liver or pancreas, or to strengthen the heart muscles or retard old age, or to normalize calcium metabolism, or improve the condition of the sinus membranes, or the condition of the hair, nails or scalp, or to increase nerve energy, vigor, mental powers, or nerve and muscle tone, or to provide an effective aid during the period of menopause, or to exert a specific nourishing effect upon the nerves or brain; or that it will have any value in cases of constipation, lack of energy, devitalized tissues and glands and ill health except where and to the extent that such conditions may be due to a deficiency of the vitamins found in the product. (03059)

FTC CLOSES CASE

The Federal Trade Commission has closed the case growing out of its complaint against T. F. Hee, trading as The Eastern Herb Company and as T. F. Hee Herb Company, San Diego, Calif. The complaint alleged that the respondent had represented his preparation as competent treatments for several diseases and ailments.

The case is ordered closed without prejudice to the right of the Commission, should future facts so warrant, to reopen it and resume trial in accordance with its regular procedure.