

WPB CITES A. F. OF M. OFFICERS

James C. Petrillo, President of the American Federation of Musicians, and the officials of the Chicago and St. Paul locals of A. F. of M. have been directed by William H. Davis, Chairman of the National War Labor Board to appear before the Board next Monday (May 1) to show cause why penalties should not be visited upon them for refusal to call off strikes of musicians in Chicago and Minneapolis. Telegrams were sent by WLB to the Chicago local on April 21 and to the Minneapolis local on April 24, and also to Mr. Petrillo. According to the Board these telegrams, which ordered them to discontinue the strike and return to work, have been ignored.

The telegrams were based upon the "no strike" pledge made by organized labor. As reported in last week's NAB REPORTS (page 118), William Green, President of the American Federation of Labor, expressed disapproval of the Chicago strike and branded it as a violation of the A. F. of L. "no strike" pledge. He later communicated the same information to the Minneapolis local. According to reports the strikes were called by the unions to compel the use of additional union musicians as "pancake turners." In event the War Labor Board determines to assess penalties against the unions, these might include a recommendation for the cancellation of any draft deferments and the unions might be punished by withholding certain privileges accorded to them under War Labor Board policy. NAB will be represented at the hearing Monday.

PEABODY AWARD WINNERS ANNOUNCED

ATHENS, Ga.—The 1943 George Foster Peabody Radio Awards—the "Pulitzer Prizes" or "Oscars" of Radio—will be presented to the following:

Outstanding Community Service by a Regional Radio Station—"These Are Americans", KNX, Los Angeles, California.

Outstanding Community Service by a Local Radio Station—"Calling Longshoremen", KYA, San Francisco, California.

Outstanding Reporting of the News—Edward R. Murrow, CBS.

Outstanding Entertainment in Drama—"Lux Radio Theatre", CBS, and "An Open Letter to the American People", CBS—a double award.

Outstanding Entertainment in Music—"Music and the Spoken Word" (Salt Lake City Tabernacle Choir), KSL, Salt Lake City.

Outstanding Educational Program—"America's Town Meeting", Blue.

Outstanding Children's Program—"Let's Pretend", CBS. A special citation has been voted for Bob Hope "in recognition of his untiring zeal and the high level of entertainment in his camp tours here and throughout the world. The joy and strengthened morale which he has given to the men and women of the armed forces can never be measured. The Peabody committee does not wish to overlook this superb contribution."

The announcement was made jointly by Edward Weeks, editor of the *Atlantic Monthly*, Boston, who is chairman of the Peabody Board, and Dean John E. Drewry of the Henry W. Grady School of Journalism, University of Georgia, through whose office the awards are administered.

The time and place of the actual presentations will be announced later, Dean Drewry said.

First awarded in 1941, the Peabody citations are designed to give additional recognition to meritorious public service by broadcasters and to perpetuate the memory of George Foster Peabody, benefactor and life trustee of the University of Georgia.

This year's selections are the result of an elaborate screening process, the most detailed in the history of the awards. Last summer under the direction of Mrs. Dorothy Lewis, coordinator of listener activity of the National Association of Broadcasters, listening-post committees were set up in more than 100 cities throughout the country. Dean John E. Drewry arranged for similar committees in many of the leading institutions of higher learning. The reports of these committees, plus scores of entries by stations and networks, were studied and incorporated in a digest and report prepared for the advisory board by a special faculty committee of the University of Georgia. After a preliminary screening, the board asked for additional information about certain programs. The individual board members then prepared their ballots. These ballots were consolidated by Chairman Weeks and Dean Drewry. The winners represent the majority opinion of all these screening groups.

Members of the Advisory Board are: John H. Benson, president, American Association of Advertising Agencies, New York City; Dr. Ralph Casey, director, School of Journalism, University of Minnesota, Minneapolis; Jonathan Daniels, editor, Raleigh (N. C.) *News and Observer* and Administrative Assistant to the President, Washington, D. C.; Mark Ethridge, publisher, Louisville (Ky.) *Courier-Journal and Times*; Joseph Henry Jackson, literary editor, San Francisco (Calif.) *Chronicle*; Waldemar Kaempffert, science editor, *New York Times*; Alfred A. Knopf, publisher, New York City; Dr. I. Keith Tyler, director, Radio Education, Ohio State University, Columbus, Ohio; Mrs. Marjorie Peabody Waite, daughter of George Foster Peabody whose name the awards bear, president, "Yaddo"; Edward Weeks, editor, *Atlantic Monthly*, Boston, Massachusetts; Dr. S. V. Sanford, chancellor, University System of Georgia; and Earl J. Glade, mayor, Salt Lake City, Utah.

The Faculty Committee consists of Mrs. Mary S. Geston, chairman, assistant in journalism; Miss Florene Young, assistant professor of psychology; Byron Warner, assistant professor of music; George Blair, acting head, Department of Drama; E. Claybrook Griffith, associate professor of economics; Miss Lila Wenig, instructor in speech and radio; and Louis H. Edmondson, acting assistant professor of journalism.

J. H. Ryan, *President*

C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of War Activities*; Lewis H. Avery, *Director of Broadcast Advertising*; Willard D. Egolf, *Assistant to the President*; Howard S. Frazier, *Director of Engineering*; Paul F. Peter, *Director of Research*; Arthur C. Stringer, *Director of Promotion*.

WMAL CASE

Royal Montgomery, Hearing Officer for the War Labor Board, has submitted his report and findings to the Board in the controversy between Station WMAL and AFRA as to whether staff announcers should receive extra compensation for all local commercials.

In NAB REPORTS, Vol. 11, No. 44, page 444, it was reported that WMAL and AFRA had submitted their dispute to the War Labor Board and in the NAB REPORTS of November 26, Vol. 11, No. 48, page 475, it was reported that Joseph L. Miller, then NAB Director of Labor Relations, had appeared for WMAL and testified that extra compensation for all local commercials was not a prevalent practice in the industry.

In his report, Mr. Montgomery points out that the parties are WMAL and AFRA, which represents the 6 staff announcers employed at the station. "The two issues," says Mr. Montgomery, "are the method of payment of the employees involved and the retroactive date in case of any change in existing salary arrangements. The Union asks that the present base salary of two hundred dollars (\$200.00) a month be retained and that a schedule of fees for assigned commercial broadcasts be included in the contract. 'Assigned' commercial broadcasts, in contrast to 'selected' commercial broadcasts, are those in which the announcer is not selected by the sponsor or the advertising agency but is assigned to the broadcast by a radio station. The parties are in agreement that announcers' fees in the case of selected broadcasts are to be paid to staff announcers and only the question of whether a schedule of fees shall be paid in the case of 'assigned' local commercial broadcasts enters into the present case."

Continuing, the report says: "The employer proposes to increase the compensation of the staff announcers by an amount substantially equal to the fee proposed by the

Union, but wishes this increase to be a flat amount for each of the staff announcers."

The employer submitted exhibits to demonstrate the result of the flat amount payment to the employees. This shows that with a base pay of \$200.00 the total compensation would amount to around \$250.00 a month and the employer indicated willingness to increase the present base salary to this amount. Commenting upon this, the Hearing Officer says, "Accordingly, there is not an issue between the parties of total monthly compensation but only of whether the proposed fee system be instituted or base salaries be increased by the amount that the fee system would have increased the total monthly income when averaged among the six staff announcers."

The other issue involved in the case is the retroactive date. The Union asks that any change in present salary arrangements be made retroactive to August 22, 1943, the date upon which negotiations between the parties terminated. The employer took the position that there is no basis for retroactive pay, and that in any event no increase should be made retroactive prior to October 15, 1943, when the case was certified to the War Labor Board.

History of the Case.

The last contract between AFRA and WMAL was dated March 1, 1940 and this contract had been continued in effect pending agreement of terms of a new one. At the time the original contract was entered into, WMAL and WRC were operated jointly by the National Broadcasting Company and the contract was between NBC and AFRA. In August of 1941, WMAL was purchased by the "Evening Star" Newspaper Company and later the Evening Star Broadcasting Company was incorporated. It was not until October 1, 1941, that the Evening Star Broadcasting Company started to operate WMAL but by agreement it became a party to the contract of March 1940. This contract expired November 27, 1942 but was continued on an interim basis. Negotiations with respect to the terms of the new contract were started in the fall of 1942 and were finally terminated in August 1943.

Contentions of Parties

The Union contended:

(1) That there is contractual obligation on the part of the Company under provisions of the contract of March 1, 1940, to negotiate a scale of assigned commercial fees such as has been agreed upon by the American Federation of Radio Artists and Washington stations in substantial competition with WMAL.

(2) That the flat increase method proposed by the Company would exceed the adjustment permitted by the "Little Steel" formula, but that the War Labor Board has approved the fee system in the case of contracts of other Washington radio stations and that this method of compensation adjustment is the only one which under the stabilization program has been approved.

(3) That the method proposed by the Evening Star Broadcasting Company would put other Washington radio stations with which the Union has contracts at an unfair competitive advantage, with resultant detrimental effect upon employer-employee relations in the other stations.

(4) That "assigned" commercial broadcasts necessitates as much, or more effort, skill and talent as do "selected" commercials, the payment of a fee for which is not in question.

(5) That assigned commercial fees are in the nature of payment for service rendered to sponsors or advertising agencies on commercial programs and being such are artists' fees separate from the base salary.

The Evening Star Broadcasting Company (WMAL) contended:

(1) That the provisions of Schedule I of the expired contract, invoked by the Union, do not involve obligations

NAB BOARD TO MEET

The NAB Board of Directors will meet in Washington May 8, 9 and 10. This will be the first opportunity that the Board has had to confer officially with Harold Ryan, who assumed the NAB presidency on April 15.

The tentative agenda calls for discussion of many matters of vital importance to the industry. Among these are legislation; the AFM situation, both as it affects the recording ban and the demand for "platter turners"; ASCAP relations, and the NAB Convention. Also, consideration will be given to the internal affairs of NAB.

on its part to agree to the schedule of fees requested by the Union, and incidental to this contention that this argument should not be considered by the Hearing Officer and the Board because it was not brought up in the negotiations for a new contract, but was first raised during the hearing.

(2) That commercial announcements have already been a part of the regular staff duties of the announcers and that it would be "wrong in principle" to compensate for time in the case of "sustaining programs" (i.e., programs broadcast on a non-commercial basis, the costs of which are borne by the station).

(3) That the method of payment proposed by the Union is also "wrong in principle" because it bears no reasonable relation to the value of the work.

(4) That WMAL is an independent station, and therefore is not subject to the pattern that has been established by Washington stations owned by national broadcasting companies.

(5) That the method, if introduced in the case of staff announcers, could be demanded by other employees.

(6) That the Union's plan would cause announcers to favor programs for which they were paid on an assigned fee basis to the detriment of sustained programs, and the management would be unable to maintain the degree of control over its employees that managerial functions necessitate it maintain.

Mr. Montgomery, the Hearing Officer, then presents the following analysis of the main issues involved:

"The Union has contended that paragraph 4 of Schedule I imposed upon the Company the obligation to agree to the method of payment proposed by the Union. This paragraph, as stated above, provided that nothing should prevent the parties 'from negotiating minimum rates and conditions for the services of staff announcers in reading commercial copy . . . but the AFRA (the Union) agrees that it will not require the Company, and that the Company shall be under no obligation, to negotiate with the AFRA with respect to such minimum rates and conditions for stations WRC and WMAL until such time as AFRA shall have commenced bona fide negotiations of such minimum rates and conditions for stations in substantial competition with WRC and WMAL in the area in which it serves, it being understood that such area is Washington, D. C.' Then follows a provision that subject to and in accordance with the foregoing, AFRA and the Company agree to negotiate such minimum rates and conditions in good faith. The Union called attention to the fact that the three stations agreed to be in substantial competition with WMAL (WRC, which was a twin station when the contract was negotiated in 1940, WTOP, and WOL) have entered into agreements with it which incorporate the scale of assigned commercial fees that the Union is requesting of WMAL. The Union alleges obligation on the part of the Company to agree to the proposed schedule of fees.

"The Company points out that it had attempted to negotiate 'minimum rates and conditions' for commercial fees after its competitors had commenced similar negotiations and that it negotiated in good faith. It calls attention, in substantiation of this position, to the fact that substantial agreement on all but assigned local commercials has been reached. The Company's position is that the agreement 'to negotiate minimum terms and conditions of employment' does not obligate it to agree to the particular scale requested by the Union for staff announcers assigned to local commercials."

He then states his conclusion that the Evening Star Broadcasting Company as successor to NBC which negotiated the March 1, 1940, contract is bound by the terms of the agreement which had been continued on an interim basis pending negotiations of a new contract, even though since August 1942 WMAL was operated as an entirely separate entity. He then says:

"However, the agreement 'to negotiate' terms and conditions of employment after negotiations with stations in substantial competition had been started does not involve obligation with reference to the specific character of said terms and conditions; and the fact that the schedule of fees proposed by the Union for its WMAL contract have

KEEP SENDING NAB INFORMATION ON PERSONNEL IN ARMED FORCES

Still another letter of appreciation has been received by NAB from the ARMED FORCES RADIO SERVICE. Information on officers and enlisted men with previous program as well as technical experience is proving especially helpful in the selection and training of men for American Expeditionary Stations.

Have you supplied NAB with information on every member of your staff, man or woman, now with the armed forces? Check the list again! Give us the complete radio background and present military address of each one. It will be a service to victory and in addition may provide the means for transferring many of radio's armed forces personnel to posts which suit them better and enable them to serve more effectively. Send the information to Willard D. Egolf, Assistant to the President, National Association of Broadcasters, 1760 N Street, N. W., Washington 6, D. C.

become a part of the terms and conditions of the contract of the Union in substantial competition does not obligate WMAL to accept these terms and conditions. The fact that the point of contractual obligation was not raised during negotiations does not appear to the Hearing Officer to be one of controlling importance since the point was discussed in considerable detail by counsel and witnesses for both sides during the hearing. It is established that in spite of considerable delays caused by a variety of circumstances negotiations were carried on, and the testimony does not establish absence of good faith on the part of either party during these negotiations. Accordingly, the old contract did not obligate the Company to accept the proposed scale. A phase of this aspect of the Union's case to which the Hearing Officer believes attention should be called, and some weight attached, however, is the inclusion in the contract of steps for negotiations looking toward some uniformity of terms and conditions among the competing Washington radio stations."

In the summarization and conclusions the Hearing Officer says: (The following is a substantial verbatim copy of the Hearing Officer's report.)

The Washington Area Pattern

The four larger stations in Washington are WMAL, which is now a Blue Network affiliate, WRC, owned and operated by the National Broadcasting Company, WTOP, owned by the Columbia Broadcasting Company, and WOL, which is locally owned but is affiliated with the Mutual Broadcasting Company. There are also two low power stations (WWDC and WINX). The three larger stations cited by the Union as being the chief competitors of WMAL have signed contracts with the Union containing schedules of assigned commercial fees such as the Union requests of WMAL in this case, as had also, on the date of the hearing, one of the two smaller stations. The WTOP contract was signed prior to the time the United States became a participant in the war; the WRC contract in March, 1943, with approval of the Wage Stabilization Director, being dated August 19, 1943; and the WOL contract on September 1 of that year. The Union, on the basis of these facts asserts that fees for assigned commercial broadcasts have become the prevailing pattern in the Washington area to which WMAL should conform. The Company, on the other hand, has averred that there is no reason why it must conform to the pattern of the other Washington stations. Two of these, it has pointed out,

are owned by national networks and these national networks, with an interest in their relations with the Union because of the over-all network operations, are influenced by considerations that do not obtain in the case of the independent WMAL.

The Hearing Officer concludes that the assigned fee feature is the prevailing pattern in the Washington area. While WRC and WTOP are owned by national headquarters, Station WOL, like WMAL, is a national network affiliate. It, like one of the smaller stations, has agreed to the fee system. The Hearing Officer believes that the establishment of this method of payment in Washington by all stations except the one here involved, taken in conjunction with the fact, mentioned above, that the old contract defines the competitive area as Washington, D. C., must be given consideration in arriving at the recommendation to be made in this case.

The National Pattern

The Union contends that the provisions of contracts between the Union and radio stations outside of Washington are irrelevant. Testimony was given by representatives of the Company on the national pattern, without direct assertion so far as the record reveals, that deviations between the national and the Washington patterns are of controlling importance. Testimony on the national pattern was also given by a witness for the Union. This testimony revealed that in New York, as well as in Washington, there are contracts involving local commercial fees; that in Cincinnati likewise such fees are included in the contracts; and that in other cities various compromises with the assigned commercial fee proposal here involved have been worked out. Apparently three general types of compromises have been worked out.

The Hearing Officer finds that the assigned commercial fee feature involved in this case does not occupy the place in the national pattern that it does in Washington, but that it or variations of it obtain at various places throughout the country. Also, the national pattern does not seem to be the one which should receive the weight in view of the already sketched circumstances of this case that is given to the Washington pattern. In view of the fact that the assigned commercial fee feature is not peculiar to Washington and in view of the already stated conclusion that the Washington pattern is the one of the greater relevance in this case, the Hearing Officer cannot regard the absence of the assigned fee provision in a good many cities, and the deviations from it in others, as dictating that this Washington station should not adopt the method of payment prevailing there.

Relative Effort in Sustaining and Commercial Broadcasts

The Company has contended that sustaining programs, for which it is not compensated by one of its customers, involved as great or greater, skill and effort than do commercial broadcasts. The Union through statements of its representatives and testimony of a witness has contended that commercials involve greater effort on the part of—make greater demands upon—the announcer than do selectives. All of the material introduced has been given careful consideration. The Hearing Officer does not find that this material establishes the fact of greater effort for skill in the case of commercial broadcasts.

The "Competitive Advantage" Issue

The Union's position is that to permit WMAL to compensate solely on the basis of a flat salary, while its competitors in Washington pay fees for assigned commercials, would place the latter at an unfair competitive advantage. This contention was predicated upon the hypothesis that under the flat salary arrangement there would not be opportunity to charge back to the Company the remuneration of the announcer, while under its proposal the Company has the privilege of charging this back to the sponsor as a talent fee. Testimony was also introduced indicating that at least in some cases the competing companies do charge back the announcers' fee. It was also brought out,

however, that there is nothing to prevent stations with assigned commercial fees from absorbing these fees if they wish to, and that a station having the flat salary arrangement could, upon agreement with their customers, charge an announcer's or "talent" fee. Whether or not WMAL could absorb the fee appears, therefore, to be a matter of its decision in this matter of business policy and of the arrangements it could negotiate with its customers. The "competitive advantage" issue does not, therefore, seem to the Hearing Officer to be one of controlling importance; but uniformity in the method of wage payment among competing stations obviously would eliminate any development of competitive advantage that might obtain as a result of variations in these methods of wage payment.

Approval by War Labor Board

The Union takes the position that the method of increasing monthly remuneration of the announcers that it proposes has been approved by the War Labor Board, whereas an increase in flat salaries such as the Company proposes (i.e., an increase from \$200 per month to \$250) has not been. It has further contended that the increase in flat salaries is not allowable under the Little Steel formula. The Company, on the other hand, has contended that the approval by the War Labor Board of assigned fees for other Washington stations was tantamount to increasing the pay of the staff announcers, that since the basic question under the stabilization program is the increase in money wages rather than the method of payment, there is no reason why approval of its method should not be forthcoming and that the approval of the commercial fee scales in contrast to other stations did not constitute approval of the principle of assigned commercial fees. On August 10, 1943, the WRC schedule was approved, and later, according to testimony during the hearing, station WOL was advised that in view of the WRC precedent it need not submit for approval the scale of fees it had submitted. The Hearing Officer believes in this matter his function is chiefly that of recording the positions of the parties, not in deciding whether the approval of the assigned fee schedules established by other stations was in effect an approval of wage increases within the stabilization program. The present base pay, as already stated, is \$200 per month. Examination of the contract of March, 1940 shows that the base pay there agreed upon was \$180 per month. In answer to the query of the Hearing Officer it was stated that there has been no increase since January 1, 1941; and also that the March, 1940 scale had obtained since then. Since the scale in that contract was \$180 a month, it is patent (a fact revealed by examination of the exhibits since the hearing) that either the present salaries of \$200 per month began to be paid subsequent to the signing of this contract or else that immediately thereafter the Company began paying \$200 a month. It is stated in the record, however, that there has been no increase since January 1, 1941. The increase in remuneration under either the Company's proposal or the Union's proposal would be, accordingly, about 25 per cent.

Retroactive Date

The Union has pointed out that negotiations broke down on August 22, 1943 because the Company refused to continue with them, and its position is that any changes in the existing salary arrangements should be retroactive to that date. The Company's position is that it proceeded in good faith, that it was not responsible for delays in the negotiations, that there should be no retroactive clause in the Board's Directive, but that if a retroactive date is set such date should be not earlier than that of certification of the case to the Board—October 15, 1943. Union Exhibit No. 3 shows that negotiations did continue on through October 22, 1943, and testimony during the hearing—while indicating considerable delay as a result of changes in the personnel of Union representatives, vacations on the part of those who served, and other reasons—did not indicate a lack of good faith bargaining. It is evident that an impasse was reached on August 22, 1943, and the period from August 22 to October 15, 1943 was one of efforts on the part of the United States Conciliation Service to bring the

parties together on the issue. The Hearing Officer believes that the canons of the War Labor Board with respect to retroactive dates dictate, in these circumstances, that the proper retroactive date is October 15, 1943.

Miscellaneous Issues

Several other issues were introduced, chiefly in the form of argument in the Briefs or during the hearing, rather than through evidence submitted. (1) The Company has contended that, should the method of payment requested by the Union be established in the case of staff announcers, a similar arrangement might be granted to all other employees. The Union has pointed out that it is bargaining only for staff announcers and has contended that there is no reason why the maintenance or all other employees would have to be granted some kind of fee method of compensation. The Hearing Officer, while recognizing that any group of employees might ask for a method of compensation applicable in the case of other employees of the same employer, does not find evidence to substantiate the position that other employees of WMAL would ask for some sort of fee method of compensation and believes he must confine his considerations to the employment terms of the agreement between the American Federation of Radio Artists and Station WMAL. (2) The Company has averred that the Union's proposal is in effect a request for part of the gross income of the Company. This conclusion does not seem to the Hearing Officer logically to ensue. The Company would compensate the announcers under either the flat salary or the fee method of payment, irrespective of whether it wanted to, and was able to, charge back the announcers' fees, in the latter case, to the sponsors of the commercial broadcasts. (3) The Company has stated that the method proposed by the Union would cause announcers to favor commercial broadcasts to the detriment of sustaining ones, to which more than one-third of the time on the air is devoted. The Union has admitted no tendency in the direction of deterioration of effort in the case of sustaining programs, and there is not evidence to support the position of either party. (4) An objection to the Union's proposal, advanced by the Company, is that management would lose a necessary degree of control over its business and its employees under the proposed method of payment—that announcers' allegiance would be primarily to sponsors or advertising agencies rather than to the employer. Testimony of one of the witnesses for the Union indicated that announcers, when assigned to commercials, are acutely conscious of the fact that their performance must meet the approval of the sponsor as well as of the station. On the other hand, there are the facts that other companies have agreed to this method of payment, and that the announcers would still receive the greater part of their remuneration in the form of flat salary rather than fees. None of these "miscellaneous" issues appears to the Hearing Officer to be of controlling importance.

Conclusions

The Hearing Officer concludes:

1. The trade agreement of March, 1940, while containing provisions which made possible negotiations between the Union and WMAL of the same "terms and conditions" established by agreement between the Union and the competing radio stations in Washington, does not impose a contractual obligation upon the Company to institute the method of wage payment that now obtains in the case of announcers employed by WRC, WOL, and WTOP.

2. However, this method of payment in the competitive area defined in the contract of March, 1940 (i.e., Washington) has become the established pattern, WMAL being the only important station not to have it. This fact appears, in the circumstances of this case, to be deserving of considerable weight.

3. The national pattern indicates variations in the method of payment, with the method proposed by the Union obtaining here and there, but the national pattern is not controlling this case.

4. The evidence does not prove conclusively that other stations in Washington would be placed under a com-

petitive disadvantage were WMAL to institute a flat salary increase instead of the fee system, although any effect the method of payment might have would be, of course, to equalize competitive conditions when all competitors had the same method.

5. The Stabilization Division has approved the method of payment requested by the Union; it has not in the case of radio announcers specifically approved the flat salary increase of the monetary equivalent to the fees asked by the Union.

6. The retroactive date in the case of the recommendation immediately following should be October 15, 1943.

Recommendation

The Hearing Officer recommends that the parties be directed to include in their contract provision for a base monthly salary of \$200 a month and the scale of fees for assigned commercial broadcasts requested by the Union and set forth in Schedule I of the proposed contract.

NAB MUSIC COMMITTEE CONFERS WITH ASCAP

A sub-committee of the NAB Music Committee met in New York on Friday, April 21. Present were Campbell Arnoux, WTAR, Chairman; James P. Begley, KYW; and Frank White, CBS. Also attending were Sydney M. Kaye and C. E. Arney, Jr., Secretary-Treasurer of NAB.

Over 100 responses which had been received from stations operating under the ASCAP per-program were canvassed and facts regarding their relations with ASCAP were catalogued.

Mr. Arnoux and Mr. Begley had an extended conference with ASCAP officials. Specific questions regarding their future policy with reference to taxing announcements, etc., under per-program licenses were submitted and ASCAP has agreed to submit a written response to these inquiries prior to the meeting of the NAB Board of Directors to be held in Washington on May 8, 9 and 10.

NEW AWARD IS CREATED FOR RADIO CONTRIBUTION TO CAUSE OF DEMOCRACY

COLUMBUS, OHIO: Creation of the Edward L. Bernays Radio Award of \$1,000 to be given to the person making the greatest contribution during 1944 to democracy through the medium of radio is announced by Ohio State University.

A score of national leaders in education, government, business, and radio have approved the project, made possible through a gift by Mr. Bernays, New York public relations counsel, to Ohio State's Institute for Education by Radio.

Terms of the agreement provide that the award shall go to the individual who makes the outstanding contribution in the year 1944 in the field of radio "which furthers democratic understanding, democratic thinking, and democratic action by the people of the United States."

It is specifically stated that this award shall not go to a "corporation, station, or other multiple entity," although it may go to an individual within any of these organizations.

The suggestion for such an award was submitted to many national leaders and it has met with unanimous approval, according to Dr. I. Keith Tyler, director of the Institute for Education by Radio.

Among the comments received are these:

Vice President Henry A. Wallace: "If democracy is to have the vitality and vivid compelling interest necessary to enable it to compete against fascism after the fighting stops, it will be necessary for all the channels of public information to do a clean, aggressive job. That is why

I like the idea of stimulating the different broadcasting companies to develop program series to make democracy a more vital competitor against those dogmas which are not based on the fatherhood of God and the brotherhood of man. Democracy is really much more exciting than fascism but the representatives of democracy have not yet learned how to do as good a job as the representatives of the forces of evil."

Senator Robert F. Wagner: "At this time, when the efforts of the nation are concentrated upon winning the war, a project such as this emphasizes the importance of keeping constantly before us the democratic ideals for which we are fighting."

Governor John W. Bricker, Ohio: "In these troublesome times in which our nation faces momentous issues, the radio can play a significant part in ensuring the preservation of our traditional American faith in democracy. This worthy effort to encourage thinking and action with regard to our basic American beliefs is properly a concern of the Institute for Education by Radio which has throughout the years been a moving force in the continuing improvement of American radio."

Wendell L. Willkie: "I firmly believe that every effort which has as its goal stimulating public discussion upon the meaningful issues of the day merits attention and encouragement. (Such an award) does much to focus public interest upon this goal. This indeed is education in its true sense."

National Commander Warren H. Atherton, American Legion: "Democracy is the practical application to everyday living of the theory and ideals of liberty. It is not a static thing. It must be continuously reaffirmed and maintained because its freshness and strength must ever depend on individual as well as collective vigilance and devotion. That can best be done through education. Radio is the newest and one of the most powerful aids to education. It has a definite responsibility in building for future good citizenship. The award . . . is a distinct contribution to the cause of alerting our citizenry to the constantly increasing need of firmly defending and vigilantly upholding the ramparts of individual freedom as the bulwark of popular government. On them rests our cherished democracy."

Roger N. Baldwin, director, American Civil Liberties Union: "An award for the promotion of democracy by radio should focus attention on a public service not too well performed to date. The trouble with most of the programs intended to promote democracy is that they have avoided current controversy, relying heavily on the founding fathers. There is no sense in any such program that doesn't come to grips with the conflicts of our time in terms of democracy in all its aspects—political, economic, and international. Radio listeners will welcome an escape from platitudes and history."

KGCR "LETTER FROM HOME"

KGCR, Long Beach, keeps in touch with station alumni in military service by means of a 4 page illustrated letter, "The Long Beach Letter from Home." It's mailed every two weeks.

News from the men and women in service frequently is spotted on "Let's Not Forget", a daily show for the folks at home. The alumni may request a tune, for playing over the station, and name the person to whom it's to be dedicated.

NEWS WANTED!

National Foundation News is published monthly, 120 Broadway, New York, N. Y., by The National Foundation for Infantile Paralysis, Inc.

Howard J. London, radio director, would appreciate receiving stories concerning broadcasting personnel who have recovered from polio and are now working in the industry.

A recent issue carried such a story, that of Ted Campagna, Fargo, N. D., WDAY sports director and athletic coach of Sacred Heart Academy. Ted handles his two jobs on crutches. During the 1944 campaign he was also State Director of Radio Publicity.

Prepared by FCC from preliminary financial figures. Final figures will be published when all station reports are in.

FEDERAL COMMUNICATIONS COMMISSION Washington, D. C.

April 26, 1944

DATA RE 100-WATT STANDARD BROADCAST STATIONS

During the year 1943 there were 40 standard broadcast stations operating with 100-watt power compared with 157 stations operating with this power and 3 stations operating with 50-watt power as of January 1, 1938. Five of the 40 are non-commercial stations. These stations were located as follows:

Number of stations		Number of stations	
1938	1943	1938	1943
<i>Location</i>		<i>Location</i>	
Alabama	4	Nebraska	1
Alaska	1	New Hampshire	1
Arizona	1	New Jersey	2
Arkansas	5	New Mexico	4
California	12	New York	8 ¹
Colorado	5	North Carolina	5
Connecticut	3	North Dakota	2
Delaware	1	Ohio	5
Dist. of Columbia	1	Oklahoma	6
Florida	4	Oregon	5
Georgia	3	Pennsylvania	10
Illinois	8	Puerto Rico	1
Indiana	4	South Carolina	2
Iowa	3	South Dakota	4
Kansas	5	Tennessee	2
Louisiana	3	Texas	8
Maine	2	Utah	2
Michigan	5 ¹	Vermont	1
Minnesota	2	Virginia	2
Mississippi	2	Washington	6 ¹
Missouri	2	West Virginia	2
Montana	1	Wisconsin	4
Total		160	40

¹ Includes one 50-watt station.

This is a decrease of 75% in the number of stations operating with this power at the end of 1943 compared with the number operating with power of 50 to 100 watts at the close of 1938.

Thirty-four of the 40 stations were licensed prior to 1938, 5 of which are non-commercial.

Twenty-nine of these stations have filed revenue reports for the year ended December 31, 1943, reporting net time sales amounting to \$861,000, and the same stations reported \$708,000 for the year 1942, an increase of 21.6%.

Eight of the 29 commercial stations showed a decrease in net time sales and the remaining 21 showed increases ranging from \$22 to \$60,934, and may be grouped as follows:

8 stations reporting decreases of \$3 to \$5,091
5 stations reporting increases of \$22 to \$1,000
8 stations reporting increases of \$1,000 to \$5,000
5 stations reporting increases of \$5,000 to \$10,000
3 stations reporting increases of \$10,000 or more

29 total stations

Twelve of the 34 commercial stations serve as outlets for the major networks as follows:

Blue 1 station
Columbia 2 stations
Mutual 7 stations
National 2 stations

Total 12 stations

WTIC'S UNIQUE WARTIME PROGRAM

News of unique wartime promotional programs whose calibre and format are such as to do a constructive job, week after week, is solicited for publication in NAB REPORTS.

One such is "Connecticut on the Alert", WTIC, Hartford, a series which has continued for three years.

"Connecticut on the Alert" goes on the air every Wednesday, 7:45-8:00 p. m. Information on the broadcast has had no prior release; and the Thursday newspapers throughout the state give extended coverage to the program.

Practically every person of importance contributing directly to the state's war effort has appeared on the program at one time or another. Harold F. Woodcock, state war administrator, presides.

Governor Raymond E. Baldwin regards the productivity of "Connecticut on the Alert" so highly that he has appeared six times since August 24.

As an example of immediate listener response, 40 prospective homes for foster children were located as the result of the February 16 broadcast.

The following brief program descriptions illustrate the wide scope of the subjects handled:

Commonsense Nutrition—Thomas W. Russell, deputy administrator, Conn. War Council.

Connecticut's Role in War—War Administrator Harold F. Woodcock, Gov. Raymond E. Baldwin.

Industrial Training—War Administrator Harold F. Woodcock; Prof. Lauren E. Seeley, Yale, regional advisor, ESMWT; W. S. Clark, works manager, General Electric Co.

Child Care Centers in Connecticut—War Administrator Harold F. Woodcock; Miss Clara Allen, Consultant on school-age problems, State Dept. of Education; Miss Anna McManus, supervisor, Child Care Centers, New Haven; Mrs. Lydia Mills, 143 Franklin Ave., Hartford; Lester A. Lanning, assistant plant manager, New Departure, Bristol.

Food Supply—War Administrator Harold F. Woodcock; Arthur Gosselin, member of War Council and chairman of sub-committee on Wholesale and Retail Food Distribution; Food Administrator Henry B. Mosle.

KMBC ADOPTS NEW STATION ADVERTISING THEME

Use of an institutional copy theme based on the wartime merits of the American system of broadcasting characterizes the KMBC advertising campaign now running in radio and advertising trade magazines, the Kansas City Chamber of Commerce magazine and via direct mail to advertising agencies and regional advertisers.

In a letter accompanying the first direct mail release Sam H. Bennett, KMBC Director of Sales says: "While naturally KMBC is 'open for business' it is felt that the accomplishments of radio as an industry have been so noteworthy, particularly in service to this nation at war, that it would be fitting that KMBC advertising be dedicated in behalf of American Broadcasting's service to the home and the community."

First advertisement carries the picture of Robert L. Mehornay, President of the Kansas City Chamber of Commerce and of the Mehornay Furniture Company. In a statement accompanying his picture Mehornay says: "Radio's contribution to the home front cannot be emphasized too greatly. I particularly recognize radio for its realistic approach to community problems brought on by war times. Yes, indeed, radio has earned its inherent right to play an important role in the moulding of a better post-war world."

Station copy looks to tomorrow, reciting plans for broadened responsibilities.

RADIO LARGEST SOURCE OF WAR NEWS, SURVEY SHOWS

(From "EVERY WEEK," WSAR weekly news magazine)

Interesting facts about the effects of wartime conditions on the habits of housewives were recently revealed in the publication of results of the second annual survey conducted by the Committee on Consumer Problems of Central New York. The survey was directed by Professor Hepner of Syracuse University, with trained interviewers arranging with officers of women's clubs to direct filling-in of questionnaires by representative housewives. Over 2300 families were studied in the report, a cross-sectional survey of one family out of every 50 in Syracuse, and one family out of 25 in the area surrounding the city.

One of the purposes of the survey was to ascertain from what source housewives obtained their news about the war. In the city, 644, or 69 per cent, answered "radio." In the outlying districts the proportion was somewhat higher, with 856, or 73.5 per cent, claiming their loudspeakers as the favorite medium for keeping themselves posted on activities on the world's battle fronts.

Sponsors of the survey were also interested in finding out whether or not women are spending more time in their homes during wartime, with the following results revealed: In Syracuse, 41 per cent stated they were in their homes more since the war, 9.5 per cent answered less, and 46.1 per cent claimed they are spending the same amount as before the war. Outside the city, 46.1 per cent claimed more time at home, while 61.1 per cent spend less and 45.1 spend apparently the same amount of time. The question was interesting and the results important from the viewpoint of radio, as women at home are potential listeners. The answers given, coupled with the fact that the majority of housewives depend on their radios for war news, would indicate that the home-makers in this typically American area find their radios of ever increasing importance in wartime.

While the survey was not concerned with the wartime value of radio as a medium of entertainment, it may be assumed that with nearly half the number of women interviewed stating they are spending more time at home now, they are relying on broadcasting more than ever before for diversion as well as information.

NATIONAL MUSIC WEEK CELEBRATION MAY 7-14

The following letter was received by Willard D. Egolf, NAB Assistant to the President, from C. M. Tremaine, Secretary of the National and Inter-American Music Week Committee, 315 Fourth Avenue, New York City:

"You may remember that one of the ways we suggested last year by which the radio stations could tie in with National Music Week was to broadcast the Star-Spangled Banner at twelve o'clock noon each day of the observance.

"Many of the stations carried out this suggestion last year, and it was most effective. We hope more will do so this year—the 21st annual observance. The dates are May 7-14, as Music Week always begins the first Sunday in May.

"Our Committee would be glad to hear from stations planning participation in this way; also to know of other special programs to be arranged for the occasion."

A battery of transmitters known as the American Broadcasting Station in Europe was slated to go on the air for the first time April 30 broadcasting direct from Great Britain to the countries across the English Channel and the North Sea, OWI announced this week. At present all Voice of America broadcasts from Britain are programs originating in OWI studios in New York and relayed to Europe by the British Broadcasting Corporation.

April 30 broadcasts it is understood will include transmission in the languages of France, Holland, Belgium,

Norway, Denmark and Germany, in addition to English, which is the secondary language of many Europeans. The American Broadcasting Station in Europe will be programmed and operated at its own studios by the Overseas Branch of OWI.

Programs on the American Broadcasting Station in Europe will be carried on both medium and short wave. American broadcasts originating in Europe will total 8¼ hours daily. Six and three-quarters hours will be devoted to OWI programs and 1½ hours to programs prepared by BBC for OWI broadcast.

Inauguration of this new system culminates plans and arrangements begun two years ago by Robert E. Sherwood, Director of the Overseas Branch of OWI, and representatives of the British Government and the BBC, with whose operations those of the American Broadcasting Station in Europe are coordinated.

Federal Communications Commission Docket

HEARINGS

No broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, May 1.

Federal Communications Commission Action

APPLICATIONS GRANTED

- KCMC—KCMC, Inc., Texarkana, Texas.—Granted license (B3-L-1801) to cover construction permit which authorized change in frequency from 1450 to 1230 kc. and changes in transmitting equipment. Also granted authority to determine operating power by direct measurement. (B3-Z-1587).
- WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted license to cover construction permit (B4-L-1802) which authorized increase in power from 5 KW day, 1 KW night, to 5 KW day and night, and changes in directional antenna system; conditions. Also granted authority to determine operating power by direct measurement (B4-Z-1588).
- KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted license to cover construction permit (B4-L-1780), which authorized change in hours of operation, installation of DA for night use, and move of transmitter. Also granted authority to determine operating power by direct measurement. (B4-Z-1561).
- WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Granted modification of construction permit for change in antenna system (subject to January 26 Policy), and extension of completion date to 180 days after grant (B2-MP-1740).
- WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Denied special service authorization to operate with main studio at 29 West 57th St., New York City (in lieu of presently licensed studio location at 2866 Hudson Blvd., Jersey City), for period ending 8-31-44.
- WCOV—Capital Broadcasting Co., Inc. (Assignor), G. W. Covington, Jr. (Assignee), Montgomery, Ala.—Granted consent to voluntary assignment of license of Station WCOV from Capital Broadcasting Co., Inc., to G. W. Covington, Jr., who owns all the issued and outstanding capital stock. No monetary consideration involved (B3-AL-407).
- KTBI—C. C. Cavanaugh (Transferor), Harold S. Woodworth (Transferee), Tacoma Broadcasters, Inc. (Licensee), Tacoma, Wash.—Granted consent to transfer of control of Tacoma Broadcasters, Inc., licensee of Station KTBI from C. C. Cavanaugh to Harold S. Woodworth, for a total con-

sideration of \$13,080, representing 109 shares (54.5%) of licensee's stock (B5-TC-370).

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted in part petition for reinstatement of its application (B3-P-2939) for construction permit; denied petition for rehearing, reconsideration, and designation for hearing of the application for construction permit (B3-P-2887) of KNOE, Inc., Monroe, La.

WFLA—The Tribune Co., Tampa, Fla.—Granted application for construction permit to increase nighttime power from 1 to 5 KW and make corresponding changes in its present directional antenna array, subject to January 26 Policy, and to the condition that applicant submit measurements showing a minimum effective field intensity of 175 mv/m for 1 KW in lieu of meeting the minimum antenna height requirements of the standards.

DOCKET CASE ACTION

The Commission has announced adoption of an order (B-154) granting application of Chester A. Thompson, transferor, and the Brush-Moore Newspapers Inc., transferee, for consent to transfer control of Scioto Broadcasting Co. (formerly Vee Bee Corp.), licensee of Station WPAY, Portsmouth, Ohio, and the application of Scioto Broadcasting Co. for renewal of license for operation of Station WPAY, Portsmouth, Ohio, on 1400 kilocycles, 250 watts, unlimited time.

At the same time the Commission adopted as final, Proposed Findings of Fact and Conclusions (B-186), denying the application of S. E. Adcock, d/b as Stuart Broadcasting Co. (WROL), Knoxville, Tenn., for modification of license to change operating assignment, without prejudice to the filing of an application which will not increase interference to Station KWFT, Wichita Falls, Texas, and which will otherwise conform to Good Engineering Practice.

The Commission also adopted Proposed Findings of Fact and Conclusions (B-200), proposing to deny application of M. & M. Broadcasting Co. (WMAM), Marinette, Wisc., for modification of license requesting authority to change hours of operation from daytime only to unlimited, on 570 kilocycles, with power of 100 watts night, 250 watts LS, without prejudice to the filing of an application for operation, unlimited time, on a local frequency.

LICENSE RENEWALS

- WBAM—Bamberger Broadcasting Service, Inc., New York City.—Granted license to use transmitter formerly licensed to experimental high frequency station W2XOR, as an auxiliary transmitter (B1-LH-45).
- W9XMB—The Moody Bible Institute of Chicago, Chicago, Ill.—Granted license (B4-LST06), to cover construction permit for new ST broadcast station to be used with high frequency (FM) Station WDLN, subject to condition that licensee shall, when required materials become available, take immediate steps to comply fully with the rules, regulations and standards of the Commission.
- WNYE—Board of Education, City of N. Y., Brooklyn, N. Y.—Granted renewal of non-commercial educational broadcast station, for the period ending May 1, 1945.
- WBEZ—Board of Education, City of Chicago.—Granted renewal of non-commercial educational broadcast station, for the period ending May 1, 1945.
- WIUC—University of Illinois, Urbana, Ill.—Granted renewal of non-commercial educational broadcast station, for the period ending May 1, 1945.
- W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted renewal of developmental broadcast station license for the period ending May 1, 1945.
- W10XF—National Broadcasting Co., New York City.—Granted renewal of developmental broadcast station license for the period ending May 1, 1945.
- W10XR—National Broadcasting Co., New York City (Portable or Portable Mobile)—Granted renewal of developmental broadcast station license for the period ending May 1, 1945.

Granted petition filed by five FM stations in Philadelphia, Pa. (WIP-FM), (WFIL-FM), (WCAU-FM), (WPEN-FM), (KYW-FM), for extension of the waiver of Section 3.261

of the Commission's rules for the period ending May 1, 1945, to permit operation under cooperative plan.

WBRL—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—WELD—WBNS, Inc., Columbus, Ohio.—Granted renewal of FM broadcast station license for the period ending May 1, 1945. WGNB—WGN, Inc., Chicago, Ill.—Granted renewal of FM broadcast station license for the period ending May 1, 1945. WHEF—WHEC, Inc., Rochester, N. Y.—Granted renewal of FM broadcast station license for the period ending May 1, 1945.

Licenses for the following FM stations were extended upon a temporary basis, pending determination upon applications for renewal, for the period ending July 1, 1944:

WBCA, Schenectady; WQXQ, WGYN, New York City.

MISCELLANEOUS

The following applications for FM broadcast stations were placed in the pending files pursuant to Commission policy adopted February 23, 1943:

Loyola University, New Orleans; G. W. Covington, Jr., Montgomery, Ala.; Central Broadcasting Co., Des Moines; Atlantic Coast Broadcasting Co., Charleston, S. C.; Saginaw Broadcasting Co., Saginaw, Mich.; Monroe P. England, Pittsfield, Mass.

The following applications for commercial television broadcast stations were placed in the pending files in accordance with policy of February 23, 1943:

Philco Radio & Tele. Corp., New York City; Stromberg-Carlson Co., Rochester, N. Y.; Philco Radio & Tele. Corp., Washington, D. C.; Capital Broadcasting Co., Washington, D. C.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Denied petition for reinstatement of its application for construction permit to change frequency from 1430 to 1190 kc. and increase power from 5 to 50 KW. (The petition is denied without prejudice to reconsideration in event there is a change in conditions with respect to any pertinent application such as to warrant reconsideration.)

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted modification of construction permit to make changes in DA and ground system (subject to January 26 Policy), and extend completion date from 5-1-44 to 11-1-44 (B5-MP-1741). Also granted extension of special service authorization to operate by the indirect method on 560, 1 KW day and 250 watts night, unlimited time, using W. E. 304-A, 1 KW transmitter and 310' vertical radiator for the period ending 11-1-44 (B5-SSA-101).

APPLICATIONS FILED AT FCC

770 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—Modification of license to change hours of operation from limited time to unlimited time.

1240 Kilocycles

WIBU—Wm. C. Forrest, Poynette, Wisc.—Authority to determine operating power by direct measurement of antenna power. KPCC—Pasadena Presbyterian Church, Pasadena, Calif.—Modification of license to change hours of operation from sharing time with KFXM to specified hours.

NEW—Herman Anderson and Robert Franklin, Tulare, Calif.—Construction permit for a new standard broadcast station to be operated on 1240 kc., 250 watts power, unlimited hours of operation.

1400 Kilocycles

WLLH—Merrinac Broadcasting Co., Inc., Lowell, Mass.—Construction permit for increase in power from 100 watts to 250 watts and changes in transmitting equipment of synchronous amplifier.

1420 Kilocycles

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Construction permit to change frequency from 1390 kc. to 1420 kc.,

power from 1 KW to 500 watts night, 1 KW daytime and hours of operation from daytime to unlimited time.

1450 Kilocycles

KJAN—KNOE, Inc., Monroe, La.—Modification of construction permit (B3-P-2887) for approval of transmitter site and antenna, change type of transmitter and studio location.

WLAY—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Voluntary transfer of control of licensee corporation from Joseph Wiggs Hart and Joseph Carl Russell to Frank Mitchell Farris, Jr. (666 $\frac{2}{3}$ shares common stock).

FM APPLICATIONS

NEW—Cornell University, Ithaca, New York.—Construction permit for a new high frequency (FM) broadcast station to be operated on 43300 kc., coverage of 15,000 square miles.

NEW—Courier-Journal and Louisville Times Co., Eastwood, Ky.—Construction permit for a new temporary Class 2 experimental high frequency broadcast station to be operated on 45700 kc., 1 KW power, special emission. Amended: re change in frequency from 45700 to 45500 kc.

NEW—Oshkosh Broadcasting Co., Oshkosh, Wisc.—Construction permit for a new high frequency (FM) broadcast station to be operated on 44500 kc. with coverage of 3,810 square miles.

NEW—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit for a new high frequency (FM) broadcast station to be operated on 43100 kc.

NEW—WIBX, Inc., Utica, New York.—Construction permit for a new high frequency (FM) broadcast station to be operated on 45700 kc. with coverage of 10,290 square miles.

TELEVISION APPLICATION

NEW—The Associated Broadcasters, Inc., San Francisco, Calif.—Construction permit for a new commercial television broadcast station to be operated on Channel #6 (96000-102000 kc.).

MISCELLANEOUS APPLICATION

NEW—WBKY, University of Kentucky, Beattyville, Ky.—Construction permit to move transmitter from Elementary School Bldg., Beattyville, Ky., to McVey Hall, University of Kentucky Campus, Lexington, Ky., make changes in equipment and antenna, increase power from 100 watts to 500 watts and change emission from A3 to special.

Federal Trade Commission Docket

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.

Dorene Publishing Co., Inc., and Joseph Kay as president of the corporation, both located at 1472 Broadway, New York, are charged in a complaint with misrepresentation in the sale and distribution of books and pamphlets on occult subjects, oils, incense powders and other articles allegedly designed for use in mystic and occult practices. The complaint alleges that the respondents have falsely represented among other things that a book entitled "The 7 Keys to Power" teaches purchasers to be successful in all enterprises and problems of daily life, including love, marriage and the acquisition of property. (5153)

General Baking Company, 420 Lexington Ave., New York, manufacturer and processor of bakery products, including "Bond Bread," has been ordered to cease and desist from violation of sub-

section (d) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, in connection with the sale of bread. The Commission finds that the respondent corporation contracted to pay, and paid, a limited number of its preferred customers located in Washington, D. C., Philadelphia, Norfolk, Va., Louisville, Indianapolis, Columbus, Ohio and elsewhere, varying amounts of money in consideration of and as compensation for advertising services and facilities to be furnished by the customers in connection with the handling, offering for sale and sale of its product. Advertising allowances varying in amounts from a minimum of 50 cents a week to a maximum of \$525 a month were allowed to these customers as compensation for advertising services and facilities, with the understanding and agreement that the customers would advertise the products in newspapers, by handbills, bulletins and otherwise, while the respondent had not made such payments of advertising allowances available on proportionally equal terms to other customers who compete with the preferred customers in the distribution of the respondent's products. (5115)

H. A. Irving & Company, et al.—Violation of the brokerage section of the Robinson-Patman Act is alleged in a complaint directed against Harry A. Irving, A. L. Hoffman, Phelps E. Hollywood, William R. Ernst and Norma E. Irving, copartners trading as H. A. Irving Company, 206 Sansome St., San Francisco, engaged in the canning, packing and sale of sea food products. (5152)

Arthur Von Senden Co., Inc., 321 Boulevard of Allies, Pittsburgh, Pa., selling and distributing religious books, including The New Testament and a Catholic Prayer Book, is charged in a complaint with misrepresentation and unfair and deceptive acts and practices in commerce.

STIPULATIONS

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

Consolidated Royal Chemical Corp., operating under the trade name of Consolidated Drug Trade Products, 544 South Wells St., Chicago, selling a medicinal preparation designated New Peruna Tonic, and Benson & Dall, Inc., 327 South LaSalle St., Chicago, an advertising agency which disseminated advertisements for the product, have stipulated to cease representing that the product will prevent or cure colds or shorten their duration; that it is of value for the treatment of symptoms of colds other than what effect it may have as an expectorant; that it will build resistance to colds, restore energy, increase weight, strength or vigor, or have any effect upon such conditions except insofar as it may act as a tonic; that it will stimulate vital functions, act as a conditioner, stimulate digestion or be of benefit to those whose digestive power has been diminished. (03210)

Diamond Man, 205 North Michigan Ave., Chicago, selling finger rings, has stipulated to discontinue use of the word "Dia-

mond" as a part of their trade name until such time as a substantial part of the business in which they are engaged shall consist of the buying or selling of genuine diamonds. (03211)

Lawrence Mack, Inc., 2429 Grand River Ave., Detroit, and Lawrence B. Silverstein, 1630 S. E. 46th Ave., Portland, Oreg., stipulated to cease and desist from disseminating false advertisements concerning a weight-reducing preparation designated "Lax-rid." The corporation is engaged in compounding the preparation and selling it through distributors, one of whom was Silverstein. (3827)

Schooley & Son, Luzerne, Pa., and Cargill, Inc., 761 Chamber of Commerce, Minneapolis, Minn., each selling a dry dog food preparation designated "Blue Streak Dog Ration," also referred to as "Blue Streak Dog Food," have stipulated that each will cease and desist from representing that the product contains meat and from publishing or disseminating any testimonial containing representations contrary to such agreement. (03212)

Wool Novelty Company, Inc., 10 West 20th St., New York, has entered into a stipulation to cease and desist from misrepresenting the fiber content and the origin of yarns it sells in interstate commerce. (3826)

CEASE AND DESIST ORDERS

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

Alexander Auerbach, 439 Broadway, Brooklyn, has been ordered to cease and desist from violation of the Wool Products Labeling Act and the Federal Trade Commission Act in connection with the sale of "shoddy," manufactured from woolen rags, clippings, and other wool waste. The respondent trades as Frank Corwin, Frank Corwin Co., Frank Cohen, David Demerer and Hanover Wool Stock Co. (5025)

A & N Trading Co., Inc., 8th and D Streets, N. W., Washington, D. C., engaged in the sale of clothing and other merchandise, has been ordered to cease and desist from misbranding wool products in violation of the Wool Products Labeling Act and the rules and regulations promulgated thereunder. The respondent corporation trades as Sport Center, A. & N. Trading Company, and A & N Trading Company, Inc. (4932)

National Crepe Paper Association of America, 1532 Lincoln-Liberty Bldg., Philadelphia, and eight corporations which manufacture all of the crepe paper produced in the United States have been ordered to cease and desist from conspiring to fix uniform delivered prices for their products. (4606)