

## PETRILLO REJECTS ROOSEVELT PLEA

James Caesar Petrillo, President of the American Federation of Musicians, to whom President Roosevelt appealed last week to accept the directive order of the War Labor Board and lift the recording ban (see NAB REPORTS, page 265), has refused to comply. Following is the telegram sent by Petrillo to President Roosevelt at the White House:

"DEAR MR. PRESIDENT:

"In response to your communication of October 4th, I called a meeting of the International Executive Board of the American Federation of Musicians for October 9th at Chicago for the express purpose of acting upon the subject of your telegram. All members of the International Executive Board were present at the meeting and gave full and deliberate consideration to your telegram. I am directed respectfully to communicate to you the following which represents the unanimous action of the Board.

"The Executive Board is of the opinion that were all of the facts and circumstances pertaining to this so-called recording controversy made known to you, knowing your position on labor's rights and your humanitarian viewpoint, you would not ask it to reverse the unanimous action of three conventions and by which action the International Executive Board is bound. There is, evidently, a misapprehension concerning the so-called ban with respect to the making of mechanical recordings and transcriptions. A ban was imposed by order of the convention of the American Federation of Musicians at Dallas, Texas, in June, 1942, effective as of August 1st, 1942. This ban applied to all companies and persons engaged in the manufacture of recordings and transcriptions. It is no longer in existence except as to the two companies who now seek competitive advantage over one hundred and five other companies and persons who have entered into contractual arrangements with the American Federation of Musicians and who are now engaged and have been engaged for over a year in the making of recordings and transcriptions. Thus the issue as it existed in August, 1942, has been resolved except for two companies who, as will be more fully pointed out later in this telegram, have refused to abide by the solution procured through the efforts of a panel of the War Labor Board.

"The International Executive Board recognizes the fact that it is impossible for you to look into this entire controversy from its inception, that is, from August 1, 1942, or twenty-six months ago. It is only because of the seriousness of the circumstances and problems confronting the American Federation of Musicians of the United States and Canada that the Board and I presume to impose upon your time by setting forth in some detail the more important facts involved in this matter. Unless fairness and justice prevail a wrong determination may destroy our profession and the livelihood of thousands of members.

"May I respectfully direct your attention to this outstanding fact, that is, one hundred five contracts have been signed to date with the Federation of Manufacturers engaged in the making of recordings and transcriptions. All of them are patterned after the contracts which were approved by the panel of the War Labor Board and which were obtained through its efforts at mediation and conciliation.

"A most important clause in these contracts provides that if we give any person or company a better contract

or more favorable terms and conditions than the existing contracts, the latter must be reformed so as to include the changes and more favorable terms and conditions given to such others. Therefore, to request us to resume employment with these two companies who refused to sign contracts with us for the employment of our members, and to work for these two companies on terms different than those now prevailing would be to destroy the benefits and advantages of the one hundred and five existing contracts.

"There has been some talk by others that we have struck against these two companies. We have never struck against any of these companies and certainly we have never struck against the Government. During this entire controversy we have made records and transcriptions for practically every Governmental agency, for the armed forces of the United States and our allies, in the overwhelming number of cases without any compensation, and we are continuing to do so. With respect to our patriotism, it is second to none as the following recital of facts will clearly demonstrate.

"The Special Service Division of the army is now pressing over 225,000 musical records monthly and distributing them to the men in the army as well as the personnel of the navy. These records find themselves in the remotest fox-holes in the combat areas wherever the war is fought. The Special Service Division allows no budget for this work and it is done gratuitously by the members of the American Federation of Musicians.

"Our donation in service to the Coordinator of Inter-American Affairs Office has been evaluated by Mr. Rockefeller in excess of One Million Dollars. This applies also to our gratuitous efforts with respect to the Office of War Information, where Mr. Robert Sherwood has estimated that if he were required to pay for the free music via recordings and transcriptions that he receives for overseas service, it would total not less than One Million Dollars.

"Thus, Mr. President, you can readily see that, where the war effort was and is involved, we have responded without hesitation. That is certainly manifest from the fact that we have supplied our members to do governmental work for the two companies who refused to contract for the employment of our members for civilian work.

"In addition, our outstanding name bands and symphony orchestras are daily appearing in army camps, cantonments, hospitals, bond drives and wherever members of the armed forces are congregated. All these services are being given gratuitously and can be evaluated at millions and millions of dollars.

"The following list of agencies, governmental, educational and charitable, have also been beneficiaries of our gratuitous services on behalf of the war effort:

"U. S. Department of Agriculture, Treasury Department, U. S. Department of Labor, War Department—Bureau of Public Relations, Special Service Department, etc., War Manpower Commission, War Shipping Administration, Department of the Interior, War Production Board, Farm Credit Administration, Department of State, Social Security Board, Office of Facts and Figures, N. Y. Department of Health, various divisions of the U. S. Army Air Forces, U. S. Army Infantry, etc., U. S. Naval Air Station, Photographic Science Laboratory, U. S. Army Service Forces, Signal Corps Photographic Center, U. S. Coast Guard, Third Naval District, Naval Office Procurement, U. S. Navy Bureau of Aeronautics, U. S. Maritime Service, Civil Air Patrol, Division of War Training, U. S. Marine

(Continued on page 378)



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, *Director of Public Relations*; Howard S. Frazier, *Director of Engineering*; Paul F. Peter, *Director of Research*; Arthur C. Stringer, *Director of Promotion*; John Morgan Davis, *General Counsel for Labor Relations*.

(Continued from page 377)

# PETRILLO REJECTS ROOSEVELT PLEA

Corps, various radio stations, recordings for moral purposes overseas and in this country, use of guests—men in uniform, permission for defense plants to use recordings for employees, American Red Cross, USO, National War Fund, Greater New York Fund, Salvation Army, YMCA, Office of Civilian Defense, ENSA Committee, National Safety Council, Aurorstone, Writers War Board, Russian War Relief, Cuban Consul General, British Broadcasting Corporation, British-American Ambulance Corps, Belgian Information Center, Royal Norwegian Information Services, Royal Norwegian Air Force, United China Relief, Consul of Poland, Australian News and Information Bureau, Catholic Charities, Bundles for Britain, Navy Relief Society, Army Emergency Relief, Freedom House, Boys Town—Father Flanagan, American War Dads, American Jewish Committee, Community Chests and Councils, Inc., Hadassah, National Labor Committee for Palestine, Pocket Testament League.

"The foregoing, Mr. President, does not take into consideration the many millions of dollars of service rendered by 735 of our local unions for the armed forces. We believe that this record of cooperation with the government and armed forces has no greater parallel in the history of this war.

"At the expense of repetition, but only for the purpose of emphasizing one of the important points to be considered, we declare that the refusal of the two companies to employ our members on the same terms and conditions now prevailing in the industry is not a violation of the American Federation of Labor's no strike pledge. The American Federation of Labor has kept its no strike pledge and we have cooperated with it in that regard. However, in the matter of this particular controversy, the American Federation of Labor Convention in Toronto, Canada, in October, 1942, after a full consideration of the matter not only declared that it did not involve the no strike pledge, but it endorsed the position of the American Federation of Musicians by an unanimous vote.

"As the Director of Economic Stabilization has clearly pointed out, the making of the records to which the ban pertains has no connection with the war effort. They are purely for civilian use. We offered to make records free for the Army and Navy to be used in juke boxes, provided the members of the armed forces could hear them played without having to deposit a nickel to hear them. The Navy Department advised us that the Navy Personnel were acquiring records in sufficient quantity to meet their recreational and entertainment needs. The War Department likewise, has advised that the present arrangements between the Federation and the War Department were most satisfactory and it was desired that the arrangements remain unchanged.

"Much is made of the fact that, as President of the American Federation of Musicians, I had made the statement that in the event the President of the United States asked me to lift the ban I would comply with such request. I did make that statement. It was made at the Dallas Convention in June, 1942. I repeated it on January 12, 1943, before the sub-committee of the Interstate Commerce Committee of the United States Senate in response

to a question put to me by Senator Clark. At that time no records were being made by us for any record manufacturers and no such manufacturers saw fit to ask you to intervene, but sought instead, through court procedure and through a Senate investigation to compel us to make records without regard for either our rights or our desires. Now, however, we are making records to the extent of nearly four million per month for one hundred and five companies and have been doing so for many months under a form of agreement which neither Columbia nor RCA are willing to accept.

"Mr. President, our membership has had and now has great confidence in you. We are all aware that, while others objected to your handling of their problems, our organization through me was willing to have you do so. We waited for the employers to join with us in this request to have you consider the matter. The employers, however, did not do so. On the contrary, after many tricky attempts to defeat the Federation by instigating a Senate investigation of, and an anti-trust suit against the Federation, some of the companies filed a petition with the War Labor Board. The two companies now objecting did not petition at the time other companies first filed the petition. They waited several months. As a result of the filing of the first petition, the situation has completely changed which, of course, has affected the handling of this controversy by you under the offer I made to Senator Clark and his Committee. For instance, the one hundred and five contracts were entered into subsequent to the offer I made Senator Clark, and these contracts as explained above resulted from the panel's efforts to settle the controversy.

"It was because of the confidence the organization and I had in you, Mr. President, that I made the offer referred to. It was circulated widely and published in the press. The companies now seeking your aid knew of that offer. Although it was not a direct invitation to them to meet with you and me in order to have you determine the matter at that time, nevertheless it certainly must have occurred to them that in view of my offer they could have asked you to look into the situation and determine it if necessary. Evidently they did not have confidence in you, then, for they did not ask you to request me to comply with the offer I made. On the contrary they set in motion the machinery of the War Labor Board believing that that might work to their greater advantage. Now, twenty-six months after the ban was imposed, realizing that the circumstances have greatly changed, virtually making it impossible to lift the ban as to these two companies without disrupting the relationships brought about by one hundred and five existing contracts, they run to you, Mr. President, and ask you to aid them.

"By virtue of the one hundred and five contracts which conform to the settlement agreed upon by the American Federation of Musicians and certain companies, at the instance of the War Labor Board, the American Federation of Musicians has been placed in a position whereby the offer made by me no longer has any further application. That is clearly the case because to give these two recalcitrant companies different terms than have been given to the one hundred and five companies would cause great confusion and disruption of existing peaceful labor relations with the one hundred and five companies.

"To direct members of the American Federation of Musicians to work for these two companies would inevitably result in incalculable harm to our membership, the only good that would come out of the lifting of the ban would be to permit these two companies to resume the manufacture of records for civilian use with resulting tremendous profits to them, and that would be accomplished by taking the business away from those companies who have signed with the American Federation of Musicians and who are now supplying the public with all necessary recordings.

"We have referred to the anti-trust case, which was instituted against the Federation by the Anti-Trust Division of the Department of Justice. This occurred October 12, 1942. After a full hearing before Federal District Judge Barnes at Chicago, the court denied the government an injunction and dismissed the suit upon its merits. The case was appealed to the Supreme Court of the United States. That court approved the holding of the District Court to the effect that we were not violating any law



of the United States, and that we had a lawful right to take such action to preserve our livelihood.

"Mr. President, as a matter of fairness there is only one solution to this problem the Federation can accept and that is for these two companies to sign the same contract as the one hundred and five other companies have signed if they wish our members to work for them in making recordings and transcriptions. It must be remembered that these are not contracts containing arbitrary terms submitted by the American Federation of Musicians. The contracts as explained before, result from the efforts at mediation by the War Labor Board itself. These contracts have not been disapproved of by the War Labor Board, on the contrary the War Labor Board Panel stated that the terms and conditions are not contrary to sound social policy. Therefore, if these companies are anxious to make records for civilian use and desirous of procuring the services of musicians affiliated with the American Federation of Musicians, in justice and fairness they ought to do so by agreeing to the same terms and conditions as the one hundred and five of their competitors have agreed to and under which our members are now working.

"The Federation is aware that this case is a small matter compared with the many tremendous problems of national and international importance which are confronting you today, but it is one of the greatest fights in which organized labor has ever been involved, a fight for the maintenance and preservation of basic fundamental rights, a fight to preserve free labor as against conscription and involuntary servitude. Knowing your position on human rights, we are sure you would not want to impose unjust and harmful conditions upon thousands of musicians or anyone else for that matter."

The President, in his telegram to Mr. Petrillo, simply requested that he comply with the order of the War Labor Board issued on June 15, 1944. That order follows:

#### THE NATIONAL WAR LABOR BOARD

In the Matter of

ELECTRICAL TRANSCRIPTION  
MANUFACTURERS

and

AMERICAN FEDERATION OF  
MUSICIANS, AFL

June 15, 1944

Case No. 111-  
2499-D

(Columbia Record-  
ing Corp., RCA  
Victor Division  
of Radio Corpo-  
ration of Amer-  
ica, Interveners)

#### Directive Order

By virtue of an pursuant to the powers vested in it by Executive Order 9017 of January 12, 1942, the Executive Orders, Directives and Regulations issued under the Act of October 2, 1942, and the War Labor Disputes Act of June 25, 1943, the National War Labor Board hereby decides the dispute between the parties and orders that the following terms and conditions of employment shall govern the relations between the parties:

1. The agreements entered into between the Federation and various transcription and recording companies settling their disputes do not require the approval of the War Labor Board, since the payments to be made thereunder by the Companies to the Union for the benefit of the Employment Fund are not wage adjustments within the meaning of the wage stabilization program.

2. The ban upon playing or contracting for "recordings, transcriptions or any other form of mechanical reproductions of music" by members of the Federation, resulting from the action of the Federation on June 25, 1942, shall promptly be withdrawn.

3. The Federation and the three remaining Companies which are parties to this dispute shall endeavor to reach

## In Memoriam

W. E. MacFarlane, 60, Vice President of Radio Station WGN, and Chairman of the Mutual Broadcasting System Executive Committee, passed away on Tuesday (10), from heart disease, at his suburban Lake Forest home. Mr. MacFarlane was recognized as one of the strong figures in the radio industry. While his experience was essentially in the newspaper field and he was, at the time of his death, business manager of the Chicago Tribune and a director of the American Newspaper Publishers Association, he nevertheless played a prominent part in the affairs of the radio industry. His passing removes a useful leader and will be regretted by all within the industry.

He is survived by his wife, Alice, and two sons.

an agreement regarding the amounts and the schedule of escrow payments to be made by the Companies.

4. If no such agreement is reached within fifteen days from the date of this directive order, and if the time for negotiation is not extended by mutual consent, the parties shall report to the Board their respective positions. The Board will then determine the amounts and the schedule of escrow payments and order that the payments be begun.

5. After the amounts and schedule of escrow payments have been fixed by agreement or by the order of the Board, the parties shall endeavor within thirty days (or within such further period as they may mutually specify) to reach an agreement regarding the method of distribution of the payments—by whom, to whom, for what purposes, and for how long the payments should be made.

6. If no such agreement is reached within the time limited, the parties shall have a further period of ten days (which may be extended by mutual consent) within which to endeavor to agree upon the composition of an Arbitration Board and the frame of reference within which such a Board shall render a decision that shall be final and binding upon the parties.

7. If Step (6) is exhausted without agreement, the parties shall report to the War Labor Board their respective positions, and the War Labor Board will then appoint an Arbitration Board and determine the frame of reference within which the Board so appointed shall render a decision which shall be final and binding upon the parties.

The foregoing terms and conditions shall be incorporated in a signed agreement reciting the intention of the parties to have their relations governed thereby, as ordered by the National War Labor Board.

Representing the Public:

William H. Davis, Chairman  
Geo. W. Taylor, Vice Chairman  
Lloyd K. Garrison  
Frank V. Morley

Representing Industry:

J. Holmes Davis  
Vincent P. Ahearn  
Frederick S. Fales  
Walter T. Margetts

Dissenting:

Representing Labor:

John Brophy  
Van A. Bittner  
George Meany  
Matthew Woll

Upon being advised of Mr. Petrillo's refusal to comply with the President's request, William H. Davis, WLB Chairman, stated that the matter was no longer in the War

Labor Board's hands but was wholly up to the White House.

It is understood that the entire matter has been referred by President Roosevelt to Director of Economic Stabilization Fred M. Vinson.

## ALLOCATION HEARINGS CONTINUE

The Allocation Hearings before the Federal Communications Commission continued throughout Thursday, Friday and Saturday of last week and were resumed on Tuesday morning (10). International broadcast was the subject of the hearing on Thursday (5).

Elmer Davis, Director of the Office of War Information, was the first witness. He was followed by Nelson A. Rockefeller, Coordinator of Inter-American Affairs. Curtis P. Plummer, radio engineer in the Broadcasting Engineering Division, FCC, then testified, followed by Guy Raymond, Radio Facilities Engineer of NBC, but appearing as Chairman of Committee 3, Panel 8, of the RTPB. Paul W. Kesten, CBS Executive Vice President, was followed on the stand by James D. Shouse, Vice President in Charge of Broadcasting, Crosley Corporation. J. E. Tapp, Director of Engineering, Associated Broadcasters, Inc., San Francisco, was then heard and Walter S. Lemmon, appearing for the World Wide Broadcasting System was another witness.

The foregoing witnesses concluded the testimony on international broadcasting. The sessions throughout the present week and probably continuing to the week beginning October 15, are devoted to broadcast services. Services are appearing in the following order: standard broadcast, FM commercial broadcast, FM non-commercial (educational), television, facsimile, and supplemental broadcast services.

Those heard by the Commission in connection with standard broadcasting in the order named were: C. H. Owen, Chief of the Hearing Section of the Broadcast Division Engineering Department of the Federal Communications Commission; Howard S. Frazier, Chairman, Panel 4 on Standard Broadcasting, Radio Technical Planning Board; Panel F. Godley, Consulting Radio Engineer, appearing as a Panel 4 witness; J. Harold Ryan, President of the National Association of Broadcasters; Paul F. Peter, NAB Director of Research, and William B. Lodge, Acting Director of Engineering for the Columbia Broadcasting System.

After the testimony on standard broadcasting, the Commission heard the following witnesses on behalf of FM broadcasting: Cyril M. Baum, Chief, Non-Standard Broadcast Application Section, Broadcast Division, Engineering Department, FCC; C. M. Jansky, Jr., Chairman of Panel 5, RTPB; Walter J. Damm, President, FMBI; W. F. Cotter, Stromberg-Carlson Company; J. E. Brown, Zenith Radio Corporation; P. B. Laeser, FM Television Engineering Supervisor, Milwaukee Journal radio station; T. A. M. Craven, Vice President, Cowles Broadcasting Company; Paul W. Kesten, Executive Vice President, CBS; William B. Lodge, Acting Director of Engineering, CBS.

NAB is printing in bulletin form the complete transcript of the hearings covering broadcast services. All broadcasters are urged to familiarize themselves with the proceedings before the FCC by reading the Special Allocation Hearings Bulletins which are mailed with NAB REPORTS while the hearings are in progress.

## FCC EMPLOYEE DATA FORMS

Last week the FCC Accounting Department mailed to all stations the annual forms for reporting employee and pay-roll data. The information is to be furnished for the week beginning October 15, and the forms are to be returned to the Commission by November 15.

Stations are urged to cooperate with the FCC in completing the desired information and returning the forms to the FCC as quickly as possible.

It will be recalled that the FCC has cooperated with the industry in making this information available for industry use as quickly as it can be tabulated. Last year the information was available to the industry before January 1.

Your cooperation is needed.

## FCC SHOWS INTEREST IN HOME RECEIVER STANDARDS

During 1944 individuals and organizations in the United States and Great Britain have begun actively to discuss standards for home receiving sets. It is gratifying to broadcasters that James Lawrence Fly, chairman, Federal Communications Commission, exhibited active interest in the subject on Monday, Oct. 10, during the current FCC allocation hearings. At that time he asked Howard Frazier, NAB Director of Engineering, whether there had been any efforts to get certain minimum engineering standards for receivers agreed upon as an industry matter.

The following passages are quoted verbatim from the official transcript of the hearing in question:

"The CHAIRMAN: Mr. Frazier, before you go to that, what in general is the outline of the work done by the Receiver Committee? (of the Radio Technical Planning Board)

"FRAZIER: That is covered completely in one of the exhibits, Mr. Chairman. I will refer to that in a few more moments.

"The CHAIRMAN: I wondered if there had been any effort to get certain minimum engineering standards for receivers agreed upon as an industry matter.

"FRAZIER: That was considered, Mr. Chairman, I believe by the Receiver Committee, and it was the consensus of opinion at that time that they would rather do that through other channels.

"The CHAIRMAN: Was that taken as meaning they were not going to do it or they were going to do it through other channels?

"FRAZIER: I think it will be undertaken through other channels."

In January of this year Arthur Stringer, NAB Director of Circulation, discussed this matter before the members of the Institute of Radio Engineers at their annual mid-winter meeting in New York City.

A few days later the same subject was included in the agenda of the Receiver Committee, Radio Technical Planning Board. This group apparently concluded that it was powerless to bring about reform under discussion. At any rate nothing constructive on minimum receiver standards has yet been made a part of the record.

The expressed attitude of many manufacturers, on query by Panel 4, RTPB, was negative. One major manufacturer wrote:

"It is felt by this company that quality of reproduction and reception with respect to broadcast receivers cannot be sufficiently well defined to warrant the making of a recommendation in this regard. (Engineers of equally reputable concerns take the opposing view.) In general, the quality of a product largely depends on the integrity of the manufacturer and his ability to compete with other manufacturers to provide the highest quality at the least cost. No further control is felt to be necessary or desirable.

"With respect to field service of set components and ease of replacement, the manufacturer is always at the mercy of the dealer and the service man, and failure to observe this requirement has a profound effect on sales acceptance. This would seem to provide sufficient incentive for the manufacturer to provide easily serviced de-



signs. Accordingly, we have no specific recommendation to make."

Broadcasters know and appreciate the fact that the tremendous influence of broadcasting stems from the wide ownership of receivers in this country, 60 million of them.

At the same time they realize that it is possible for receiver engineers to develop modestly priced instruments, well within the means of mass market purchasers, but whose annual maintenance costs would be substantially lower.

Broadcasters, backed by the entire service industry, have repeatedly suggested, without measurable results up to this time, that manufacturers should improve design to provide easy installation of repair parts. Millions of sets are produced in the apparent belief that they will never require maintenance repairs. When such repairs come, and they always do, their cost to the owner may frequently exceed the manufacturer's cost.

### A "Hot" Subject in Great Britain

The subject of "Post-War Set Design for Easy Service" was brought to the attention of the British radio trade in a series of articles in "The Wireless & Electrical Trader," beginning July 29, 1944.

Few dissentients were reported by the magazine. Several held that the service engineer could not advise the designer, since he knew nothing of production.

"This however, was not the point made in the first article," commented the magazine.

"The idea was that the service engineer should indicate to the designer (who probably knows nothing of service work) those points in design which caused difficulties. It would then be the job of the production engineer to endeavor to avoid these difficulties. Many of the faults complained of would not affect production one way or the other.

"Turning now to the suggestions made by various correspondents, we find certain points coming up again and again, and their reiteration is clear evidence that they ought to be attended to by designers."

### NAB BACKS RADIO CORRESPONDENTS' REQUEST

The Radio Correspondents Association, an organization comprising the radio commentators and news correspondents in the nation's capital, were tendered a luncheon on Monday (9) by Earl Goodwin, President. While the primary purpose of the luncheon was to afford a setting for the presentation of tokens of esteem from the four radio networks to D. Harold McGrath, superintendent of the Senate Radio Gallery, and William Vaughan, acting superintendent of the House Radio Gallery, some attention was given to the activity which was launched by the Radio Correspondents Association looking to the assignment of additional space in the Capitol for the use of Association members.

NAB Public Relations Director Willard Egolf represented the Association and was one of the invited speakers. Following is the text of his remarks:

"It gives me particular pleasure to be here today as a representative of the National Association of Broadcasters because the last few years have made this industry increasingly conscious of its possibilities and responsibilities in the presentation of news. Twenty-odd years ago news broadcasts consisted almost wholly of announcers reading verbatim reports from local newspapers. The radio news business has grown tremendously since then. I don't know—and I don't think anyone else does—how much more it will develop . . . but it is certainly not going backward. It will not abandon new techniques of on-the-scene reporting, both at home and from abroad.

"That's especially true of Washington. It is understatement to say that the war has made this city one

of the most important of world capitals. It has become a focal point in the gathering and reporting of news . . . a crossroads for statesmen and diplomats and soldiers and all varieties of experts on every conceivable topic of human interest. In the times ahead, no one can be well-informed unless the news from Washington is thoroughly and accurately reported. Both the radio industry and the public are going to look with increasing attention toward the corps of newsmen who comprise the Radio Correspondents Association for a full account of world developments.

"Perhaps we are just beginning to realize that. If we realized it before, we are at least beginning to do something about it. The history of our industry will show that it has had to fight a lot of fires, and fire-fighting takes time and attention from the job of building for the future and initiating even the most widely recognized projects. In the NAB, the committee on news is barely a year old. The members of that committee felt from the start that it must assess more clearly and definitely the whole relationship between radio and news reporting. One of the most urgent problems before Congress, the administration and the American people is to find a means of providing a free interchange of news everywhere. If radio is going to report the news all over the world, we have an interest in eliminating every form of censorship. We need to make that interest articulate. We need to support our government in its efforts to give reporters free access to news, and to provide facilities for its transmission.

"In order to do that, radio management as such should know as much as possible about the practical problems which are encountered by newsmen in the field. There is room for closer coordination between the executive branches of the radio industry and the men who are reporting news. At the recent NAB Executives War Conference in Chicago, the Radio News Committee provided for a liaison committee to work with the Radio Correspondents Association. As it is now time for the President to appoint new members for all Committees in NAB, a procedure which follows each annual membership meeting, we should be able to announce in a few weeks the names of the men who are to work with the Radio Correspondents Association in Washington.

"These men will be available to the Radio Correspondents Association for consultation any time they are wanted. And I hardly need add that my office is always ready to provide any assistance possible, likewise Arthur Stringer, who is secretary of the Radio News Committee. I could spend a lot of time telling you about the various projects of the Radio News Committee. One is the installation of courses on radio journalism in the schools and colleges of America, which is well on its way. But I will move on quickly to a topic discussed by the very first meeting of the Committee, in September of 1943. It was: 'Recognition of radio news and radio news personnel.'

"Now, how will that policy be applied here in Washington? One project which occurs to me off-hand is that of providing better quarters for radio newsmen in the Capitol. I remember when radio first began to broadcast play-by-play accounts of football games. In most stadiums we were provided or allowed to construct a wooden broadcasting booth which resembled one of Chic Sale's specialties—and this rested none too gloriously on top of the press box. The press box usually had been built with the stadium and was of strong concrete, with steel casement windows, wherein our brothers of the press snugly hammered out their reports with the aid of full telephone and telegraph service, hot and cold running water, steam heat and sometimes a couch and dumb waiter. We are not unduly envious of our brothers of the press who preceded us so long in the field of reporting but we felt that we were performing a service which needed top-notch facilities, too, and finally we got them—or a reasonable facsimile, anyway.

"We know the space set aside for radio reporters in the Capitol is—well, let's say pretty cramped—by comparison with the space allotted to newspapermen and press associations in the corridors adjoining the House and Senate. It won't be long before the radio gallery office-space is inadequate. There are already half a dozen stations in different parts of the country with their own Washington correspondents. A tendency is developing to feed special



regional Washington reports directly to stations in other parts of the country. As time goes on, there will undoubtedly be more programs of that type. NAB is naturally eager to see that Congress provides adequate facilities—comparable to the press facilities—for the enlargement of radio news coverage. There are more than 900 radio stations in the United States—and there are hundreds more in other countries which in the course of time will receive radio news regularly from the United States. Their vast audiences will not be content with a second-rate or limited presentation of news from Washington.

“NAB recognizes that it has a definite role to play, in cooperation with the Radio Correspondents Association, in working out the progressive betterment of radio news coverage in the period ahead. Thank you.”

### ORIGINATOR OF LIBERTY BELL RECORDING IDEA FOUND

The origin of the idea of recording the sound of Liberty Bell for use on American radio stations on V-Day has been traced to David Moore, of Glastonbury, Connecticut. Mr. Moore first called Paul Morency, Manager of WTIC, Hartford, who suggested that the idea be forwarded to NAB. This was done through Mr. Kenneth B. Warner, President of the American Radio Relay League.

A pressing has been sent to Mr. Moore, together with a letter of thanks from NAB.

### NEW YORK STATE D. A. R. COMMENDS RADIO'S WAR SERVICE

The following resolution was passed at the recent conference of the New York State Organization of the Daughters of the American Revolution:

WHEREAS: Radio in the United States of America is a free institution, the product of free enterprise and participated in by all people, and

WHEREAS: it is rendering essential strategic service to America and her Allies in the successful prosecution of the war at home and abroad, and in the saving of lives.

THEREFORE BE IT RESOLVED: that the New York State Organization of the Daughters of the American Revolution at their 49th annual conference, offer their appreciation to the broadcasters and further express the hope that radio continue its public service by using its facilities in helping to solve the vexatious problems of postwar and in fostering international understanding.

### CAMPAIGN ENDS WITH WFOY BICYCLE RODEO

Showmanship, special events, and public service were incorporated in the WFOY Bicycle Rodeo recently staged (Sept. 24) in St. Augustine, Florida, at Francis Field. Between 1200 and 1500 people filled the grandstand and bleachers to overflowing. Hundreds of men of the Armed Services were in attendance.

The Rodeo included such events as bicycle polo, bicycle races, stunts, riding a 100-foot plank, 6 inches in width, motor-bikes race, Parade of Beauty, and Queens of the Rodeo. Twenty-three of St. Augustine's sun-tanned beauties, clad in shorts, made a big hit with the spectators. All events were broadcast over the station and were carried over the WFOY sound system installed in the park. One hundred twenty-five dollars in cash were given away in prizes.

The Rodeo was sponsored by 23 of St. Augustine's leading business firms and was the climax of a four-week safety campaign over the station. Two hours daily were devoted to safety rules, regulations, and hints. It preceded the opening of the school season in the nation's oldest city. It is believed to be the first time that a Bicycle Rodeo with its entertainment, public service, and commercial angles has been used by a radio station. The Bicycle Rodeo was a product of General Manager J. Allen Brown and his staff.

October 13, 1944 — 382

## Federal Communications Commission Docket

### HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, October 16. They are subject to change.

#### Monday, October 16

##### Further Consolidated Hearing

WICA—WICA, Inc., Ashtabula, Ohio.—C. P. to change hours and install DA-night, 970 kc., 1 KW, unlimited, DA-night.

WWSW—WWSW, Inc., Pittsburgh, Pa.—C. P. to change frequency from 1490 kc. to 970 kc., increase power from 250 watts to 5 KW, unlimited time, DA-night.

#### Tuesday, October 17

##### Consolidated Hearing

NEW—The Finger Lakes Broadcasting System (Gordon P. Brown, Owner), Geneva, N. Y.—C. P. for a new station to operate on 1240 kc., 250 watts, unlimited time. (Requests facilities of WSAY when vacated.)

NEW—WARC, Inc., Rochester, N. Y.—C. P. for new station to operate on 1240 kc., 250 watts, unlimited time. (Requests facilities of WSAY when vacated.)

NEW—Rochester Broadcasting Corporation, Rochester, N. Y.—C. P. for new station to operate on 1240 kc., 250 watts, unlimited time. (Requests facilities of WSAY when vacated.)

NEW—Seneca Broadcasting Corp., Rochester, N. Y.—C. P. for new station to operate on 1240 kc., 250 watts, unlimited time.

#### Wednesday, October 18

##### Further Hearing

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Renewal of license (main and auxiliary); 950 kc., 1 KW (main), 500 watts (auxiliary), daytime (main), auxiliary purposes only (auxiliary).

#### Thursday, October 19

WMC—Memphis Publishing Co., Memphis, Tenn.—Renewal of license (main and auxiliary); 790 kc., 5 KW (main), 500 watts (auxiliary), unlimited (main), auxiliary purposes only (auxiliary).

#### Friday, October 20

##### Consolidated Hearing

NEW—Birney Imes, Jr., Meridian, Miss.—C. P., 1240 kc., 250 watts, unlimited.

NEW—Mississippi Broadcasting Co., Inc., Jackson, Miss.—C. P., 1240 kc., 100 watts, unlimited.

NEW—Mississippi Broadcasting Co., Inc., Macon, Miss.—C. P., 1240 kc., 100 watts, unlimited.

## Federal Communications Commission Action

### APPLICATIONS GRANTED

Inter-City Advertising Co., Columbia, S. C.—Granted application for construction permit for new station to operate on 1490 kc., 250 watts, unlimited time, exact transmitter site to be determined; granted subject to procedure outlined in January 26, 1944, policy. (B3-P-3650)

KOIN—KOIN, Inc., Portland, Ore.—Granted renewal of license for the period ending May 1, 1947. (B5-R-94)



## LICENSE RENEWALS

**KGKB**—J. G. Kretsinger (transferor), James G. Ulmer (transferee), East Texas Broadcasting Co. (licensee), Tyler, Texas—Granted consent to acquisition of control of East Texas Broadcasting Co., licensee of Station KGKB, by James G. Ulmer and Mrs. Minnie B. Ulmer, through transfer of 12 shares of common stock from J. G. Kretsinger to James G. Ulmer, for a consideration of \$10 cash and cancellation and satisfaction of promissory note of \$300. (B3-TC-406)

**WCOP**—Arde Bulova and Harold A. Lafount (transferors), Iowa Broadcasting Co. (transferee), Massachusetts Broadcasting Corp. (licensee), Boston, Mass.—Granted consent to transfer of control of Massachusetts Broadcasting Corp., licensee of Station WCOP, from Arde Bulova and Harold A. Lafount to Iowa Broadcasting Co., by the transfer of 5,000 shares of common stock and 500 shares of preferred stock, or 100 percent of issued and outstanding capital stock, for a consideration of \$225,000. (B1-TC-397)

**KFOX**—Nichols & Warinner, Inc., Long Beach, Calif.—Granted extension of special service authorization to permit broadcasting information to longshoremen at 3:40 p. m. and 7:30 p. m., PST, daily except Sunday, for the period ending November 1, 1945. (B5-SSA-116)

**KPKW**—Western Radio Corp., Pasco, Wash.—Granted 30-day extension of time to file application for approval of transmitter site.

**KVAN**—Vancouver Radio Corp., Vancouver, Wash.—Granted petition in part, to reopen record in Docket 6566 for acceptance of amendment to its application for construction permit to change facilities, and removed said application as amended from the hearing docket, for further study. At the same time, the Commission dismissed the petition by KSEI, Radio Service Corp., Pocatello, Idaho, for leave to intervene in Docket 6566, said petition becoming moot by above action on KVAN petition.

**WNBC**—Arde Bulova and Harold A. LaFount (transferors), The Yankee Network, Inc. (transferee), State Broadcasting Corp. (licensee), Hartford, Conn.—Granted consent to voluntary transfer of control of State Broadcasting Corp., licensee of Station WNBC, from Arde Bulova and Harold A. LaFount, to The Yankee Network, Inc., by transfer of 100 percent of the issued and outstanding capital stock for a consideration of \$220,000 plus, but not to exceed a total purchase price of \$250,000 (B1-TC-392). Granted request to change call letters to WHTD.

**WLLH**—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Granted license to cover construction permit for synchronous amplifier to make changes in transmitter equipment and increase power (B1-L-1830); granted authority to determine operating power by direct measurement of antenna power. (B1-Z-1629). (Action 10-4-44.)

**KGGF**—Hugh J. Powell, Coffeyville, Kans.—Granted modification of construction permit (as modified, which authorized installation of new transmitter) for extension of completion date from October 22, 1944, to January 1, 1945; conditional grant (B4-MP-1770). (Action 10-2-44.)

**WCLE**—United Broadcasting Co., Akron, Ohio—Granted modification of construction permit (which authorized change in frequency, increase in power, change in hours of operation, install directional antenna for day and night use, and move transmitter and studio) for move of transmitter, changes in directional antenna system, and extension of commencement and completion dates to 30 days after grant and 180 days thereafter, respectively (B2-MP-1751). (Action 10-2-44.)

**KVOP**—W. J. Harpole and J. C. Rothwell, a partnership, Plainview, Texas—Granted license to cover construction permit (as modified, which authorized a new standard broadcast station) (B3-L-1823); granted authority to determine operating power by direct measurement of antenna power (B3-Z-1619). (Action 10-2-44.)

**W9XJC**—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted license to cover construction permit for new developmental broadcast station (B4-LEX-18). (Action 10-2-44.)

**W8XCT**—The Crosley Corp., Cincinnati, Ohio—Granted modification of construction permit (as modified, which authorized construction of new experimental television station) for extension of completion date only, from October 28, 1944, to April 28, 1945. (B2-MPVB-114)

Granted renewal of following station licenses for the period ending not later than November 1, 1945:

KGHF, Pueblo, Colo.; KID, Idaho Falls, Idaho; KRNT, Des Moines, Iowa; WLWL, Minneapolis, Minn.; WNBK, Binghamton, N. Y.; WTOC, Savannah, Ga.; KOL, Seattle, Wash.; WDOJ, Chattanooga, Tenn.

**WAAT**—Bremer Broadcasting Co., Newark, N. J.—Granted renewal of license for main and auxiliary transmitters for the period ending May 1, 1947.

The Commission (by its Administrative Board) granted extension upon a temporary basis only, pending receipt and/or determination upon applications for renewal of licenses, the following licenses for relay broadcast stations in no event later than December 1, 1944:

WASJ, WNYK, WNYL, WNYN, WNYO, City of New York, Municipal Broadcasting System; WAXL, Jonas Weiland; KGBK, KVBG, Inc.

The Commission (by its Administrative Board) placed the following applications in pending files in accordance with Commission policy adopted February 23, 1943 (for new high frequency FM broadcast stations):

Providence Journal Co., Providence, R. I.; The Times-Mirror Co., Los Angeles, Calif.; WAGE, Inc., Syracuse, N. Y.

The Tribune Co., Tampa, Fla.

WJAC, Inc., Johnstown, Pa.

Southeastern Broadcasting Co., Macon, Ga.

## MISCELLANEOUS

**KOB**—Albuquerque Broadcasting Co., Albuquerque, New Mex.—Adopted order continuing to December 11, 1944, the hearing on the applications of KOB for modification of construction permit (B5-MP-1738; Docket 6584), and for license to cover construction permit as modified and authority to determine operating power by direct measurement. (B5-L-1799, B5-Z-1584, Docket 6585.)

**WKBZ**—Ashbacher Radio Corp., Muskegon, Mich.—Adopted order granting petition for a continuance of hearing on application for construction permit; hearing continued to December 5, 1944. (Docket 6628)

**Northeastern Radio and Television Corp.**, Portland, Me.—Granted motion for order to take depositions in re applicant's application and that of Centennial Broadcasting Co., for a new station in Portland, Me. (Dockets 6662 and 6663)

**Centennial Broadcasting Co.**, Portland, Me.—Granted petition to take depositions in re its application and that of Northeastern Radio & Tele. Corp., for new station in Portland, Maine.

**Beauford H. Jester, et al.**, Waco, Texas—Granted motion for continuance of consolidated hearing from October 11 to November 27 on application of applicant, KDNT, Denton, Texas, WACO, Waco, Texas, and Truett Kimzey. (Dockets 6218, 6352, 6589, 6590)

**Queen City Broadcasting Co., Inc.**, Boise, Idaho—Granted request for order to take depositions in re its application and that of KFXD, and Idaho Broadcasting Co. (Dockets 6652, 6653 and 6654)

**WJEF**—Fetzer Broadcasting Co., Grand Rapids, Mich.—Granted petition for leave to intervene in the hearing on application of WKBZ, Muskegon, Mich., to change frequency from 1490 to 1230 kc. (Docket 6628)

**KGA**—Louis Wasmer, Spokane, Wash.; KHQ, Louis Wasmer, Inc., Spokane, Wash.—Granted joint petition for continuance of hearing from October 10 to December 14 in re application for renewal of licenses.

**WEEU**—Berks Broadcasting Co., Reading, Pa.—Granted motion to postpone hearing on application for renewal of license, now set for October 12 to December 18.

**KXA**—American Radio Telephone Co., Seattle, Wash.—Adopted order denying petition filed by Station KXA to enlarge issues in the matter of Albuquerque Broadcasting Co. (KOB), Albuquerque, N. M., applications for modification of construction permit, license to cover construction permit, and authority to determine operating power by direct measurement, in Dockets 6584 and 6585.

The Commission, on consideration of the petition filed by The Blue Network Company, Inc. (WJZ), New York, N. Y., to enlarge the issues and postpone hearing in Dockets 6484 and 6485, and of the petition of Albuquerque Broadcasting Company (KOB), Al-



buquerque, New Mexico, to enlarge issues, directed that the issues to be determined in the hearing in said Dockets (re applications of KOB for modification of construction permit, for license to cover construction permit, and for authority to determine operating power by direct measurement) be enlarged to inquire into the question of the use of directional antenna by both Station KOB and Station WJZ; and refused to continue the hearing now set for December 11, 1944. (Action taken October 9, 1944.)

## APPLICATIONS FILED AT FCC

### 560 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of construction permit (B5-P-3659) which authorized change in frequency, increase in power, installation of new transmitter and directional antenna for night use for extension of completion date from 11-1-44 to 12-1-44.

### 580 Kilocycles

NEW—Northwest Broadcasting Co., Minneapolis, Minn.—Construction permit for a new standard broadcast station to be operated on 580 kc., power of 1 KW and unlimited time, employing directional antenna day and night.

### 590 Kilocycles

KGGM—New Mexico Broadcasting Co., Inc., Albuquerque, N. Mex.—Construction permit to change frequency from 1260 kc. to 590 kc., increase power from 1 KW to 1 KW night, 5 KW daytime, install new transmitter, move transmitter, install directional antenna for night use. Amended to omit request for increase in power and installation of new transmitter and to request changes in directional antenna for day and night use.

### 660 Kilocycles

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

### 830 Kilocycles

KWKW—Marshall S. Neal, Paul Buhlig, E. T. Foley and Edwin Earl, d/b as Southern California Broadcasting Co., Pasadena, Calif.—Construction permit to change frequency from 1430 kc. to 830 kc., increase power from 1 KW to 5 KW, install new transmitter and antenna and move transmitter.

### 920 Kilocycles

NEW—Reno Broadcasting Co., Reno, Nevada—Construction permit for a new standard broadcast station to be operated on 920 kc., power of 1 KW and unlimited hours of operation, employing directional antenna day and night.

### 1110 Kilocycles

KFAB—KFAB Broadcasting Company, Lincoln, Nebr.—License to cover construction permit (B4-P-3578) which authorized change in frequency and hours of operation and installation of directional antenna for night use.

KFAB—KFAB Broadcasting Company, Lincoln, Nebr.—Authority to determine operating power by direct measurement of antenna power.

### 1230 Kilocycles

WERC—Presque Isle Broadcasting Co., Erie, Pa.—License to cover construction permit (B2-P-3633) which authorized change in frequency.

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Authority to determine operating power by direct measurement of antenna power.

WBBL—Grace Covenant Presbyterian Church, M. A. Sitton, Agent—Construction permit to change specified hours of operation, move transmitter and make changes in antenna. Amended to change requested frequency from 1240 kc. to 1230 kc., and change proposed location of transmitter.

### 1240 Kilocycles

NEW—Thomas Garland Tinsley, Jr., Richmond, Va.—Construction permit for a new standard broadcast station to be operated on 1240 kc., power of 100 watts and unlimited time except when WBBL operates. Amended to change requested frequency to 1230 kc. and change proposed location of transmitter.

NEW—Petersburg Broadcasting Corp., Petersburg, Va.—Construction permit for a new standard broadcast station to be operated on 1240 kc., power of 250 watts and specified hours of operation (all hours not assigned to WBBL).

WINN—Kentucky Broadcasting Corp., Inc., Louisville, Ky.—Involuntary transfer of control of licensee corporation from D. E. Kendrick to Nelle M. Kendrick, Executrix of the Estate of D. E. Kendrick, Deceased.

WOMT—Francis M. Kadow, Manitowoc, Wis.—Construction permit to increase power from 100 watts to 250 watts and make changes in transmitting equipment.

### 1260 Kilocycles

WOL—Iowa Broadcasting Co., Washington, D. C.—Modification of license to change corporate name to Cowles Broadcasting Company.

### 1340 Kilocycles

NEW—The Middle Tennessee Broadcasting Co., Columbia, Tenn.—Construction permit for a new standard broadcast station to be operated on 1240 kc., 250 watts power and unlimited hours of operation. Amended to request 1340 kc. and specify studio site.

WALL—Community Broadcasting Corp., Middletown, N. Y.—Transfer of control of licensee corporation from Elsie and Martin R. Karig to John Morgan Davis—115 shares common stock.

KFYO—Plains Radio Broadcasting Co., Lubbock, Texas—Authority to determine operating power by direct measurement of antenna power.

### 1350 Kilocycles

KRNT—Iowa Broadcasting Co., Des Moines, Iowa—Modification of license to change corporate name to Cowles Broadcasting Company.

### 1400 Kilocycles

NEW—Chatham Broadcasting Co., Savannah, Ga.—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation. Amended re change in transmitting equipment.

WSAM—Saginaw Broadcasting Co., Saginaw, Mich.—Modification of license to change main studio location from Bay and Weiss Sts., to 610 Eddy Building, Saginaw, Mich.

NEW—Hazlewood, Inc., Deland, Fla.—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation.

### 1450 Kilocycles

NEW—KVOM, Inc., Marshall, Texas—Construction permit for a new standard broadcast station to be operated on 1450 kc., power of 250 watts and unlimited hours of operation.

NEW—Gordon W. Gambill, Hubert M. Martin, Humphrey B. Heywood and R. T. Russell, d/b as Tennessee Valley Broadcasting Co., Chattanooga, Tenn.—Construction permit for a new standard broadcast station to be operated on 1450 kc., power of 250 watts and unlimited hours of operation.

### 1490 Kilocycles

NEW—Thomas N. Beach, Birmingham, Ala.—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation.

NEW—Lincoln Dellar, Sacramento, Calif.—Construction permit for a new standard broadcast station to be operated on 1340 kc., power of 250 watts and unlimited hours of operation. Amended to change frequency to 1490 kc.

NEW—Loys Marsdon Hawley, Conway, S. C.—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts and unlimited hours of operation.



KSAM—W. J. Harpole and J. C. Rothwell, d/b as Radio Station KSAM, Huntsville, Texas—Modification of license to change hours of operation from daytime to unlimited time.

### FM APPLICATIONS

- NEW—Midland Broadcasting Co., Kansas City, Mo.—Construction permit for a new high frequency (FM) broadcast station to be operated on **43900 kc.**
- NEW—Keystone Printing Service, Inc., Waukegan, Ill.—Construction permit for a new high frequency (FM) broadcast station to be operated on **47100 kc.** with coverage of 2,890 square miles.
- NEW—Glenn D. Roberts, Melva F. Roberts, Wellwood Nesbit, Robert M. La Follette, Jr., Evalyn H. Dolph, Hope D. Pettey and Rachel Young La Follette, co-partners, d/b as Milwaukee Broadcasting Co., Milwaukee, Wis.—Construction permit for a new high frequency (FM) broadcast station to be operated on **48900 kc.** with coverage of 1,279 square miles.
- NEW—Frontier Broadcasting Co., Inc., Austin, Texas—Construction permit for a new high frequency (FM) broadcast station to be operated on **47100 kc.** with coverage of 12,900 square miles.
- NEW—Frontier Broadcasting Co., Inc., Waco, Texas—Construction permit for a new high frequency (FM) broadcast station to be operated on **46100 kc.** with coverage of 13,700 square miles.
- NEW—WAVE, Inc., Louisville, Ky.—Construction permit for a new high frequency (FM) broadcast station to be operated on **46900 kc.** with coverage of 13,300 square miles.

### TELEVISION APPLICATIONS

- NEW—Central Ohio Broadcasting Co., Columbus, Ohio—Construction permit for a new commercial television broadcast station to be operated on Channel #8 (**162000-168000 kc.**), ESR 160.
- NEW—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit for a new commercial television broadcast station to be operated on Channel #5 (**84000-90000 kc.**), ESR 1420.

### MISCELLANEOUS APPLICATIONS

- NEW—Voice of Alabama, Birmingham, Ala.—Construction permit for a new developmental broadcast station to be operated on **45900 kc.**, power of 1 KW, and special emission for FM.
- NEW—Voice of Alabama, Inc., Birmingham, Ala.—Construction permit for a new developmental broadcast station to be operated on **43100 kc.**, power of 250 watts and special emission for FM.
- NEW—The Atlanta Journal Co., Atlanta, Ga. (area of)—Construction permit for a new developmental broadcast station to be operated on **43700 kc.**, power of 700 watts and special emission for FM.
- NEW—The Regents of the University of Michigan, Ann Arbor, Mich.—Construction permit for a new noncommercial educational broadcast station to be operated on **42900 kc.**, power of 1 KW and special emission for FM. Amended to request power of 50 KW, specify a transmitter site, change studio location and change in type of transmitter.
- WAUB—Jack M. Draughon and Louis R. Draughon, d/b as *WSIX* Broadcasting Station, area of Nashville, Tenn.—License to continue operation of relay station WAUB formerly licensed to *WSIX*, Inc.
- NEW—Board of Education of the City of St. Louis, St. Louis, Mo.—Construction permit for a new noncommercial educational broadcast station to be operated on **42500 kc.**, power of 3 KW and special emission.
- NEW—Maryland Broadcasting Co., Baltimore, Md.—Construction permit for a new developmental broadcast station to be operated on **43200 kc.**, power of 1 KW and A3 emission.
- NEW—Burns Avenue Baptist Church, Detroit, Mich.—Extension of authority to transmit programs to CKLW, Windsor, Ontario, Canada, for the period ending 10-4-45.

## 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.

**B-1 Beverage Co.**, 4000 Lindell Blvd., St. Louis, engaged in the manufacture of materials for the preparation of beverages and in the sale of such materials to bottling plants throughout the United States, is charged in a complaint with misrepresentation. (5230)

**Curtis-Elliott, Inc.**, and Leroy H. Huttner, its president, 67 West 44th Street, New York, N. Y., selling and distributing watches and jewelry throughout the country, is charged in a complaint with the use of lottery methods. (5231)

**Eli Colby Co.**, Hanlontown, Iowa, engaged in the mining and sale of commercial peat to wholesalers and retailers and directly to nurserymen, florists, farmers and poultrymen, is charged in the complaint with misrepresentation of his product. (5232)

**Frank & Meyer Neckwear Co.**, 1130 Washington Ave., St. Louis, manufacturing and selling men's neckties and other products, is charged in a complaint with misrepresentation. (5229)

**Washington Fish & Oyster Co., Inc.**, of Seattle, Wash., engaged in the business of packing, buying, selling and distributing fresh and frozen fish, salt and smoked fish, and canned salmon, is charged in a complaint with violation of the brokerage section of the Robinson-Patman Act. (5228)

### CEASE AND DESIST ORDER

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

**Elizabeth Arden, Inc.**, Elizabeth Arden Sales Corp. and Florence N. Lewis, all of 681 Fifth Ave., New York, have been ordered to cease and desist from violation of the Robinson-Patman Act through discriminating among retailer purchasers of their cosmetics by furnishing to some of such customers demonstrator services which are not accorded to competing customers on proportionally equal terms. (3133)

### STIPULATIONS

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

**Big Rapids Furniture Co., Inc.**, 33 East 33d St., New York, operating a showroom where it sells household furniture, has stipulated in connection with its advertising to cease and desist from representing, when contrary to fact, that its articles of merchandise are "Creations of our own exclusive manufacture," and from use of the word "manufacture" or any similar words so as to convey the impression that it manufactures the products which it sells, or that it actually owns, operates or controls the plant or factory in which the products are made. (3892)

**Glazo Co., Inc.**, 521 Fifth Ave., New York, selling and distributing cosmetic preparations including two designated "Glazo Nail Polish" and "Glazo Nail-Cote," has stipulated to cease representing that Glazo Nail Polish, or any preparation of like composition, is superior in wearing qualities to all nail polishes sold in competition with it, that it will not chip, peel or fade, that it "defies all finger nail hazards" or is effective in preventing damage to fingernails such as splitting, breaking or other hazards; or that Nail-Cote, or any preparation possessing similar qualities, "guards your nails against splitting, cracking or breaking." (3889)

**Lamport Co., Inc.**, 365 Broadway, New York, selling and distributing textile products, including sheets and pillow cases, has stipulated to cease and desist from representing by use of the word "Certified" or words of like meaning in its advertising that a product has been endorsed or attested as to wearability, durability or other stated quality by some governmental, scientific or other recognized agency qualified and empowered to certify as to such quality, unless such endorsement actually has been obtained; and from representing, by use of the word "Guaranteed," that a product is guaranteed unless, whenever used, clear and unequivocal disclosure be made in direct connection therewith of exactly what is offered by way of security, for example, refund of purchase price. (3894)

**Rodin Publishing Co. and Rodin Publishing Co., Inc.**, 205 West 57th St., New York, selling and distributing books and publications, including a book entitled "The Rape of Radio," has stipulated to cease and desist representing that "Neville Miller (former) president National Association of Broadcasters," "Saturday Review of Literature," and "Clifton Fadiman, New Yorker," or any of them, have stated that the publication entitled "The Rape of Radio" is the most revealing book on radio since the advent of broadcasting, is "An inspiring work,—constructive, helpful, worth its weight in gold," or that "No broadcaster or radio performer can afford to be without it"; representing that the book or any other publication sold by him has received the approval, endorsement or opinion of any individual, association, organization or other entity, until such approval actually has been given; using the initials "Inc." as part of or in connection with his trade

name, or using the word "President" in connection with such trade name or other words or terms that may tend to convey the belief that his business is incorporated or is conducted by a corporate entity. (3895)

**Satis-Factory Shoe Co.**, 9 West Washington St., Chicago, has stipulated to cease and desist from use of the words "Dr. Edwards' Prescription Shoes" in connection with the marking, branding or advertising of its shoes; from use of the word "Doctor" or the abbreviation "Dr.," either alone or in connection with a name or other words, as a trade name or designation for its merchandise, or in any way implying or conveying the belief to purchasers that its shoes have been made in accordance with the design or under the supervision of a physician or contain specific scientific, orthopedic or health features which are the result of medical determination or services; and from use of the legend "foot health" or words of similar meaning in connection with such shoes, or the making of any representations which suggest that they have special health-insuring properties or may be relied upon to create or maintain a healthy condition of the feet. (3893)

**Three Dreams Laboratories, Inc.**—Amendments to stipulations previously made with regard to use of the word "free" have been accepted by Three Dreams Laboratories, Inc., and Golee B. Bryant, its secretary-treasurer, 2111 Clinton St., Detroit, dealing in cosmetics, and by Fayette H. Lawson and William A. Lawson, trading as Chicago Match Co. and Book Match Co., Libertyville, Ill., selling book matches. In the stipulation of Three Dreams Laboratories, Inc., the substituted paragraph contains the agreement that they will cease "Representing that any article of merchandise, is 'free,' 'given free' or without cost to the recipient when such article is not a gratuity, and the prospective recipient is required as a consideration to purchase some other article or articles or render some service in order to obtain the same" (2427) the substitution in the stipulation of Chicago Match Company is to the effect that the respondents will cease "Representing that a sample sales outfit or any other article is 'free,' 'given free' or without cost to the recipient when the same is not a gratuity, and the prospective recipient is required as a consideration to pay money or to purchase some other article or render some service in order to obtain the same" (2701).