



DISTRICT MEETINGS SCHEDULED

A series of meetings embracing all seventeen NAB districts has been arranged. The schedule is divided into two sections. The first will get under way in mid-January and will cover ten districts in four and one-half weeks. There will then be a two week period during which no sessions will be held. The second section gets under way on March 5 and concludes on March 22.

President J. H. Ryan will attend all meetings and will outline industry activities and objectives. Sales matters will be on the agenda with Lewis H. Avery, NAB Director of Broadcast Advertising leading the discussion. A representative of the newly organized Broadcast Measurement Bureau, joint project of NAB, AAAA and ANA, will address all meetings. Labor, public relations legislation and other topics will be well covered. In all of the odd numbered districts director elections will be held.

The schedule of the meetings follows:

FIRST SECTION

District	Place	Days	Dates	Hotel
6	Memphis, Tennessee	Mon.-Tues.	Jan. 15-16	Baker
13	Dallas, Texas	Wed.-Thurs.	Jan. 17-18	
16	Los Angeles, Calif.	Mon.-Tues.	Jan. 22-23	
15	San Francisco, Calif.	Thurs.-Fri.	Jan. 25-26	Benson
17	Portland, Oregon	Mon.-Tues.	Jan. 29-30	
14	Salt Lake City, Utah	Thurs.-Fri.	Feb. 1-2	
10-12	Kansas City, Missouri	Wed.-Thurs.	Feb. 7-8	William Penn
11	Minneapolis, Minnesota	Mon.-Tues.	Feb. 12-13	
3	Pittsburgh, Pennsylvania	Thurs.-Fri.	Feb. 15-16	

SECOND SECTION

1	Boston, Massachusetts	Mon.-Tues.	Mar. 5-6	Homestead
2	New York, New York	Thurs.-Fri.	Mar. 8-9	
5	Jacksonville, Florida	Mon.-Tues.	Mar. 12-13	
4	Hot Springs, Virginia	Fri.-Sat.	Mar. 16-17	Gibson
7	Cincinnati, Ohio	Mon.-Tues.	Mar. 19-20	
8-9	Chicago, Illinois	Wed.-Thurs.	Mar. 21-22	

Watch NAB Reports for Further Details Regarding Meeting Places and Other Matters

J. H. Ryan, *President* C. E. Arney, Jr., *Secretary-Treasurer*

Robert T. Bartley, *Director of Government Relations*; 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*.

BROADCAST MEASUREMENT BUREAU

A meeting was held yesterday in the offices of the American Association of Advertising Agencies in New York to make definite plans for the incorporation of the Broadcast Measurement Bureau. Those attending were J. Harold Ryan, NAB President; Roger W. Clipp, President WFIL; Frank M. Russell, Vice President NBC; Frank Stanton, Vice President CBS; Paul Peter, NAB Director of Research; Fred R. Gamble, President of the American Association of Advertising Agencies; Paul West, President of the Association of National Advertisers.

The first four persons mentioned above with Hugh M. Feltis, General Manager KFAB, compose the NAB Negotiating Committee. The latter was unable to attend.

The five members of the BMB Board to represent AAAA and ANA respectively are now in process of selection and announcement respecting their designation will be made in next week's REPORTS. The entire representation of the three sponsoring associations of BMB will meet in New York on Friday (15) at which time articles of incorporation and by-laws will be adopted. At that time it is also anticipated that action will be taken to select the general manager of the Bureau.

"XXV"

TWENTY-FIFTH ANNIVERSARY BULLETIN HERALDS ACTIVITIES STARTING JANUARY 1, 1945

Stations, Networks, Industry Associates to Participate in Observance

NAB Special Twenty-fifth Anniversary Bulletin No. 1 this week outlines a complete format for nation-wide observance of a quarter century of broadcasting in America.

The Bulletin, enclosed with this week's copy of NAB REPORTS, goes to all networks, all radio stations and hundreds of others within the structure of American broadcasting, including set manufacturers, advertising agencies, government officials, organizations and individuals who are invited to participate in radio's silver anniversary, "Pledged to Victory!"

Harold Ryan, NAB President, urges all stations and networks to make this Bulletin the subject of immediate staff conferences, pointing to initial broadcast activity beginning at midnight December 31, supported by the advertising, publicity, promotion, sales and public relations departments.

On Tuesday, December 12, Ryan and Willard Egolf, NAB Director of Public Relations, will meet in New York City with the Presidents and department heads of the four major networks who have been invited to discuss network twenty-fifth anniversary plans, with emphasis on a redoubled war effort.

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The front page of the Bulletin features a symbol of radio's twenty-fifth anniversary, a banner suspended from a microphone, the banner carrying the anniversary years "1920-1945" and the Roman numerals "XXV," with a dominant "V for Victory," typifying the industry's pledge in 1945.

The Bulletin also carries a musical signature of "XXV," based on the Continental Code, with an adaptation of the famous musical "V for Victory."

Eight pages of ideas for programs, publicity and promotion are woven around the war effort theme, central note of the entire anniversary year.

WAR DEPT. ARRANGES MAXIMUM CIRCULATION LET'S GO TO TOWN PROGRAMS

The War Department is doing everything possible to insure the largest possible global audience for Let's Go to Town programs.

Armed Forces Radio Service telephoned on Dec. 5 that arrangements for pressings to supply overseas controlled facilities had been perfected. Such facilities are in addition to all east and west short wave transmissions and Army operated stations in Great Britain.

Announcement for pressings is another way of saying that Army knows that Let's Go to Town programs are good medicine; that the maximum number of doses are wanted, must be provided.

Our Obligation

Our obligation is to make good the industry's War Conference promise to produce the programs which General Eisenhower requested. These programs are needed; they are a vital part of the war effort.

Heavy December Production

Around 85 Let's Go to Town programs should be produced during December. This number will be made up of the 48 shows listed below plus those carried over from the original November production date.

Task Force Commander	Production Area	Completion
DISTRICT I		
William Rines, WCSH	Portland	1st half
Harold Fellows, WEEI	Boston, 2 shows	Dec.
Quincy Brackett, WSPR	Springfield	2nd half
E. T. Hill, WTAG	Worcester	Dec. 17
DISTRICT II		
Craig Lawrence, WHOM	Jersey City	Cut Dec. 2
Monroe Mendelsohn, WBAB	Atlantic City	1st half
Irving Rosenhaus, WAAT	Newark	2nd half
Cy King, WEBR	Buffalo, Pgm. B	2nd half
Dale Taylor, WENY	Elmira	2nd half
Arthur Hayes, chairman, WABC	NYC, 3 of 6 pgms.	Dec.
Gunnar Wiig, WHEC	Rochester	1st half
Woodbury Carter, WTRY	Troy	1st half
DISTRICT IV		
Fred Shawn, WRC	Washington	Cut Dec. 7
James H. Moore, WSLS	Lynchburg-Danville	1st half
G. Richard Shaffo, WIS	Columbia	1st half
George W. Smith, WWVA	Wheeling	1st half
DISTRICT V		
Robert R. Feagin, WPDQ	Jacksonville	1st half
Col. George C. Johnston WDBO	Orlando	1st half
W. Walter Tison, WFLA	Tampa	1st half
W. T. Knight, Jr., WTOG	Savannah	1st half

Task Force Commander	Production Area	Completion
DISTRICT VII		
Allen T. Simmons, WADC	Akron	2nd half
Carl Everson, WHKC	Columbus	1st half
J. L. Bowden, WKBN	Youngstown	1st half

DISTRICT VIII		
Clarence Leich, WGBF	Evansville	1st half
J. B. Conley, WOWO	Fort Wayne	1st half
Franklin D. Schurz, WSBT	South Bend	2nd half
M. L. Greenbaum, WSAM	Saginaw	1st half

DISTRICT IX		
W. E. Hutchinson, WAAF	Chicago, 2 shows	1st half
E. C. Hewes, WDAN	Danville	1st half
W. M. Koessler, WROK	Rockford	1st half
E. C. Allen, WIBA	Madison	1st half
G. W. Grignon, WISN	Milwaukee	1st half
H. H. Born, WHBL	Sheboygan	1st half

DISTRICT X		
Roderick B. Cupp, KMBC	Kansas City	1st half
John W. Tinnea, KWK	St. Louis, 2 shows	Dec.

DISTRICT XII		
Kenyon Brown, KOMA	Oklahoma City	1st half
Allen Page, KVOO	Tulsa	1st half
Jack Todd, KANS	Wichita	1st half

DISTRICT XIII		
Alex Keese, KGNC	Amarillo	1st half

DISTRICT XIV		
Ed B. Craney, KGIR	Butte	1st half

DISTRICT XVI		
Don McNamara, KFI	Los Angeles, 2 shows	Dec.

DISTRICT XVII		
Homer Welch, KGW	Portland	1st half

Jobs Completed

The following completed assignments have reached Maj. Peterson in Los Angeles or are en route:

Asheville area, Don S. Elias, Task Force Comdr., WWNC
 Jersey City area, Craig Lawrence, Task Force Comdr., WHOM
 Miami area, F. W. Borton, Task Force Comdr., WQAM
 Montgomery area, Howard E. Pill, Task Force Comdr., WSFA
 Salt Lake City-Ogden area, Ralph W. Hardy, Task Force Comdr., KSL
 Springfield, Ill., area, L. G. Pfefferle, Task Force Comdr., WCBS
 Washington, D. C., area, Fred Shawn, Task Force Comdr., WRC

Scripts Cleared

New York City area—First of six

Scripts Being Cleared

Baltimore area
 Butte area
 Grand Rapids area

Added Origination

Danville, Ill., E. C. Hewes, Task Force Comdr., WDAN

LABOR NOTES

Basic Steel Decision

The National War Labor Board's basic steel decision will probably have as great an effect on American industrial relations as the Little Steel decision governing the granting of wartime general wage increases.

The significance of the decision which was handed down November 25, 1944, is derived from two principles to which the Board has lent its support. The first of these principles was the approval of a limited form of severance pay to be developed by collective bargaining. The second principal, involving a guaranteed annual wage, was one which looks toward a post-war period.

The Board denied the Union's request for an annual wage on the ground that it would subject the industry to serious financial risk. It stated, further, however, that it intended to request the President to appoint a special commission to study the whole question of guaranteed wage plans and the possibility of their future development in American industries.

Preferential Hiring

Limited preferential hiring privileges were granted the American Communication Association, CIO, by the Third Regional War Labor Board in a dispute between the Association and the Monumental Radio Company which operates Radio Station WCAO, Baltimore, Maryland.

The directive order gives the Union standard voluntary maintenance of membership clause for the 15-day escape period. In the event of a vacancy on the staff, the company shall request the Union, in writing, to recommend replacement. The Union, within one week, must furnish the company with candidates competent and qualified "in the judgment of the company." If, under these conditions, the Union is unable to supply a qualified candidate, the company shall then be free to fill the vacancy in any way it sees fit. Actual hiring, thus, is entirely within the discretion of the company, the Union having only the right to refer prospective employees to the company.

Increase Permitted in Minimum Basic Hourly Wage Rates

Under a recent amendment to General Order 30, the National War Labor Board allows employers to increase all basic wages to fifty cents (.50) an hour without formal approval by the War Labor Board.

The War Manpower Commission will grant certificates of availability to any worker receiving less than fifty cents (.50) an hour who desires to change jobs.

Christmas and Year-end Bonuses

The National War Labor Board has adopted a general policy as to bonuses payable to employees without the necessity of having prior War Labor Board approval. Board action is not necessary—in the following situations:

1—Where no bonus has been paid in the past and where the new bonus is not more than \$25.00 in cash or kind to any single employee. Caution: Under no circumstances may the \$25.00 be used as an average, however, so that any employee might be given more than \$25.00 in cash or kind.

2—Where a bonus has been paid in the preceding year but the fixed amount or the percentage used in calculating the bonus has not been increased. Such bonus payment may exceed \$25.00 in cash or kind to any employee.

TAX NOTE: If, in previous years, you have voluntarily paid the Social Security Tax on bonuses, you may continue to do so without having the payment considered additional

wages for wage stabilization purposes. However, any voluntary payment of the withholding tax is considered additional compensation subject to wage increase limitations.

For example, if you should desire to give each employee a \$25.00 war bond for Christmas and you elect to withhold a straight 20%, you will be considered to have paid the employees a bonus of \$23.44. The withholding will then be \$4.69, leaving a net of \$18.75.

FCC-IRAC TO CONFER ON ALLOCATION

In connection with the desire of the State Department to receive recommendations on frequency allocations by December 1, as noted in the Federal Communications Commission Order of August 15, the Commission today advised the State Department that it is now engaged in the study of preliminary proposals which have been prepared by its staff concerning frequency allocations for non-governmental radio services. These proposals are a result of engineering studies which have been in progress for a long time and in a very intensive way since September 1944. Five weeks of hearings on the matter of allocation of frequencies to the various classes of non-governmental services in the radio spectrum from 10 kilocycles to 30,000,000 kilocycles, Docket No. 6651, were concluded on November 2, 1944.

A large percentage of the frequency spectrum which has been requested by the various non-governmental services involves possible conflict with permanent as well as temporary government assignments. In view of these facts, the Commission, having today tentatively approved an allocation plan in international terminology relating to frequencies below 30,000 kilocycles, has deemed it advisable to defer final action in these matters until such time as they may be discussed with the Interdepartment Radio Advisory Committee. It is anticipated that such a plan may be made available at an early date. Meantime plans relating to allocation of frequencies above 30,000 kilocycles and proceeding in the same manner and will be submitted to the State Department as soon as possible.

Detailed allocation of specific channels to the various non-government services may not be completed for some time but it is expected that such detailed allocation will remain within the international allocation which will be proposed.

"FM FOR EDUCATION"

The United States Office of Education, Federal Security Agency, announced today that "FM for Education," a primer of facts and ideas about the educational uses of frequency modulation broadcasting, has just been published. The pamphlet, illustrated with photographs, charts and diagrams, details suggestions for planning, licensing, and utilizing educational frequency modulation radio stations owned and operated by school systems, colleges and universities.

At a hearing before the Federal Communications Commission recently, John W. Studebaker, U. S. Commissioner of Education, reported that 500 educational FM stations were expected to be in operation within five years after the end of the war. Interest in school and college FM networks is so great that educators have petitioned FCC for 10 FM channels in addition to the five already allocated to education, Mr. Studebaker said.

"FM for Education" is designed to help educators interested in establishing FM stations over the planning hurdles. The book answers questions like these: "What is FM and what are its potentialities for education?" "What will it cost?" "How can an FM station be used?" "What audiences can educational FM stations serve?" "How can school libraries, music classes, English classes, social studies classes, arithmetic, reading, foreign language,

speech, dramatics, science, and art classes benefit from FM broadcasting?" For the most part, answers are given through descriptions of successful broadcasting activities carried on in schools that already have used radio as a tool.

Part Six in the pamphlet, "Steps to Take to Acquire an FM Station" leads a station planner through the maze of eligibility determination for a station according to the rules adopted by FCC, estimating needed station coverage and service requirements, planning station service, obtaining proper forms and construction permits, and planning a studio.

Additional sources of information on FM and the educational use of broadcasting three appendices, and facsimile of the FCC application blank for new non-commercial educational broadcast station construction permits complete the text.

"FM for Education" was written by William Dow Boutwell, until recently director of the information and radio services of the United States Office of Education. Mr. Boutwell was assisted by Ronald R. Lowdermilk and Gertrude G. Broderick.

"FM for Education" may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., for 20 cents.

WAAT LAUNCHES NOVEL BOND-SELLING DRIVE

Arrangements were completed last Monday between Irving Robert Rosenhaus, vice president and general manager of WAAT, Newark, and Harry Murphy, deputy administrator of the Treasury Department, for a novel war bond selling campaign whereby two of WAAT's most popular programs will sponsor the purchase of two fighting planes.

Starting on December 7, Pearl Harbor Day, Dave Miller, the "Home Town Boy," and Paul Branner, "Your Pal Paul," will become war bond salesmen extraordinary on their respective programs. . . . THE HOME TOWN FROLIC (daily at 8:05 a. m. and 1:05 p. m.) and REQUESTFULLY YOURS (daily at 5:05 p. m.). Listeners to these programs will be asked to purchase war bonds so as to reach the goal of \$50,000 each, price of a fighting plane. As soon as this amount is attained by each a plane will be named for their programs.

HYMES LEAVES OWI

John D. Hymes, chief of the Station Relations Division of the Office of War Information's Radio Bureau, has resigned, effective December 22, it was announced today by George P. Ludlam, bureau chief.

Mr. Hymes is resigning because of illness in his family, who lives at Manhasset, N. Y. He went to the Radio Bureau in June, 1943, from Foote, Cone & Belding, New York City. Willett Kempton, Mr. Hymes' assistant, will be acting chief.

STUDIO AUDIENCE, MUSIC APPRECIATION, COMBAT JUVENILE DELINQUENCY AT WAVE

Now in its second month, a series of Friday night studio broadcasts by the Louisville Philharmonic Orchestra is reported to be wielding a combative influence on juvenile delinquency by attracting an audience of 500 weekly, limited to school children, to WAVE's largest studio.

Music appreciation via the air waves is the main objective of the Philharmonic plan but the studio audience serves as a direct factor in assembling young persons in a cultural environment.

Series is sponsored for twenty-six weeks by the Stewart Dry Goods Company, unit of the Associated Dry Goods Organization.

RADIO COUNCIL PLAN EXTOLLED

At the recent Third Regional Radio Conference held at Stevens College, Columbia, Missouri, R. C. Williams, S. J., of the Division of Languages and Literature of Rockhurst College and Treasurer of the Radio Council of Greater Kansas City, outlined some of the constructive contributions which these councils can make to better radio and better listening.

He pointed out that as listener groups, radio councils have in their hands a very powerful instrument for helping radio to maintain its high standards of excellence. "And who will deny that, for the most part, radio today has high standards of excellence?" said the speaker. "The instrument of which I speak is the fountain pen. The intelligent listener—the proper fruit of a radio council—will write the radio stations. Most often he will write to praise, because, I think we will all agree, radio is far more open to praise than it is to condemnation."

Continuing, Father Williams observes, "There is, of course, some quirk in human nature which makes most people write only when they feel impelled to condemn or to censure. *Facit indignatio versum*—'indignation makes verse'—or, to paraphrase the Roman poet Juvenal, 'righteous wrath makes man write.' But why, I wonder, cannot righteous satisfaction also make men write? The intelligent radio listener—because he is intelligent—is not a creature of emotion but of reason. When he experiences righteous satisfaction, when he recognizes that a radio program has conformed to a high standard of excellence, why does he not uncup his fountain pen?"

"Does he feel, perhaps, that writing to a radio station is equivalent to answering an advertisement for a patent medicine? Many intelligent listeners, it would seem, do feel that way. Now, it is the function of a radio council as I see it, to dispel such erroneous notions; and where they do not exist, to arouse the listener from the apathy which holds his pen. It is enough to write a postcard, and to say: 'I listen to Superterrificolossal every night (or every week), and I thoroughly enjoy it'—period."

"Some months ago, a representative of a large manufacturing company which sponsors a network program of symphonic music told me that his firm was seriously thinking of withdrawing its support because of the lack of listener response. Yet I know a great many people who listen to that program every week with great satisfaction. But what have they done to keep it on the air? If they have written at all, they have done so only to protest that the commercials annoy them; forgetting, of course, that they probably page through the advertisements in the printed program when they attend a concert in a music hall. But forgetting also something of much greater importance—that without advertising, American radio could not bring them great orchestras and great artists—including great comedians. Forgetting too something still more important, that advertising keeps American radio free from such control as would make it a propaganda agency for the party in power, whatever that party might be."

"It is, therefore, scarcely intelligent to criticize commercials as commercials. It is quite another thing to criticize them for lack of good taste in working, placing, or delivery. Constructive criticism on these points could be helpful to radio and to its underwriters, the agencies and the sponsors."

Father Williams then appealed for a critical review of radio programs to guide the intelligent listener. He then said, "As members of radio councils, might we not urge that radio programs be reviewed more often by daily newspapers and general magazines—as the movies, the legitimate stage, and the concert stage are reviewed today? Might we not, moreover, set an example to publishers by promoting oral radio reviews on the schedules of our own

organizations, just as we promote book and drama reviews?"

"And finally, let us not forget, as radio council members, to congratulate radio for what it has accomplished in censorship from within. It has been asserted that radio has avoided flagrant violations of human decency because of fear of censorship from without. But the fear of censorship, like the fear of the Lord, may be the beginning of wisdom in the fields of mass entertainment and mass information, which, over the ether waves, have reached proportions never before even dreamed of in the history of mankind. Censorship from within, aided and directed by letters and postcards from intelligent listeners, is a truly democratic censorship—the free voice of a free people."

TRUTH IN ADVERTISING

Honorable R. E. Freer, Chairman of the Federal Trade Commission, speaking before the Radio Executives Club of New York at its meeting of November 20, made some very constructive observations regarding the work of the Federal Trade Commission and truth in advertising. Mr. Freer's observations should be of interest to all who are concerned with improvement in the quality of the commercial aspects of radio. They follow in full:

Federal Trade Commission's Duties

The Federal Trade Commission was set up by Congress in 1914. It is an independent agency with quasi-judicial duties. Congress gave it the task of preventing unfair methods of competition and unfair or deceptive acts and practices through compulsory proceedings where necessary and through voluntary effort where possible.

Sometimes I wonder why the Federal Trade Commission should be so closely associated in the public mind with the advertising industry, or even why it should occupy the wide horizon it seems to fill in the outlook of broadcasting. The Commission has manifold duties beyond the prevention of unfair methods of competition and unfair and deceptive acts and practices in commerce and the making of general investigations of business conduct under the organic act. Under the Robinson-Patman amendment, it deals with price discriminations and under other sections of the Clayton Act with tying and exclusive-dealing contracts, acquisitions of capital stock and interlocking directorates in competing corporations. It administers also the Webb-Pomerene Export Trade Act—now of growing importance in connection with the promotion of postwar foreign trade. And it administers the Wool Products Labeling Act designed to protect industry, trade and the consumer against the unrevealed presence of substitutes and mixtures in wool products.

Advertising Report

In the course of some remarks before the Advertising Club of New York about four years ago, I stated that the Commission had announced that advertising had been selected as one of several specific phases of distribution deemed appropriate to a factual study of Methods and Costs of Distribution. Because of apprehension expressed by some that the study might smear advertising, I offered the opinion that advertising had nothing to fear from a fair inquiry into its place in the distributive system. The Commission's report, essentially a study of peacetime advertising methods and costs, was sent to Congress—and a summary thereof published—on October 30th. I invite your reading of this report, which speaks for itself.

Among other things the report contains an analysis, by media, of advertising expenditures totaling \$71,498,607 of 548 corporations in 17 industries for the year 1939. The proportional amount spent on radio advertising, 18.3% of the total, exceeded that for any other media, although only one company out of four used radio.

By way of a commercial on behalf of the Superintendent of Documents, Government Printing Office, I can tell you that the full text of his report will be off the press about December 15, 1944.

Federal Trade Commission Scope

The Commission is no copy censor and has no desire to become one. It has no authority to proceed against an advertiser unless his commercials are deceptive or misleading. Therefore, with those who prefer the old extravagant and happy days, I view with no alarm the prospective return of automobile advertising stressing the red horn button on the 1948 models distinguishing them from the preceding year's green horn button jobs.

The Topic Assigned

Truth in Advertising, the topic I was assigned, is quite appropriate as chief point of contact at which the Federal Trade Commission touches your great industry. In view of your tremendous scope; your almost miraculous achievements in war and peace; and your almost limitless future, my subject is paradoxically both relatively small and yet all comprehensive. For confidence begets friendship and with both all things are possible.

A few years back I spoke before the Advertising Club of New York on virtually the same topic and I commented then that "anyone who insists that the truth must be varnished, distorted or abandoned in order to advertise effectively is slandering your profession, and * * * the Federal Trade Commission has never required the abandonment of an advertising claim on any other ground than that it is deceptive or misleading in some particular. * * * The only censor that advertising need seriously consider is public opinion."

While no person or group recalls with exactitude what they have listened to, impressions of what they have heard have been recorded; and, while I am no expert, I do venture to assert that your reputation depends upon truthful character of the air-wave impressions recorded on the public mind.

Public opinion polls and research groups have so sounded the public's listening, reading and buying habits, that most any business can buy a reasonable facsimile of a dissected consumer. Probably on the theory that turn about is fair play, consumers today are showing quite an interest in the merchandising habits of business.

For example, the October 9, 1944, issue of *Drug Trade News*, in reporting a "definitely skeptical attitude" toward advertising claims reflected in a Health Teaching Syllabus circulated by the New York State Education Department, listed the following criteria and procedure for judging the soundness of advertising claims:

"Are the statements absolute outright facts? Are the statements of such a nature that the advertiser wants you to think they are facts, and worded in such a way that the facts are not stated but intimated? Checking of packaged goods to compare radio commercials with actual labeling is advocated."

Radio advertising, as shown by the recent report of the Commission, now is at a most advantageous position, as to both profits and prestige. Networks and independent stations share in this prosperity. Isn't this a good time to consider whether proper safeguards may not be indicated to protect the whole industry from loss of face through practices of an unethical minority?

Applications for complaints to the Commission come from many sources and in accordance with its policy, remain anonymous. Probably a large majority originate with competitors and deal with a wide variety of practices but it would be both novel and pleasing to the Commission to receive a considerable volume of those relating to advertising from the advertising industry. That is where a majority of such applications should originate.

Federal Trade Commission Advertising Surveys

A majority of the matters considered by the Commission involve charges of false or misleading advertising. Although a large number of the proceedings instituted by the Commission originate from complaints by a competitor or a consumer, others are initiated on the Commission's own motion and as the result of a constant survey of advertising maintained by its Radio and Periodical Division. Begun in 1929, the survey was at first limited to

magazines and newspapers. It was expanded in 1934 to cover radio commercials. Since 1939 it has included also mail order catalogs, almanacs and foreign language newspapers.

During the year ending June 30, 1944, the Commission's Radio and Periodical Division examined 298,970 advertisements contained in 1792 editions of representative newspapers and 967 issues of magazines and journals. It examined also 627,719 broadcast continuities consisting of network and individual station scripts and scripts representing the built-in advertising portions of transcription recording productions. From these scripts 19,512 advertising broadcasts were marked for further study as containing representations which might be false or misleading.

The purpose and effect of this scrutiny is twofold. First advertising representations appearing open to question are promptly challenged. Secondly representations modified as a result of Commission action are checked for possible violation of the Commission's order or the advertiser's stipulation to discontinue or modify his previous claims.

In securing the materials with which to do this job the Commission has received the cooperation of the four major network chains, 19 regional network groups and transcription producers; also 850 commercial radio stations, 504 newspaper publishers and 458 publishers of magazines, farm journals and trade publications. This cooperation was of real aid in the elimination of false and misleading advertising and deserves the public's commendation as well as the Commission's appreciation.

"Wheeler-Lea Policies"

The Wheeler-Lea amendments to the Federal Trade Commission Act make mandatory a high standard of truth in connection with the advertising of foods, drugs, therapeutic devices and cosmetics. Advertising marked for legal review by the Radio and Periodical Division during the fiscal year related to 1902 commodities. Of these 55.9% were classed as drugs, 15.4% as cosmetics and 11.3% as food designed for human or animal consumption. Since these percentages add up to 82.6%, commodities other than those within the special Wheeler-Lea provisions accounted for only 17.4% of the total.

The law empowers the Commission to require to appear in each and every advertisement of a food, drug, curative device or cosmetic full and comprehensive warning as to potential injury which may result from conditions prescribed in the advertisement or under conditions which are customary or usual. As a concession to the advertiser—although one not deemed inconsistent with the Commission's duty to the public—the Commission has adopted a policy of permitting the brief but significant admonition, "Caution: Use Only As Directed," to represent the full warning if it observes that full textual cautionary language is set forth in the labeling or on the label.

On programs containing more than one commercial, each separated by a program of entertainment, the Commission has required that the cautionary statement be repeated with each commercial, applying thereby the same requirement as it imposes on magazine and newspaper advertisers who elect to insert more than one advertisement in the same issue of a publication.

The Radio Division makes spot checks from time to time to determine whether the warning statement, "Caution: Use Only As Directed," appearing in stipulations and orders relating to potentially injurious drug or cosmetic preparations, is being slurred or de-emphasized in commercials; and whether in programs containing several commercials separated by entertainment the required caution is repeated. Respondents who have omitted "Caution" from any commercial or who in substance have said "Caution, take only as directed in a glass of water," or, "You are cautioned to take only as directed for the best results," have been informed that such omission or variance is not recognized as compliance.

It is "unlawful" (Section 12) merely "to disseminate, or cause to be disseminated, any false advertisement" of a food, drug, curative device or cosmetic, and although, under certain conditions (Section 14) they are exempt from *criminal liability*, advertising agencies and radio broadcast licensees have no exemption from *civil proceedings*. Ad-

vertising agencies frequently have been joined as parties to Commission proceedings. So far, however, the Commission has not undertaken to so join either any agencies or radio stations where they were deemed to have done *no more* than serve as "disseminating media." Where advertising agencies have been joined it has been because of participation in the preparation of the offending advertising. Likewise, a station has been so joined only where it appeared that station personnel had largely participated in the preparation of the false advertising. Radio stations thus acting in the capacity of the advertising agents may be joined as parties to any proceedings arising out of the falsity of advertising, in the preparation of which they so participate.

Basic Accord

We meet today on common ground and in full accord with the principle that false and misleading advertising is indefensible, harmful not only to the public at large but also to business—particularly the business of advertising.

In spite of our agreement upon the basic principles, differences of opinion occasionally arise over their application to specific cases—particularly to so-called border-line cases where the deception flows from distortion, ambiguity or half-truth aiding the aura of deceptive impression. No doubt, such cases will continue in the future to confront the Commission—their number in somewhat direct ratio with pressure to write new and startling copy designed to pep up the limping sales of old products whose properties have been rather thoroughly explained to the public in the past.

Unfortunately there is no rule of thumb for determining in advance whether border-line advertising copy will get by or be branded as false and misleading. Neither the Commission, nor the courts in reviewing Commission cases, have been able to supply the script writer with a simple and magic formula sure to keep his commercials free from criticism. The Supreme Court once described the process of individual case-by-case determination utilized by the Commission to be one of "judicial inclusion and exclusion."

Misleading Impressions

The most potent effect of the spoken—as well as of the written—word is an overall general impression. "Impression," in the language of the court, "itself is a stamping in upon the mind." Let's call it a notion which may be held, made or formed by inference with or without adequate grounds. Now then let's see what the court says concerning misleading impressions:

"* * * the buying public does not ordinarily carefully study or weigh each word in an advertisement. The ultimate impression upon the mind * * * arises from the sum total of not only what is said, but also of all that is reasonably implied. * * * such representations are made to the public, who, we assume, are not, as a whole, experts in grammatical construction. Their education in parsing a sentence has either been neglected or forgotten. * * * The law is not made for experts but to protect the public—that vast multitude which includes the ignorant, the unthinking, and the credulous, who, in making purchases, do not stop to analyze but too often are governed by appearances and general impressions. * * * Advertisements are intended not 'to be carefully dissected with a dictionary at hand, but rather to produce an impression upon' prospective purchasers."

Another Federal Court warns us that "Words and sentences may be literally and technically true and yet be framed in such a setting as to mislead or deceive."

Some of you may be interested in concrete examples of interpretations the Commission has placed on specific advertising. Here are a couple:

(1) "Look 10-15 years younger, the way the stars do. Why worry because you have wrinkles, lines, baggy eyes, double chin, sagging muscles or other age signs. Be amazed! Send \$1.00 * * *."

None of you, I am sure, will be amazed that, the respondent having readily admitted, in answer to complaint, that

its face cream would not remove or eradicate such facial age signs, the Commission's order ran against representing "directly or through inference" that it would.

(2) "* * * This stomachio-digestive should be on the table during every meal so that every member of the family can take it according to how he feels * * * avoid all common ailments by taking regularly."

The Commission's order in part required the advertiser to desist from representing "directly or through inference" that through regular use of this product—containing alcohol and a laxative—"all common ailments may be avoided" or that it has any therapeutic value for other ailments in excess of its laxative properties and those of a "bitter appetizer."

Factually Informative Advertising

Somewhat broader than "truth in advertising," and somewhat more precise definitively, is the phrase "factually informative advertising." Truth in radio advertising contemplates that the announcer adhere to the principles of veracity in extolling the virtues of his sponsor's product. Factually informative radio advertising contemplates that the announcer not only make truthful statements imputing that product's meritorious attributes, but also, that he affirmatively disclose any dangerous potentialities that may attend its use. This accords with the act which requires the revelation of potential injury to health which may flow from use of a medical preparation under conditions which are customary or usual or are otherwise recommended in the advertising continuity. Beyond this, however, good sportsmanship appears to condemn the use of "verbal decoys" enticing "human geese" into range of concealed "quack shots." After all, also, too many gun-shy "wounded geese" spoil the hunting, and, of course, a "gone goose" lays no "golden egg."

If you ever feel that the Commission is being unduly restrictive in some particular case, I hope you will remember that it is doing its best to apply principles with which you are in accord and, by the application of such principles against non-conformists, to make it easier for advertising generally to maintain scrupulously ethical standards. I hope you will remember, too, that, while the Commission may proceed only in the interest of the public, a very large number of its cases originate in complaints of—and result in advantage to—business men who were being injured by the practices of unscrupulous competitors. Moreover, a misleading advertisement curbed by Commission action is a temptation removed from the path of all who might resort to similar deception for reasons of competitive expediency.

Progress and Prediction

Admittedly strict truth in advertising on the part of all remains a theoretical goal. The general trend is upward and the Commission at times may seek to curb types of deception which have hitherto gone unchallenged just as you may in the future come to regard many current shows to be unworthy.

"Scare stuff" today is generally considered a relic of the medicine show. The "pull" of "fancy stuff" and "pressure stuff" today is considered to have been overrated. Ambiguous and deceptive advertising today is considered "sissy" continuity, in that it has been found so often to represent an effort to by-pass the expenditure of mental effort necessary to write factually informative advertising which today is generally accepted as the most effective.

The "horse trading," "buyer beware" standards antedating the Federal Trade Commission Act of 1914 were rejected by the middle 1920's. Much deceptive concealment antedating the Wheeler-Lea Act of 1938 and the Wool Products Labeling Act of 1939 is being discarded in the early 1940's. I venture to predict that a goodly share of present day "trifling with the truth" will be outmoded in the late 1940's, with or without the enactment of additional legislation.

Cooperative Effort

And I want to make a disclaimer—the Federal Trade Commission does not seek to enter the field in which the Federal Communications Commission and other Govern-

ment agencies exercise jurisdiction, nor the sphere of the Better Business Bureaus; sufficient unto us is the large field of commercial advertising which is particularly our province.

A very large proportion of newspapers in the smaller cities of our country; virtually all metropolitan journals and the better class of magazines scrutinize their advertising meticulously. They try to anticipate and avoid warnings by Better Business Bureaus or proceedings by the Commission by rejecting any suspicious or shady advertising. There are more than rumors to the effect that many radio executives are as farseeing in this respect as their newspaper competitors.

Chiselers we will always have with us, but they are easily recognized and appropriately restrained. So with the frankly dishonest. But the unethical and the merely careless elements—disliked, but tolerated in pre-war days—should be straightened out also—and by you. You are executives. That is your job.

Happily, there exists today a spread between the *minimum* requirements of law and your own self-imposed standards. I have no doubt that both will be raised in the future as they have been in the past: I hope that the *spread* not only will remain, but will widen, through elevation of your own voluntary standards of what is *best* in advertising at an even more rapid rate than any future raising of the *minimum* requirements of the law.

Conclusion

In conclusion, I want to reiterate that national advertising generally has improved greatly from the standpoint of ethical responsibility and self-restraint. Of course, there are exceptions, as may be attested by Commission stipulations and orders—but the *voluntary* standards of advertising in general—particularly as to what constitutes the *best* in advertising—have been raised just as definitely as were the *minimum* requirements of the law raised by Congress in supplementing the Commission's organic act of 1914.

Federal Communications Commission Docket

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, December 11. They are subject to change.

Tuesday, December 12

KMBC—Midland Broadcasting Co., Kansas City, Mo.—C. P. to change frequency, increase power, install new transmitter and vertical antenna, and change transmitter location; **540 kc.**, 50 KW, unlimited.

Thursday, December 14

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Renewal of license, **590 kc.**, 5 KW, unlimited.

KGA—Louis Wasmer, Spokane, Wash.—Renewal of license, **1510 kc.**, 10 KW, unlimited, DA-night.

Federal Communications Commission Action

APPLICATIONS GRANTED

Potomac Broadcasting Corp., Alexandria, Va.—Granted construction permit for new station to operate on **730 kc.**, 250 watts, daytime only, transmitter site to be determined,

subject to procedure under Commission policy of January 26, 1944 (Commissioner Walker voting for hearing). (B2-P-3615)

KVSO—The Ardmoreite Publishing Co., Inc. (Assignor), John F. Easley (Assignee), Ardmore, Okla.—Granted consent to voluntary assignment of license of station KVSO, from the Ardmoreite Publishing Co., Inc., to John F. Easley who owns all of the outstanding capital stock of the present licensee corporation. No actual monetary consideration involved. (B3-AL-448)

WINN—Estate of D. E. Kendrick, deceased (Nelle M. Kendrick, Executrix) (Transferor), Nelle M. Kendrick, Executrix of Estate of D. E. Kendrick, deceased (Transferee), Kentucky Broadcasting Corp., Inc. (Licensee), Louisville, Ky.—Granted consent to involuntary transfer of control of Kentucky Broadcasting Corp., Inc., licensee of station WINN, from the Estate of D. E. Kendrick, deceased, to Nelle M. Kendrick, Executrix of his estate. (B2-TC-416)

KWLK—Marjory McClung, Executrix of the estate of Ray McClung, deceased, and Hugh McClung (Transferor), G. O. Chatterton (Transferee), Twin City Broadcasting Corp. (Licensee), Longview, Wash.—Granted consent to transfer of control of Twin Cities Broadcasting Corp., licensee of station KWLK, from Hugh McClung and Marjory McClung, Executrix of estate of Ray McClung, deceased, to: C. O. Chatterton, representing 140 shares, or 56% of issued and outstanding capital stock, for a consideration of \$10,000. (B5-TC-393)

Herman Anderson, Tulare, Calif.—Granted petition to amend application for new station by removing Robert-Franklin as a co-applicant, and reconsidered and granted application as amended for construction permit to use **1240 kc.**, 250 watts, unlimited time, subject to Commission's policy of January 26, 1944. (Docket 6674)

DESIGNATED FOR HEARING

Hazelwood, Inc., Deland, Fla.—Designated for hearing application for construction permit for new station to use frequency of **1400 kc.**, 250 watts, unlimited time; transmitter site to be determined. (B3-P-2714)

A. Frank Katzentine, Orlando, Fla.—Designated for consolidated hearing with above application of Hazelwood, Inc., application for new station to operate on **1400 kc.**, 250 watts, unlimited time; transmitter site to be determined. (B3-P-3674)

Marshall Broadcasting Co., Marshall, Texas—Designated for hearing application for new station to operate on **1450 kc.**, 250 watts, unlimited time. (B3-P-3675)

KVOM, Inc., Marshall, Texas—Designated for consolidated hearing with application of Marshall Broadcasting Co. above, construction permit for new station, **1450 kc.**, 250 watts, unlimited time. (B3-P-3717)

LICENSE RENEWALS

The following were granted renewal of relay broadcast station licenses:

KRED, Redwood Broadcasting Co., Inc.; KTSR, Tri-State Broadcasting Co., Inc.; WAAR, Rockford Broadcasters, Inc.; WAAU, WCBG, Columbia Broadcasting System, Inc., and WCBJ, Lehigh Valley Broadcasting Co.

MISCELLANEOUS

KXA—American Radio Telephone Co., Seattle, Wash.—Passed over petition for leave to amend application without prejudice (Docket 6665).

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted in part motion for continuance of hearing on application for CP (Docket 6627), and the hearing now scheduled for December 4, 1944, was continued to January 8, 1945.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted motion for additional time to file a written appearance in the matter of application for CP (Docket No. 6689), and postponed same for an additional 30 days from Nov. 29, 1944.

- KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.; KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted in part motion for continuance of hearing on applications for renewal of licenses (Dockets 6630 and 6643) now scheduled for Dec. 6, and postponed same to Feb. 5, 1945.
- WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Granted motion for continuance of hearing on applications for construction permit (Docket 6628), from December 5 to February 5, 1945.
- KXA—American Radio Tel. Co., Seattle, Wash.—Granted in part motion for continuance of hearing on application for modification of license (Docket 6665), and postponed same from December 13, 1944 to January 18, 1945.
- Johnson Kennedy Radio Corp., Chicago, Ill.—Placed in the pending file in accordance with Commission policy of Feb. 23, 1943, application for new commercial television station.

APPLICATIONS FILED AT FCC

560 Kilocycles

- WJLS—Joe L. Smith, Jr., Beckley, W. Va.—License to cover construction permit (B2-P-2752) which authorized change in frequency and power.
- WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Authority to determine operating power by direct measurement of antenna power.

580 Kilocycles

- WGAC—The Twin States Broadcasting Co., Augusta, Ga.—Construction permit to change frequency from 1240 kc. to 580 kc., increase power from 250 watts to 5 KW daytime and 1 KW night, install new transmitter, directional antenna for night use and change transmitter location.

600 Kilocycles

- WMT—American Broadcasting Co., Cedar Rapids, Iowa.—Modification of license to change corporate name to American Broadcasting Stations, Inc.

620 Kilocycles

- NEW—Jackson Broadcasting Co., Jackson, Miss.—Construction permit for a new standard broadcast station to be operated on 620 kc., power of 1 KW, unlimited hours of operation and employing directional antenna for night use.

770 Kilocycles

- KECA—Blue Network Company, Inc., Los Angeles, Calif.—Construction permit to change frequency from 790 kc. to 770 kc., increase power from 5 KW to 50 KW, install new transmitter, directional antenna for day and night use, move studio and transmitter.
- KECA—Blue Network Company, Inc., Los Angeles, Calif.—Special service authorization to operate on 770 kc., power of 5 KW and unlimited hours of operation pending completion of construction as contemplated by B5-P-3783.

960 Kilocycles

- WBOC—The Peninsula Broadcasting Co., Salisbury, Md.—Construction permit to change frequency from 1230 kc. to 960 kc., increase power from 250 watts to 1 KW, make changes in transmitting equipment, and install directional antenna for night use.
- KROW—Educational Broadcasting Corp., Oakland, Calif.—Voluntary assignment of license to KROW, Inc.

1030 Kilocycles

- KARM—KARM, The George Harm Station, Fresno, Calif.—Construction permit to change frequency from 1430 kc. to 1030 kc., and make changes in the directional antenna system. Facilities of KOB.

1240 Kilocycles

- WOCB—E. Anthony & Sons, Inc., near Hyannis, Mass.—Authority to determine operating power by direct measurement of antenna power.

1280 Kilocycles

- KIT—Carl E. Haymond, Yakima, Wash.—Construction permit to make changes in transmitting equipment.

1340 Kilocycles

- WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Construction permit to install a synchronous amplifier at Huntington, West Virginia, to be operated on 1340 kc., 250 watts power and synchronized with WCMI.
- WBRK—Monroe B. England, Pittsfield, Mass.—Authority to determine operating power by direct measurement of antenna power.
- WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Transfer of control of licensee corporation from Edward H. Bragg and Leslie F. Bragg to George F. Bissell (51.88%).

1360 Kilocycles

- KMO—Carl E. Haymond, Tacoma, Wash.—Construction permit to make changes in auxiliary transmitting equipment.

1400 Kilocycles

- NEW—Fort Lauderdale Broadcasting Co., Fort Lauderdale, 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

- WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Assignment of license to Poughkeepsie Newspapers, Inc.

1520 Kilocycles

- NEW—Calumet Broadcasting Corp., Hammond, Ind.—Construction permit for a new standard broadcast station to be operated on 1520 kc., power of 5 KW and daytime hours of operation. Amended: re corporate structure.

FM APPLICATIONS

- NEW—International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), R. J. Thomas, President, Newark, N. J.—Construction permit for a new high frequency (FM) broadcast station to be operated on 43100 kc. with coverage of 18,750 square miles.
- NEW—International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), R. J. Thomas, President, Detroit, Mich.—Construction permit for a new high frequency (FM) broadcast station to be operated on 43100 kc. with coverage of 22,750 square miles.
- NEW—International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), R. J. Thomas, President, Flint, Mich.—Construction permit for a new high frequency (FM) broadcast station to be operated on 45900 kc. with coverage of 8,045 square miles.
- NEW—International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), R. J. Thomas, President, Cleveland, Ohio—Construction permit for a new high frequency (FM) broadcast station to be operated on 43100 kc. with coverage of 17,500 square miles.
- NEW—International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), R. J. Thomas, President, Chicago, Ill.—Construction permit for a new high frequency (FM) broadcast station to be operated on 43500 kc. with coverage of 14,600 square miles.
- NEW—International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), R. J. Thomas, President, Los Angeles, Calif.—Construction permit for a new high frequency (FM) broadcast station to be operated on 43900 kc. with coverage of 32,100 square miles.
- NEW—Harold Thomas, Waterbury, Conn.—Construction permit for a new high frequency (FM) broadcast station to be operated on 43500 kc. with coverage of 14,300 square miles.

NEW—The KLUF Broadcasting Co., Inc., Galveston, Texas.—Construction permit for a new high frequency (FM) broadcast station to be operated on 44500 kc. with coverage of 940 square miles.

NEW—Airfan Radio Corp., Ltd., San Diego, Calif.—Construction permit for a new high frequency (FM) broadcast station to be operated on 44700 kc. with coverage of 950 square miles.

NEW—Reno Newspapers, Inc., Reno, Nevada—Construction permit for a new high frequency (FM) broadcast station to be operated on 43700 kc. with coverage of 35,558.7 square miles.

TELEVISION APPLICATIONS

NEW—Philco Radio & Television Corp., Arlington, Va.—Construction permit for a new experimental television broadcast station to be operated on Channel #4 (78000-84000 kc.). Amended: re transmitter site.

W2XMT—Metropolitan Television, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-40 as modified for a new experimental television station) for extension of completion date from 12-31-44 to 5-31-45.

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.

Allen Products Co., Inc.—Misrepresentation of the therapeutic properties of a medicinal preparation called "Allen's Nijara" is alleged in a complaint issued against Allen Products Co., Inc., 602 Fifth St., N. W., Washington, D. C. (5255)

Merek & Co., etc.—A complaint has been issued charging Merck & Co., Inc., and its subsidiary, Amuno, Inc., both of Rahway, N. J., with misrepresenting the value and effectiveness of a patented product designated "Amuno," advertised and sold as a treatment to prevent moth and beetle damage to fabrics containing wool or other animal fibers. (5256)

Henry Modell & Co.—Violation of the Wool Products Labeling Act is alleged in a complaint against Henry Modell, Rose Modell and William Modell, trading as Henry Modell & Co., 280 Broadway, New York, engaged in the interstate sale of wool products including clothing and blankets. (5254)

STIPULATIONS

During the past week the Commission announced no stipulations.

CEASE AND DESIST ORDERS

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

Graphic Arts Club of Charlotte, Inc., its officers, directors, and 13 member commercial printing firms, all of Charlotte, N. C., have been ordered to cease and desist from entering into or continuing any combination or conspiracy to fix uniform prices for their products. (4517)

Imperial Candy Co., 800 Western Ave., Seattle, has been ordered to cease and desist from selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme. (5046)

Superbilt Manufacturing Co., Inc., 2511 Northeast Holladay St., Portland, Oregon, has been ordered to cease and desist from misrepresenting the regular retail price and the value of the Super Rest Mattresses and matching box springs it sells in interstate commerce. (4944)

PETRILLO THREATENS NETWORKS; DEFIES NLRB

James C. Petrillo, President of the American Federation of Musicians, has notified the National Broadcasting Company and the Blue Network that he will insist upon their fulfillment of the terms of the agreements calling for the employment of AFM members as platter turners in all of their managed and operated stations.

It will be recalled that Mr. Petrillo reported to his membership regarding these agreements as follows:

"For the information of our members, during December, 1943, and January, 1944, I had five meetings in my New York office with Mr. Niles Trammell, President of the National Broadcasting Company; Mr. Mark Woods, President of the Blue Network; Mr. Paul Kesten, Executive Vice-President of the Columbia Broadcasting System, and Mr. Miller McClintock, President of the Mutual Broadcasting System.

"In these meetings we discussed the question of our members handling the placing of records and transcriptions on turn tables in radio stations. After the conclusion of these meetings, I was successful in getting an agreement that the above companies, beginning June 1st, 1944, would employ members of the American Federation of Musicians to do this work, in all radio stations owned and controlled by the above companies. Members so employed would not be included in any minimum number of men agreement the locals might have. Also, members doing this work would only do that work and nothing else and would not be permitted to play a musical instrument. In other words, this will be a full time job. The making of wage scales and conditions for these jobs is entirely in the hands of the locals wherein stations owned and controlled by the above companies are located.

"These companies also agreed that music librarians shall be members of the American Federation of Musicians, and such music librarians also are exclusive of any minimum number of men agreement and are to do no other work than that assigned to them as music librarians and are not permitted to play a musical instrument. Their wage scales and conditions are also left in the hands of the locals in whose jurisdictions stations owned and controlled by the companies herein mentioned are located.

"Radio turners and librarians are two separate engagements. The agreement covering librarians began as of February 1st, 1944."

Then followed a list of the NBC, CBS, MBS and Blue stations which Petrillo claimed were included within these agreements.

Following the negotiations of the agreement referred to, the National Association of Broadcast Engineers and Technicians (NABET) claiming jurisdiction over the platter turners in all of the M & O stations gave notice of a strike and demanded an election to determine jurisdiction. The National Labor Relations Board, after a hearing, certified NABET as the appropriate bargaining unit for all turntable operators in the network M & O stations outside Chicago. (See NAB REPORTS pages 441 and 442.)

Despite this decision by the Board, Petrillo is insisting that the networks fulfill the contract. He is reported to

contend that he does not recognize the decision of the National Labor Relations Board on the ground that NABET is a "company dominated union." To this NABET (on December 8) issued the following reply:

"During the course of bargaining negotiations yesterday morning with NBC and the Blue Network, the Bargaining Committee from NABET were advised by the networks that they had received a letter from Mr. James C. Petrillo advising the networks that the Musicians Union, on the orders of Mr. Petrillo, did not recognize the decision of the National Labor Relations Board certifying NABET as the bargaining representative for NBC and the Blue Network on the grounds that NABET was "a company-dominated Union."

"Mr. Petrillo has retained the eminent and able labor lawyer, Joseph C. Padway, as his attorney. Mr. Padway has been representing Mr. Petrillo for the past eight months with respect to NBC and the Blue Network cases. Mr. Padway has been given the Constitution of NABET and all collective bargaining agreements. Mr. Petrillo's attorney stated before the NLRB in Washington that his client would abide by and carry out whatever decision or order the NLRB would issue.

"If Mr. Padway, as the outstanding labor lawyer of the United States, believed that NABET was a company-dominated Union it is Mr. Padway's immediate duty to file such a charge with the NLRB, and if at any time during the last eight months either Mr. Petrillo or Mr. Padway believed, or had reasonable grounds to believe, or even the slightest suspicion that NABET is a "company-dominated Union" then Messrs. Petrillo and Padway should file such a charge with the NLRB and should not have wasted eight months of valuable time of the entire staff of the NLRB in going through the representation hearings during this period of time.

"If there is a company-dominated Union in the present radio broadcasting picture it is Mr. Petrillo's Union.

"NABET filed an unfair labor practice (charge) against the NBC and the Blue Network in March of 1944 with the Regional Office of the NLRB in New York. This unfair labor practice charge was based on a secret agreement the NBC and the Blue Network had made with Mr. Petrillo in January of 1944.

"By the terms of this agreement the networks agreed to hire members of Mr. Petrillo's Musicians Union as platter turners. At the time this agreement was made by the networks and Petrillo all the operations of turntables and platter turning in the NBC and Blue Network studios were performed by members of NABET under a closed shop contract. In violation of the terms of this contract, which did not expire until June 1, 1944, the networks and Petrillo made this secret deal. The agreement between the networks and Petrillo was a secret commitment that the networks made to Mr. Petrillo without any notice to NABET. In fact the first public disclosure of this secret agreement was a printed editorial that Mr. Petrillo published in the April issue of the *Musicians Magazine* when he stated that over 2,000 musicians would be employed by the networks as platter turners in studios throughout the country.

"Since Mr. Petrillo has hurled the accusation at NABET of being 'a company-dominated Union' Mr. Petrillo must either prove this charge or subject himself to a libel suit by the officers and members of NABET."

(Continued on page 464)

J. H. Ryan, President

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

Robert T. Bartley, Director of Government Relations; 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.

PETRILLO THREATENS NETWORKS; DEFIES NLRB

(Continued from page 463)

Subsequently (December 13) Mark Woods, President of the Blue Network, issued the following release to Blue affiliated stations:

"The facts relating to the present jurisdictional dispute between the National Association of Broadcast Engineers and Technicians and the American Federation of Musicians as they relate to the Blue Network are as follows:

"In negotiating a new contract with James C. Petrillo for the AFM last January we agreed, effective in June, 1944, to employ platter turners who are members of the AFM. This agreement was part of a general contract, in which the AFM made a number of concessions and we in turn accepted the AFM jurisdiction over platter turners in order that a musicians' strike could be averted and the network continue in ordinary operation. We were acting in good faith, and had been advised that we were within our legal rights to award this jurisdiction to the AFM. NABET also claims jurisdiction over the employment of platter turners. NABET appealed to the National Labor Relations Board asking that their rights to jurisdiction be upheld. The NLRB decided that status quo should be maintained, which meant that NABET would control the jurisdiction over platter turners, except in Chicago, in which city platter turners have for many years been under the jurisdiction of AFM. The Blue Network was and is perfectly willing to accept the decision of the NLRB. However, Mr. Petrillo refuses to accept this decision and has warned our company that if we do not keep our agreement with the AFM he will order a series of wildcat strikes withdrawing musicians from our programs at sporadic intervals. We would have no adequate relief from these tactics and over a period of time it would be impossible to broadcast our leading programs due to the absence of musicians for temporary periods. It is our hope that the Courts will settle the dispute between AFM and NABET. Only in that way can either AFM or NABET be forced to accept a conclusion to the jurisdictional dispute. The Blue Network finds itself in the middle of a jurisdictional fight between the AFM and NABET. As between these two Unions we do not favor one over the other. We desire that the labor laws of the country be complied with, that our employees be represented by Unions of their own choice, and that strikes against the public interest be avoided. We are in truth helpless in this situation in that it is one where we cannot bring the issues into Court. We are faced with interference or stoppage of broadcasting by one Union or the other and until the Courts decide the case we will continue to be faced with this threat."

Yesterday (14) NABET issued the following additional statement:

"NABET will not capitulate. NABET will abide by the decision of the National Labor Relations Board and is ready to continue negotiations for new contracts with NBC and the Blue. We have acted in good faith and will not capitulate. Petrillo's refusal to comply with the decision is an affront to the NLRB. This is not a jurisdictional dispute between Unions. The issue has been clearly defined and decided by the NLRB. The dispute is between the com-

panies and the musicians. If the musicians pull wildcat strikes the company should bring this to the attention of the War Labor Board and not be asking NABET to capitulate. It is time for the networks to decide whether they should be dominated by Petrillo or conduct a business free from holdups. Should NABET capitulate we would in effect be penalizing every radio station in the country. In fact, we would be crucifying some small independent stations who play records all day. Faced with the prospect of paying \$90.00 per week for a 25-hour week the small stations would be forced out of business. Radio with the help of the technicians made the name bands. By the same token radio can break them. NABET has stood alone in this fight for the past ten months. We have conducted it in an honest and straightforward way. Our only request is that justice be served."

The vital nature of this controversy and the effect which it is certain to produce throughout the broadcasting industry has created not only widespread interest but deep concern among the broadcasters. It will be recalled that in the April issue of the "International Musician," official publication of the AFM, Mr. Petrillo announced to his membership that he had been successful in getting an agreement from NBC and the Blue under which they would, beginning June 1, 1944, employ members of the AFM to handle the placing of transcriptions and records on turntables in all of their M & O stations. He then made the following appeal:

"In my opinion if the locals of the AFM are successful in their negotiations with the local radio stations in obtaining similar agreements as those signed by the chain companies with the Federation there would be employed in a period of time some 2,000 men to do these jobs, and, when I say 2,000, I am putting it at a low figure.

"These are fine employment opportunities when you consider that today there are approximately only 2,500 live musicians working under weekly salaries in radio stations for a period ranging from 30 to 52 weeks a year.

(Signed) JAMES C. PETRILLO,
 American Federation of Musicians."

President Ryan has maintained continuous and close contact with the situation and has officially consulted the members of the NAB Labor Executive Committee. In addition, several communications have been received from interested broadcasters. The views of all of these parties have been communicated to the appropriate network officials.

FCC ADOPTS ANNOUNCEMENT RULE

The Federal Communications Commission announced Wednesday (13) the adoption of a new rule relative to the form of identification and announcement of sponsored programs required by the provisions of Section 317 of the Communications Act. In announcing the new rule, the Commission stated that the purpose of the rule is to serve as a guide to broadcasting stations of their duties and obligations to disclose to the public the fact that a program is or is not paid for and, if paid for, the source of such payment.

The Commission emphasized the fact that the new rule does not effect any change in better broadcasting practices and that it does not require any change in the form of commercial announcements currently used on most sponsored programs. It does not require the use of any specific words to disclose the fact that a program has been paid for but merely requires some unmistakable indication that the program is sponsored and by whom.

With reference to political programs or programs involving the discussion of public controversial issues, the rule in general requires an announcement at both the beginning and the end of the program of the fact that the program has been paid for or furnished to the station and disclosing fully and fairly the true source of such

payment. In the case of ordinary commercial programs only one announcement is required.

The rule as finally adopted is in substantially the same language as printed on pages 431-432 NAB REPORTS (November 24, 1944).

Upon being advised of the adoption of the rule President Ryan made the following comment:

"The adoption of the revised rule under Section 317 by the FCC is extremely gratifying. Not only do we believe that the amended rule as approved by the Commission marks a distinct improvement in the matter of program announcements, but we are deeply gratified for the opportunity which it afforded NAB to cooperate with FCC in a matter of such vital importance to the broadcasting industry's operation in the public interest. We hope that this manifestation of a cordial and understanding relationship between the Government's regulatory agency and the industry's trade association may be more fully developed."



OFFICIALS OF FOUR NETWORKS MEET ON 25TH ANNIVERSARY PLANS

Network Committee to Function

Plans for industry observance of Radio's Twenty-Fifth Anniversary throughout 1945 were discussed by officials of the four major networks in New York City Tuesday, December 12.

Meeting with Harold Ryan, NAB president, and Willard Egolf, director of public relations, at the Waldorf-Astoria, twenty executives of NAB, CBS, Blue and Mutual were presented with a suggested format for nation-wide activity in radio's silver anniversary year, which has been "Pledged to Victory!"

The meeting, called at 12:30 noon, adjourned at 3:00 p. m. after an exploration of the many possibilities for Twenty-Fifth Anniversary observance in network programming, advertising, sales, public relations, publicity and promotion.

Harold Ryan was requested to appoint a committee composed of top management executives in the four networks to function throughout the year. Further deliberations are planned for this committee as soon as the names are announced.

Network executives present were:

From Blue Network Co., Hubbell Robinson, Keith Kiggins, Robert Kintner and Fred Smith; from Columbia Broadcasting System, Frank Stanton, Herb Akerberg, Douglas Coulter, George Crandall and William C. Gitterger; from National Broadcasting Co., Clarence Menser, Sid Eiges, James W. Gaines, Charles B. Hammond, Roy C. Witmer and Tom McCray; from Mutual Broadcasting System, Phillips Carlin, Carl Haverlin, Jim Barnes, Robert Schmid and Jim O'Bryon.

RADIO MANUFACTURERS ASSOCIATION TO OBSERVE RADIO'S 25TH ANNIVERSARY

Full cooperation in the observance of Radio's Twenty-Fifth Anniversary has been voted by the Advertising

Committee of the Radio Manufacturers Association, NAB was advised by Bond Geddes, Executive Vice-President of RMA.

Plans were developed at a meeting of the RMA Advertising Committee in Chicago, December 5. The Committee will request RMA members to tie in their company advertising with the Twenty-Fifth Anniversary and to aid broadcasting interests in every way feasible in the observance.

"RMA Production Bulletin" of December 8, which goes to all members, carried a report of the Committee's action and request for cooperation.

A previous RMA Bulletin carried the NAB release of November 28 announcing the year-long observance for 1945.

The "NAB Special Twenty-Fifth Anniversary Bulletin", published with NAB REPORTS of December 8, is being distributed to radio set and tube manufacturers.

BROADCAST MEASUREMENT BUREAU MEETING

The Negotiating Committees of the National Association of Broadcasters, the Association of National Advertisers and the American Association of Advertising Agencies will meet in New York, Friday, December 15. The purpose of the meeting is to finally review and adopt articles of incorporation and corporate by-laws preparatory to actual filing. It is also the intent of the committees to select an individual who will prepare a presentation of the Bureau project which he will make at all district meetings starting in January. It is the intention of the Negotiating Committees, which will constitute the Bureau's Board of Directors when it becomes incorporated, to progress quickly with the objective of starting actual circulation measurements in the Spring of 1945. This, of course, is contingent upon securing the necessary financial support through station subscriptions.

The committees of the three Associations are as follows:

For the NAB: J. Harold Ryan, NAB President; Roger W. Clipp, WFIL, Philadelphia; Hugh M. Feltis, KFAB, Lincoln; Frank M. Russell, NBC; Frank Stanton, CBS.

For the AAAA: Frederic Gamble, AAAA President; Leonard T. Bush, Vice President, Compton Advertising Agency; Carlos Franco, Head of Station Relations, Young and Rubicam; Linnea Nelson, Chief Time Buyer, J. Walter Thompson Company; D. E. Robinson, Director of Research, Pedlar and Ryan.

For the ANA: Joseph M. Allen, Assistant Vice President and Advertising Manager, Bristol-Myers Company; Robert F. Elder, Director of Market Research, Lever Brothers Company; A. N. Halverstadt, Director of Media, Procter and Gamble Company; J. A. Miller, Advertising Director and Sales Promotion Manager, Standard Oil Company of New Jersey; Donald B. Stetler, Advertising Director, Standard Brands, Inc.

BMI TO ARRANGE, PUBLISH, RECORD "XXV" MUSICAL SIGNATURE

So that stations may have Radio's Twenty-Fifth Anniversary musical signature in every usable form, Broadcast Music, Incorporated, will arrange and furnish library copies of the "XXV" composition, Merritt Tompkins, President of the industry's music publishing firm, announced this week.

In addition, BMI will employ musicians and record various arrangements for desired effects.

The platter will also contain one or more complete Anniversary announcements, Tompkins contemplates.

Further details on the recording, including plans for distribution to stations, will be announced immediately.

It is hoped that the job may be completed and in station hands before the end of this month.

PEABODY AWARDS ENTRY DEADLINE JANUARY 10, 1945

Athens, Georgia, December 9, 1944: The final date for 1944 entries for the George Foster Peabody Radio Awards will be Wednesday, January 10, 1945. This reminder was issued today by John E. Drewry, Dean of the Henry W. Grady School of Journalism, University of Georgia, which administers these awards. The entries should be sent to Dean Drewry and each entry should give title of program, name of station or network, address, classification in which entry is submitted, name of person making entry, whether or not entry is accompanied by a transcription, and a brief description of the program, with reasons why it should be considered for an award.

The classifications in which awards will be made this year are:

1. That program or series of programs inaugurated and broadcast during 1944 by a regional station (above 1,000 watts) which made an outstanding contribution to the welfare of the community or region the station serves.
2. That program or series of programs inaugurated and broadcast during 1944 by a local station (1,000 watts or under) which made an outstanding contribution to the welfare of the community the station serves.
3. Outstanding reporting and interpretation of the news.
4. Outstanding entertainment in drama.
5. Outstanding entertainment in music.
6. Outstanding educational program.
7. Outstanding children's program.

Entries may be submitted by stations, networks, radio editors of newspapers and magazines, listener groups, or any person or organization wishing to direct the attention of the Peabody Board to a special program.

In addition to the entries, the Peabody Board will consider recommendations of several hundred listening-post committees which have been set up throughout the United States.

TREASURY RELEASES NEW SERIES OF 39 "SALUTES" MAY BE SPONSORED

In accordance with industry opinion as expressed at the Chicago NAB War Conference, Treasury Department has authorized an interim series of thirty-nine (39) transcribed quarter hour "Salute" programs. They are to follow pretty much the same format of previous "Salutes."

Broadcast of the new series is authorized to begin on Monday, Dec. 18, with release at the rate of three per week. Programs may be sponsored at the option of the broadcaster.

At the close of the day (15) twelve complete shows will have been shipped to stations which had ordered all Treasury transcriptions offered during the 6th War Loan.

Order From Smith

Broadcasters not on this list, but desirous of playing the series, should request transcriptions from:

**Robert J. Smith, Chief, Radio Section
War Finance Div., Treasury Dept.
Washington Bldg.
Washington 25, D. C.**

First transcriptions were shipped on Nov. 29. Treasury will try to maintain a station stock pile of six shows.

SHIP MORE "LET'S GO TO TOWN" SHOWS

Five more "Let's Go to Town" programs have been completed and shipped to Armed Forces Radio Service as follows:

Atlanta area, by John M. Outler, Jr., WSB, *TFC.
Buffalo area, by C. Robert Thompson, WBEN, *TFC.
Denver area, by Robert B. Hudson, Rocky Mt. Radio Council, *TFC.
Detroit area, by Leo Fitzpatrick, WJR, *TFC.
Green Bay area, by Rev. James A. Wagner, WTAQ, *TFC.

Still Behind Schedule

Though now behind schedule in completed shows, the industry should be able to overcome its deficit during December by rigid adherence to commitments previously given. Army is counting on them.

More December Programs

Programs for December completion, heretofore unreported, include:

Champaign area, Frank Mills, WDWS, *TFC.
Memphis area, Roy Wooten, WREC, *TFC.
New Orleans area, W. H. Summerville, WWL, *TFC.
Omaha-Lincoln area, Harold Hughes, KOIL, *TFC.
Five additional shows have been reported for January production. They will be listed later in the month with other January programs previously scheduled but unannounced.

Scripts in for Clearance

Kansas City area, Roderick Cupp, KMBC, *TFC.
New Bedford area, Hugh R. Norman, WNBH, *TFC.
Youngstown area, J. L. Bowden, WKBN, *TFC.

FIRST ANNUAL TELEVISION CONFERENCE WELL ATTENDED

The First Annual Conference of the Television Broadcasters Association (TBA) was held in New York City Monday and Tuesday (11-12). Nearly 800 registered and the total attendance may have exceeded 1200. The great interest in television being manifest throughout the nation was evidenced by the attendance at the conference of representatives from many industries and professions. Among those in attendance were representatives of television and broadcast stations; the stage; motion picture industry; manufacturers of radio, television and motion picture equipment and advertising agency people. NAB was represented by Howard S. Frazier, Director of Engineering.

Dr. Allen B. DuMont, retiring president of TBA, opened the meetings with an address of welcome. Among others who addressed the conference were E. W. Engstrom, Director of Research, RCA Laboratories; Dr. W. R. G. Baker, Vice President, General Electric Company and Chairman of RTPB; John F. Royal, Vice President, National Broadcasting Company; Robert L. Gibson, General Electric Television Executive; Thomas H. Hutchinson, in charge of production for the RKO Television Corporation; Harold

* Task Force Commander.

S. Osborne, Chief Engineer, A. T. & T. Company and Commander William Eddy, USNR, on leave from the Balaban and Katz Corporation of Chicago.

The Monday luncheon speaker was Lewis Allen Weiss, Vice President of the Don Lee Broadcasting Network and retiring TBA Vice President. Mr. Weiss expressed his views on television economic problems and took issue with the Columbia television recommendations presented to the FCC.

Panel meetings were held on the afternoon of the opening day, dividing the attendance into seven specialized groups as follows:

Broadcasters, Samuel H. Cuff, Chairman; Manufacturers, C. A. Priest, Chairman; Program Producers, Thomas H. Hutchinson, Chairman; Advertising Agencies, William H. Weintraub, Chairman; Newspapers, Clifford Denton, Chairman; Talent, William Morris, Chairman; Theatres and Motion Pictures, Paul Larsen, Chairman.

The Broadcasters Panel was attended by approximately 40 broadcasters and others associated with the broadcast industry. The Annual Banquet was held on Monday evening with a capacity attendance of 1,000. A presentation of the TBA 1944 Awards was made at the banquet.

For Technical Pioneering in Television

First Award—Dr. Vladimir K. Zworykin—RCA Laboratories, Princeton, N. J.

Citation: For development of the iconoscope and the storage principle of picture pick-up, resulting in the first practical television pick-up equipment

Co-ordinate Awards

F. J. Bingley—Philco Radio and Television Corp., Philadelphia, Pa.

Citation: For improvement in contrast of television pictures through flat face tubes and experiments on link operations particularly as regards outdoor events.

Dr. Allen B. DuMont—Allen B. DuMont Laboratories, Passaic, N. J.

Citation: For the development of the cathode ray tube to a satisfactory commercial instrument of television control and reproduction.

Lloyd Espenscheid—Bell Telephone Laboratories, New York City.

Citation: For adopting the co-axial cable to transmitting wide bands of radio frequency suitable for modern television.

Philo T. Farnsworth—Farnsworth Radio and Television Corp., Ft. Wayne, Indiana.

Citation: For work on television scanning methods and the electron multiplier.

Dr. Peter Goldmark—Columbia Broadcasting System, New York City.

Citation: For work in the development of motion picture pick-up equipment and electronic analysis and control of equipment for color television.

Program Awards

Note: These awards are made on the basis of 1944 activities but because the economic problem at present overshadows the artistic one, they are made on the basis of contribution to the solution of the economic problems of programming.

First Award—Station WABD—Allen B. DuMont Laboratories, New York City.

Citation: For making its facilities available to all for study of the correlation of economic and artistic problems of television production.

Recipient: Sam Cuff, Station Manager.

Station WNBT—National Broadcasting Company, New York.

Recipient: John Williams.

Station WRGB—General Electric Company, Schenectady, New York.

Recipient: Robert Gibson.

Station WPTZ—Philco Radio & Television Corporation, Philadelphia, Pa.

Recipient: Paul Knight.

Citation: For the first examples in the world of network operation and resulting division of program costs.

Station WCBW—Columbia Broadcasting System, New York City.

Citation: For successful lifting of a radio broadcasting program usually heard in sound only to the field of visual and sound entertainment. The Program—"The Missus Goes a-Shopping."

Recipient: Worthington Miner.

Station W6XYZ—Television Productions, Inc., Hollywood, California.

Citation: For the introduction of motion picture techniques to television programming.

Recipient: Klaus Landsberg.

For General Contribution to Television

Note: This award again does not cover the past year but it is a summation of the efforts of many years.

First Award—General David Sarnoff—on leave from the Presidency of Radio Corporation of America.

Citation: For his initial vision of television as a social force and the steadfastness of his leadership in the face of natural and human obstacles in bringing television to its present state of perfection.

Other Awards—W. R. G. Baker—Vice President, General Electric Company, Schenectady, New York.

Citation: For his leadership in standardizing television through the National Television Systems Committee and supporting it through the Radio Technical Planning Board.

Dr. A. N. Goldsmith—Consulting Engineer, New York City.

Citation: For his work on the N. T. S. C. and the R. T. P. B. and his vision of the relationship of the motion picture and television.

David B. Smith—Philco Radio & Television Corp., Philadelphia, Pa.

Citation: For his work on the National Television Systems Committee and his planning of television future as panel chairman with the Radio Technical Planning Board.

Brigadier General David Sarnoff, RCA President, addressed the banquet. He spoke of the long years of television development and his early association with Dr. V. K. Zworykin and other scientists and engineers who have contributed to the development of television.

On Tuesday afternoon the Television Broadcasters Association Annual Business Meeting was held, followed by a meeting of the Board of Directors. Officers elected for the ensuing year were:

President, J. R. Poppele; Vice-President, Robert L. Gibson; Secretary-Treasurer, Will Baltin; Assistant Secretary-Treasurer, O. B. Hanson.

The following Directors were elected for a three year term:

Curtis W. Mason, F. J. Bingley, Allen B. DuMont, J. R. Poppele.

LEGISLATIVE COMMITTEE MEETS

The Legislative Committee held a one day meeting in Washington on Wednesday, December 13, 1944, to consider the Legislative situation.

The following members of the Committee were present:

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Don S. Elias, WWNC, Asheville, N. C., Chairman; Clair R. McCollough, WGAL, Lancaster, Pa.; Joseph H. Ream, CBS, New York, N. Y.; J. Leonard Reinsch, WSB, Atlanta, Georgia; Frank M. Russell, NBC, Washington, D. C.; James D. Shouse, WWL, Cincinnati, Ohio; Harry R. Spence, KXRO, Aberdeen, Washington.

The two other members of the Committee, G. Richard Shafto, WIS, Columbia, S. C., and O. L. (Ted) Taylor, KGNC, Amarillo, Texas, were unable to be present.

ELLIS RETURNS AS ACTING DIRECTOR

Ray Ellis, of New York City, formerly director of the Radio and Radar Division of the War Production Board, has been recalled as acting director during the absence of Director L. J. Chatten, who is on sick leave, Hiland G. Batcheller, Chief of Operations of WPB, announced today.

Mr. Ellis retired as director of the division on October 1, 1944, to resume his association with the General Motors Corporation, after active service with WPB for more than three years.

STATION MAN WINS \$500 WAR BOND IN BAND-NAMING CONTEST

Bayliss Corbett, News Department, WNAX, won first prize, a \$500 War Bond, for his suggestion "The Tune Chasers and Bonnie King," as a name for a new Arthur B. Church musical unit to appear as a transcribed library.

Twenty-two others in the field of advertising and radio won \$25 War Bonds, duplicate prizes being awarded in two instances.

FCC EXPRESSES VIEW ON "PUBLIC INTEREST"

The Federal Communications Commission in its recent decision granting the application of the Iowa State College of Agriculture for additional hours of operation before sunrise on the 640 clear channel contains statements concerning the "public interest" which every broadcaster should read and understand. The Commission's Findings, the concurring opinion of Commissioners Walker and Durr and the dissenting opinion of Commissioners Jett and Case are therefore printed in full.

Before the Federal Communications Commission Washington, D. C.

In re Application of IOWA STATE COLLEGE OF AGRICULTURE AND ME- CHANIC ARTS (WOI)	} B-207 DOCKET NO. 6541 FILE NO. B4-SSA-79
AMES, IOWA	
For Special Service Authoriza- tion	

Findings of Fact, Conclusions and Order

By the Commission: (Jett and Case, Commissioners, dissenting)

1. This proceeding arose upon the application of Iowa State College of Agriculture and Mechanic Arts, licensee of Station WOI (640 kc, 5 kw, daytime hours), Ames, Iowa, for special service authorization under Section 1.366, Federal Communications Commission Rules and Regulations, to authorize operation of Station WOI from 6:00 a. m., CWT, until local sunset, in lieu of operation from sunrise until sunset at Ames.¹

¹ Average sunrise time by the month at Ames, Iowa, is shown in official tabulations employed by the Commission, as follows: 8:45 a. m. during January; 8:15 a. m. during February; 7:30 a. m. during March; 6:30 a. m. during April; 6:00 a. m. during May; 5:30 a. m. during June; 5:45 a. m. during July; 6:15 a. m. during August; 7:00 a. m. during September; 7:30 a. m. during October; 8:00 a. m. during November; and 8:30 a. m. during December.

2. Upon examination thereof, the Commission, on August 3, 1943, granted the application to the extent of authorizing operation of Station WOI under a schedule beginning at 6:00 a. m., CWT, with power reduced from 5 kw to 1 kw during operation before local sunrise. This action was protested by Earle C. Anthony, Inc., licensee of Station KFI (640 kc, 50 kw, unlimited time), Los Angeles, in a petition for reconsideration of the application and denial thereof or for a hearing on the application. Upon consideration of the petition, the action granting the application was set aside and the matter was designated for hearing upon issues designed to determine the extent of any interference which might be expected to result from operation of WOI upon the proposed time schedule (beginning at 6:00 a. m., CWT) with 1 kw or 5 kw power; the areas and populations which might be expected to lose primary or secondary service as a result of interference; the services available in such areas from other stations; the nature and character of the program service which might be restricted or impaired through interference from WOI; and whether the granting of the application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307(b) of the Communications Act. The Commission directed that the petitioner, Earle C. Anthony, Inc., be made a party to the proceedings. Hearings were held on the application October 26 and 27, 1943. Proposed findings were thereafter submitted by the applicant and by the petitioner.

3. Iowa State College of Agriculture and Mechanic Arts, applicant in this proceeding, was organized in 1858, under a special act of the Legislature of the State of Iowa to further the cultural interests of residents of the State. Major educational courses are offered in agriculture, engineering, home economics, veterinary medicine and science. In normal times, the enrollment is 6,000 to 6,500 students in attendance with a faculty of more than 500. The benefits of research and other educational activities of the College are extended to residents throughout the state through the Iowa State College Extension Service. Methods employed for that purpose include meetings conducted by specialists, publication of bulletins, and the use of radio broadcast facilities.

4. Station WOI was established in 1922 to be operated as an educational service of the College. The station is licensed for operation with 5 kw power, daytime, on the frequency 640 kc, and is operated upon a noncommercial basis under the immediate direction of a specialist in radio in the Extension Service.

5. Earle C. Anthony, Inc., the petitioner in this proceeding, is the licensee of Station KFI, Los Angeles, which was established in 1922. Station KFI is licensed for operation with 50 kw power, unlimited time, on the frequency 640 kc, and is operated upon a general commercial basis. It is the outlet for network programs of the National Broadcasting Company in the Los Angeles area.

6. The respective licenses under which WOI is assigned daytime hours of operation while KFI is assigned unlimited time, provide for operation on the frequency 640 kc, in accordance with provisions of an allocation plan established by Commission regulations. Section 3.25(a) provides for the use of the frequency 640 kc for operation of one unlimited time station of not less than 50 kw power and for operation of other stations with limited time or daytime only.

7. The applicant's license for operation of WOI as a day-time station and applicable rules and regulations authorized operation from 6:00 a. m., CST, until local sunset prior to the adoption of amended regulations, effective April 13, 1940, which had the effect of limiting the time the station might be operated to time between local sunrise and sunset at Ames. A provision was made in Order No. 74 promulgated June 7, 1940, for operation of standard broadcast stations licensed as daytime or limited time stations between 4 o'clock a. m. local standard time and local sunrise. However, this Order was cancelled October 14, 1941 when Section 3.87 relating to program transmissions prior to local sunrise was promulgated. Section 3.87 provides for operation of daytime stations between the hours of 4 a. m. local time and local sunrise under certain conditions but excepts from its provisions any class II station causing interference by use of its daytime

facilities within the 0.5 mv/m 50% sky wave contour of any class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, except (a) where the class I station is located east of the class II station in which case operation may begin at local sunrise at the class I station; (b) where an agreement has been reached with the class I station to begin operation prior to local sunrise. Under these conditions Station WOI may not be operated prior to local sunrise with the result that the applicant is not permitted to broadcast a program feature developed especially to serve the interests of its area at a regular early morning hour when the service would have its greatest value and be most effective.

8. The applicant's service area is in a highly developed agricultural area noted for its production of crops and live stock. The state of Iowa has a total population of 2,538,268, of which more than 57% is rural population. Census reports show that there are 701,824 homes in the state and that there are more than 633,000 radio receiving sets in use, from which it appears that there are radio sets for nine out of every ten homes. Radio broadcast stations located in various communities throughout the state provide services designed to serve interests of residents engaged in agricultural occupations. It is to be noted from evidence presented in this record that licensees find it appropriate to broadcast programs presenting market information, news, and other matters of special interest to farmers in early morning schedules. Station WHO, a 50 kw station located in Des Moines, broadcasts farm news and markets from 6:30 a. m. to 6:45 a. m.; WMT at Cedar Rapids has a similar program at 6:15 a. m. to 6:30 a. m.; KMA at Shenandoah broadcasts a program under the title "Farm Front" at 6:00 a. m. to 6:30 a. m., and similar programs are broadcast on schedules beginning between 6:00 and 6:45 a. m. by WOC, Davenport, KBIZ, Ottumwa, KBUR, Burlington, and KGLO, Mason City. The program matter which applicant formerly broadcast regularly from 6:00 a. m. to 7:00 a. m., and which it proposes to broadcast regularly at that hour is prepared under the direction of applicant's Extension Service to present market information and analyses, news, information regarding available bulletins, government announcements, and five or ten-minute educational talks on farm subjects by faculty specialists in a program introduced and interspersed with selected music. Market information broadcast in this program is received by applicant through a specially leased wire teletypewriter service from the United States Department of Agriculture. Specific information with respect to nearby markets is on the teletypewriter when it begins operation at 6:00 a. m., and is available for immediate transmission. The farmer or stockman must necessarily have market information at an early hour in order to sell or buy on markets of the same day.

9. Surveys which have been made of radio listening habits in the state of Iowa indicate that WOI has a very extensive audience of regular listeners, particularly in the villages and on farms, though one other station, which is authorized to operate on a clear channel with 50 kw power, unlimited time, has a much larger audience, and another station, operating unlimited time with 5 kw power, apparently has a slightly greater audience of regular listeners.

10. The interference issue arises from the fact that the petitioner's station KFI, Los Angeles, is located to the west of WOI, Ames, Iowa, and that nighttime transmission conditions would obtain over the entire area between the two stations during such time as operation of WOI at 6:00 a. m., CWT, would occur prior to sunrise at Ames. There is a geographical separation of more than 1400 miles between the stations and a difference in time of two hours and, accordingly, such interference as operation of WOI at 6:00 a. m., CWT, prior to local sunrise might cause to KFI would affect programs of the latter station broadcast from 4:00 a. m., PWT, until sunrise time at Ames. The maximum length of this period is two hours and forty-five minutes in the month of January, when the average sunrise time at Ames is 8:45 a. m., CWT. Programs broadcast from KFI from 4:00 a. m. to 6:45 a. m., PWT, consist in the main of recorded and transcribed musical enter-

tainment but have also included announcements of Anthony Automotive Company, news matter at 6:15, and a network program known as the "National Farm and Home Hour," which appears to have been broadcast from KFI at 6:15 a. m., PWT.

11. The evidence concerning the extent of the interference which might be expected to result from operation of Station WOI with 5 kw power prior to local sunrise simultaneously with KFI shows that the service of WOI would probably be limited to areas within the 3.2 mv/m field strength contour and that the service of KFI would be limited to areas within the 1.08 mv/m ground wave contour. Interference to the primary service of KFI would probably extend over an area of 8,300 to 13,000 square miles, with a population of 60,000 to 100,000. In addition, the entire secondary service area of the station would be subjected to interference. Station WOI, even though limited by interference to the 3.2 mv/m contour, would still have a good service area of 13,300 square miles with a population of 498,000, not including the population of communities of more than 10,000 located outside the 10 mv/m contour.

12. The operation of Station WOI with 1 kw power may be expected to provide service over an area of 4,760 square miles with a population of 199,600 without causing interference to the primary service area of Station KFI. But operation of WOI beginning at 6:00 a. m., CWT, during the months when that hour occurs prior to sunrise at Ames may be expected to cause interference to approximately 40% of the secondary service area of KFI, within the 500 uv/m 50% field strength contour² of the station. During the month of December, when the average sunrise time at Ames is 8:30 a. m., CWT, the interference caused to KFI would continue until 6:30 a. m., PWT. In January, when the average sunrise time at Ames is 8:45 a. m., CWT, the interference would continue until 6:45 a. m., PWT, and in February, when the average sunrise time at Ames is 8:15 a. m., CWT, the interference would continue until 6:15 a. m., PWT. It is apparent from the foregoing that interference to the service of KFI after 6:00 a. m. may be avoided by excluding from the operating schedule of WOI the time between 8:00 a. m., CWT, and local sunrise at Ames during the months when sunrise occurs after 8:00 a. m., CWT. The actual time to be excluded, as indicated by reference to average sunrise tables published by the Commission, in terms of Central War Time, would be the time from 8:00 to 8:30 a. m. in December; 8:00 to 8:45 a. m. in January; and 8:00 to 8:15 a. m. in February.

13. There are three other broadcast stations in position to serve relatively small portions of the area in which the primary service of KFI would be subject to interference. Secondary service is available throughout the area in which the secondary service of KFI would be subject to interference from other stations in the Pacific, Mountain, and Central Time Zones. Other service is available throughout the WOI service area from WHO, Des Moines, and in portions of the service area other service is available from KVFJ, Fort Dodge, KFJB, Marshalltown, WMT, Cedar Rapids, and KRNT and KSO, Des Moines.

14. The applicant's request is for authority under Section 1.366, FCC Rules and Regulations, to commence operation at 6:00 a. m., CWT, when that hour occurred prior to local sunrise at Ames, subject to the condition that the authority might be terminated immediately should any condition develop which in the judgment of the Commission would require such action.

15. The service which this applicant proposed to render is shown to be of special value and of public interest. Operation of applicant's station with 5 kw power beginning at 6:00 a. m., CWT, during the months when that hour occurs prior to sunrise at Ames would cause substantial interference to the primary as well as the secondary service of Station KFI. However, a substantial service may be provided by Station WOI during this period through operation of the station with 1 kw power without causing interference to the primary service of KFI. This operation may

² The secondary services of Class I-A stations are normally protected to the borders of the country from stations operating on the same frequency. However, Section 3.87 provides that limited time or daytime stations may commence operation prior to local sunrise provided interference is not caused within the 500 uv/m, 50% of the time, contour of Class I stations.

be expected to cause some interference to the secondary service of KFI, but such interference may be restricted to the time prior to 6:00 a. m., PWT, through exclusion from the operating schedule of WOI of any operation after 8:00 a. m., CWT, prior to local sunrise at Ames, Iowa.

16. Upon consideration of the entire record, including proposed findings and conclusions, exceptions, briefs and argument, the Commission finds that public interest, convenience and necessity will be served by the issuance of a special service authorization under Section 1.366 for operation of WOI with 1 kw power from 6:00 a. m., CWT, until 8:00 a. m., CWT, or until average local sunrise time at Ames, whichever is earlier.

IT IS ORDERED, This 29th day of November, 1944, that the application of Iowa State College of Agriculture and Mechanic Arts (WOI), for special service authorization BE, AND THE SAME IS HEREBY, GRANTED effective December 9, 1944, with terms and conditions as follows:

Operating Power: 1 kw.

Hours of Operation: 6:00 a. m., CWT, until 8:00 a. m., CWT, during the months of December, January and February; 6:00 a. m., CWT, until average local sunrise time at Ames during other months when 6:00 a. m., CWT, occurs prior to local sunrise.

Period of Authorization: To run concurrently with the license of Station WOI, subject to the condition that the authority might be terminated immediately without hearing should any condition develop which in the judgment of the Commission would require such action.

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary*.

Separate Concurring Opinion of Commissioners Walker and Durr

We concur in the result because we feel that the public interest will be better served by a partial grant of the application than by a denial. However, it is our opinion that the application of the Iowa State College of Agriculture and Mechanic Arts should be granted in full and a Special Service Authorization be issued for the operation of Station WOI at its full power of five kilowatts from 6:00 a. m. CWT to local sunset.

The Commission's decision, as contrasted to a grant of the application in full, requires a contraction of WOI's service area during the early morning hours from 13,300 square miles (having a population of approximately 498,000) to 4,760 square miles (having a population of only 199,600). It further means that WOI must go off the air entirely from 8:00 to 8:30 a. m., CWT during December, from 8:00 to 8:45 a. m., CWT during January, and from 8:00 to 8:15 a. m., CWT during February.

A full grant of WOI's application would not provide WOI listeners with a new service at the expense of a service long enjoyed by listeners of KFI. On the contrary, it would merely restore to WOI's listeners a very important service which they had received for a long period of time prior to February 9, 1942, when the Commission required its discontinuance.

It is true that WOI, operating with full power, would cause some interference to a portion of the KFI service areas during the hours before sunrise. However, we do not think that the public interest can be measured solely in terms of the range or intensity of an electrical impulse without regard to what that impulse carries in the way of a program. Nor can public interest be measured quantitatively only in terms of population residing in a particular service area, or even in terms of actual listeners. The early morning service which WOI seeks to restore was not designed primarily to entertain or amuse. This service is of a specialized nature and is directed toward assisting the farmers of Iowa, one of our most important agricultural states, in the serious business of earning their livings and producing crops of tremendous importance to the entire country. The early morning market news may well decide for the farmer the very practical question as to whether he will spend the day hauling his produce to market or working on his farm.

The early morning programs of KFI, on the contrary, consist mainly of recorded and transcribed musical enter-

tainment and advertisements, except for a news program carried at 6:15 a. m. and a national network program known as the *National Farm and Home Hour*, which appears to have been broadcast on some days prior to the hearings, but which has since been dropped from the network except for one day each week. Moreover, there is a two-hour difference of time between Ames, Iowa, and Los Angeles, California. Any interference to KFI would, therefore, come between 4:00 a. m. and two hours before sunrise at Los Angeles, a period when few people are likely to be listening to their radios. In Iowa, however, the period in question begins at 6:00 a. m., a time when most farmers are up and stirring and customarily use the radio for the latest market news and other farm information.

We are not impressed with the testimony offered as to the general listener audience of WHO, De Moines, or with the fact that WHO also carries an early morning farm program. As has been stated, WOI's early morning service was a specialized service designed for a specialized, and therefore limited, audience. Moreover, the business of farming is not such a simple affair that one program or series of programs can tell a farmer all he needs to know about his farm problems.

On June 7, 1940, the Commission adopted a general order permitting all daytime and limited time stations to begin operation at 4:00 a. m., local standard time. In explanation of this action, the Commission issued a press release on June 10, 1940, in which it stated:

"Early morning broadcast service to many rural sections now denied such service is invited by Federal Communications Commission action in authorizing daytime and limited-time standard broadcast stations to begin operation at 4 a. m., local standard time.

"Many farmers and other dwellers in rural areas arise before sunrise and in the past have had to rely upon distant broadcast stations for program service. The new ruling, announced today, will permit local stations generally to start broadcasting earlier, thus furnishing farm communities with general news and vital information concerning local weather conditions and agricultural market reports at the beginning of the work day.

"Although some interference may result from this new opportunity to broadcast between the hours of 4 a. m. and sunrise, the Commission believes that the overall effect of its order will be to benefit particularly those residents of farming areas who have heretofore not had such early local program service."

This order was revoked upon the adoption of Section 3.87 of the Commission's Rules and Regulations, but certainly this early morning service to farmers is no less important today, when the fullest production from our farms as well as our factories is so vital to the prosecution of the war.

The theory of our system of broadcasting is that it should be competitive. Certainly we would not feel justified in depriving a substantial audience of a favorite news commentator or entertainment program merely because some other commentator or entertainment program would still be available. Competition in broadcasting should mean more than competition between commercial stations for advertising revenues. Of far greater importance, from the standpoint of the public interest, is the competition for listeners on the basis of the quality of program service. Certainly a state agricultural broadcasting station specializing in the problems of farmers and having special facilities for bringing them the latest market reports from the United States Department of Agriculture should not, except upon the most compelling grounds, be excluded from competition with a commercial station whose interest in the farmer, as a farmer, is secondary to its interest in him as a part of an advertising market.

Subsection (b) of Section 3.87 of the Rules and Regulations provides as follows:

"Any station operating during such [early morning] hours receiving notice from the Commission that undue interference is caused shall refrain from such operation during such hours pending further notice from the Commission."

Under all the circumstances presented in this case, we are not satisfied that the early morning operations of WOI resulted in such "undue" interference as to have warranted the notification to WOI that it must suspend its early morning operation. But even assuming that a grant in full of the present application contravenes Section 3.87, that fact is not the decisive factor in the Commission's decision of this case. The decision as drawn would also contravene Section 3.87, the difference being only one of degree. Moreover, the rules relating to early morning broadcasting operations have been modified and amended a number of times in recent years. Certainly no special sanctity attaches to Section 3.87, or any other rule of the Commission, which would outweigh an outstanding public interest. We feel that in any case where a rule which we ourselves have adopted serves to defeat the public interest, such rule should be modified or amended, or repealed if necessary, to the end that public interest will be paramount.

JETT, COMMISSIONER, DISSENTING:

I concur in the opinion of the majority of the Commission that the farm news and market information proposed to be transmitted by WOI would be of special value. However, the opinion discloses that a number of other stations in the State of Iowa broadcast farm news and market information during the early morning hours when WOI proposes to operate. Furthermore, the application may not be granted under the provisions of Section 3.87 of the Commission's Rules and Regulations. This rule in effect provides that the transmission of programs by WOI between 4:00 a. m., local standard time, and local sunrise, may not be authorized unless a time sharing agreement has been reached between KFI and WOI covering operation of WOI prior to local sunrise; or, in the absence of such agreement, the interference caused by WOI shall not exceed 0.5 millivolts per meter within the 50 per cent sky wave contour of KFI. In this connection, the opinion of the majority of the Commission shows that the operation of WOI, with reduced power of 1 kw, beginning at 6:00 a. m., CWT, during the months when that hour occurs prior to sunrise at WOI, Ames, Iowa, may be expected to cause interference to approximately 40 per cent of the secondary service area of KFI, within the 0.5 millivolt-per-meter 50 per cent field-strength contour of the station. In short, it is my opinion that a deviation from this rule will result in the flow of a large number of applications requesting similar treatment, which, if granted, would result in serious interference with broadcasting and the piece-meal repealing of the rule.

Commissioner Case concurs in this dissent.

937 STANDARD BROADCAST STATIONS

During the month of November the FCC granted six new construction permits and licensed three stations to operate. A comparative table of the number of standard broadcast stations by months follows:

	1942					1944											
	Dec. 1	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1	Dec. 1	Dec. 1	Dec. 1	Dec. 1
Operating	910	910	910	909	909	909	910	912	913	912	914	916	919	912	912	914	917
Construction	2	2	4	8	9	11	13	12	13	16	15	15	18	912	912	914	917
	912	912	914	917	918	920	923	924	926	928	929	931	937				

Federal Communications Commission Docket

HEARINGS

The following broadcast hearings are scheduled to be heard before the Commission during the week beginning Monday, December 18. They are subject to change.

Monday, December 18

Consolidated Hearing

- NEW—Nashville Radio Corporation, Nashville, Tenn.—C. P., 1450 kc., 250 watts, unlimited.
 NEW—R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Co., Nashville, Tenn.—C. P., 1240 kc., 250 watts, unlimited.
 NEW—E. E. Murrey, Tony Sudekum, Harben Daniel and J. B. Fuqua, a partnership, d/b as Tennessee Broadcasters, Nashville, Tenn.—C. P., 1240 kc., 250 watts, unlimited.
 NEW—J. W. Birdwell, Nashville, Tenn.—C. P., 1240 kc., 250 watts, unlimited.
 NEW—A. G. Beaman and T. B. Baker, Jr., a partnership, d/b as Capitol Broadcasting Co., Nashville, Tenn.—C. P., 1450 kc., 250 watts, unlimited.
 WEEU—Berks Broadcasting Co., Reading, Pa.—Renewal of license, 850 kc., 1 KW, daytime.

Wednesday, December 20

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

Thursday, December 21

- WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—C. P. to make changes in directional antenna; 570 kc., 5 KW, unlimited, DA-night and day.

Federal Communications Commission Action

APPLICATIONS GRANTED

- Henderson Radio Corp., Henderson, N. C.—Granted construction permit for new station to operate on 890 kc., 250 watts, daytime only, subject to policy of January 26, 1944. (B3-P-3641)
 WAIT—Gene T. Dyer, et al., a partnership, d/b as Radio Station WAIT (Assignors), Gene T. Dyer, et al., a partnership, d/b as Radio Station WAIT (Assignees), Chicago, Ill.—Granted consent to voluntary assignment of license of station WAIT from Gene T. Dyer, Evelyn M. Ringwald, Elizabeth M. Hinzman, Adele Moulds, Vivian Christoph and Wm. F. Moss, a partnership, d/b as Radio Station WAIT, to: Gene T. Dyer, Evelyn M. Dyer, Gene T. Dyer, Jr., Adele Moulds, Louis E. Moulds and Grace V. McNeill, d/b as Radio Station WAIT. The assignment is from the present licensee partnerships (which own stations WAIT, WGES and WSBC) to newly formed partnerships for the purpose of dividing their holdings so as to comply with Commission order 84-A, thus separating the interests of the partners in the two stations, WAIT and WGES, in a manner so that no individual partner would have any interest in more than one station. The consideration to be paid is \$100,000 for assets of station WAIT and \$100,000 for assets of station WGES, and in each instance including cash working capital of \$15,000. (B4-AL-429)
 WGES—Gene T. Dyer, Vivian I. Christoph, Gene T. Dyer, Jr., F. A. Ringwald, Louis E. Moulds, Grace V. McNeill, William F. Moss, d/b as Radio Station WGES (Assignors), John A. Dyer, Vivian I. Christoph, Elizabeth M. Hinzman, F. A. Ringwald and Wm. F. Moss, d/b as Radio Station WGES (Assignees), Chicago, Ill.—Granted consent to voluntary assignment of license of station WGES from: Gene T. Dyer, Vivian I. Christoph, Gene T. Dyer, Jr., F. A. Ringwald, Louis E. Moulds, Grace V. McNeill, Wm. F. Moss, d/b as Radio Station WGES, to: John A. Dyer, Vivian I. Christoph, Elizabeth M. Hinzman, F. A. Ringwald, and Wm. F. Moss, d/b as Radio Station WGES. (B4-AL-430)
 WALL—Elsie and Martin R. Karig (Transferors), John Morgan Davis (Transferee), Community Broadcasting Corp. (Licensee), Middletown, N. Y.—Granted consent to transfer control of Community Broadcasting Corp., licensee of sta-

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tion WALL, from Elsie and Martin R. Karig to John Morgan Davis, representing 115 shares, or 60.2 percent of outstanding capital stock of license, for a consideration of \$30.015. (B1-TC-417)

- WFEB—Alabama Broadcasting Co., Inc., Sylacauga, Ala.—Granted petition to remove from the hearing docket, reconsider and grant without a hearing, application for construction permit for a new station to operate on **1340 kc.**, 250 watts, unlimited time, subject to Commission policy of January 26, 1944. (Commissioner Durr not participating)
- WAGE—Sentinel Broadcasting Corp., Syracuse, N. Y.—Granted construction permit to install an RCA 250-E transmitter for auxiliary only, to operate with power of 250 watts, employing DA at night. (B1-P-3516)
- WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted license to cover construction permit which authorized change in frequency to **560 kc.** and power to 100 watts night, 250 watts LS; also authority to determine operating power by direct measurement of antenna power. (B2-L-1843; B2-Z-1647)
- WMT—American Broadcasting Co., Cedar Rapids, Iowa—Granted modification of license to change corporate name to American Broadcasting Stations, Inc.
- KPKW—Western Radio Corp., Pasco, Wash.—Granted modification of construction permit authorizing a new station, for approval of antenna and approval of transmitter and studio locations at N.E. corner Chase and "A" Sts., Pasco, subject to condition that permittee will install an approved frequency monitor when the Commissioner determines that such monitors are available. (B5-MP-1774)
- WOCB—E. Anthony & Sons, Inc., near Hyannis, Mass.—Granted authority to determine operating power by direct measurement of antenna power. (B1-Z-1648)
- WGRC—North Side Broadcasting Corp., Louisville, Ky.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1643)
- WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted authority to determine operating power by direct measurement of antenna power. (B2-Z-1642)

DESIGNATED FOR HEARING

- Augusta Broadcasting Co., Charleston, S. C.—Designated for hearing application for new station to operate on **1450 kc.**, 250 watts, unlimited time. (B3-P-3632)
- Greater Peoria Broadcasters, Inc., Peoria, Ill.—Designated for consolidated hearing with application of Ill. Broadcasting Co., application for new station to operate on **1290 kc.**, 1 KW, unlimited time. (B4-P-3680)
- Edward J. Altorfer, John M. Camp, John H. Altorfer, Katherine A. Swain and Timothy M. Swain, d/b as Illinois Broadcasting Co., Peoria, Ill.—Designated for consolidated hearing with application of Greater Peoria Broadcasting, Inc., application for construction permit to use **1290 kc.**, 1 KW, unlimited time. (B4-P-3686)
- Capital City Broadcasting Co., Des Moines, Iowa—Designated for consolidated hearing with application of Capital Radio Corp., application for new station to operate on **1600 kc.**, 250 watts, unlimited time. (B4-P-3669)
- Capitol Radio Corp., Des Moines, Iowa—Designated for consolidated hearing with application of Capital City Broadcasting Co., application for construction permit to use frequency **1600 kc.** with power of 1 KW, unlimited time. (B4-P-3706)

LICENSE RENEWALS

- WHTD—State Broadcasting Corp., Hartford, Conn.—Granted renewal of license for the period ending November 1, 1947, for main and auxiliary.
- WOC—The Tri-City Broadcasting Co., Davenport, Iowa—Granted renewal of license for the period ending November 1, 1947.
- WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted renewal of license for the period ending November 1, 1947.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted renewal of license for the period ending November 1, 1945.
- WSMA-WSMC-WSMB, Inc., area of New Orleans, La.—Granted renewal of relay broadcast station licenses.
- KBQB—Edwin A. Kraft, area of Juneau, Alaska—Granted renewal of relay broadcast station license.
- WABC-FM—Columbia Broadcasting System, Inc., New York City—Granted license to cover construction permit for change in antenna system of FM station. (B1-LH-50)

DOCKET ACTION

The Commission announces its Findings of Fact, Conclusions and Order (B-207), granting special service authorization under Section 1.366 to Iowa State College of Agriculture and Mechanic Arts to operate Radio Station WOI, Ames, Iowa, with power of 1 kilowatt, from 6:00 a. m., CWT, until 8:00 a. m., CWT, during the months of December, January and February; from 6:00 a. m., CWT, until average local sunrise time at Ames during other months when 6:00 a. m., CWT, occurs prior to local sunrise. The Commission ordered that the period of authorization, to become effective December 9, 1944, is to run concurrently with the license of Station WOI, subject to the condition that the authority might be terminated immediately without hearing should any condition develop which in the judgment of the Commission would require such action. The restriction against operation of WOI after 8:00 a. m. in Ames during December, January and February when sunrise at Ames occurs after 8:00 a. m. will prevent interference to Station KFI after 6:00 a. m. Los Angeles time. (Radio Station WOI is licensed for operation with 5 kilowatts power, daytime, on the frequency 640 kilocycles.) (Docket No. 6541)

The Commission states:

"The service which this applicant proposes to render is shown to be of special value and of public interest. Operation of applicant's station with 5 kilowatt power beginning at 6:00 a. m., CWT, during the months when that hour occurs prior to sunrise at Ames would cause substantial interference to the primary as well as the secondary service of Station KFI. However, a substantial service may be provided by Station WOI during this period through operation of the station with 1 kilowatt power without causing interference to the primary service of KFI."

Commissioners Walker and Durr issued a separate concurring opinion; Commissioner Jett dissented in the Commission action, with Commissioner Case concurring in the dissent. The opinions follow:

Separate Concurring Opinion of Commissioners Walker and Durr

We concur in the result because we feel that the public interest will be better served by a partial grant of the application than by a denial. However, it is our opinion that the application of the Iowa State College of Agriculture and Mechanic Arts should be granted in full and a Special Service Authorization be issued for the operation of Station WOI at its full power of five kilowatts from 6:00 a. m., CWT, to local sunset.

The Commission's decision, as contrasted to a grant of the application in full, requires a contraction of WOI's service area during the early morning hours from 13,300 square miles (having a population of approximately 498,000) to 4,760 square miles (having a population of only 199,600). It further means that WOI must go off the air entirely from 8:00 to 8:30 a. m., CWT, during December, from 8:00 to 8:45 a. m., CWT, during January, and from 8:00 to 8:15 a. m., CWT, during February.

A full grant of WOI's application would not provide WOI listeners with a new service at the expense of a service long enjoyed by listeners of KFI. On the contrary, it would merely restore to WOI's listeners a very important service which they had received for a long period of time prior to February 9, 1942, when the Commission required its discontinuance.

It is true that WOI, operating with full power, would cause some interference to a portion of the KFI service area during the hours before sunrise. However, we do not think that the public interest can be measured solely in terms of the range or intensity of an electrical impulse without regard to what that impulse carries in the way of a program. Nor can public interest be measured quantitatively only in terms of population residing in a particular service area, or even in terms of actual listeners. The early morning service which WOI seeks to restore was not designed primarily to entertain or amuse. This service is of a specialized nature and is directed toward assisting the farmers of Iowa, one of our most important agricultural states, in the serious business of earning their livings and producing crops of tremendous importance to the entire country. The early morning market news may well decide for the farmer the very practical question as to whether he will spend the day hauling his produce to market or working on his farm.

The early morning programs of KFI, on the contrary, consist mainly of recorded and transcribed musical entertainment and advertisements, except for a news program carried at 6:15 a. m. and a national network program known as the *National Farm and Home Hour*, which appears to have been broadcast on some days

prior to the hearings, but which has since been dropped from the network except for one day each week. Moreover, there is a two-hour difference of time between Ames, Iowa, and Los Angeles, California. Any interference to KFI would, therefore, come between 4:00 a. m. and two hours before sunrise at Los Angeles, a period when few people are likely to be listening to their radios. In Iowa, however, the period in question begins at 6:00 a. m., a time when most farmers are up and stirring and customarily use the radio for the latest market news and other farm information.

We are not impressed with the testimony offered as to the general listener audience of WHO, Des Moines, or with the fact that WHO also carries an early morning farm program. As has been stated, WOI's early morning service was a specialized service designed for a specialized, and therefore limited, audience. Moreover, the business of farming is not such a simple affair that one program or series of programs can tell a farmer all he needs to know about his farm problems.

On June 7, 1940, the Commission adopted a general order permitting all daytime and limited time stations to begin operation at 4:00 a. m., local standard time. In explanation of this action, the Commission issued a press release on June 10, 1940, in which it stated:

"Early morning broadcast service to many rural sections now denied such service is invited by Federal Communications Commission action in authorizing daytime and limited-time standard broadcast stations to begin operation at 4 a. m., local standard time.

"Many farmers and other dwellers in rural areas arise before sunrise and in the past have had to rely upon distant broadcast stations for program service. The new ruling, announced today, will permit local stations generally to start broadcasting earlier, thus furnishing farm communities with general news and vital information concerning local weather conditions and agricultural market reports at the beginning of the work day.

"Although some interference may result from this new opportunity to broadcast between the hours of 4 a. m. and sunrise, the Commission believes that the overall effect of its order will be to benefit particularly those residents of farming areas who have heretofore not had such early local program service."

This order was revoked upon the adoption of Section 3.87 of the Commission's Rules and Regulations, but certainly this early morning service to farmers is no less important today, when the fullest production from our farms as well as our factories is so vital to the prosecution of the war.

The theory of our system of broadcasting is that it should be competitive. Certainly we would not feel justified in depriving a substantial audience of a favorite news commentator or entertainment program merely because some other commentator or entertainment program would still be available. Competition in broadcasting should mean more than competition between commercial stations for advertising revenues. Of far greater importance, from the standpoint of the public interest, is the competition for listeners on the basis of the quality of program service. Certainly a state agricultural broadcasting station specializing in the problems of farmers and having special facilities for bringing them the latest market reports from the United States Department of Agriculture should not, except upon the most compelling grounds, be excluded from competition with a commercial station whose interest in the farmer, as a farmer, is secondary to its interest in him as a part of an advertising market.

Subsection (b) of Section 3.87 of the Rules and Regulations provides as follows:

"Any station operating during such (early morning) hours receiving notice from the Commission that undue interference is caused shall refrain from such operation during such hours pending further notice from the Commission."

Under all the circumstances presented in this case, we are not satisfied that the early morning operations of WOI resulted in such "undue" interference as to have warranted the notification to WOI that it must suspend its early morning operation. But even assuming that a grant in full of the present application contravenes Section 3.87, that fact is not the decisive factor in the Commission's decision of this case. The decision as drawn would also contravene Section 3.87, the difference being only one of degree. Moreover, the rules relating to early morning broadcasting operations have been modified and amended a number of times in recent years. Certainly no special sanctity attaches to Section 3.87, or any other rule of the Commission, which would outweigh an outstanding public interest. We feel that in any case where a rule which we

ourselves have adopted serves to defeat the public interest, such rule should be modified or amended, or repealed if necessary, to the end that public interest will be paramount.

JETT, COMMISSIONER, DISSENTING:

I concur in the opinion of the majority of the Commission that the farm news and market information proposed to be transmitted by WOI would be of special value. However, the opinion discloses that a number of other stations in the State of Iowa broadcast farm news and market information during the early morning hours when WOI proposes to operate. Furthermore, the application may not be granted under the provisions of Section 3.87 of the Commission's Rules and Regulations. This rule in effect provides that the transmission of programs by WOI between 4:00 a. m., local standard time and local sunrise, may not be authorized unless a time sharing agreement has been reached between KFI and WOI covering operation of WOI prior to local sunrise; or, in the absence of such agreement, the interference caused by WOI shall not exceed 0.5 millivolts per meter within the 50 percent sky wave contour of KFI. In this connection, the opinion of the majority of the Commission shows that the operation of WOI, with reduced power of 1 kilowatt, beginning at 6:00 a. m., CWT, during the months when that hour occurs prior to sunrise at WOI, Ames, Iowa, may be expected to cause interference to approximately 40 percent of the secondary service area of KFI, within the 0.5 millivolt-per-meter 50 percent field-strength contour of the station. In short it is my opinion that a deviation from this rule will result in the flow of a large number of applications requesting similar treatment, which, if granted, would result in serious interference with broadcasting and the piecemeal repealing of this rule.

COMMISSIONER CASE CONCURS IN THIS DISSENT.

MISCELLANEOUS

KXA—American Radio Telephone Co., Seattle, Wash.—Passed over petition for leave to amend application without prejudice.
KHQ—Louis Wasmer, Inc., Spokane, Wash.; KGA—Louis Wasmer, Spokane, Wash.—Granted petition for continuance of hearing on applications for renewal of licenses of KHQ and KGA now scheduled for December 14, and continued same to February 15, 1945.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted motion for an indefinite postponement of hearing on application for construction permit now scheduled for December 12, and postponed same until after final action of the Commission in Docket 6651, at which time a further date for said hearing will be fixed.

Petersburg Broadcasting Corp., Petersburg, Va.—At request of applicant, the application for construction permit for a new station to operate on 1240 kc., 250 watts, during hours not assigned to WBBF, Richmond, Va., was dismissed without prejudice. (B2-P-3711)

WABW—Associated Broadcasters, Inc., Indianapolis, Ind.—Granted petition for reconsideration and grant of application (B4-MPH-101) and granted application for modification of construction permit for FM station, for operation on a frequency to be specified by the Chief Engineer, and subject to policy of January 26, 1944.

KHJ-FM—Don Lee Broadcasting System, Los Angeles, Calif.—Placed in pending files application for construction permit to change frequency from 44500 to 43500 kc. (B5-PH-369)

KJBS Broadcasters, a partnership, San Francisco, Calif.—Retained in pending files application for construction permit (B5-PH-322) for new FM station.

The Times Picayune Pub. Co., New Orleans, La.—Retained in pending files application for construction permit (B3-PH-296) for new FM station.

The following applications for new high frequency FM broadcast stations were placed in the pending files in accordance with Commission policy of February 23, 1943:

Reno Newspapers, Inc., Reno, Nev.; The KLUF Broadcasting Co., Inc., Nr. Galveston, Texas; Claremont Eagle, Inc., Claremont, N. H.; KVOX Broadcasting Co., Fargo, N. Dak.; Raytheon Mfg. Co., Waltham, Mass.; The Champaign News-Gazette, Inc., Champaign, Ill.; Harold Thomas, Waterbury, Conn.; Scripps-Howard Radio, Inc., Indianapolis; Scripps-Howard Radio, Inc., Cincinnati; The Kansas City Star Co., Kansas City, Mo.; The Baltimore Radio Show, Inc., Baltimore, Md.; Boise Broadcast Station, Boise, Idaho; WKBN Broadcasting Corp., Youngstown, Ohio; Southern Minn. Broadcasting Co., Rochester, Minn.

WPEN and WPEN-FM—Arde Bulova (Transferor), Bulletin Co. (Transferee), Wm. Penn Broadcasting Co. (Licensee), Philadelphia, Pa.—Granted consent to transfer of control of Wm. Penn Broadcasting Co., licensee of stations WPEN and WPEN-FM, from Arde Bulova to Bulletin Company, for a consideration of \$620,000 covering 500 shares or 100% of the issued and outstanding capital stock. The station operates on **950 kc.**, with 5 KW, unlimited time, DA-night, and the FM station on **47300 kc.**, unlimited time. (B2-TC-391)

The Associated Broadcasters, Inc., San Francisco, Calif.—Retained in pending files application for construction permit for new commercial television broadcast station. (B5-PCT-46)

Claremont Eagle, Inc., Claremont, N. H.—Placed in pending files application for construction permit for new ST station in accordance with Com. policy of 2-23-43.

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

The Yankee Network, Inc., Providence; Raytheon Mfg. Co., Waltham, Mass.; Cincinnati Broadcasting Co., Cincinnati; Scripps-Howard Radio, Inc., Washington, D. C.; The Crosley Corp., Cincinnati; Metro-Goldwyn-Mayer Studios, Inc., Los Angeles; Marcus Loew Booking Agency, New York City and Washington, D. C.; The Evening News Asso., Detroit; Penna. Broadcasting Co., Philadelphia.

APPLICATIONS FILED AT FCC

580 Kilocycles

WIAC—Radio Station WIAC, Inc., Hato Rey, P. R.—Transfer of control of licensee corporation from Enrique Abarca Sanfeliz, deceased, to Mrs. Enrique Abarca Sanfeliz, Executrix of the estate of Enrique Abarca Sanfeliz, deceased (770 shares common stock—53%).

790 Kilocycles

NEW—John J. Laux, Richard Teitlebaum, Myer Wiesenthal, Alex Teitlebaum, Louis Berkman, Jack N. Barkman, Charles C. Swaringen, Joseph Troesch and John L. Merdian, partners, d/b as Liberty Broadcasting Co., Pittsburgh, Penna.—Construction permit for a new standard broadcast station to be operated on **790 kc.**, power of 1 KW and daytime hours of operation.

870 Kilocycles

KTBI—Tacoma Broadcasters, Inc., Tacoma, Wash.—Construction permit to change frequency from **1490 kc.** to **870 kc.**, change hours of operation from unlimited to limited time, installation of new vertical antenna and changes in ground system.

960 Kilocycles

NEW—Clyde H. Smith, C. O. Baldwin, Hoyt Houck and Walter G. Russell d/b as Lubbock Broadcasting Co., Lubbock, Texas—Construction permit for a new standard broadcast station to be operated on **960 kc.**, power of 1 KW and daytime hours of operation.

1110 Kilocycles

KPAS—Pacific Coast Broadcasting Co., Pasadena, Calif.—Acquisition of control of licensee corporation by Wesley I. Dumm, Loyal K. King, Thomas L. Bailey, Clarence A. Nisson, John K. Evans, Emer D. Bates, Maurice Enderle and John A. Smith through purchase of 1116½ shares common stock (43.78% outstanding) from J. Frank Burke, Sr., J. Frank Burke, Jr., W. M. Burke.

1230 Kilocycles

WKVM—American Colonial Broadcasting Corp., Arecibo, P. R.—Modification of construction permit (B-P-3564 which authorized construction of a new station) for approval of antenna and transmitter and studio sites.

1240 Kilocycles

NEW—Jackson Broadcasting Co., Jackson, Tenn.—Construction permit for a new standard broadcast station to be operated on **1240 kc.**, power of 250 watts and unlimited hours of operation.

WFBM—WFBM, Inc., Indianapolis, Ind.—Construction permit to make changes in transmitting equipment.

KIUL—Frank D. Conard, tr/as Radio Station KIUL, Garden City, Kans.—License to cover construction permit (B4-P-3584) which authorized increase in power and make changes in transmitting equipment.

1250 Kilocycles

WSAU—Northern Broadcasting Co., Inc., Wausau, Wisc.—Construction permit to change frequency from **1400 kc.** to **1250 kc.**, power from 250 watts to 5 KW, install new transmitter, directional antenna for night use and move transmitter. Amended: re change in transmitter site.

1340 Kilocycles

WNHC—The Elm City Broadcasting Corp., New Haven, Conn.—License to cover construction permit (B1-P-3655 as modified) for a new standard broadcast station.

WNHC—The Elm City Broadcasting Corp., New Haven, Conn.—Authority to determine operating power by direct measurement of antenna power.

KSUB—Southern Utah Broadcasting Co., Cedar City, Utah.—License to cover construction permit (B5-P-3477) which authorized changes in equipment and increase in power.

1400 Kilocycles

NEW—F. R. Pidcock, Sr., and James M. Wilder, d/b as Georgia 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: to change frequency requested to **1230 kc.**

KTUS—Tucson Broadcasting Co., Tucson, Ariz.—Acquisition of control of licensee corporation by Burridge D. Butler through purchase of 23 shares of treasury stock (7.67% outstanding).

1450 Kilocycles

NEW—Albert E. Buck and Merle H. Tucker, a partnership, d/b as Rio Grande Broadcasting Co., Albuquerque, N. Mex.—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—John L. Plummer, tr/as John L. Plummer Enterprises, Bogalusa, La.—Construction permit for a new standard broadcast station to be operated on **1490 kc.**, power of 250 watts and unlimited hours of operation.

1550 Kilocycles

NEW—James A. Noe, Shreveport, La.—Construction permit for a new standard broadcast station to be operated on **1550 kc.**, power of 250 watts and unlimited hours of operation.

1600 Kilocycles

NEW—McClatchy Broadcasting Co., Modesto, Calif.—Construction permit for a new standard broadcast station to be operated on **1600 kc.**, power of 250 watts and unlimited hours of operation.

FM APPLICATIONS

NEW—Harbenito Broadcasting Co., Inc., Harlingen, Texas—Construction permit for a new high frequency (FM) broadcast station to be operated on **48900 kc.** with coverage of 2,400 square miles. Amended: to change coverage to 3,750 square miles.

NEW—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit for a new high frequency (FM) broadcast station to be operated on **47700 kc.** with coverage of 17,480 square miles.

NEW—Quincy Newspapers, Inc., Quincy, Ill.—Construction permit for a new high frequency (FM) broadcast station to be operated on **47300 kc.** with coverage of 16,760 square miles.

NEW—Washtenaw Broadcasting Co., Ann Arbor, Mich.—Construction permit for a new high frequency (FM) broadcast station to be operated on **46300 kc.** with coverage of 3,472 square miles.

- NEW—Blue Network Company, Inc., San Francisco, Calif.—Construction permit for a new high frequency (FM) broadcast station to be operated on **44300 kc.** with coverage of 27,500 square miles.
- NEW—The Farmers and Bankers Broadcasting Corp., Wichita, Kansas—Construction permit for a new high frequency (FM) broadcast station to be operated on **47300 kc.** with coverage of 15,600 square miles.
- NEW—Out West Broadcasting Co., Colorado Springs, Colo.—Construction permit for a new high frequency (FM) broadcast station to be operated on **47700 kc.** with coverage of 2,950 square miles.
- NEW—Marcus Loew Booking Agency, Washington, D. C.—Construction permit for a new high frequency (FM) broadcast station to be operated on **47500 kc.** with coverage of 3,993 square miles.
- NEW—The Metropolis Co., Jacksonville, Fla.—Construction permit for a new high frequency (FM) broadcast station to be operated on **46500 kc.** with coverage of 10,981 square miles.

MISCELLANEOUS APPLICATIONS

- NEW—Western Illinois State Teachers College, Macomb, Ill.—Construction permit for a new noncommercial educational broadcast station to be operated on **42100, 42300, 42500, 42700 or 42900 kc.,** power of not less than 1 KW and frequency modulation emission.
- W4XAJ—The Atlanta Journal Co., Portable—area of Atlanta, Ga.—License to cover construction permit (B3-PEX-49) for a new developmental broadcast station.

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.

Central Merchandise Co.—A complaint alleging the use of lottery methods in the sale of miscellaneous merchandise to the consuming public has been issued against Irving Hechtman, trading as Central Merchandise Co., 161 West Huron St., Chicago. The respondent is engaged in the sale and distribution of bedding, pocketbooks, novelties and other merchandise. (5257)

Everett Foot Cushion Laboratories—Misrepresentation in connection with the sale of an arch support designated "Re-Zil-Arch" is alleged in a complaint issued against George N. Bouthillette, trading as Everett Foot Cushion Laboratories and Everett Foot Cushion Co., Everett, Mass. The device formerly was marketed under the name "Arch-Aidant." (5258)

Harry G. Kuechle, 315 East Lake St., Minneapolis, is charged in a complaint with misrepresentation in connection with the sale of shoes and inner soles. (5259)

Vanleigh Furniture Co., Inc.—Misrepresentation of the value and prices of household furniture is alleged in a complaint issued against Vanleigh Furniture Co., Inc., 115 West 40th St., New York. (5260)

STIPULATIONS

During the past week the Commission announced no stipulations.

CEASE AND DESIST ORDERS

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

Auburn Die Co., Inc., et al.—Eleven New England manufacturers of steel cutting dies used in the manufacture of shoes have been ordered to cease and desist from entering into or continuing any combination or conspiracy to fix uniform prices for their products.

The respondent manufacturers named in the order, whose aggregate volume of business approximates \$500,000 annually and represents about 15 per cent of the total volume of the cutting die business done in the United States, are:

Auburn Die Co., Inc., and Androscoggin Die Co., Inc., both of Auburn, Maine; Joseph E. Knox & Co., Inc.; John Hermanson, Stanley Leskiewicz and Joseph Toll, trading as North Shore Cutting Die Co.; Hyman Resnick, Henry April and Hyman Rosenblatt, trading as Bay State Cutting Die Co., and Vincent W. Burke, trading as Bee Machine Co., all of Lynn, Mass.; Boston Cutting Die Co., Inc., Boston; Faustyn K. Jakiel and Richard B. Friend, trading as State Die Co., and Axel Swanson and Raymond Duprey, trading as Manchester Die Co., both of Manchester, N. H.; Brockton Cutting Die & Machine Co., Inc., Avon, Mass.; and Granite Die Co., Inc., Haverhill, Mass. (4921)

Fraering Brokerage Co., Inc., et al.—Five orders to cease and desist from violation of the brokerage section of the Robinson-Patman Act have been issued against the following firms and individuals who were found to have accepted unlawful brokerage fees on their purchases in interstate commerce of the food products, including canned vegetables, fruit and fish, and other merchandise which they bought for resale:

Fraering Brokerage Co., Inc., 423 South Front Street, New Orleans, with branch offices and warehouses at Alexandria, La., and Jackson, Miss. (4823)

Wm. Roy Glover and Ray M. Wilson, trading as Glover & Wilson, No. 1 Commercial Warehouse Building, Little Rock, Ark. (4835)

W. M. Meador & Co., Inc., 104 North Commerce Street, Mobile, Ala. (4928)

Harry Duvall Childers, trading as H. D. Childers Co., 15 South Commerce Street, Mobile, Ala. (4938)

Norman Webb Hutchings, trading as Hutchings Brokerage Co., 120 North Water Street, Mobile, Ala., with a branch office and warehouse at Dothan, Ala. (5059)

The Commission found that the respondents, in connection with their purchases of merchandise in their own behalf and for their own accounts, for resale, received brokerage fees or commissions, or allowances and discounts in lieu thereof, from sellers of such commodities, in violation of Section 2 (c) of the Robinson-Patman Act.

FTC DISMISSES COMPLAINT

The Federal Trade Commission has dismissed without prejudice its complaint charging Woodville Lime Products Co., 2140 Jefferson Ave., Toledo, Ohio, with misrepresentation of a fertilizer product it sells and with disparagement of competitors' products.

The order of dismissal states that the Commission is of the opinion that the testimony and other evidence introduced in support of and in opposition to the allegations of the complaint are not sufficient to support a finding as to the facts.