How to grow bigger than you thought you could

"Look here, Philip — didn’t I see a new wing on that Danbury plant of yours?"

“You did. And if you had spent less time ogling my charming new beauty consultant, you might have noticed I’m breaking ground for another. She’s married by the way.”

“Oh, I see. Tell me — how does this completely idiotic business of yours keep on growing?”

“HA! Idiotic, eh? Do I detect a note of ghoulish envy? No matter. WOR is one reason. The only reason as far as advertising is concerned. There wasn’t a hare’s chance to hounds of my ever making a go of it until I began offering samples on a 15-minute show over WOR.”

“Indeed?”

“Yes, my dear fellow. Indeed! Indeed! Indeed! I got a dealer-distributor reception about as warm as a December dawn when I tried to launch it in New York. But WOR took care of that. Sent customers asking, prodding, demanding. Set the town on end, actually. Complete distribution the first year; 100% sales increase the second, same the third year, and still going up.” *

“Amazing.”

“Reticent as ever, aren’t you, Robert?”

* The characters in this brief sketch are fictitious. But the results aren’t. They are excerpts from one of WOR’s 73 success stories — the greatest collection of success stories ever gathered by any station anywhere.

WOR
that powerful station
Some of These Facts You May Already Know

In Phoenix, Arizona, KOY, under the same ownership and with the same principles of service as WLS, Chicago, is doing a similar fine job in its own territory.

With 1000 watts on 550 kilocycles, KOY gives Arizona coverage where coverage counts most, without waste and at lowest cost. With choice CBS programs and its own alert, local program staff it furnishes a program schedule that makes it "First in Arizona" with listeners and advertisers.

Proof of this program leadership is its fine record of local service and special events "firsts": KOY last year was the only station to broadcast from the Arizona State Fair—assembled the largest crowd ever gathered in the state at the KOY Fourth of July celebration. As for proof of its leadership in results for advertisers: For a food account, KOY returned more evidence of sales per dollar spent than any other of the 20 stations used. For a coffee company, KOY was first in returns among nine stations carrying this same schedule.

And don't think of Phoenix—or Arizona—only for its scenic beauty or as a vacation paradise. Think of the wealth and buying power—from industry, mining, agriculture—and of its high per capita retail sales—third highest in the United States.

For detailed information on all this—on Phoenix and the Arizona Network: KOY in Phoenix, KTUC in Tucson and KSUN in Bisbee-Douglas—write KOY...or WLS...or ask any John Blair man.
New England is too populous, too prosperous, too definitely key market in character to sell by remote control. The effective, efficient method of radio promotion is with the Colonial Network’s 19 hometown stations.

Because these nineteen stations are a vital part of the community, your advertising actually goes where your prospects live — they hear your messages over a station that has their friendly loyalty — they buy your products in their neighborhood stores.

For years this valuable, point-of-sale contact has been delivering results consistently at economical cost for foresighted advertisers. Are you getting your 1941 share of New England business?

Memo to:
P. Lorillard Co.

All of us thank you for your continued sponsorship of our “Soldiers’ Quiz” from Camp Edwards. We all will get behind Beech Nut Cigarettes and score a hit.

L.T.
The Colonial Network

The Colonial Network
Even with their darkest glasses, Nebraska's Federal-State Statisticians can't see anything but a 1941 crop record! These notoriously conservative gentlemen say:

"Nebraska is going to harvest the greatest crops in a decade!"

NOW, as never before, is the time to advertise on KFAB—if you want your easy-to-get share of a booming rural and small town income!

The Station for Nebraska and her neighbors...

KFAB
LINCOLN

DON SEARLE, GENERAL MANAGER
EDWARD PETRY & CO., NATIONAL REP'R...

...and for the big metropolitan market in the middle west, use that 7-Point Plus Merchandising station in Omaha, Nebraska—KOIL

USE KANS
WICHITA, KANSAS
Now you can get your 1 KW-FM transmitter in a hurry.

Ready and waiting is the Synchronized Frequency Modulation Western Electric 503A-1. It’s engineered by Bell Telephone Laboratories for highest quality and noise-free transmission...with a mean carrier frequency stability of better than ± 1000 cycles, thanks to the famous synchronizer.


OUTSTANDING FEATURES:

Linear modulation to ± 100 ke without critical adjustments at any audio frequency between 30 and 15,000 c.p.s.

Negative feedback in modulated oscillator minimizes distortion over wide range.

 Interruption of the automatic frequency control does not cause departure from assigned frequency, nor does it interfere with the continuity or quality of the program transmitted.

Complete isolation of carrier frequency control from modulation and program circuits.

Western Electric
ASK YOUR ENGINEER
ONE OF A SERIES PRESENTING THE MEN WHO MAKE FREE & PETERS SERVICE

As our New York partner, Pete Peters is (despite his lack of senility!) one of the oldest men in the entire business of American radio-station representation! And that's a significant fact—but no more significant, we think, than the age of our associations with the twenty-six leading radio stations we represent.

When you come right down to cases, much of the help any representative can give you agencies and advertisers depends upon how long he has served the stations he represents—how well he knows them, their markets, their people, and the way they operate.

And this sort of intimate knowledge cannot be acquired overnight.

F&P is proud that sixteen of our twenty-six stations have been with us six years or more—that we still represent the first five stations that signed up with us, back in 1932—WHO, WOC, WMBD, WGR, and WKBW... But we are still prouder that these virtually permanent partnerships have enabled us to bring greater values to hundreds of advertisers and agencies. And that's the way we shall continue to work, in this pioneer group of radio-station representatives.

H. PRESTON PETERS!

EXCLUSIVE REPRESENTATIVES:

FREE & PETERS, INC.
Pioneer Radio Station Representatives
Since May, 1932
No Immediate Change Seen From Crisis

But Long-Range Effect of Emergency Causes Concern;
Program Priorities for Military Branches Seen

By SOL TAISHOFF

DECLARATION by President Roosevelt last week of an "unlimited national emergency" should cause no alarm to the broadcasting industry, since there is little likelihood of any immediate effect upon the status quo of broadcasting.

That was the consensus of both official and industry observers in Washington, after they had analyzed the President's history-making address of last Tuesday. And the President himself, at his press conference the following day, said he had no knowledge of any contemplated change in broadcasting due to the war situation.

Industry spokesmen, however, did not conceal their concern over the long-range effect, in the light of imminent war. They regarded the new outlook, coupled with FCC monopoly onslaught, as intensifying an already seriously disturbed situation.

The Same Power

At first blush some broadcasters felt that the proclaiming of the "unlimited national emergency" would immediately open the way for invoking provisions of Section 306 (c) of the Communications Act, which gives the President broad discretionary powers. Under it, he may shut down or take over any and all stations, suspend or amend existing rules and regulations and, in fact, perform any act which in his judgment will conduce to the best interests of the Nation.

Actually, however, the President has held such powers since Sept. 8, 1939, when at the outbreak of the war, he declared a "limited national emergency." The law does not distinguish between a "limited" or "unlimited" emergency. Moreover, the President has made it abundantly clear he does not intend to invoke his summary powers without specific orders covering the specific field or operation.

With hearings on the White Resolution to frustrate the FCC's monopoly regulation (slated to become effective Aug. 3), scheduled to open June 2 before the Senate Interstate Commerce Committee, there was some thought that the declaration of the unlimited emergency might result in a compromise. In some quarters, it was felt both the FCC and Congress would be reluctant to some relaxation of the rules due to the war conditions. This, however, was founded only on speculation.

Program Priorities

From the outset of hostilities abroad two years ago, it has been repeatedly emphasized there is no disposition on the part of the Government to molest broadcasting. Emphasis has been placed upon the contribution of radio in informing and maintaining the nation's morale. There is still no intent by Government officials to interfere with normal operations of commercial broadcast stations, though the impact of war developments may result in adjustments from time to time.

Possibility of establishment of program priorities for the military branches is foreseen. As a matter of fact, this very problem was discussed by the NAB Executive Committee at a meeting in Washington last Wednesday night, and NAB President Trevor Miller announced his intention of appointing a National Defense Committee to explore this field. The committee at the same time discussed plans for presentation of the industry's preliminary case to the Senate Interstate Commerce Committee, beginning June 2.

While no immediate concern is felt over standard broadcast operations, the same attitude did not prevail in connection with international broadcast stations. For some months, dissatisfaction has been expressed in high official quarters over the service rendered by the international broadcast stations in this country, and it was thought that if any Federal intervention occurs in radio, it will be felt first in the international field.

Meanwhile, the Defense Communications Board, set up last year to coordinate all communications in war time, has been holding regular meetings to perfect its blueprints. Subcommittees, including one headed by NAB President Miller for domestic broadcasting, likewise have been preparing extensive data for the main Board, of which FCC Chairman James Lawrence Fly is head. If proclamations pertaining to any phase of communications are issued, they will be prepared by the DCB. A number of draft proclamations already are understood to have been completed, with the further development to give ultimate action.

The FCC may 27 announced adoption of a new rule (section 292 of the general rules and regulations) under the heading "National Defense—Emergency Authorizations." The rule reads:

"The Federal Communications Commission hereby authorizes the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army or Navy."

This was viewed as having a bearing on the Presidential proclamation declaring an unlimited emergency. In effect it means that stations, whatever their classification, can be shifted as to frequency, hours of operation, and power in conformity with the wishes of the armed forces. The rule, it was explained at the FCC, was designed to insure adequate communication facilities for the military services during the emergency.

Super-Power Possible

It was pointed out that it is possible the powers of some stations may be reduced and others increased, if the armed forces desire. In the past there has been some talk of restoration of "super power" of 500,000 watts for stations strategically located to be used as homing devices by aircraft or for greater audience coverage. There is no indication, however, of any present intention of such a move.

Similarly, there has been talk of...

(Continued on page 16)
CBS LEAVING TALENT ACTIVITY, PLANNING SALE OF SUBSIDIARIES

Present Managers Would Acquire Concert Branch; MCA Would Buy Popular Artists Service

WITHDRAWING from the field of talent management, CBS, at its board meeting May 28, took steps to dispose of its talent subsidiaries, the Columbia Artists Bureau Inc., and the Columbia Concerts Corp. The Columbia Artists Bureau, Columbia's Music Corp. of America for a reported $250,000 while the controlling stock in the concert agency will be purchased by its present management, headed by Arthur Judson.

Under the terms of the sale of the Artists Bureau, Herbert Rosenthal, executive vice-president, the executives and most of the personnel will continue to function in their present capacities under the new arrangement. The sale brings under the management of MCA one of the largest arrays of radio talent in the field, including announcers, commentators, singers and lecturers.

NBC Also May Sell
Details still to be ironed out are guarantees presented to CBS by AFRA to the effect that all contractual rights accorded to the artists under CBS management will continue under the transfer, and that the artists will have the opportunity to pass on the transfer of their agreements. CBS negotiations on these points were still under way between CBS and AFRA as BROADCASTING went to press.

The eventual sale of the talent subsidiaries had been expected, but there is no doubt that the FCC monopoly report speeded the action. It is understood a similar action is under consideration by NBC in the disposition of its talent subsidiary, the NBC Artists Service.

In a statement issued by CBS, it was said that "some criticism has been expressed about Columbia, in buying from and selling to itself, in some instances not being acting wholly in the interests of the artist. Although Columbia is certain that never has been an instance in which such a criticism was justified, it nonetheless recognizes that notes not familiar with all the circumstances of network broadcasting might be led to believe otherwise."

The full text of the CBS statement follows: "Columbia Broadcasting System announces its impending withdrawal from the field of talent management. Contracts are being drawn for the sale of Columbia Artists Bureau to the Music Corp. of America, and negotiations are under way for the disposition of Columbia's stock interest in the Columbia Concerts Corp. to the managers of the present talent management, who own the balance of stock. Columbia Artists has managed popular talent and the Concerts Corp. talent in the classical field. Both sales are subject to ratification by CBS stockholders.

"The two management corporations were originally formed in the early days of network broadcasting to assure CBS an adequate supply of talent. Columbia finds that its management of artists is no longer necessary for that purpose because artists of all kinds are now readily available to it and all other broadcasters. Some criticism has been expressed that Columbia, in buying from and selling to itself, in some instances might not be acting wholly in the interests of the artist.

"Although Columbia is certain there never has been an instance in which such a criticism was justified, it nonetheless recognizes that those not familiar with all the circumstances of network broadcasting might be led to believe otherwise."

It is understood that the present executives of Columbia Artists Inc., of which Herbert Rosenthal is executive vice-president, will continue their functions under the new ownership. Those negotiating for complete ownership of Columbia Concerts Corp. are the present active managers, under the leadership of Arthur Judson. Columbia feels confident that the artists represented by the two management groups will continue to receive continuous and efficient service and attention to their interests as they were relieved from the same personnel under Columbia ownership."

Todine Campaign

IODINE EDUCATIONAL BUREAU, Inc., New York (animal feeding), has appointed Simonds & Simonds, Chicago, to handle a special advertising campaign to start July 1. Radio will be used. Lee Hammett is account executive.

Newscaster in Army

JIMMY STEVENSON, newscaster of WJR, Detroit, was summoned for army duty late in May and will report June 2 for a four-week period of training at general headquarters of the Sixth Corps Area in Chicago. Stevenson has a major's commission in the judge-advocate department. Prior to his entry in radio Stevenson was a graduate of law in 1922 and was at one time assistant prosecutor at Detroit. During his absence, Ted Grace will fill in on the news program.

ASCAP Is Silent On Court Decision

Negotiations With NBC for New Contract Continuing

Other ASCAP news, pages 8, 12, 15, 40.

ALTHOUGH the ASCAP board of directors met in all-day sessions both May 27 and 28, following the decision of the Supreme Court upholding the validity of the Florida and Nebraska anti-ASCAP laws, the Society had made no official statement on the decision as BROADCASTING went to press.

John Paine, ASCAP general manager, stated that "while the Society is naturally disappointed at the outcome of the litigation, we feel that the result will prove much harder on the commercial users of music in those states than on the society." He pointed out that the Florida law, for instance, prohibits any copyright owners from making a deal with commercial users of music, and that it will be necessary for such users to go to the individual owners, involving much red tape and trouble.

The Supreme Court decision has not affected ASCAP's negotiations with NBC, according to the network, which stated that the discussions on the return of ASCAP music to NBC were continuing amicably. At CBS, however, it was stated that the meetings with ASCAP are temporarily halted until the implications of the decision are fully studied by the CBS legal department. "If the licensing methods are changed by this decision," CBS said, "we want to know more about it before continuing discussions with ASCAP."

Both BMI and SESAC reported they did not think the decision would seriously affect their operations in the States of Florida and Nebraska, but neither organization made official statements on the matter pending further study of the text of the whole decision. A spokesman at BMI stated that "the clerical problems involved" would probably be very troublesome, but that he thought BMI was so constructed that it could adjust itself to the restrictions of the statutes. BMI plans to notify its affiliated publishers and stations as soon as possible that such "adjustments" can be made because it was "organized originally to avoid such monopolistic tendencies as price fixing."

SESAC also reported that the decision would not affect their operations in those States because operations had been cleared previously and SESAC had done business in both Florida and Nebraska for the past five years with contracts which complied in the majority of cases with those of state statutes.

C-P-C Promotes Klek

COLGATE - PALMOLIVE - FEET Co., Jersey City, on June 30 will start advertising Klek instead of Palmolive soap. The slogan "Bessie Jo" will be heard daily on NBC-Red at 10:10-15 a.m., and CBS at 4:30-4:45 a.m. Comments on "Today" & "The News" on June 1 in the interest of Palmolive soap on 90 CBS stations, seven days a week 5:30-6 p.m. Agency for Klek is Ted Bates Inc., New York, and for Palmolive soap, Ward Wheelock Co., Philadelphia.

Goodwill to Toscanini

MEMBERS of the NBC Symphony Orchestra on May 28 gave a farewell reception to Arturo Toscanini at the Essex House, New York, on the eve of his departure for Buenos Aires to conduct the New York City Orchestra in a series of six concerts.
Service to Democracy Theme of AFA

Blackett Suggests Use Of Quiz Programs For Education
By BRUCE ROBERTSON
CITING Advertising as a "vital instrument in a free economy, keeping open the flow of products and ideas," Paul Blackett, vice-president and director of public relations, General Motors Corp., and chairman of the board of the Advertising Federation of America, reviewed the keynote of the 37th annual AFA convention, held at the Hotel Statler, Boston, May 28-29, with the theme, "Advertising—Its Service to Democracy Today!"

In his address at the Monday luncheon, which was the opening general session of the gathering, he showed how "freedom of choice in the market place induces that competition which is a source of progress and a protection of the customer's pocketbook and continuous improvement."

"Unparalleled freedom of choice in the market place is what our freedom of the right to advertise inescapably supports . . . freedom of choice in the market place in itself a symbol of those other freedoms of choice which are the essence of our democracy. Did you ever stop to consider how one of these great freedoms grows in a sense from freedom to advertise? I mean freedom of the press and, if you please, freedom of the radio. It is at their inception, and as political—what keeps the press and the air free."

Quiz and Defense

In the town meeting discussion of the convention theme which followed Mr. Garrett's address, Hill Blackett, vice-president of Blackett- Sample—Hummmert, suggested that the popularity of quiz shows might easily be turned to good advantage in our emergency problems. Stating that advertising, as he defined it, render a dual service in preparing the people of our country mentally and physically for what is to come, he declared:

"First, it is plainly apparent that the nation as a whole is not at all prepared for the tax burden that lies ahead of us. I hardly think they are aware of it, but they seem to feel that somehow or other someone else will pay the bill."

"As you all know, the quiz radio programs are very popular in this country today. They set millions of people to thinking, so instead of asking questions such as 'How many eggs?' People the hell of the U. S. lay per annum?' they could very well start the public mind thinking about the burden that lies ahead of us by asking such questions as 'How many trees?'"

Problems of Radio Advertising Probed at NAB-AFA Meeting

Rubican Sounds Optimistic Note for the Future; Neff Urges Raising of Listening Level

PRACTICAL problems facing radio advertisers and the medium itself were taken up last Wednesday day at a session of the Advertising Federation of America convention held under auspices of the NAB Department of Broadcast Advertising. Robert S. Peare, publicity director of General Electric Co. and manager of broadcasting of WGY, Schenectady, presided at the session, with some 50 persons attending.

Russell P. Place, NAB counsel, analyzed the effect of the recently promulgated FCC regulations of network broadcasting on both the broadcaster and the user of advertising by radio.

Describing the regulations as a "bomb-shell" bursting upon broadcasters and public alike, although the public is "not yet fully aware of its impact," Mr. Place said that while everyone in radio knew that the FCC report on chain broadcasting was coming, "they did not know that it was to be accomplished by regulations to implement the report, to take effect within 90 days, without hearing or argument or even informal discussion. The promulgation of the regulations in a manner to disturb the broadcasting industry. The only balm was a vigorous dissent by two of the commissioners."

He reviewed the growth of radio, with "competition for the advertiser's dollar and the attention of the listening public. Competition among advertising agencies, among stations, among networks for audience not only by speeches and advertisements, but by late night phone-ins, veteran output "the best programs of the year," and national sweepstakes of all sorts."

"Deprived of the usual ads, the listener has to rely on what we call his ears, and the ears, of course, are the weakest point in our defenses."

Fluent by public opinion to the extent of practicing "followship rather than leadership," Mr. Powel praised the patriotic contributions of advertisers and advertising media to the campaign for defense bonds and stamps, which he said are selling at the rate of $100,000,000 weekly. In Boston he said, the broadcasters had donated commercials worth $8,000. The banks had spent $7,500 in advertising and the newspapers had contributed stories and editorials whose value could not easily be estimated, resulting in sales of $30,000,000 worth of bonds in the city since the first of May, he said.

Answering a question as to the effect of rising costs on advertising, Mr. Blackett said that as costs rise, so does the national income; that rising prices and wages will cause increased purchasing and so stimulate advertising. Asked further whether continued advertising of consumer goods might not bring on inflation, he replied that private business must continue in full force if it is to be able to pay the bill for the defense program.

Award Presented

During this opening session, Elon G. Borton, advertising director of LaSalle Extension University, and AFA president, who presided, presented the Josephine Snapp Award for 1940 to Beatrice Adams, copy-writer of Gardner Adv. Co., St. Louis. The trophy, a silver vase, is given each year by the Women's Advertising Club of Chicago to the woman making the most outstanding contribution to advertising during the preceding year.

Four other women received cer-

(Continued on page 48)
‘Any Person’ May File Petition Now for Changes in FCC Rules

Only ‘Applicants’ Could File Under Former Plan: Aimed at WHDH Case but May Affect Net Rules

WHAT MAY halt immediate legal attack upon its monopoly regulation, the FCC adopted amendments to its rules of practice and procedure to permit “any person” to petition it for amendment under the law. Herebefore the rules have provided that only “an applicant” may petition in such fashion.

While it is understood the changes were adopted because of the situation encountered in the clear-channel breakdown case involving grant of fulltime to WHDH, Boston, on the 850 kc. channel occupied by KOA, Denver, it nevertheless was felt by Washington attorneys that the changes would have an effect upon the monopoly regulations procedure.

Network Position

In the WHDH-KOA case, both NBC and the Clear Channel Group were denied the right to intervene in the original proceedings, on the ground they were not applicants as described in the rules now amended.

Networks, as such, are not licensees or applicants and heretofore have been precluded from filing petitions as network entities. It is therefore assumed that amendment of the rules may open way for the networks to petition for hearing.

In some quarters, it was thought the new procedure establishes an administrative remedy for the networks which are unable to gain a further delay in procuring a court test of the validity of the regulations. As far as known, however, this phase was not considered by the Commission in amending the rules; its attention being directed primarily to the situation encountered in the WHDH case.

It is a recognized principle of jurisprudence, according to attorneys, that administrative remedies must be exhausted before court jurisdiction can be procured in ordinary cases. The revised regulations and the accompanying announcement do not provide that the FCC will set a hearing in advance of the effective date of any new regulations. The monopoly regulations become effective Aug. 3.

Attorneys for the major networks are known to be preparing briefs to be submitted to the Federal courts. However, this procedure presumably will not be undertaken unless it becomes desirable after Senate Interstate Commerce Committee consideration of the White Plan beginning June 2, which, under its rules, provides for a postponement of the effective date of the far-reaching rules.

Simultaneously the FCC formally announced [BROADCASTING, May 29] that pursuant to its new change regulations it has adopted a supplemental form (FCC Form No. 335) in which all applicants for broadcasting facilities will be required to file a network affiliation, if any. Licenses are required by Section 43.1 of the rules and regulations to keep the Commission informed of contracts and arrangements, including changes, covering chain affiliations, the release stated.

The Commission added that “to fulfill the assurance given in the Commission report on chain broadcasting,” the rules of practice and procedure have been amended “to provide a hearing in cases where the applicant desires to enter into or retain a contract not in conformity with the chain broadcasting rules.”

The new form inquires of the applicant whether or not any “contract arrangement or understanding, express or implied, with a network organization for the broadcasting of chain programs.”

Then the applicant is asked, in the event the application supplemented by the new form is granted, whether he proposes to broadcast network programs. If the station changes its “mind” as to whether, or not it desires to broadcast network programs or enters into any arrangement or any change in arrangement with a network, the form specifies, a new supplemental form must be filed as an additional supplement to the application.

The final question reads: “If network programs are to be broadcast, state arrangements under which they are to be obtained and attach copies of any contractual arrangement which may have been made by the applicant on an oral understanding, a written statement of the arrangement should be submitted.”

On advice of counsel, it is known that many network affiliates already have served notice on their networks that they must supply the FCC with information on revision of affiliation contracts, pursuant to the new monopoly regulations. Renewals must be filed by many stations 60 days in advance, or early in June.

Text of New Rules

The amended rules and regulations, broadening the scope of the former rules, make petitions for amendment to allow entities who are neither applicants nor licensees to file petitions, follow:

The Commission en banc today announced new regulations for amendment of rules to allow entities who are neither applicants nor licensees to file petitions, reading as follows:

The Commission en banc today announced new regulations for amendment of rules to allow entities who are neither applicants nor licensees to file petitions, reading as follows:

NO RECORD of the late-lamented radio station WHDH’s KXFK KTHK KHAN KFAB WNAX KQW KABC KBST WRR KRRV KVOO KTEM KCMC WACO KQWC KMA and WDBZ will carry the announcements.

FCC Funds Asked For Foreign Check

President Proposes $674,414 For Monitoring Activities

TO CARRY ON operation of the newly-organized Foreign Broadcast Monitoring Service during fiscal 1942, President Roosevelt last Monday transmitted to the House a supplemental appropriation estimate for the FCC of $674,414.

The appropriation, which would be in addition to the $4,250,729 already provided for 1942 activities of the FCC, has been referred to the Appropriations Committee.

Speedy action is expected, although hearings had not been scheduled as BROADCASTING went to press.

The foreign service, whose function is to monitor, record and translate propaganda broadcasts originating in foreign countries and relating to the United States, has been operating about April 1 after President Roosevelt in February had granted the FCC $150,000 from Presidential emergency funds to start the project.

Personnel Problem

In addition to the $150,000, the President authorized use of $100,000 of the FCC’s $1,600,000 from emergency funds made available to the FCC for national defense activities. The $250,000 was estimated to be sufficient to staff the Foreign Broadcast Monitoring Service during the last three months of fiscal year 1941, ending this June 30.

Foreign Service officials for several weeks have been considering various persons to head the new anti-propaganda service. No decision has been reached, but an appointment in the near future is considered likely.

When the additional appropriations go through, it will swell the FCC’s budget for fiscal 1942 to all of $5 million, more than double the outright appropriations for the FCC in 1941. The total 1941 appropriations were $2,976,340 including a $1,328,340 for salaries and expenses, $750,000 for relocating radio monitoring stations and $250,000 for printing and binding. In addition, the FCC during 1941 received $1,600,000 grant from President Roosevelt for national defense activities, and the $150,000 for the Foreign Broadcast Monitoring Service—an aggregate of $4,126,340.

FCC appropriations for fiscal year 1942, provided by Congress in the spring, totaled $4,250,729. This sum includes only $2,316,250 for salaries and expenses of the FCC itself and $2,450,500 for printing and binding, but also $1,920,000 for foreign defense activities, as regular appropriation rather than a grant from emergency funds. Add of the requested supplementary appropriation of $674,414 would bring the grant total to $4,934,143 for fiscal 1942.
Oklahoma farmers listen to WKY 3 to 1 over all three other Oklahoma City stations combined!

This was disclosed by a state-wide poll of Oklahoma farmers. Asked the question, "To what Oklahoma radio stations do you listen most?", farmers in 73 of the state's 77 counties gave to WKY almost as many votes as to all other 13 stations in the state together. And WKY was better than a 2-to-1 favorite over the station which ran second.

The decisive preference which listeners, both rural and urban, show toward WKY is the cumulative total of years of carefully balanced programming, alert community service, and energetic show management.

To reach the greatest audience of farmers, city folk, or both with your selling story in Oklahoma, put your program on WKY, Oklahoma's decisively dominant station in every respect.

* Complete details available on request.
Supreme Court Upholds State ASCAP Laws

Society Is Adjudged a Price-Fixing Monopoly in Ruling; Must Change Whole Setup in States With Such Laws

ADJUDGING ASCAP a “price-fixing” monopoly, the U. S. Supreme Court, in a unanimous opinion last Monday, upheld the rights of States to enact anti-monopoly laws directed against efforts of groups such as ASCAP to effect “unlawful combinations” for collection of royalties.

The opinions came in the so-called Florida and Nebraska cases and dealt a body-blow to efforts of ASCAP to maintain its present method of operation. Delivered by Associate Justice Hugo Black, the opinions go far beyond the consent decree entered into by ASCAP with the Department of Justice last March.

They will have no direct bearing, however, upon the operations of Broadcast Advertising Companies of ASCAP, since it does not function as a collection agency for copyright owners but has acquired performances rights of ASCAP, and merely as a sales agency in the operations of ASCAP. ASCAP, however, can sue for damages for its operations as a sales agency of ASCAP.

There'll Be Some Changes

The effect of the opinions is to put ASCAP out of business as at present constituted, in such States as Florida, Nebraska and Washington, which have virtually identical anti-monopoly laws against ASCAP. ASCAP, however, can conform to the anti-monopoly laws in these States by radically revising its method of operation and by eliminating the price-fixing element.

According to attorneys involved in the protracted litigation, ASCAP probably could continue to business in those States by acting merely as a sales agency for its publisher and composer members, at prices established by the individual copyright owners. The blanket license method, however, is ruled out where it involves a price-fixing element.

The higher tribunal’s ruling opens the way for other State Legislatures to set up similar anti-monopoly statutes. The court did not specifically invalidate any of other sections of the Florida and Nebraska statutes which were under attack, limiting its judgment to the question of restraint of trade.

The magnitude of the reorganization of ASCAP which will be entailed to conform with the state laws has not yet been fully outlined. Under the present system, to avoid criminal action if it does business in the State, it must, among other things:

1) File complete information with the Attorney General of the State on copyright and related activities and charges fixed; (2) if two or more copyrighted owners combine, they must file per-piece prices; (3) a charge cannot be made for programs using non-ASCAP music, in spite of the existence of blanket licenses, if a per-piece basis also is offered.

Likelihood that the sweeping decisions will have a bearing on current negotiations between ASCAP and CBS for new performance contracts was immediately indicated in New York. NBC reported that its negotiations still were in progress, but CBS said its meetings with ASCAP “are being temporarily suspended until the full implications of the Supreme Court decision are studied by the CBS legal department.” “Discussions cannot be resumed,” said the network, “until both groups know to what extent the method of licensing is changed by the decision.”

Only Associate Justice Frank Murphy, who was Attorney General of New York when the “Chisel” proposition was initiated, did not participate in the court’s unanimous decision. The ruling terminates a seven-year fight, which began when the State of Montana adopted the first of a series of anti-monopoly statutes designed to curb ASCAP’s allegedly improper activities. The Montana statute has since been replaced by the statutes of Florida, Nebraska and Washington, which have somewhat similar laws, are Kansas and North Dakota.

A Victory for Bennett

The Supreme Court’s judgment is viewed as a 100% victory for Andrew W. Bennett, Washington attorney and former Assistant Attorney General in charge of copyright litigation. He was retained as special counsel of the NAB in copyright litigation at the time the Florida and Nebraska legislation was instituted, and assisted in the preparation and argument of the cases before the court.

The Florida cases, on which the main opinion was based, were argued before the Supreme Court April 29-30 immediately following the Missouri cases. Lucien Boggis, of Jacksonville, and Tyrus Norwood, Assistant Attorney General of Florida, divided the argument. William J. Hotz, Omaha attorney, argued for Nebraska. In both cases Mr. Bennett was of counsel.

THE OLD CHISEL REVIVED

Cisler Says Movies Are Trying to Slip in Plugs

With Revival of ASCAP on MBS

CHARGING that motion picture companies already have started the “old chisel” for free radio time with the return of ASCAP music to MBS, S. A. Cisler, president and manager of the WGRC, May 24 sounded a warning to other stations in a memorandum to M. W. Weber, MBS general manager.

Mr. Cisler, whose station is an MBS affiliate which has not approved the MBS-ASCAP deal, indicated that he not only had refused one “chisel” proposition from Metro-Goldwyn-Mayer, but also had “instructed our program department to refuse all movies with the playing of ASCAP tunes. The Adventures in Rhythm show on May 21 specifically mentioned "Lawman's Law" and the forthcoming M-G-M picture . . . blank.

Some publishers are flooding us with mailed music, asking in practically all cases that the show or movie be credited when the number is used. We are returning all such music. The radio business is never going to get one dollar from movies if we keep giving it away. We are all for free plugs for movies on all networks prior to 1941, and lots of us don’t want them restored nonet.”

In a letter answering an offer by M-G-M of a free quarter-hour “air trailer” Hollywood Radio Reporter, Mr. Cisler commented:

"Your letter of May 16 is one of the reasons this station and others don’t want ASCAP music back on the air. You movie people are getting the chisel once again with this offer of a free trailer. Radio trailers that some poor stations are just crazy enough to accept."

"For your own information, WGRG did not vote ‘yes’ on the Mutual deal with ASCAP because we didn’t think it was worth the money, and we knew that the chiseling would start from movies without anything for that picture, etc. Your local theatres are especially abusive in not buying radio time. It is chisel, chisel, chisel—free, free, free. I think you’d better see for yourself and radio that you have something we need—free. Take the trail of for a moment you pass newspapers, billboards, and magazines and buy radio.”

The court’s 11-page opinion came in the two cases involving the Florida anti-monopoly statute. The second opinion, in the Nebraska case, also by Associate Black, covered only two pages and was decided in the same vein.

The first Florida case was that of the Attorney General of the State against ASCAP, and the cross-bill was filed by ASCAP against the Attorney General and the State. In the Nebraska litigation, the Secretary of State sued ASCAP for an appeal from the decision of the District Court of the United States in that State. The Florida appeals were from decisions of the District Court in the Northern District of Florida.

Justice Black described ASCAP as “a combination which controls the performance rights of a major part of the available supply of commercial music.” In the Florida cases, he pointed out that the three-judge court, without passing at all upon the validity of 13 out of 29 sections of the 1937 anti-monopoly statutes, held that the remaining eight sections deprived copyright owners of rights granted them by the Federal copyright laws, and that therefore the statute “must fall in its entirety.”

Lower Court’s Ruling

The lower court, according to Justice Black, did this upholding the premise that the sections were invalid and the other parts of the bill were intended by the Florida Legislature to form a “harmo- nious whole” and to “stand or fall together.”

The ultimate questions involved are such, said the opinion, “that we must first determine whether this is a cartel or combination. We hold that it was not . . . .”

Then the opinion recited that the court below was in error because there can be no doubt that Section 2 and Section 25 of the Florida statute which the court failed to pass “are complete in themselves; they are not only consistent with the statute’s purpose, but are in reality the very heart of the act, comprising a distinct legisla- tive plan for the suppression of combinations declared to be unlawful.” This section, said the opinion, was aimed at unlawful combinations and is complete in itself and capable of standing alone.

Reference to the ASCAP consent decree was made by the court in pointing out that in consideration of the Florida case, much confusion had been brought about by discussing the statutes as though the power of a State to prohibit or regulate monopoly in restraint of trade was identical with and went no further than the power exercised by Congress in the Sherman Act.

(Continued on page 80)
Detroiter are Marching
to the sales counter

Let WWJ, the most
listened-to radio station
in the Detroit market,
help you influence the
buying parade toward
your product.

Member NBC
Basic Red Network

George P. Hollingbery Company
New York • Chicago • Atlanta
San Francisco • Los Angeles

America's Pioneer
Broadcasting Station
Britain Fights the Enemy With Radio

Secret System Prevents Enemy Using Waves As Air Beams

THE IMPORTANCE of radio in modern warfare—as an integral part of a war machine and a potent fighting force in an aerial war of words abroad—has never been as fully realized as it is today in wartime England.

Whatever the fortunes of the British in Syria, in the Mediterranean, the Near East, or closer home over the English Channel, British broadcasting at home in a country that has to cope with blitz conditions, is constantly expanding its activities as the war continues, according to William M. Newton, former news editor and BBC program official recently arrived in this country from London and assigned to the BBC's New York staff.

A Basic Change

"War has meant a fundamental change in the whole system of broadcasting in England," Mr. Newton said. "The problem of British radio technicians, threatened constantly by Nazi bombers setting out to attack the British Isles from bases more than an hour distant, has been to decentralize completely the broadcasting system."

"All over the country, at the outbreak of war, BBC engineers opened their sealed orders and in a matter of minutes the technical resources of the regional transmission points were herded into one hour to prevent transmission of the enemy's ill-concealed warnings. The British broadcasting was placed on a war footing."

"With this pooling," Mr. Newton explained, "if a transmitter is knocked out by a bomb, the area is immediately serviced by another transmitter which may be a considerable distance away, and the program continues to be heard in the bombed area without interruption." A number of powerful transmitters have been built since the outbreak of the war in closely-guarded secret locations throughout England.

Another problem which faced the engineers was reorganization of the transmission system so that air channels could not be used by enemy aircraft to steer their way to England. Fortunately this was accomplished is confidential military information, but it is known that, contained in the sealed orders which went out to BBC engineers on the eve of the declaration of war, were instructions for transmission changeover whereby enemy planes would be confused rather than aid air beams.

"This change was so efficiently planned," Mr. Newton said, "that it was effected in about an hour-and-a-half." For listeners in England, it meant the substitution of a single home service program, broadcast on two medium wave-lengths, instead of a number of alternative services from London and from the scattered studios and transmitters of the various regions which constituted the BBC peace time set-up.

The present method of operation has admittedly made reception difficult at times, especially during a heavy air raid. But the English listener can always tune in on the BBC shortwave, the transmission of which has not been changed but strengthened.

BBC Often Bombed

"Although Broadcasting House in London has been repeatedly bombed," Mr. Newton said, "the white-walled building off Oxford Circus remains the symbol if not the actual operative center of British broadcasting.

It has been necessary to protect vulnerable transmitters at the source while instituting the system for broadcasting to home listeners and to men under arms; to provide underground studios from which engineers, producers, and others could carry on even while time bombs and land mines are exploding overhead.

Accommodations had to be found for a staff that has increased 50% since the outbreak of the war, with ancient country houses peacefully invaded by actors, engineers, producers, and small towns far from London filled to overflowing.

Pick-ups originate from points all over England as well as from Broadcasting House, and there are now two services—one for the home and one for the armed forces. At Broadcasting House, spotter stand duty on the roof overlooking Oxford Circus, ready at the approach of enemy aircraft to pull a lever and thus flash the tiny blue light by which stations' far beneath the sand bagged walls. Yet even while installing beds alongside microphones and first aid stations beside engineer's control board, British broadcasters from their cramped sub-basement studios have succeeded in vastly extending the radio front."

"When the war was declared," Mr. Newton continued, "Britain was speaking to overseas listeners in nine different languages; the present number is 32, involving, beside many other considerations, the question of finding aerial elbow room for this vociferous and growing microphone league of nations. Broadcasting hours, estimated on the number of transmitters, have risen to 85 a day," Mr. Newton said.

Overseas Personnel

Thirty-one of these hourly periods represent broadcasts in English, notably news announcements and commentary. For 24 hours a day, news bulletins and other programs are directed to France, Holland and "to territories which British bombers may be then visiting in Italy and the Reich." Special programs are also broadcast to Scandinavia, Spain, Portugal, the Near East, Turkey, Syria, and Iraq.

Two hours daily are devoted to Hindustani, Afrikans, Burmese, and Maltese, and such unlikely Mediterranean tongues as Cypriot are not neglected. Broadcasts to Germany were recently increased "to report the latest details in the strange case of Rudolph Hess.

The presence in Great Britain of complete units of the Canadian Broadcasting Corp., working side by side with representatives of South African, New Zealand, Australian and Indian broadcasting organizations emphasizes the scope of Britain's overseas service stations' far beneath the sand bagged walls. Yet even while installing beds alongside microphones and first aid stations beside engineer's control board, British broadcasters from their cramped sub-basement studios have succeeded in vastly extending the radio front."

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According to BBC officials, British wavelengths have not been subject to any considerable Axis jamming. However, to insure reception of short wave broadcasts, BBC transmits a foreign program simultaneously on several frequencies so that if the foreign listener tunes in an unused wavelength, he can find that same program at a number of other points on the dial.

World-Wide Front

How Britain is fighting Axis jamming was described in detail in a recent report by Sir Noel Ash- ton, controller of engineering [BROADCASTING, April 28]. The British are at present using 26 short wave frequencies for the transmission of their foreign programs.

"Rather than engaging in the negative form of radio warfare such as counter-jamming," Mr. Newton explained, "the problem from the British point of view has been to create a world-wide ether front, maintaining contact with the people of enemy countries behind the lines; with listeners in the occupied territories; with millions of neutrals, and with the men and women of the British commonwealth in all parts of the world. At the same time it has been sought to furnish entertainment programs demanded by men under arms and no less by nerve-strained listeners at home."

"Not only has the transmission system of British broadcasting been reorganized and the short-wave service greatly augmented, but national defense is expanding—and experimenting," Mr. Newton said.

"British ради," Mr. Newton concluded "can truly be considered her "fourth armament."


PROPAGANDA BLASTS DISCOUNTED BY FLY

FEAR that foreign propaganda aimed at this country by shortwave broadcasts from Axis controlled territories was discounted by FCC Chairman James Lawrence Fly in an address before the Committee on Commerce of the American Bar Assn. in Washington.

The FCC Chairman, at a head-Quarters press conference on fundamental regulatory issues, nevertheless said that as a shortwave wave length was constantly under consideration. He did not believe that any appreciable portion of Americans "are going to rely upon broadcasts from abroad," he said. British broadcasters abroad broadcasting stations adhere to high standards of impartiality of completeness in their news and discussion programs.

John E. Lockwood, general counsel of the Rockefeller Committee for Hemispheric Solidarity, cited the need for a more comprehensive South American shortwave job by stations in the United States.

The luncheon was tendered by the ABA Committee to the Board of Federal Communications Bar Journal, headed by Percy L. Russell, Washington radio attorney.

Page 14 • June 2, 1941
Canadian ASCAP Loses Plea
For Increased Copyright Fee

Rate Remains at 8 Cents, With An Extra Cent to Be Charged for the Use of BMI’s Repertoire

By JAMES MONTAGUES

Canadian broadcasters after waiting since the end of February, have learned that in 1941 they will continue to pay the same 8-cent-per-receiving-set fee to the Canadian Performing Rights Society (Canadian ASCAP) as last year, and an additional 1 cent to BMI Canada Ltd.

This is the decision of the Canadian Copyright Appeal Board contained in a report to the Canadian Secretary of State, dated May 12. The board reports this decision is applicable this year only and that before it can set fees for the 1942 term next December, it will be necessary to make an independent survey of the amount of CPRS and BMI music used on Canadian stations. It asks an appropriation of $5,000. The board also recommends revisions in the Canadian Copyright Act should be made.

Board Plans Survey

While Canadian broadcasters had hoped to obtain a rate of 5 cents for CPRS and 3 cents for BMI, they are not disappointed about the board’s decision in view of the fact that the board plans to make its own survey this year of the percentage of music used from each copyright organization. The additional Canadian BMI fee means about $12,000 divided among the broadcasters this year for which they have the use of both catalogues. About 40% will be paid by the Canadian Broadcasting Corp. and the balance divided among the 74 privately-owned broadcasting stations in the larger cities paying the bulk of the 60%.

The entrance of Canadian BMI into the picture this year complicated the board’s decision, the report to the Secretary of State explains. “There has been no rupture of relations between CPRS and the members of the Assn. of Canadian Broadcasters,” the board says, “but the latter now broadcast considerable of Canadian BMI music; in respect of the quantum of service derived from the repertoire of ASCAP and Canadian BMI and used by CPRS, the board was furnished certain figures, but they were more or less put on condition and no useful purpose would be served for the present by referring to them. If a reliable estimate of the music time of Canadian broadcast stations occupied by music of CPRS and Canadian BMI respectively should be required in the future in determining tariff loss to be collected by those two companies, the same should be ascertained by the board alone, and the board should also determine the time and place of procuring that information.”

In arriving at its rate decision for 1941 the board stated in its report that “Canadian broadcasters appear to desire the privilege of drawing from the musical reservoirs of CPRS and Canadian BMI, and that being the case the board must pay for the use of both, at the rates to be indicated for the present year at least, in the hope that a year’s experience may reveal some better method for dealing with the situation developed by the appearance of Canadian BMI on the scene.

Payment to BMI

“For the right of drawing from the reservoir of CPRS music, Canadian broadcasters have in the past paid a sum equal to 8 cents for each licensed receiving set in Canada, and as that right appears to be desired and is available to them for 1941 as in preceding years, it would therefore seem a great hardship, or inequitable, that they should pay the same fee for 1941 and that fee we do not propose to increase.” (CPRS had asked for an increase to 14 cents per thousand set.)

“Canadian broadcasters also desire the right of drawing from the musical reservoir of Canadian BMI. The latter in its filed statement proposed to collect a sum equal to 1 cent for each licensed radio receiving set in Canada, and no very impressive reason was given to the board for raising that proposed fee to 4 cents, as was subsequently proposed in its amended statement.”

Canadian broadcasters had also discussed with CPRS a charge for performance of individual works, but the board found that “with the charge for performance of individual works proposed by CPRS it would be excessive,” nor did the board feel it had authority to approve forms of contract since its duty is to approve a tariff of fees. In Canadian BMI’s case under the new rates set by the Copyright Appeal Board, paid slightly more than $100,000 to CPRS and slightly more than $12,000 to Canadian BMI for 1941. Final figures of radio receiving licenses issued as of March 31, 1941, have not yet been released. Canadian broadcasters have been paying CPRS on a monthly basis since January 1941 on the 1940 schedule, and adjustments will now have to be made and payments started to Canadian BMI retroactive to Jan. 1, 1941. In 1940 Canadian broadcasters paid CPRS $97,819.10.

TRULY A WHOPPER was the 255-pound marlin landed at Guaymas, Mexican west coast resort, by J. Edwin (Brick) Miller (right), assistant commercial manager of KTAB, Phoenix, Ariz. It was the season’s record. With him in the fishing party is Richard Simis. They caught four big marlins.

Four Cases Halted
By Newspaper Issue

PURSUANT to its “clerkdown” Order No. 79 the FCC May 27 placed four more applications in its pending files preparatory to determination of the newspaper-ownership issue.

The deal whereby the Grand Island (Neb.) Independent, one of a group of newspapers owned by Oscar Stauffer, was to have acquired KMMJ, Grand Island, was placed in the files. The firm would buy from a corporation consisting of Don Searle, manager of KOIL, Omaha, and KFAB-KFOR, Lincoln, who owns 40% of the stock, with 20% each held by Herbert Hollister, president and co-owner of KANS, Wichita, and Mr. Searle, as well as Harry Searle Jr. and Helen Searle Blanchard.

Florida Case

The action also temporarily halted the sale of WFTL, Fort Lauderdale, Fla., by Tom M. Bryan to Ralph H. Horton, vice-president and stockholder in the Fort Lauderdale Times.

The other two applications affected by the order are those of the Courier-Journal & Louisville Times Co., publisher of newspapers of the same names in Louisville, Ky., and WOKO Inc., 25% owned by the Albany (N. Y.) Knickerbocker Press-Telegram Evening News, both applicants for commercial FM facilities.

Par Beverage Test

PAR BEVERAGE Corp., New York, is testing five-minute daily newscasts on WSNY, Waterbury, and WGNY, Newburgh. More stations are to be added, according to the agency, Erwin, Wasey & Co., New York.

Strike Concluded
At Columbia Plant

Negotiating Group’s Proposal
Found to be Acceptable

STRIKING United Electrical, Radio & Machine Workers, Local 1421, of Columbia Recording Corp., Honolulu, ended their May 26, thus bringing to a close the seven-week-old strike. Conference held between company and union officials on May 23 resulted in employees’ unanimous acceptance of terms urged by negotiating committee which, headed by Robert Kennedy, union committee chairman, called for an increase of wage, seniority, and other items.

Contract, as it now stands, covers one year.

CRO boosted its originally proposed 1.7 cents increase per hour to varying amounts from 2 to 15 cents, setting current minimum hourly rate at 65 cents. However, way was left open for granting of individual employees’ claims that workers’ claims are based on press of rising living costs. In addition, six paid holidays were granted each worker, a day off in pay, according to William B. Elconin, international representative of the union.

Arbitration Plan

Principle of plant-wide, rather than departmental seniority, which proved to be outstanding stumbling block in between transcription firm and union, was maintained. Also seniority of drafted employees was guaranteed through stipulation of continuing of employment of former company standing upon their return from military service.

At the same time arrangements were made for speedy and satisfactory settlement of any future differences between CRC and employees by discarding the no-strike clause, insisted upon by the company during negotiating period, and instigating instead special arbitration procedure. The new grievance procedure arbitration can be entered into if only one party so wishes. Hereafter, both sides were to meet in agreement on settlement by arbitration. Decision must be handed down from arbitrator within nine days and which is final and binding to all parties.

Word was received of a simultaneous wage increase for workers in the CRC Bridgeport, Conn., plant.

Commenting on what the union has accomplished, Mr. Elconin said: “We now believe that this contract is a basis for amicable relations between workers and CRC, and that the grievance procedure will adequately meet the problems of labor relations. We further feel that the company is much more aware of the problems, and particularly those created by a rapidly rising cost of living.”

INSTALLATION of a 4,840,000 candlepower “true light” aviation beacon atop WOXA, Don Lee Hollywood television station, was announced April 27. The beacon was receiving test during May. Said to be the most powerful beam of its kind in Southern California, its beam, a minute, has a range of 20 miles. Thomas N. Lee, station owner, erected the beacon at his own expense.

June 2, 1941 • Page 15
In 1940, the BROADCASTING industry aggregated $154,823,786, or an increase of about 19% over the preceding year. The FCC's official figures were compiled by the Commission's Accounting Department, on the basis of reports from the industry as a whole. In addition to the combined income statement (published herewith), the FCC also released last week an analysis of the combined income of the three major networks and their 22 managed and operated stations, and of the five regional networks and their eight managed and operated standard broadcast stations.

An analysis of employment data in the industry will be released within a fortnight and complete breakdowns, covering all phases of the activity of broadcast stations during 1940 will be published in the FCC's booklet, Statistics of the Communications Industry in the U. S. later this year.

The FCC's combined income

(Continued on page 5)

### 1940 Combined Income Statement of U. S. Broadcasters

(FCC Report Covering Three Major Networks, Five Regional Networks and 765 Standard Broadcast Stations)

<table>
<thead>
<tr>
<th>Standard Broadcast Stations</th>
<th>31 Managed and operated stations</th>
<th>765 stations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. REVENUE FROM THE SALE OF TIME</strong></td>
<td>(Col. 1)</td>
<td>(Col. 2)</td>
</tr>
<tr>
<td><strong>(1) Revenue from the sale of time</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Networks</td>
<td>Sale of station time to networks and stations</td>
<td>$6,216,552</td>
</tr>
<tr>
<td></td>
<td>Sale of station time to station network</td>
<td>216,363</td>
</tr>
<tr>
<td></td>
<td>Sale of station time to all other networks and stations</td>
<td>631,648</td>
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<tr>
<td><strong>Total sale of station network time</strong></td>
<td></td>
<td></td>
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<tr>
<td>b. Non-network (before commissions)</td>
<td>Sale of station time to advertisers or sponsors (including their agencies)</td>
<td>6,358,569</td>
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<tr>
<td></td>
<td>Sale of station time to national and regional advertisers or sponsors</td>
<td>2,390,923</td>
</tr>
<tr>
<td><strong>Total sale of station non-network time</strong></td>
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<tr>
<td><strong>Total sale of station time</strong></td>
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<tr>
<td><strong>(2) Revenue from the sale of network time</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Major networks</td>
<td>Sale of major network time to advertisers</td>
<td>$71,010,575</td>
</tr>
<tr>
<td></td>
<td>Sale of major network time to station network</td>
<td>908,858</td>
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<tr>
<td><strong>Total sale of major network time</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Regional networks</td>
<td>Regional network time to advertisers</td>
<td>1,809,993</td>
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<tr>
<td></td>
<td>Sale of other regional network time</td>
<td>78,499</td>
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<tr>
<td><strong>Total sale of regional network time</strong></td>
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<td></td>
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<tr>
<td><strong>Total sale of network time</strong></td>
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<tr>
<td><strong>(3) Deduct</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Portion of sales of time paid to network and stations</td>
<td>39,593,751</td>
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<tr>
<td></td>
<td></td>
<td>871,022</td>
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<tr>
<td>b. Balance, before commissions</td>
<td>45,104,260</td>
<td>17,080,427</td>
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<tr>
<td></td>
<td>11,146,484</td>
<td>1,658,387</td>
</tr>
<tr>
<td><strong>Balance, amount retained from sale of network and station time</strong></td>
<td>34,947,776</td>
<td>15,421,840</td>
</tr>
<tr>
<td><strong>B. REVENUE FROM INCIDENTAL BROADCAST ACTIVITIES</strong></td>
<td>(after deduction for commissions)</td>
<td></td>
</tr>
<tr>
<td><strong>(1) Talent</strong></td>
<td>Sale of talent under contract to, and in the pay of, networks and stations</td>
<td>1,248,100</td>
</tr>
<tr>
<td></td>
<td>Commissions, fees, and profits (from obtaining or placing talent)</td>
<td>1,216,242</td>
</tr>
<tr>
<td></td>
<td>Sundry broadcast revenues</td>
<td>3,042,056</td>
</tr>
<tr>
<td><strong>Total revenue from incidental broadcast activities</strong></td>
<td>5,056,918</td>
<td>1,526,658</td>
</tr>
<tr>
<td><strong>Total broadcast revenues</strong></td>
<td>39,593,464</td>
<td>16,948,398</td>
</tr>
<tr>
<td><strong>C. TOTAL BROADCAST EXPENSES OF NETWORKS AND STATIONS</strong></td>
<td>31,042,634</td>
<td>11,287,359</td>
</tr>
<tr>
<td><strong>D. BROADCAST SERVICE INCOME</strong></td>
<td>8,510,830</td>
<td>5,661,099</td>
</tr>
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<table>
<thead>
<tr>
<th>Item (Col. 1)</th>
<th>Networks (Col. 2)</th>
<th>31 Managed and operated stations (Col. 3)</th>
<th>765 stations (Col. 4)</th>
<th>Grand total (Col. 6)</th>
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<td></td>
<td>Sale of station time to major networks</td>
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<td>Sale of station time to all other networks and stations</td>
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<td>(2) Revenue from the sale of network time</td>
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<td>(3) D. BROADCAST SERVICE INCOME</td>
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</tbody>
</table>

Notes:
1 Stations licensed to major and regional networks, and those licensed to others but managed by networks as to programs, time, or sales.
2 Five stations less after September 30, 1940.
3 Since stations with revenue of less than $25,000 for the year were not required to report details, this figure may include some amounts for national and regional non-network business and does include $71,536 for network business. However, the greater portion of the revenue for these stations is from time sold to local users.
4 This amount does not agree with the amount shown in column 5 as sales to major networks since, in addition to payments by regional networks to stations, it includes amounts paid by major networks to Canadian and other extra-territorial networks.
5 In this year, the inclusion of income or loss from another type of business would distort the relationship between broadcast service income and net income.
THERE WILL BE NO SHORTAGE OF GOOD RECORDING BLANKS

PRESTO HAS . . .

1. A NEW GLASS BASE DISC
When aluminum was withdrawn from civilian use we hoped to find a substitute base "almost as good."
We didn't.

We discovered that a plate glass base makes the finest recording blank we've ever produced... smoother... flatter... more uniform in thickness than any metal base disc. Recordings made on the new glass disc even sound better, crisper, clearer because of the extra rigidity of the thicker (.104") base.

The envelope of coating material covering the glass gives it added strength, makes it as durable as an ordinary phonograph record. In handling thousands of these discs in our plant we have found that your breakage problem will be negligible.

Presto glass base discs have 2 holes, one for the turntable center shaft, the second for the all important drive pin which prevents slippage that might cause wow's, off-pitch recordings and imperfect grooving. Each hole is bushed with a soft brass eyelet to assure a perfect fit and prevent chipping.

Use this new Presto disc for your highest quality recording. It's made in our new $250,000 disc plant. It's ready for immediate delivery in unlimited quantities. It's reasonably priced, conveniently packed in tin boxes of 12 discs each.

<table>
<thead>
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<th>SIZE</th>
<th>PRICE EACH</th>
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<td>12&quot;</td>
<td>1.25</td>
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<tr>
<td>16&quot;</td>
<td>2.50</td>
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LIST PRICES

Phone your radio distributor now for net delivered prices granted to radio stations and other commercial users, on glass discs and recoating service. Give him your stock order today.

2. A NEW ALUMINUM DISC
RECOATING SERVICE
If you have a supply of used aluminum discs on hand, send them to us for recoating. Within 10 days we will strip and recoat the aluminum bases and ship them back to you ready to use, as good as new.

The aluminum bases remain your property and may be recoated as many times as you like or as long as they remain flat, undented and unscratched.

Normally in recoating about 10% of the discs made in our plant have a defect on one side. We therefore reserve the right to ship you 10% of your recoated discs perfect on one side only. The single sided discs are charged for at the reduced prices shown below.

We will pay freight on shipments weighing 100 lbs. or more. Smaller quantities should be turned over to your local radio distributor to combine with other lots for bulk shipment.

This recoating service is available to you immediately. Send us your used discs today.

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<th>SIZE</th>
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<td>12&quot;</td>
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<tr>
<td>16&quot;</td>
<td>1.50</td>
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<tr>
<td>17(\text{3/4})&quot;</td>
<td>2.10</td>
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List prices for recoating service

NOTE: Other sizes not accepted for recoating.

In Other Cities, Phone ... ATLANTA, Jack. 4372  BOSTON, Bel. 4510
CHICAGO, Har. 4240  CLEVELAND, Me. 1565  DALLAS, 37093  DENVER, Ch. 4277  DETROIT, Univ. 1-0180  HOLLYWOOD, Hl. 9133  KANSAS CITY, Vic. 4631  MINNEAPOLIS, Atlantic 4216  MONTREAL, Web 4218
PHILADELPHIA, Penny. 0542  ROCHESTER, Cul. 5548  SAN FRANCISCO, Yu. 0231  SEATTLE, Sen. 2560  WASHINGTON, D. C., Shep. 4003

World's Largest Manufacturers of Instantaneous Sound Recording Equipment and Discs

BROADCASTING  Broadcast Advertising  June 2, 1941  Page 17
It Sells and It Creates Good-Will

Patriotic Broadcast Proves Successful On West Coast

By ROBERT J. DAVIS
Vice-President, Brineche, Davis & Staff
Los Angeles-San Francisco

IS IT SELLING the sponsor's product and creating public good- will for the firm? These are vital questions that are asked by an advertiser using radio or other advertising campaigns.

Mr. Davis, so the Challenge Cream & Butter Assn., Los Angeles, who says: "Almost since its first broadcast, The American Challenge has been a leader among all Pacific Coast radio programs. Today its Hooper Rating of 10.0 indicates conclusively that it has no small listening audience. It has proved its value on the Pacific Coast, in Los Angeles, San Francisco and Portland."

"Our salesmen are reporting many flattering comments from grocers. Of all the radio programs sponsored by distributors of items carried in a well-stocked grocery store, it is gratifying to know that The American Challenge is among those followed regularly by dealers.

"Undoubtedly this is due to the timeliness of the patriotic theme. We are sure it is doing a splendid job for The Challenge Cream & Butter Assn."

"The association is entirely owned by over 32,000 farmers on the Pacific slope who produce, market and distribute direct to the grocer their own butter, cheeses, and other dairy products."

A few years ago Challenge with steady success used billboards, dollar streamlined point-of-sale advertising in store and point-of-sale displays as an effective "traveling billboard" throughout the territory served. Newspaper space, now discarded, was of no use. But this wasn't enough for such a rapidly growing organization.

"After deliberation, it was decided to augment this current advertising with radio spot announcements."

"Keeping in mind that even a one-minute spot announcement should offer the listener something in return for listening, a series of tape-recorded announcements were worked out combining some popular music and dramatized dialogue commercials. These were put on the air using the stations throughout the territory five times a week, and proved effective. How-"}

ever, though splendid when used as a stimulant from time to time, these spots were not the full-time radio answer to our problem.

"Stickler was, of course, how a region manager with a relatively small appeal could be reached. National advertisers could jump from spots to a program and combat the major network shows. Ob-viously the program had to have action, drama, pathos, and all the other "musts" necessary to appeal to an entire family from grandpa to granddau-er."

"From the Farmers"

"Oddly enough, it was for The American Challenge sprang from the Challenge farmers themselves. It goes back to the small group of Pacific farmers who, discouraged from the losing battle of selling their dairy products to city commis- sion men, determined to band together and sink or swim by selling their products themselves.

"Definitely this was a challenge to their very existence. In conquering this problem, these farmers proved that nowhere in the world is a challenge packed with excitement, adventure, romance, color, and inspira- tion as the true story of the people of America.

"From this thinking, the story dramatized by The American Challenge came to life. The most stir- ring events in American history, the fascinating story of the Pilgrims to the Battle of the Alamo, have been translated into a series of half-hour transcribed episodes."

"A glimpse at a few of the titles such as, John Paul Jones, Lincoln, Grant and Lee, Jean Lafitte, Paul Revere, Yellow Fever, The Lost Battalion, Daniel Boone, The Pur- chase of Alaska, Evangeline, The Pony Express, Bret Harte, the Unknown Soldier, and others of like caliper, all written, produced and acted by Hollywood talent and with Hollywood producers, early shows why The American Challenge appeals to all the family, adding thousands of child listeners to a large adult audience.

"So popular has this program proved with children, there has been a tremendous demand from school boards for transcriptions of The American Challenge wherever they have been broadcast. School authorities acclaim it one of the finest educational and as well interesting programs for children. This has been of great mutual pro-motion benefit to both the advertiser and the various radio stations."

"Effective Appeals"

Over KFI, Los Angeles; KPO, San Francisco; KEX, Portland, The American Challenge has been renewed time and time again, until now it is in its sixth week. This protracted popularity has created a widespread interest, and in sections of the country it is not broadcast by the Challenge association, numerous ad-ver-tisers have continually expressed a desire to buy the show for their own programs, too."

"In support of the program's listen- ing audience, the Hooper rating of 9.0 was, of course, a satisfying result, but we felt that "two things would be happening by the end of the month. First, a recent survey conducted by Facts Consolidated which con- sisted of more than 6,000 calls made during four consecutive broadcasting weeks in this area, substantiated the Hooper check by proving The American Challenge ahead of all other programs in the Los Angeles market. San Francisco at the time broad- cast, and ahead of many big trans- continental programs."

"From this it is obvious the formu-la of the show is definitely sound. But, to become intrigued by the program itself and to neglect the commercial would have been un- sound. Our primary concern in cre- ating the show was with the sales message. What was said, how it was said, and, is, of utmost importance."

Strait commercials and dia- logue spots, even the "musts" of the radio programs in the Challenge association, numerous advertisers, TWA, LAI, Butter & Egg, Co.,led to the following results:

"Today radio carries a large part of the load of advertising Pacific Coast housewives with the dairy fresh products of the Challenge Cream & Butter Assn. And, as men- tioned before by Ross Sawyer, we're satisfied that radio is produc- ing results because Challenge can see it reflected in increased business."

NRR Shows Spot Gain APRIL SPOT business was slight- ly better than March, according to the April report of National Radio Records. Based on data supplied by sales advertising agen- cies, the report shows 228 active spot accounts in April, compared with 222 in March and 194 in Feb- ruary. In April, two of the cam- paigns listed used 100 or more stations, seven used from 50 to 99 stations, 22 used 25-49 stations, 46 were on 10-24 stations and 151 broadcast over less than 10 stations.

Mr. Weber, general manager of MBS, also entered the discussion during the last week. In a letter to Mr. Cisler, a copy of which was sent to BROADCASTING, Mr. Weber wrote, "We have been surprised at the interest the NRR report shows in the Challenge."

"We feel that the NRR reports, along with our own, should help to show that IMA could be a fact-find- ing body, seeking answers to problems arising out of the action taken on general network policy."
"I felt like a long-haired genius"

"Yet the truth is that NBC Radio-Recording deserves most of the credit for the swell radio shows our clients sponsor. "We small advertising agencies are kept so busy with creative and contact work we just don't have much time to spend at radio recording sessions. "That's why NBC Radio-Recording handles all my radio problems. NBC writes, casts, produces and records all of our spot programs. And what's more, after they're recorded, I let NBC take care of the processing, manufacture and distribution of the records. It saves time and overhead. "And say—before you decide this is the costly way of doing things, I'd suggest you get in touch with NBC. Find out how economical their service really is. I was amazed—and so were my clients!"

* * *

Whether it's a series of simple announcements or a full-length script or musical show you're working on—why not make use of the professional services available at "Broadcasting Headquarters"? We'll work with you from script to finished pressing—in whole or in part—and record your show NBC ORTHACOUSTIC*, which means reproduction at its best. No matter how small or large your program problem, write or 'phone today. We're all set to go to work for you.

*Registered Trademark
A MYSTERY quiz show Masterminds, is slated for a 13-week sustaining buildup on WGBG, Cleveland. The show was originated by Wayne MacK, WGBG drama director. Invited weekly are four well-known Clevelanders, whose job it is to question participants in a mythical mystery case. The narrator at the outset of the program tells what has happened, presents the dilemma to the judges, and introduces the participants in the case. The four judges may then question any of the possible villains.

Success on the part of the judges in ferreting out the bad man is rewarded with a supper party at Cleveland's Allerton Hotel. Should the judges fall, WGBG provides the same reward as consolation measure.

Barrel of Tags

NEW TWISTS to the quiz idea is Grab Bag, on WGBL, Baltimore, presented direct from the Hippodrome Theatre. Questions are selected before the program and $5 is sent out before the program starts. If the sender can show 3 bottles of the sponsor's product, he gets $5. On the stage is a huge grab-bag from which successful contestants dig for prizes. If the question is missed, $5 is placed in a jackpot which already has $25 in it to be delivered in the form of a money order to the person whose auto tag number has been selected from a huge barrel on the stage, which contains every number in Maryland.

Tenth Year Party

BIRTHDAY broadcast will mark the tenth year in radio this month for Anice Ives, conductor of the Everywomen's Club of the Air of WFIL, Philadelphia. The participating sponsors are donating their time for the party broadcast, to be scheduled this month. Five members of the station staff, whose service totals 50 years, will serve as hosts, including Arnold Nygren, Charles Coleman and Jack Schantz, engineers Max E. Solomon, salesman, and Hal Simmonds, announcer.

Get Up With a Smile

ZANY program designed “to send the husband off to the office with a chuckle and start the day with a smile for the little woman” is heard daily at 8:30 a.m. on WEAF, New York, with Ralph “Sisters of the Skillet” Dumke and Bud “Colonel Stoppnagle and Budd” Rulick as conductors from Studio X, supposed an NBC stoveroom in Radio City with bare walls and no equipment but a mile.

Buck Private

FIVE WEEKS before serial telling the trials and tribulations of a typical draftee in the Army is broadcast on NBC-Blue under the title of Private and His Girl. The cast includes well-known radio actors, and scripts are produced by Ann Ramsey of the NBC production staff.

Home on the Air

WAKING UP the dialing public with cowboy ballads and cactus cards is the sketch of Happy Gordon, cowboy musical artist on KROW, Oakland, Cal.
Voice of Omaha

WOW, Omaha, has a black and white voice, The Radio News Tower, cooperating with clients to give them publicity and enabling the station to publicize systematically every WOW program at regular intervals. More than 8,000 listeners pay 50 cents a year for it. In addition, it is sent gratis to list of more than 5,000 clients, agencies, educational, civic and radio industry leaders.

Postal Jumbos

WHEN the May 16 Battle of the Boroughs advertising Noexon on WABC, New York, featured a contest between Postal Telegraph employees in Manhattan and those in the Bronx, the company sent telegrams to 2,100 New York druggists urging them to listen. Jumbo telegrams advertising the broadcast were also displayed in 125 office windows.

Free Food

A FREE LUNCH was given the crowd which gathered at its man-on-the-street program, on KTSA, San Antonio, by Gebhardt Chili Powder Co., to push its Devilish Sandwich Spread. Jack Mitchell m.c. of the show, handed out 500 sandwichs of the sponsor's product.

Fight Duccas

FIVE PAIRS of tickets to the Joe Louis-Billy Conn heavyweight fight at New York Polo Grounds June 18 will be given to the first five listeners writing the best letters on the outcome of the fight and sending them to Jimmy Powers, who conducts the nightly sports resume program on WMCA, New York.

We pause for station identification . . .

This is KFYR, Bismarck

The pause that produces results for advertisers using KFYR

The regional station with the clear channel coverage

Let us sell your story

Meyer Broadcasting Company
Bismarck, N. Dakota

550 Kilocycles
NBC Affiliate

5000 Watts Day
1000 Watts Night

June 2, 1941 • Page 21
Priorities Problems
Slow Manufacture
Of Radio Factories

Material Shortages Becoming More Serious to Industry

DESPITE lack of "official" observations indicating that the pressure of defense manufactures and material shortages gradually are setting a slow-down in radio manufacture for civilian needs, industry comment continues to paint a darkening picture for non-defense receiver and transmitter construction.

With manufacturers perfecting steps to employ substitutes for strategic defense materials, upon which priority restrictions are being placed in a constantly widening circle, there now appears little doubt in industry circles that civilian manufactures will continue only under increasing difficulty. However, no out-and-out admission of this situation has come from any official Government source.

Fly Noncommittal

FCC Chairman James Lawrence Fly, queried at his regular press conference last Monday, stated he had received no official reports on the possible effect of defense priorities on the development of FM and television. He doubted the situation would cause any postponing of the commercial operation of either of the new radio developments, commenting, "I don't think the Commission will have to move in and out on those things".

Pointing out that in the field of television, for instance, experiments are continuing with synchronizing pulses and color video, with commercial operation in the offing, Chairman Fly declared his faith that "the industry will find its way through the difficulties foreseen by some."

While the Defense Communications Board has been considering the possibility that the shortage in materials such as aluminum, zinc, nickel and other metals used in radio and communications manufacture, it has made no public announcement. Since its interests lie in communications facilities available for defense, there is some doubt as to how deepely DCB might investigate the problem as it affects the civilian picture, particularly in view of the likelihood of any shortage of materials for defense communications manufacture.

Industry observers have indicated that with priorities stretching to include such items as copper wire, a general inflation of the price of all down the line is becoming more apparent so far as manufacturing materials are concerned. According to an OPM statement last Wednesday, aluminum for aluminum in June are expected to take from 96 to 100% of all the metal available, including scrap.

With restricted supplies of nickel, copper and tungsten, it was noted that vacuum tube manufactures may soon reach a point where only defense needs can be met, with none available for civilian use. The material restrictions also are said to have developed an aggravating situation in the manufacture of transmitters. Another problem arises from the personnel situation, with skilled workmen drawn into other types of manufacture or service, it has been said. A trend toward a shift of workmen from private industry to Government pursuits, in one line or another, also has been reported. Present indications are that manufacturers are working on inventory materials, with a wary eye on the future. The increasing production difficulties were reviewed May 22 in Washington at a meeting of Radio Manufacturers Assn. officers with OPM Priorities Division officials. With OPM representatives indicating a cooperative and sympathetic attitude, the RMA group submitted to them an outline of the industry's metal requirements for future tailored production. The schedule encompassed extensive use of substitutes for strategic defense metals, as agreed to by industry members late in April.

As the first year of the concentrated defense effort was drawing to a close, Congress on May 23 sent to President Roosevelt a new law establishing priorities control, through broad statutory powers granted OPM, on a legal basis. So far, mandatory priority control has been established by the OPM Priorities Division, directed by E. R. Stettinius, Jr., to cover aluminum, magnesium, nickel, nickel-bearing steel, ferro-tungsten, Neoprene (synthetic rubber), and machine tools. Some form of control is now being imposed on 24 materials, mostly metals, either through outright priorities or inventory controls.

SMILINGLY LOOKING ahead to the future are these radio and agency executives upon signing of contract for Tayton Tktoriar featuring Jimmie Fidler, on 7 CBS Pacific Coast stations, starting July 1 signed by The Tayton Co., Hollywood. Seated (l to r) are: Jimmie Fidler and F. A. Durrant, president of the Tayton Co. Standing (l to r) are: W. W. Burgess, company director; Z. Wayne Griffin, West coast radio director of BBDO, agency servicing the account; L. D. Johnson, general manager of firm; and Jack Smalley, BBDO Los Angeles manager.

MYCALEX FACTORY
IN U. S. STARTED

MANUFACTURE in this country of Mycalex, an electrical insulating material adapted for high-frequency transmitting and receiving equipment which heretofore has been produced only in England, was announced last week by Mycalex Corp. of America.

Russell Maguire, president of Auto-Ordnance Corp., the company responsible for the Thompson machine gun, it was stated, is establishing for the American branch of the English corporation, a manufacturing plant which immediately will begin production of the strategic material in demand for defense purposes. It is adapted particularly for use in aviation-radio problems. Mycalex imports from England were null and void, so far as miscomputation was concerned.

The company sponsors Information Please on NBC-Blue, Hit Parade on CBS, and Keynote on NBC-Red, supplemented by occasional spot campaigns.

Nu-Maid Oleo Series

MIAMI BUTTERINE Co., Cincinnati (Nu-Maid Oleo-Margarine) is currently running a 10-week schedule of 60-second spots on WTVN, Tennessee stations. Stations selected are WDDO, WJHL, WLAC, WMPB WBOI. Agency is Ralph H. Jones Co., Cincinnati.

Court Orders Hill To Repay Bonuses

Finds He Received Too Much
Due to Miscalculations

AMERICAN TOBACCO Co. executives, including George W. Hill, president, and other corporate officers, in a decision handed down May 26 by Justice William T. Collins of the Supreme Court, were ordered to repay the corporation $2,188,033.44 as a result of a minority stockholders' action over the years 1912-1938.

It was charged that bonuses paid the officers were computed erroneously in that percentage of excess net profit was not based on the correct net profit figure from the years 1912-1938. Mr. Hill testified in the case last December that he had nothing to do with the computation of bonuses received by him and other officers during those years. This, he said, was the work of J. B. Hawley, corporation treasurer.

Included in the total amount was an item for $150,000 incurred by the corporation for legal expenses in a suit brought against it over an alleged $58,000 for a former Federal Judge Martin T. Manton, now serving a prison term for "selling justice." All directors serving before judgment was approved, also were held accountable for that payment.

Wrong Computation

The present suit was instituted by Esther Heller and six others and named as defendants Hill, his son George Jr., Paul M. Hahn, Vincent Riggio and Charles F. Neiley, all vice-presidents.

In his decision, Justice Collins held that the bonuses, which, with his salary added, netted Hill Sr., $5,600,000 between 1925, when he became president of the corporation, and 1939, when the action was started, were paid out on an erroneous computation, that in the percentage of excess net profits was not based on a correct computation of net profit figures from 1912 to the end of 1938.

Because of the treasurer's misinterpretation of the bonus plan the defendants were ordered to restore to the corporation the overpayments in the amount of $2,018,033. Justice Collins further held that objections made during the trial to other payments to defendants were null and void, so far as miscomputation was concerned.

The company sponsors Information Please on NBC-Blue, Hit Parade on CBS, and Keynote on NBC-Red, supplemented by occasional spot campaigns.
CBS Video Signs Notable Art Works
Objects to Be Transmitted in Black-and-White at First

COLLABORATION in presenting masterpieces of art through television was announced jointly May 26 by CBS and the Metropolitan Museum of Art, New York, with plans to start experimental televisionings of simple objects in black-and-white after July 1, and leading up to the telecasting of paintings and prints in full color when the technique is more fully established.

Francis Henry Taylor, museum director, and Gilbert Seldes, CBS television program director, first discussed the project last March and since then have been working out specific techniques for the initial presentations. According to Mr. Taylor, the use of color television should be "as revolutionary for visual art as the piano was for symphony and opera," adding that he was particularly interested in ultimately transmitting the best in art to the city's schools, enabling children to view paintings without leaving the classroom.

Mobile Equipment

At the start, none of the telecasts will originate directly from the museum because national defense demands have delayed delivery to CBS of mobile television equipment.

First programs, which will televise color slides the museum has made of some 250,000 items in its collection, will be picked up in the CBS television studio at 52 Vanderveer Bldg., and transmitted from the television antenna atop the Chrysler Bldg. tower. When the CBS mobile equipment is delivered, probably in August, CBS engineers will set up their apparatus in the museum at Fifth Ave. and 82d St., televising major objects directly.

First telecasts are expected to be announced later in June, according to Mr. Seldes.

Rising Summer Audience Holds WOR Programs

IN VIEW of the growing importance and size of summer radio audiences, WOR, New York, has announced it will continue throughout the summer some of the winning name programs, notably the Bessie Beatty and Dear Imogene broadcasts, although both Miss Beatty and Imogene Wolcott have vacation clauses in their WOR contracts.

The policy is the result of the recent survey of summer listening and viewing habits, the results of which 75% more advertisers were found using the station during the summer of 1940 as compared with the same period in 1939 and total daytime listening in the New York area during July and August 1940 showed an increase of 16% (evening listening, a 15% increase) over the same months of the previous year.

Five Sponsors With One Idea

Participating Program for Homebuilders Proves Successful Medium in Elmir-

A BUILDING supply house, a contractor, a home savings and loan association and a paint company have banded together for the success story of "The Elmira Progress Review," a 15-minute participating program, Tuesday, Thursday and Saturday, on WENY, Elmira, devoted to advertising and selling ideas for prospective homebuilders.

There's a mutual feeling among the sponsors that fully equal to the satisfaction of a new home, tied in with a commercial for the contractor who builds it, is the selling point of their services. Accordingly, a feature was hit upon to gain the attention of listeners by giving an eye-witness description in the middle of the program of one of the attractive new homes in one of Elmira's recent residential developments.

Mr. Haines' Story

WENY felt the program was going over big, judging by the many invitations announcer Phil Cameron, who also services the program, has received from homeowners all over the city inviting him in for cake and coffee. But they were more evidence. To check, WENY went to the first contractor to sign for participation on the program, H. Clyde Haines, who gave these results after only two broadcasts on Elmira Progress Review:

Two nibblers pushed over the line; three new inquiries and contracts definitely attributed to this Review; inquiries from three surrounding towns; new Elmira residents inquiring about building in the city for the first time; and several others too, are taking orders in the wake of the good publicity.

In making up its daily format, WENY has to keep on its toes, for each program calls for servicing and promoting as many sponsors' messages have to dovetail with the continuity of building information and avoid clashing interests. No music is used, but the program is dressed up by a transcribed introduction featuring the voice of another announcer over the realistic sound of hammers and drills.

To keep Elmira Progress Review on an even keel, every commercial suggests and solves a definite problem of building: four separate and distinct subjects on each show, which do not tie directly into a commercial period are included; listeners tend toward specific help to the homebuilder and the counsel and advice of the sponsor's idea fared freely, rendering a definite service to prospects.

It may be too early to forecast the size of the eventual successes of the Elmira Progress Review, the station thinks, but the program has started a new era in Elmira, and many competing firms are trying to buy into the program—a pretty good indication of success.

Work Is Begun by NBC

On Studios in New York

NBC has begun construction of two additional audience-type studios in Radio City as the first major addition to its New York facilities since it moved there in 1934. Each studio will have a seating capacity of 450 and will be ready for about October 1. The two new buildings, to be occupied by NBC vice-president and chief engineer, will make the NBC studio facilities the largest and most modern in the world.

Construction details for both studios are the same, each to rise two stories from the sixth floor and each to be 100 feet long and 50 feet wide. The permanent stages, each 38 feet deep, will have color strip lighting systems. Latest developments in acoustical research and design are embodied in the units, including air-conditioning, sound absorbent and sound reflecting studio walls and veed ceilings. Design is by Mr. Hanson and William A. C. Vance of Lundin and Robert Carson, Rockefeller Center architects.

Fifty Watts Shift

STREITMANN BISCUIT Co., Cincinnati, Ohio, which has its apparatus of America, has named Stockton-West Burkhardt, Cincinnati, to direct its advertising. Carl Streitmann, owner of the enterprise is Charles H. Butler. The Streitmann Street Men will be continued in their activities in the South and Southeast.

Applegate Disposes Of KENO Interest

Las Vegas Petition Granted; Joint Scranton Hearing

CALVERT T. APPLEGATE, one-third owner of KENO, Las Vegas, Nev., was authorized May 27 by the Nevada Public Utility Commission to sell his interest in the licensee Nevada Broadcasting Co. to his partners, George Penn Foster, KENO general manager, and Maxwell Kelch, chief engineer of the station, for a nominal sum to be agreed upon.

Under the new setup as a corporation, Mr. Foster and Mr. Kelch will each hold 48.99% of the stock, with Laura Bell Kelch holding the other 0.02%. KENO, which went into operation last September, uses 250 watts on 1400 kc.

Scranton Hearing

At the same meeting the Commission designated for joint hearing the applications of WARM, Scranton, Pa., for renewal of license; and George Grant Brooks Jr., New York banker, and the Anthracite Broadcasting Co., both seeking a new station in Scranton with WARM's facilities, 250 watts on 1400 kc. WARM, though operating on a special programming license for the last year, has not yet received a license to cover the construction permit.

Principals in the Anthracite Broadcasting Co. are R. E. Nolan, illuminating and coal company president, and owning a 15% interest in the company, 45.2% stockholder; John A. Hart, a Mayfield, Pa., banker and mine owner, 44.8%; and Gerald S. White, sein. and commercial manager of WGBI, Scranton, 10%.

Music, Comedy, Variety To Take Leading Place in Summer Productions

MUSIC, comedy and variety are slated to take leading roles in the summer broadcasting picture with heavy drama and audience participation relegated to the background, according to W. Bennett Lewis, CBS New York vice-president in charge of programs, who is currently on the West Coast conferring with Charles Vanda, CBS Western division program director.

Subject of discussion is the prospective Forecast series to be the weekly Las Radio Theatre spot of Lever Bros. Co., Cambridge, when that show takes its summer leave July 14.

As of last year when network followed a similar policy, opportunity is afforded for experimentation with new ideas and techniques inasmuch as the 10 to 16 broadcasts are showcased for possible full sponsorship.

Defence note will be struck when two of the shows are dedicated to defense workers and those in military service. Origination will be evenly divided between East and West Coast Vandas. A producer of programs emanating from KNX, Hollywood.

Broadcasting • Broadcast Advertising

June 2, 1941 • Page 23
NAZI radio propaganda has had little or no effect on the United States, despite the vast sums of money spent and the endless efforts of the German propaganda machine to sway this country, according to a survey of shorts in the United States during World War II, published by the Foreign Policy Assn., Washington.

The report, authored by Harold N. Graves Jr., senior administrative officer of the FCC broadcast analyst section, and former director of the Princeton Listening Center, is based on several thousand recordings of foreign shortwave programs made since the beginning of World War II and is published in the Headline Book series of the FPA under the title, War on the Shortwave.

Works Better With Force

Nazi propaganda, Mr. Graves asserts, has scored its greatest apparent successes when accompanied by force, as in the case of France. But in the United States and Britain where German pressure can be resisted and adequate press and radio services are maintained to offset the propaganda, it has not proven effective. German radio, he claims, has gained some following in areas where ignorance is widespread—as in the Near East—and in the countries where economic inducements can be offered. Mr. Graves referred to certain Latin American countries that rebroadcast German programs primarily because the service is free. Despite this he claims, however, that the nation sufficiently confident of its leaders, with relatively stable social conditions and a sound radio and press service can withstand the barrage of foreign propaganda.

Describing the German methods Mr. Graves says, “the aim of Nazi broadcasts is to paralyze action while encouraging its people to encourage action that which may help Germany.” In times of mounting crises, he further points out, German radio seeks to exagerate dangers and fear, with the example of Lord Haw-Haw’s broadcasts to the British that their position was “hopeless”. Another method of attack, he discloses is the effort to divide the people of the government, the classes and the various factions within a nation.

He referred to the attempt of Nazi radio to create friction in the Americas by telling the Latin Americans that United States loans to those nations was for the express purpose of infecting them and to the more striking effort of the Germans to arouse discontent among the people of the United States—the leaders and to discredit Washington officials.

The survey also reviews the shortwave programs of France before and after German occupation, Russia and Great Britain. Commenting on British efforts to stir up discontent among the German people, Mr. Graves declares that while the influence of BBC broadcasts to Germany is questionable, someone is fearful of the effects of the broadcasts because since July 1940, London transmissions in French and other European languages have been periodically jammed with artificial static, probably of Axis origin.

More Ears Per Dollar

Only ears count in radio. The owners of the thousands of WAIR ears gladly “shell out” for products advertised on—

WAIR

Winston-Salem, North Carolina
National Representatives
International Radio Sales

Murphy Feed Spots

MURPHY PRODUCTS Co., Burlington, Wis. (livestock and poultry) on May 28-31, which started a 15-week schedule of thrice-weekly five-minute news and market reports on WDAY, Fargo, N. D.; KELO, Sioux Falls, S. D.; Cloquet, MDC, Rochester, KYSM, Mankato, Minn. On May 31 firm started a weekly half-hour live talent hilbity show, "Mr. Murphy, Rapids, Iowa. Agency is Critchfield & Co., Chicago.

Convention Record

ALL ATTENDANCE records were broken at the semiannual NAB convention in St. Louis May 12-15, according to the official breakdown by Everett E. Revercomb, NAB’s custodian of the exchequer. A gross attendance of 1,019 was reported, of whom 828 were registered delegates. Of the NAB’s active membership of 562 stations, 372 were represented, or 67.4% of the aggregates.

Another significant high. There also were 66 non-member stations present. The balance of the attendance was made up of wives and ladies, totaling about 100, guests, press and the NAB staff.

400th Barn Dance

ON THE AIR since Sept. 30, 1933, the National Barn Dance, sponsored by NBC-Red by Miller & Elkhart, Ind., for Alka-Seltzer, will chalk up its 400th broadcast May 31. Only remaining regular from the original lineup, the program in 1933 is Arkle the Arkansas Woodchopper. Agency is Wade Adv. Agency, Chicago.

FINDS GOVERNMENT RUNNING NO RISKS

U. S. GOVERNMENT is running no risks that will permit Communist, Fascist or any other “isms” to "contaminate the other waves in this country, in the opinion of Aaron Heine, of Camden, N. J., president of the Camden Broadcast Co.

Mr. Heine was called to Washington recently by the FCC to answer questions of the agency’s policy department and the possibility of operating a radio station in Camden. He reported on his return to Camden that he was questioned for eight hours on uses he planned for the station.

Among other things, Mr. Heine said, he was asked while he would employ Communists. He replied that he would not, and avowed his allegiance to the United States. Mr. Heine, who is also president of the Mack Radio Sales Co., which under a lease arrangement with the city sells all the available broadcasting time of the municipally-owned WCAM, was accompanied to Washington by City Solicitor John J. Crean, who attended the hearing as an observer.

Mr. Crean said that the Camden Broadcast Co. receives a Federal license to construct a new station in Camden, it will have to relinquish contractual rights with the city. Camden’s WCAM was scheduled to go before the Commission May 26 for a hearing involving disagreements over broadcasting time with other stations. The hearing was postponed at the request of WDAS, Philadelphia, Mr. Crean said. Other stations involved are WTJN, Trenton, J., WCAC-AM, Ashbury Park, N. J., and Trenton Broadcasting Co.

HOW TO SELL HOMES? It was a very real problem to the John D. Edwards Milwaukee organization, designers and builders of popular project.

They brought it to WTMJ, Milwaukee, who explained it to Nancy Grey, who conducts a daily program, "What’s New, Ask Nancy Grey. The result was a series of three 100-word announcements on her daily participation program, paving the way for a special Sunday noon program on the day of a model home project’s formal opening.

That program was remoted from the other building all-development show, with Nancy Grey conducting a radio tour through one of the homes. While glowing and enthusiastic, she was entirely frank. She did not promise miracles for $4,155, nor build up expectations of a man- sion for $29 per month (total payments, including taxes). But for those within this price range, Nancy told a very attractive story.

As a direct result of the broadcast campaign, considerable people went through the homes open for inspection. Practically all were logical prospects. And here’s the payoff! Eleven contracts were signed as a direct result of this campaign. There was no advertising other than that broadcast on WTMJ.
Women of Nation Urged By Federation to Think In Terms of Free Radio

DECLARING that women of the nation must begin to think in terms of still another freedom—freedom of radio, along with freedom of the press, of speech, of petition and assembly—Mrs. Harold V. Milligan, chairman of the radio committee of the General Federation of Women's Clubs, answered for her organization the question "Has Radio Fulfilled Its Obligation to the Women of the Nation?" on an NBC-Blue program May 26 during which Dr. James Bowland Angiel, NBC counselor on public service programs, also spoke.

Reporting on the resolution relating to the radio industry passed by the General Federation at its national convention a week ago in Atlantic City, Mrs. Milligan said:

"The resolution calls for the continued preservation of the American System of Broadcasting, for the approval and urge support of the White Resolution which provides for a study of the entire radio situation."

"If Senator White's resolution is approved by the Senate Interstate Commerce Committee, it may lead to such action as an investigation of the FCC—the Government body set up to regulate, but not to dominate or interfere with a free radio system. It may also bring about a new radio law to take the place of the Communications Act of 1934."

KNOX REEVES DEVICE

General Mills Agency Checks

Up on Announcers

TO FACILITATE operations for their field men, Knox Reeves Advertising Inc., Minneapolis, has furnished them with this new device, which includes a portable radio, 12-inch record carrier, and electric turntable. It will supplant last year's bulky setup which came in two units and lacked a portable radio.

It will be used to playback recordings taken of Wheaties-sponsored baseball broadcasts at various points throughout the country. These are ordered by the agency about 10 days in advance of the field man's visit to that city, and give the full commercial content of each broadcast.

Recordings are first sent to the Minneapolis office and played. They are then sent to the field men with comments. Upon the field man's arrival in a city, the disc is played to the announcer over the air. A new recording is then made, incorporating home office and field man's suggestions—and both discs are sent back to Knox Reeves headquarters. During the season from six to eight recordings are made of each announcer's commercials along the circuit, with no set schedule.

ADORNED with spinach is George W. Smith, managing director of WWVA, Wheeling, who dropped his dignity to take part in a skit that highlighted a British relief show. He is aided by Lois Mae Nolte, one of the Steel Sisters on the Wheeling Steel program heard over MBS.

CITATIONS AWARDED BY WOMAN'S GROUP

FOUR radio citations were announced May 24 at the annual meeting of the Woman's Press Club of New York in the Hotel Pennsylvania, with Mrs. Amelia B. Moorfield, club president, presenting the certificates of merit to network representatives during a broadcast from 4:40 p.m., on NBC-Red. Since 1938, these awards have been made annually at the recommendation of the club's Radio Committee, of which Mrs. Joseph Goodbar is chairman.

E. I. Du Pont de Nemours & Co. was cited for its Monday evening "Casablanca" of America series on NBC-Red, and especially for the program of April 28, 1941, titled "The Heart and the Fountain," which featured the story of Margaret Fuller, America's first woman foreign correspondent.

NBC received an award for its "service to the nation in broadcasting religious programs of outstanding quality," under the direction of Dr. Franklin Dunham, NBC director of religious programs. The special features division of MBS was cited for its trans-Atlantic broadcast Dec. 17, 1940, based on the success of Emlyn Williams' play "The Corn Is Green," winner of the Critics Circle award for the best foreign play of the year. The broadcast featured scenes in which Ethel Barrymore and Mr. Williams in London played their parts as though on the same stage.

CBS received a citation for its "Let's Pretend" program for children, produced and conducted by Nila Mack as a "happy, wholesome source of entertainment, one that children listen to with eager delight, and parents welcome with confidence into the home."

Video Guild Formed

A TELEVISION GUILD, to promote the interests of the medium, has been organized in New York by a group of people who have studied television for several years. Following closely all phases of its progress, Weekly meetings are held. Information is sent out to members and copies of talks are kept in a library. Membership is open to all interested in the medium. Offices are in New York. Mabel Clarisse Cobb is director.
CINCINNATI'S BIG FIVE AND FAVORITE PERSONALITIES

Al. Bland
"Morn Patrol"

Rex Davis
U.P. News

Johnny Brown
and his Orches

All Doing the Real Jive

FIFTY GRAND IN WATTS
POPULAR RADIO SHOWS

Len Riley
Sports

Al. Clauser
and his "Outlaws"

6 for the Advertiser!

WCKY

WCKY CBS
at war, one observation stands out: Personnel knew precisely what to do when hostilities began. There is repeated mention of "sealed orders" and of amazing speed in establishing radio on a war footing.

Our own ABC, working along the same line, it has been made abundantly clear. The entire operation, with emphasis on communications other than broadcasting, is being blueprinted for Presidential approval, once the state of the emergency warrants. Much, unquestionably, is being learned from the British operations.

We believe our Government might well send an emissary—a man like FCC Chief Engineer E. K. Jett—to England to learn first hand of radio operations under war conditions. And, so there will be a minimum of confusion and of that "what do I do now!", attitude, the industry might be saved. It is to be expected of it when the clock strikes.

This is radio's first experience under what amounts to war conditions. But radio, or any part of it, can't afford to lose its head. Moreover we think there should be a moratorium on such non-essential regulatory onlaughts as newspaper-ownership, monopoly, and the like in these times in which we desire. Government and industry alike, should cooperate in the emergency task that lies ahead.

JOT DOWN May 27, 1941 on your radio calendar. For the first time in history an unlimited national emergency was proclaimed by radio. President Roosevelt addressed the largest audience in history. These days, history is recorded by radio.

ASCAP's Lament

JUST WHEN a less truculent and more worldly-wise ASCAP figured it would get its music back on the air through negotiation of new network contracts, along comes the Supreme Court with another sock on the button. The sweeping opinions in the Florida and Nebraska cases last Monday, upholding the right of States to curb "price-fixing" monopolies, all but prostrates Tin Pan Alley all over again.

The immediate effect of the far-reaching opinions, by a unanimous vote of the court, has retarded negotiations of ASCAP with NBC and CBS for new contracts, which would bring back ASCAP's repertoire for the first time since last Dec. 31. Moreover, before ASCAP can do business in Florida, Nebraska and Washington, it must undergo drastic reorganization. It can't issue blanket licenses as the "monopoly of the monopoly" law was written. Then Kansas and North Dakota also have anti-monopoly laws.

It is logical to assume that other States will seek to have enacted anti-monopoly laws following the Florida-Nebraska pattern. Hotel men, restaurateurs, motion picture exhibitors and other "public performers" will get behind those bills. On the other hand, the Supreme Court's all-inclusive ruling. In addition to the States which have already enacted anti-monopoly laws, at least another score have had such measures under consideration. More than likely they will be revived.

In the States now having anti-monopoly laws ASCAP, to avoid violation of the criminal statutes and to do business, must among other things (1) file complete information with the State on copyrighted works available and the charges fixed; (2) if two or more copyright owners combine, they must file per-piece prices; (3) a charge cannot be made, in the case of radio, for programs using non-ASCAP music, irrespective of the consent decree provisions for blanketed licenses, provided a per-use basis also is proffered.

In hailing the 100% victory for copyright users attained in the Supreme Court's rulings, the broadcasting industry owes a real debt to Andrew W. Bennett, Washington attorney and copyright specialist. A modest but indefatigable worker, "Andy" Bennett has pitched-in on every brief and pleading in the seven-year battle. He contributed much in writing the State laws, which now have withstood the highest legal test. The decisions in the Florida and Nebraska cases vindicate "Andy" Bennett's judgment.

WASHINGTON, June 2, 1941

Guest Editorial

RADIO PROMOTION FILM

By HENRY C. WELLS JR.

General Manager, WHIP, Jacksonville, Fla.

BROADCASTERS, a cross-alley of the show business and publication field, are not hard to sell on various promotional activities. We recognize that underlying any advertising, and are in most instances prone to think "puff" about this or that big promotion stunt.

We of radio know the inestimable value of our medium, and exactly what it means to the numerous localities where broadcasting stations are located. It is true that we promote our stations both in the national and local fields, education, color copy, distribution methods as well as other forms of advertising. Radio may be given a program, but nine times out of ten

(Continued on page 42)
When Irish Eyes are Smiling around Baltimore's WBAL, you can bet they're the clear, blue eyes of Harold C. Burke, manager of Maryland's most powerful station. And, if you'll excuse the cornea, those eyes ain't smiling just because they're Irish. There's a more tangible reason.

Eleven miles northwest of Baltimore, crews of workmen, electrical experts and engineers have just completed a job which has kept them buzzard-busy for months—the installation of WBAL's Westinghouse Model 50 HG transmitter. Early in June WBAL leaps from its present 10,000 watts to a full-fledged 50,000 watts, and also at that time the station, which has synchronized with WJJ in the evening, goes to full-time operation.

On the solid groundwork laid by Burke and his staff comes this crowning climax of WBAL's new power and position in the realm of broadcasting. Since he took over the managerial reins Jan. 1, 1939, the station has had three happy new years chock full of effective new program ideas, unique merchandising methods and rising sales curves. Recently a visitor expressed his astonishment at the zooming advance WBAL had made. Harold, who has become more familiar with the works of Gilbert & Sullivan lately—leans back and tossed off in reply, "Let the astonishment fit the climb."

The town clerk's file at Mari- nette, Wis., record the fact that Harold Clayton Burke was born March 12, 1900. His father was a retail grocer. During his high school days, Harold helped out behind the counter after school and on Saturdays.

He taught school in the country, sold toothpicks and wood products, traveled for the Diamond Ink Co., and then went to work for the Burroughs Adding Machine Co., where he received a driving sales training from C. P. Fiskin, new advertising manager for Chevrolet Motors.

In 1924, Burke finally broke into the newspaper field when he joined the old Milwaukee Wisconsin News as a salesman of local and national advertising. Later, as a new business manager he brought the paper's home building department advertising up as high as 34 pages a week, largest amount of advertising in these classifications carried by any newspaper in the United States.

Like many other top-notchers, he entered radio off the newspaper springboard. In 1930, the Wisconsin News, then operating WISN, appointed him sales manager. He became general manager and then, late in 1935, was sent to WBAL where he spent several months as sales advisor.

Burke's next assignment within the Hearst Radio organization took him to KTSN, San Antonio, where he worked with Elliott Roosevelt who was in charge of all Hearst radio operations in the Southwest. During his year-and-a-half tenure at KTSN, he executed the building of a new transmitter and new studios. The studios are regarded as among the finest in the Southwest.

The year 1937 marked a slump in business and the recession was reflected rather sharply in the falling off of radio revenue. With KTSN in good shape, Burke was transferred to WBAL. His record of accomplishment is well known among broadcasters who have watched WBAL soar upward in prosperity and prestige.

Prominent among his innovations is the much-discussed "Five Point Merchandising Plan", a super-service to WBAL advertisers and their dealers. The BMI-published popular song, "Business in Baltimore", takes its title from the WBAL trade slogan and the song was written at Burke's request.

Harold married Florence Wil- liamson Milwaukee in 1924: is the father of two children, Terry, 15, who wins medals in school debates, and Marilyn, 10, who makes paper take her to the movies every Friday night by producing her blonde person at the studios and tapping her little foot till he quits his desk. An artist from his family, Harold composes two hobbies: Charcoal broiled steaks and home movies. He is on the board of governors of the Baltimore Advertising Club and a member of the Press Club.

However, these hobbies and activities are neglected currently. There are too many other things aside from daily editing which command his attention. He must keep his alert eyes on the countless details involved in managing the now big league WBAL. And looking to next year he and his 50,000-watt powerhouse shifts to NBC-R, he is working already on future plans, programs, policies. He sums up his philosophy in the words of the old song, "WBAL—One of America's Great Radio Stations".

BROADCASTING • Broadcast Advertising
CARL RUFF, of the WOR press department, has been called to service with the Army. He will be succeeded by Tom Branden of the publicity department of the Bureau of Industrial Relations, Rockefeller Center.

PEGGY FOLEY, formerly of the production department of KSFO, San Francisco, has been transferred to the special events department where she is assistant to R. W. Dunn.

HAL LAWRENCE, news editor and announcer at CKGB, Timmins, Ont., has resigned to freelance in Toronto.

NORMAN MACDONNELL, of CBS Hollywood production staff, has been inducted into the Army.

JERRY DEAN, formerly of KATE, Albert Lea, Minn., and the North Central Broadcasting System, has joined the announcing staff of WOIC, Dubuque, Minn. Mrs. Robert Redington, formerly Cheer Bretonson, Chicago radio actress, has been placed in charge of women’s program of WOIC under the name of Helen Harvey.

JOHN REILLY, program director of WMEX, Boston, was awarded an honorary masters degree in the Art of Oratory, May 17, at the annual graduation exercises of the Staley College of Boston.

R. S. (Dutch) UNDERHILL, formerly sports announcer of WOC, Davenport, Ia., has joined WIND, Gary, Ind.

BILL ROGERS, formerly an announcer of WHAM, Rochester, has joined CBS, New York.

NATHAN SNADER, former musical director of KYW, Philadelphia, is now serving in the Army at Fort Bragg, N. C.

RAYMOND KAY, formerly of WJRD, Tuscaloosa, Ala., has joined the announcing staff of WIF, Philadelphia.

Army Notice
BROADCASTERS, announcers, engineers, production men, news editors or executives who have been inducted or called to duty in the Army have been requested to get in touch by letter with Capt. Gordon Hittenmark, Morale Division, War Dept., Washington, D.C. Capt. Hittenmark is anxious to pick one man in each Army post to handle radio details for his branch and would like to hear from all former broadcasters.

WILLIAM GREENE, formerly of WJRD, Laconia, N. H., has joined the production staff of WRNL, Richmond, Va.

LYMAN BROWN, continuity editor of KVFD, Fort Dodge, Ia., is the father of a baby boy born May 15.

ROBERT SHINN, formerly of WMEF and WEOL, Evansville, Ind., and Bob Carlson, from WMRO, Aurora, Ill., have joined the announcing and production staff of WMBD, Peoria, Ill.

LEONARD SHREVE, formerly of KION, Morgan, Cal., has joined KWJJ, Portland, Ore., as news editor.

GEORGE MARTIN, formerly of WTH, Hartford, has joined KTMS, Santa Barbara, Calif., as newscaster and announcer.

JOHN FELL, announcer of KYW, Philadelphia, suffered a fractured skull, the victim of an assailant.

JACK PATRICK recently was appointed program director of KSAN, San Francisco.

MIRIAM ADELSON
IF YOU THINK such a listener question as, “Could you tell me who makes stuff that comes in a blue box with a red label I heard advertised over WOR?”” Miriam Adelson, you’ve got another guess coming. In addition to juggling the duties of general secretary and research assistant in the WOR promotion department, she answers a hundred such listener queries every week. Information gathered by Miss Adelson is carefully recorded every day in the most complete single station contest and offers source file in the country.

Miss Adelson was born and educated in New York and lived there until she was married three years ago and became a Jersey housewife. Previous to joining WOR in 1936 as secretary to Joseph Creamer, WOR promotion director, Miss Adelson was a secretary and later customer relations clerk of one of New York’s foremost department stores.

MILBURN McCARTHY, Jr., of the Steve Hannagan office, New York, in charge of publicity for the Coca-Cola program on CBS, has been drafted. He is succeeded by William McAdams, Columbus, Ohio, Washington newspaperman.

ED NICKEL, MBS publicity assistant, is in Medical Arts Center, New York, recovering from an attack of pneumonia.

PEGGIE PHELPS, of the program department of WJSV, Washington, on June 6 is to return to Columbus, Mo., where on June 13 she is to receive her diploma as a graduate of the U. of Missouri School of Journalism. Miss Phelps completed her course six months ago and has been with WJSV since then.

MEREDITH WILLSON, musical director of the NBC Masque House Coffee Time, sponsored by General Foods Corp., New York, has been signed to write music for the MGM film, “The Little Foxes”.

JARROD MURPHY, of the WGN, Chicago, auditing department, has returned to her desk following a month’s leave absence due to an appendectomy.

HELEN JANE O’PEGEGARD, new to radio and a 1941 graduate of the Medill School of Journalism of Northwestern U., Chicago, on June 10 joins the WBBM-CP’s Chicago news staff.

‘Cavalcade’ Again Wins Award of Youthbuilders
FOR THE SECOND consecutive year Cavalcade of America, sponsored on NBC-Red by E. I. du Pont de Nemours & Co., gave the annual radio award voted by members of Youthbuilders Inc. as the program “having done the most to help them understand how democracy works.” Honorable mention was given to WE, the People, sponsored on CBS by General Foods Corp., as an “example of a good use of America’s cherished right—free speech,” and to the CBS sustaining series the Free Company presents, because “it teaches us to stick up for what’s right, and shows how a free press grows by criticizing itself.”

Louis Ciotti, 15-year-old m.c. of the Voice of Young Democracy program, broadcast by the Youthbuilders on WMCA, New York, presented the radio awards at the group’s annual forum award luncheon, held May 22 at the Hotel Capitol, New York. Accepting the scroll for the Cavalcade program was Alex D. Osborn, vice-president of BBDO, New York, agency producing the show.

In addition to the presentation of awards, guests at the luncheon heard Mr. and Mrs. Osborn, Youthbuilders, New York City Councilman, broadcast 1:15 p.m. on NBC.

Woolfries to Cowles
ANDY WOOLFRIES, for 19 years farm service director of WOI, Ames, Ia., has been appointed to a similar capacity with the Cowles’ Group, KSO-KRNT-WMT, as of July 1. He began his radio career while a student at the Iowa State College, at Ames, when WOI was the 13th station in the U. S. He was studying science and directed his course in developing radio and radio programming. Besides his farm service, he has announced and handled the sporting events for Iowa State and handled a daily musical program of the lighter classics.

Western Baker Says...
"Ever since the beginning of our business in 1935...KOAs most satisfactory...major portion of our advertising budget...successful sales volume has been directly attributable to KOA."

KOAs 50,000 WATTS
Denver 1150
KOA 1500 WATTS
NBC NETWORK
SPOUT SALES OFFICES

BROADCASTING • Broadcast Advertising
Ad Club Elects Fair

WILLIAM JENSEN, sales promotion director of Brown & Thomas, New York, has been named assistant to Stanley A. Brown, president of the agency. Newly appointed vice-presidents of the agency are Thomas F. Hughes and Samuel Dalsimer, directors of marketing and research, respectively.

F. P. WAGENER, formerly account executive of Lassen & Solomon, Chicago, on May 20 joined C. W. Sundeen & Co., Chicago.

LARRY COOK recently joined the San Francisco office of Casemore & Associates and has been named executive for radio accounts.

JACK SAYRES, in charge of radio publicity for Young & Rubicam, Los Angeles, has been transferred to the New York office for the summer.

R. W. GUNN, radio director of J. Walter Thompson Co., Chicago, on June 2 returned to his desk following a 4-month leave of absence due to illness. Robert Kastland, production man of the agency's New York office, who replaced Gunn during his absence, returned to his duties June 2.

Crippen-Crosby, Los Angeles, has moved its offices to 1720 W. Eighth St. Telephone: Drexel 3371.

Pacific Council of AAAA

Plans Convention in Fall

The Pacific Council of the American Asso. of Advertising Agencies will hold its 1941 Convention Oct. 23-24 at the Hotel Del Monte, Del Monte, Cal. Subjects of special interest to agency men will be discussed during the first day in closed session. On the second day, they will be joined by media and other guests in a morning session, followed by the golf tournament and dinner.

At approximately the same time as the meeting on the Coast, two other regional mid-year meetings of the Assn. will be held—one for agencies in the Central States in Chicago and the other for the Eastern Seaboard in New York. Dates for these will be announced later.

Agencies' New Accounts

CARY—AINSWORTH Inc., Des Moines, has been appointed to handle advertising for the following companies: Cleanwellen Sales Corp., Des Moines (hand lotion); New Method Equipment Co., Indianapolis, Ind. (farm machinery); Coca- Cola Bottling Co., Des Moines; Guardwell Paint Mfg. Co., Des Moines (paints and waterproofing products); Tidy House Products, Des Moines (cleaners, dyes, sanitary wares); Globe- Coop Tractor Co., Des Moines (tractors and industrial equipment).

EMPHASIZING little known operations of the United States War machine, MBS on June 1 started a series of six broadcasts titled "The Story of the Army" under the auspices of the War Dept., Sundays, 2:15-2:30 p.m.

Advertising in War

WARTIME ADVERTISING was the principal subject under discussion at the semi-annual meeting of the Assn. of Canadian Advertisers held May 30 at the Mount Royal Hotel, Montreal, under the chairmanship of Chas. R. Vint, Colgate-Palmolive-Perot Co., president of ACA. Subjects discussed included "How the national advertiser can aid Canada's War publicity"; "Should we retain our appropriations regardless of the war situation", and "Should we substitute institutional advertising for product advertising". Special French-Canadian advertising came in for one session including "Radio Programs for French-Canadians" by J. A. Dupont of the Canadian Broadcasting Corp.
Emergency

QUITE unexpectedly was the new emergency power plant of Camp Claiborne, Louisiana, put into action during a special demonstration given May 20 by Capt. Elmer Samue1, station engineer there. The equipment, with a transmitter delivering 50,000 watts to the transmitter at Col- lumbus, Ga., is the largest in the South. Mr. Woodruff signalled the engineer to switch back to regular power. A second feature of the June 2 show was a sneak preview of the emergency plant picked up eight times, again, keeping the station in operation.

WTAG, Worcester, is conducting a survey of the listening audience in Central New England to determine the coverage of WTAG stories and schedules in cities surrounding Worcester. Started on April 12, it is now being compiled on circulation, competition, and other pertinent facts concerning the educational and entertainment value of WTAG service areas. Editors of most influential local newspapers were the first to know of the survey. Stations representatives who seek to boost friendly relations between papers and stations is invited to publicize given May. 20.

WINS, New York, on June 1 moved its offices and studios to 28 W. 44th St. Due to the defense situation only four of eight studios were completed at the time of moving and official opening of the new quarters has been deferred three weeks until all schedules are completed. To meet requirements of 50,000 on-air watts, WINS also is revising its program schedule, cutting down studio, and Much of the hotel and social service faculty of Ft. Bragg, was called for a series of talks given by the Microphone Class of Randolph, secretary of the Washington, D.C., chapter of the National Association of Commercial Travelers, shown at the station later, by CBC staff members.

When word was received that a train near Woodstock, Ga., was at the emergency point, a man who made the trip, and arranged for the broadcast, station an- nouncer, handled the mike.

WBCS, Pawtucket, R.I., has signed on with the New England Baseball League for exclusive radio rights to all games this season. Programs will be handled by George Sutherland, who continues over WMES and WINS to handle the semi-professional, Sport Rail, each evening at 6:30 p.m.

KFWC, Pawtucket, R.I., has signed on with the New England Baseball League for exclusive radio rights to all games this season. Programs will be handled by George Sutherland, who continues over WMES and WINS to handle the semi-professional, Sport Rail, each evening at 6:30 p.m.

WCHS, Charleston, W. Va., is organizing a series of concerts for its community, to study Spanish. Course was the result of the enthusiasm stirred up by John A. Kennedy, who recently re- turned from a three-month tour of South America.

WKY, Cincinnati, has arranged with the U of Cincinnati to inform the 10,000 prospective students of the U's graduation exercises when and where the exercises will be held, depending upon weather conditions, Rex Davis, WCKY newsman, has arranged on his 6 p.m. show June 6 and an- nounced he will broadcast the next day for this information.

In what the station describes as a "KDTH Dubuque Land Service", the Iowa outfit, said June 24 they were able to give a remote broadcast direct from Plate- stone, Wis., as a portion of the Dia- logue for the St. Paul College. The half-hour program consisted of interviews with officials of the college, and members who have studied the faculty and a description of many of the activities near to civic.

Special features of the morning show broadcast on the station include "Florida the picket line picnic usually attended by hundreds of members of the unique air organization from States throughout the Mid-West, June 14, in Sharon Woods, a 300-acre tract northeast of Cincinnati, Minabele Abbott, post- master and radio advisor to the airmen, supervised the event, with Howard Chamberlin, general chairman.

WDM, Duluth, recently sent Cap. Leake, site of special events to Camps Claiborne and Livingston in Louisiana, where it had general supervision over the outing, with Howard Chamberlin, general chairman.

WARS, Columbia, S.C., had principals of a new quarterly-hour show given with a special promotional party held in the audito- rium station to secure pidntned listeners and to meet the newsmen and the sponsor’s product. Featured was regular ad breaks broadcast over the stage, plus exhibitions of special aids prepared with sponsor’s product.

KEL, Deaver, is presenting from 11:30-12:30 on each Saturday morning in the Junior Genius. The show consists of four weekly "shows" under 15 years of age who comprise a regular board to answer questions submitted by other youthful members of the station, question stumping the panel each week who the child submitting the most stumpers is invited to be a member of the panel the following week. Charlie Roberts, station announcer, is the host.

KSG, Sioux City, Iowa, for the sixth successive year in 1941 in distributing free series related to the development of the Microphone Class of the South Central City of the University of Iowa, has carried the Microphone. The station was started as a result of the enthusiasm expressed by the Microphone, while CBS, Producers Rupert Caplan criti- cized their voice and delivery.

WJDI, Chicago, is contributing to the national defense program with a twice-weekly radio broadcast directed from the Great Lakes Naval Training station, Ft. Sheridan, Ill., and the Navy Yard, near Chicago, III. The program includes talks by CBC staff, including a CBC broadcast "Writing for Re- jio", "Word Pictures on the Air" and "The Technique of the Microphone". Each student was given an opportunity to speak before the microphone, while CBS, Producers Rupert Caplan criti- cized their voice and delivery.

WRL, Columbus, Ga., was instrument- ally involved in mobilizing Boy Scouts in that area that a fire threatened to destroy the scouts' Camp McKenzie. When word of the fire reached Columbus, the station an- nouncer offered to help was given to WRL which carried an announce- ment of the event on its regular Quiz program. The station later received a letter of thanks and commendation from Scout Executive who received a letter of thanks and commendation from Scout Executive who had written it as a result of WRL’s assistance, between 150 and 200 scouts gathered at the camp.

WLW, Cincinnati, will hold its annual Mid-Sum Picnic at the Cincinnati, Minabele Abbott, post-
FM NET CONTRACT SIGNED BY SOCONY

ANOTHER milestone in the progress of frequency modulation was marked off May 26 in Boston when the American Network signed the first commercial FM contract with Socony-Vacuum Oil Co., New York — first FM contract to be signed for seven times a week broadcasts, first FM commercial signed in New England, first for broadcasting the news, and first for two or more FM stations.

Socony, which has been sponsoring the Yankee Network News twice daily, seven days a week for the past several years, will sponsor the same news adapted for FM broadcasts on W39B, Mt. Washington, and W39B, Boston, both FM stations represented by the American Network.

Starting June 16 the FM news will be heard Monday through Sunday, 6-6:15 p.m., in addition to Socony's regular Yankee Network, 8 a.m. and 11 p.m. programs.

Signing the contract were John Shepard 3d, president of Yankee Network and American Network, John R. Latham, executive vice-president of American Network; George Walker, Socony; and C. A. Snyder, of J. Sterling Getchell Inc., New York, agency in charge.

FIRST FM SPONSOR for American Network Inc., was signed May 26 with representatives of Socony-Vacuum Oil Co. The sponsor will use FM news broadcasts on stations covering most of New England. Participating in contract signing were (seated, 1 to r), J. M. Martin, New England Socony manager; John Shepard 3d, president of American Network as well as Yankee and Colonial; A. L. Nickerson, Socony. Standing are John R. Latham, executive vice-president of American Network; George Walker, Socony; C. A. Snyder, of J. Sterling Getchell Inc., the agency.

CBS Latin Additions

COVERAGE in all of the 20 Latin American republics by the CBS Latin American network is now assured with the addition of affiliates in Haiti and Honduras, the only countries not previously represented in the network, which now totals 66 stations. The new affiliates, as announced by Edmund M. Chester, CBS director of Latin American affairs, are: In Port-au-Prince, capital of Haiti, HHR on 1230 kc., with 500 watts power, and HHSW on 9390 kc. (shortwave) with 500 watts; in Tegucigalpa, capital of Honduras, station is La Vox de Honduras with call letters of HRN on 2380 kc. and 5835 kc. (shortwave) with 4000 watts power.

New C-P-P Series

COLGATE-PALMOLIVE-Peet Co., Jersey City, on July 5 starts a half-hour daily musical program with Guy Lombardo's Orchestra on CBS, Saturdays, 8-8:30. Product to be advertised on the show has not been announced. Ted Bates Inc., New York, is agency.

FM's Pioneer Manufacturer

Are You Substituting Experimenting For Experience?

REL has years of experience in building and operating all types of high fidelity wide swing, phase shift modulated FM equipment — from two speech input to antenna — with qualified engineers to supervise installation with results guaranteed.

RADIO ENGINEERING LABS., INC.
Long Island City, N.Y.

Covers substantially everything in the radio spectrum. You can use one, two or all three units simultaneously through the separate antenna switch. Monitoring speaker connects to any one; in addition separate speakers can be connected as you wish. Headphone monitoring jacks into output of any one of the three receivers.

The only receiving unit made which tunes continuously from 1.82 to 2730 meters (165 mc to 110 kc). A few of its services are: time signals, coastal and ship telegraph and telephone, aircraft beacons, standard broadcast, relay broadcast, aviation, amateur, international short wave bands, police, government, press and educational channels. FM broadcast and relay bands with high fidelity audio for best FM reception. Is 20½ wide, 30 high, 18 deep. Sells complete for $450.00.

June 2, 1941 • Page 33
GILLETTE SAFETY RAZOR Co., Boston, which on June 1 starts exclusive sponsorship on MBS of 20th Century Boxing events, also will sponsor the bouts on the CBC. First event scheduled is the Joe Louis-Billy Conn world heavyweight fight June 18 at New York's Polo Grounds, followed by the June 25 Al Davis-Fritzie Zivic non-title welterweight contest. Contract signers included J. I. Stampelman, president; Don Manson, CBC chief executive assistant; A. Craig Smith, Gillette advertising manager, and Fred Weber, MBS general manager. Agency is Mason Inc., New York.

DEPARTMENT STORE PIONEER
Syracuse Firm Profits From Decade of Careful Use of the Broadcasting Medium—

By BERNARD WINN
Radio Director, E. W. Edwards & Son

E. W. EDWARDS & Son, large Syracuse department store, is a pioneer in department store radio advertising. The initial broadcast, a children's amateur hour from the store, was aired ten years ago.

At first considered a novelty with little thought of direct selling, a few weeks of experimenting brought E. W. Edwards & Son to realize that the program could produce direct results.

Short, informal announcements were then injected throughout the hour to show which types were effective and which were not. The best results were obtained in the candy, sporting goods, toys and children's departments. Today Ed- ward's Children's Amateur Hour is still on WFBL, Syracuse, every Saturday morning, 10-11 a.m.

We also discovered that a better selling job could be accomplished by backing the program with other media, such as mentioning the amateur hour in our regular Friday evening newspaper advertisements, occasional window displays, displays of merchandise featured on the program, stuffers in monthly mailings, etc.

Mid-Week Traffic

Six years ago, Edwards under- took to sponsor another program, a cooking show of the air, designed to bring mid-week traffic into the store. Home economist chosen for them was Susan Welles- gin who broadcasts from Edwards' third floor auditorium over WSYR. A radio audience always attends the broadcasts and the Edwards Cooking School of the Air has become an institution in itself.

The latest addition to the E. W. Edwards & Son radio schedule is Favorite Harmonies, heard each weekday morning over WFBL from 8:15 to 8:30 a.m. Music is featured on the 15-minute show played by Don Andon, and the orchestra is made up of 40 students who are members of the orchestra at the State University. The program is broadcast from the University Band's auditorium.

One check of the program's pull- ing power, a well-known brand of women's hose recently was offered at a special price. Miss Edwards gave only one announcement of the special on her Thursday morning program with the result that 1,200 pairs were sold in one day.

In conclusion it can be said that radio can be fitted into the advertising schedule of department stores providing it is properly handled, by the store sponsoring the program as well as by the radio stations. The programs should be backed with some other media of publicity in order to secure the best results.

This is considered essential to get the most out of newspaper advertising, so it should be especially important for radio advertising. It can best be accomplished by having a well organized and experienced store's advertising department assigned to radio promotions. The combination of your knowledge of radio and the personnel of your department store training is the right approach to a successful radio campaign.

For further information on the use of the medium in newspapers or radio, contact the department store pioneer.

WPTF Dedication
A SPECIAL DEDICATORY pro- gram from its studios and featur- ing several remotes in Raleigh and vicinity marked the beginning of WPTF Raleigh broadcasts after 7:15 p.m. May 24. Heard on the program were Gov. Melville Broughton and Senator Josiah Bailey of N. C., who extended greetings, the Meredith College Glee Club,ershaw U Choral Society and the Raleigh High School Mixed Chorus. The transmitter equipment was installed by Westinghouse.

Minn. U Wins
U OF MINNESOTA program, "Americanism and What It Represents" was given first place in group A awards made at Columbus, O., by the Institute for Education. Broadcast- ing regrets omitting mention of this award in its list published in the May 19 issue.

New Ball Product
BALL BROTHERS Co., Muncie, Ind., during May and June is starting 15-week schedules of 100- word bulletins on announcements on 44 stations throughout the country promoting Ball jars, caps, and candy cups in metal closure, the Omni Seal, for Mason jars. Presentation time of two and three six-week insertions, some being used at regular radio station time, others in established participation programs. Stations selected include ABC affiliate WLS Chicago, WSM Nashville, WJT WFAA KOA WHO WJR WTIC KSTP WSM WWI KDKA WGAN WGY KMBC KFL KMBI KFTR KBPK KPO KXRO KVOS KFQ KWLR EKG KHA KMO KBK KBNB KORE KFJJ KLB COO<K KMED KEX KSLM KODL Apple- gate Adv. Agency, same city, placed the business.

Major's Radio Work
MAJ. EDWARD BOWES, to de- vote more time to his radio work, has resigned as managing director of the Capitol Theatre, a post which he has held since 1919. The Major Bowses, Major Hour program is sponsored on CBS by Chrysler Corp., Thursdays 9-10 p.m. To re- place him, the Sunday morning broadcasts of the Cap- itol Family were discontinued May 24. The Columbia Broadcasting System, making the first time this program has been off the air since its inception in 1930, has not yet decided what the Roxy's Gang under the direction of the late Samuel L. Rothafel, Maj. Bowes took over in 1929 and has conducted ever since.

Greymound Series
GREYHOUND LINES, Cleveland (bus service), through Beaumont & Oberman, Chicago, has completed a series of one-minute transcribed announce- ments to be placed by sectional divisions throughout the country on local stations. Announce- ments are of travelogue theme and exploit interesting and unusual aspects of the business in the United States. It is expected this campaign will be ex- tended to include the entire country with initial placements having begun in May and started in sections of the south and east. Also scheduled to short- ize with Minnesota and Wisconsin. Campaigns will be of varying lengths, using 20 to 25 announcements weekly.

SYRACUSE AVAILAble!
A SPORTS PROGRAM with 5-Year Following
With baseball coming up now's the time to take advantage of this popu- lar sports program broadcast in the early spring months. Major League baseball starts up on Sunday, offers you an established fol- lowing with just over 7 years of suc- cessful advertising. An ideal spot WFBF and WFBK for you to reach WFBF's native sports audience. For complete details, write or wire WFBF SYRACUSE, N. Y. or Free & Peters, Inc. National Representatives
HARTZ MOUNTAIN PRODUCTS Co., New York (Hartz bird seed), through George H. Hartman Co., Chicago, is completing plans for its fall campaign of quarter and half-hour live and transcribed programs to be released on approximately 25 stations throughout the country. Programs will vary from one to six weekly, with contracts for 13 and 26 weeks. In some instances, however, this account runs throughout the year. These will be continued.

STATIONS signing for United Press news service during the past two weeks include: WMBP, Lewistown, Pa.; WHW, Terre Haute; KRLS, Clinton, Ia.; WJHL, Harrisville, Ky.; WQHI, Romulus, N.Y., and WDEU and WRAV, Rendina, Pa.

**AGENCY Appointments**


CEMAR Co., Chicago (Renew Kit) to C. Wendel Muech & Co., Chicago. On May 10 started a test campaign on WWOW, Ft. Wayne, Ind.

ENNA JETTICK Shows, Auburn, N. Y., to Amos Parrish & Co., New York. No plans have been formulated.

GREEN GABLE BUILDERS, Onawa, Ia., to-Q. R. Reynolds, Inc., Denver, Colo. Agreements, as yet, have not been signed.

HUCK'S BARN, Indianapolis, Ind., to W. C. McElderry, Inc., Chicago. Agreement, as yet, has not been signed.

M. E. BOYER, Chicago, to the General Electric Co., Schenectady, N. Y. Various agreements have been signed.


W. D. BETHELLS Co., Chicago (Twang Root Beer), to Martin A. Pokrass Adv., same city. On May 26 started a five-week test campaign of five-week announcement on KFTD, Davenport, Ia.

GALLO WINE Co., Modesto, Cal., radio advertising to Charles H. Moore Co., Los Angeles. Agency formerly handled all advertising for firm with exception of radio. Currently using extensive Southern California spot announcement campaign with replacement of singing announcement technique by a spoken rhythm announcement.

GOLAN WINES, Los Angeles, to Brown & Thomas, New York. Radio will be included.

HAMILTON DIAMOND Co., Los Angeles (jewelry chain), to Hugo Scheinberg Adv., that city. Extensive Southern California spot announcement campaign is planned.

SQUIRT CO., Beverly Hills, Cal., (beverages), to McCann-Erickson, Los Angeles. Radio is not included in immediate plans.

**Gallenkamp Clues**

Gallenkamp Store Co., San Francisco (shoes), on May 22 started for 13 weeks Here's the Clue, featuring Frank Graham on 6 CBS Pacific Coast network stations (KNX KSF-O KARM KON KIRO KFFP), Thursday, 6:45-6:50 p.m. (PT). Series relates brief sketch of a famous person, whose identity is withheld until closing commercial. Writer is Everett Tomlinson. Long Adv, Service, San Francisco, has the account.

**Canadian Broadcasting Corp.**

has issued a consolidated list of Canadian broadcasting regulations under the Canadian Broadcasting Act, 1938, with revisions and amendments up to March 24, 1941. Copies are available in English or French through J. R. Radford, CBC Supervisor of Station Relations, Toronto.

**Hartz To Use 25,000 Watts—Full Time!**

At no increase in rates—WDBJ is now operating full time on 5000 watts! That's really something—because the same number of dollars now buys a far, far, FAR greater number of radio families in our primary nighttime area!

Within our primary area (both night and day) is the vast, rich, Roanoke-Southwest Virginia market—richer than ever today, with defense contracts alone totaling $100,000,000! And remember—WDBJ is the only station covering the whole territory! Send for the facts, or ask Free & Peters.

**ROANOKE, VIRGINIA**

Owned and Operated by the TIMES-WORLD CORP. CBS Affiliate—5000 Watts Full Time—960 Kc.

**FCC Figures**

(Continued from page 16)

The statement of the three major networks and their 23 managed and operated standard broadcast stations, after Federal taxes were revealed, disclosed net incomes for the year of $8,885,694, or a decrease of $482,162 as compared with the preceding year. The 23 managed and operated stations revealed broadcast service income (excess of broadcast revenues over broadcast expenses) of $5,362,593, which was $66,351 below the 1939 figure.

For the networks and their M & O stations, total net income for the year before Federal income taxes was given as $13,225,694, with Federal taxes of $4,341,000, to arrive at the net income figure of $8,885,694.

Total sale of station and network time was given as $86,703,283. The portion of sales of network time paid to independent stations was $20,723,145. Commission to regularly established advertising agencies amounted to $12,000,702. Total participation by stations in revenue from the sale of station and network time aggregated $39,926,012, leaving a balance retained from the sale of such time of $46,777,217.

After adding revenue from incidental broadcast activities and deducting for commissions, the three major networks and their 23 M & O stations showed total broadcast revenues of $18,158,908. Expenses in general categories included $4,532,555 for technical; $19,110,086 for program disbursements; $4,858,586 for sales, advertising, research, motion and publicity; and $10,974,631 for general and administrative, or an aggregate of $39,483,865.

The broadcast service income for network operations was $8,542,459; for the 9 key stations $3,933,911; for the 14 non-key stations $2,428,682, and for the total of 23 M & O stations $5,362,593. This provided the grand total in broadcast service income of $13,705,045.

The combined income statement of the five major networks and their eight managed and operated stations revealed a total sale of station and network time of $4,166,155; total broadcast expenses of $2,876,128, and broadcast service income of $468,856. The latter figure, $169,610 resulted from network operations and $298,446 from the operations of the eight managed and operated stations. Federal income taxes totaled $165,697, leaving a net income of $218,736.

Seeks Oregon Station

WESTERN RADIO CORP., licensee of KODL, The Dalles, Ore., which went into operation last December, is applying to the FCC for another station in Pendleton, Ore., to operate on 1200 kc. with 250 watts. R. B. Knepper, onetime salesman for KSLM, Salem, Ore., is president and 50% stockholder. Roy O. Hicks is vice-president with 25% and T. M. Hix, insurance and real estate agent, is secretary-treasurer with the other 25%.
WGN, Cleveland
Wm. Wrightry Jr. Co., Chicago, as weekly, thru Vanderbeck & Rubens, Chicago.

WGBH, Boston

WHO, Des Moines
Lever Bros. Co., Cambridge (Sprr. Rings), 180 ft, thru Rutherford & Ryan, N. Y.

WRC, Washington

WOR, New York
D. T. Morris & Co., New York (Dunhill cigarette), 3 sp weekly, thru Blow Co., N. Y.

WINO, New York
Jacquet Burrett Bowers, New York, 5 sp weekly, thru Rutherford & Ryan, N. Y.

WLS, Chicago
R. E. Brod, Chicago, 10 af weekly, thru Joseph Katz, N. Y.

WLSA, Lead Cove, South Dakota
William J. Haney, Box 182, Eagle Lake, Minn., 3 sp weekly.

WJAI, Atlantic City

WJIT, Madison, Wisconsin
C. D. Rawson, Jr., Madison, Wisc. (Kelvinator), 15 ft, thru Thompson & Esty, N. Y.

WJGH, Greensboro
J. B. Kibbee, Greensboro, N. C. (handwheels), 5 sp weekly, thru Morgan & Lane, Atlanta.

WJIP, Jackson

WJJO, Calumet City
D. C. Houghton, Chicago, 15 ft, thru Nash-Kelvinator Corp., Kenosha, Wis.

WJKE, St. Louis
J. W. Wright, Jr., New York (Dunhill cigarette), 3 sp weekly, thru R. H. Carey, N. Y.

WJML, Milwaukee

WJNO, Dayton
D. J. Banks, Jr., Dayton, Ohio, 5 sp weekly, thru R. H. Carey, New York.

WJPA, Jackson
C. D. Rawson, Jr., Jackson, Miss. (Kelvinator), 15 ft, thru Thompson & Esty, N. Y.

WJPR, Jackson
J. W. Wright, Jr., New York (Dunhill cigarette), 3 sp weekly, thru R. H. Carey, N. Y.

WJRC, Jackson
C. D. Rawson, Jr., Jackson, Miss. (Kelvinator), 15 ft, thru Thompson & Esty, N. Y.

WJRG, Jackson
J. W. Wright, Jr., New York (Dunhill cigarette), 3 sp weekly, thru R. H. Carey, N. Y.

WJSN, New York
J. W. Wright, Jr., New York (Dunhill cigarette), 3 sp weekly, thru R. H. Carey, N. Y.

WJWQ, New York
J. W. Wright, Jr., New York (Dunhill cigarette), 3 sp weekly, thru R. H. Carey, N. Y.

WJZ, New York
J. W. Wright, Jr., New York (Dunhill cigarette), 3 sp weekly, thru R. H. Carey, N. Y.

WKBW, Buffalo
J. B. Kibbee, Greensboro, N. C. (handwheels), 5 sp weekly, thru Morgan & Lane, Atlanta.

WKEW, New York
R. E. Brod, Chicago, 10 af weekly, thru Joseph Katz, N. Y.

WKEW, New York
J. W. Wright, Jr., New York (Dunhill cigarette), 3 sp weekly, thru R. H. Carey, N. Y.

WKLX, Yonkers
J. B. Kibbee, Greensboro, N. C. (handwheels), 5 sp weekly, thru Morgan & Lane, Atlanta.

WKLX, Yonkers
J. B. Kibbee, Greensboro, N. C. (handwheels), 5 sp weekly, thru Morgan & Lane, Atlanta.

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WKLX, Yonkers
J. B. Kibbee, Greensboro, N. C. (handwheels), 5 sp weekly, thru Morgan & Lane, Atlanta.
FIRST FEDERAL Savings & Loan Assn., of Hollywood (investments), regular user for weekly half-hour programs, titled "Looney Auction," on WCHS, Springfield, Ill. (furniture store), has contracted for 62 spot announcements on WLYC, Chicago.

MOEWS LOEW SEED CO., Grandville, Ill. (M-L Improved Hybrids), on Aug. 13 started a 31-week schedule of weekly half-hour programs, titled "Looney Auction," on WCHS, Springfield, Ill. (furniture store), has contracted for 62 spot announcements on WLYC, Chicago.

WANDER Co., Chicago (Orvaline), on June 30 started a daily 10-hour test campaign of five-weekly 100-hour programs titled "The Radio Pen Man," on KZRH, Manitou, P. I. Agency is Blackett-Sample-Hummer, Chicago.

INTERSTATE BAKERIES Corp., Los Angeles, Calif., has placed direct. The agency is United Adv. Co., Chicago.

BARLOW FOOD PRODUCTS Co., Santa Monica (Barlow Brand sauce), new to radio, on June 3 started a weekly quarter-hour series "Breadfruit Inter- viewee" on KNX, Hollywood. Contract is for 52 weeks. Frank Gross will conduct informal interviews. Agency is McElroy Adv. Agency, Los Angeles.

STARR PEN Co., Chicago (Welshman Pen), on May 21 started a 13-week schedule of half-hour programs titled "The Radio Pen Man," on WENR, Chicago. The series features news by Durward Kirby. Since last August sponsor has used a varying number of stations, which sometimes run as many as 250, on a national basis, to promote its product. Agency is United Adv. Co., Chicago.

MALCO REFINERS Inc., Artesia, N. M. (Malco Supreme gaso-line), has contracted for a quarter-hour news- cast, five times weekly at noon, for 52 weeks on KROD, El Paso, Texas.
IMA Fact Finding
(Continued from page 18)

Lyndhurst, Va. Two other committee members, from the South- west and the East, are to be named.

In a May 20 letter to BROADCAST- ING, as excerpted by Johnson commented: "This meeting of Mutual affiliates was announced by Neville Miller in open convention with no intimation that it was to be a 'trump' session or a closed meeting. Fairness to the majority of those who attended, including Steve Cisler, we don't think such purpose or impression prevailed.

In support of this statement we cite the fact that there were a number of present who voted favorably in the Saturday meeting of Mutual affiliates at the Chase hotel in support of Fred Weber and Mutual's leadership, and who still feel that way about the network-ASCAP action. We were one of those who declared and voted their faith in Mutual's active leadership and we have not changed.

Robert Arden Cited

Robert Arden, KFWB, Hollywood, news commentator, is sched- uled to begin a tour before United States immigration officials within a few weeks, after being taken into cus- tomary custody on charges of illegal entry into this country from Aus- tralia, and released the following day on bond. Arden, whose real name is Rudolph Kiger, came to the United States seven years ago on a visitor's visa after discharge from the army.

Midwest Spots

SCHOENHOFEN - EDELEWEISS Co., Chicago (beer), May 15, started a varying schedule of five to six-weekly live announcements on five stations. Contracts are for 13 weeks, as follows: WJR, Detroit; WOR, New York; WMAQ, Chicago; WINS, New York; WJZ, New York.


W. H. MOFFAT, CBS shortwave en- gineer, is traveling down the west coast of South America on an inspection tour of technical facilities of the CBS network affiliates preliminary to inauguration of service in the fall.

FRED PETERSON, formerly of WJSV, Washington, and Edward Meyer and Walter C. Ward, both new members of the engineering staff of WWIN, Washington, replacing Carson Andrick, Mark Epstein and Ber- nard Greenberg.

THOMAS H. PHELAN, audio facilities engineer of NBC, New York, is in San Francisco in connection with the new NIB building.

JOHN NEUBAUER Jr., has joined the engineering staff of WOR, New York, as a new member.

HENDY BRODERICK Jr., has been appointed the engineering staff of WOR, New York, from WOJO, Omaha.

Gene CIARK, formerly of WTRY, Greensboro, N.C., and WYXY, New York, New York, is now in New York in connection with the NIB building.

Engineer Arrested

JAMES A. MURPHY, 38, master control operator of the Toronto stuc- dio of the Canadian Broadcasting Corp., was arrested May 23 by the Royal Canadian Mounted Police on charges of breach of Defense of Regi- ment Act and was in custody until May 25. His position was now, is simply this: We favor a Mutual affiliates' organ- ization in which it is to be constructive in purpose and practice for Mutual, and if it will be accepted and recog- nized by Mutual's active leadership as a definite and important part of the Mutual system. We believe such an organization can be constructive and beneficial to the network if properly directed and operated, and in the formation of such an or- ganization we will expedit both time and money.

"If, on the other hand, the or- ganization is to be an inquisitorial body, we feel that Mutual's leadership betrayed or 'sold us down the river' in the ASCAP matter, then we want no part of it because it cannot accomplish constructively and more in- evitably lead to a rift of more or less serious proportions in the Mu- tual network. We are ready and willing to fight just cause, but we attempt to keep our feet on the ground and try honestly to see things from a constructive viewpoint despite our sometimes biased personal feelings.

"The Mutual-ASCAP contract is an accomplished fact. The subject of ASCAP, as touchy as it was and is to the rank and file of broad- casters including ourselves, was found to arouse controversy and bitterness of spirit and opinion.

"However, we believe every Mutual member in attendance at the St. Louis meetings, is loyal in heart to the Mutual network, believe that above all differences of opinion, that Mutual continue to go for- ward to exceed even its previous brilliant record of accomplishment.

Loyalty to Mutual

"Upon that foundation of loyalty there can be a definite place in the network picture for an organization of Mutual affiliates, banded together, having a constructive cooperation with Mutual's active leadership. Had there been such an organization prior to the ASCAP negotiations, we believe the issue of the regrettable controversy that occurred might have been avoided and the entire matter settled without public mani- festation of strong differences of opinion in the Mutual family."

AFRA Adds in L. A.

NEGOTIATIONS for signature of two more stations with American Federation of Radio Artists, Los Angeles, culminated in the last few days, making a total of nine AFRA stations in that area. KFAC, Hollywood, operated by Los Angeles Broadcasting Co., con- tracted with the union early in the month, while KTMZ, that city, through KMTR Radio Corp., joined on May 21. Agreement stipulates wages increases as well as inclusion of local and sustaining codes. Long Beach, Cal., stations, KFOX KGER and Los Angeles stations, KKKD, KPFV have not yet signed with AFRA.

AFRA adds in L. A.

Mattress News

MOHAWK BEDDING Co., Chicago (Mohawk mattress), on May 19, started a 52-week schedule of three-weekly quarter-hour news broadcasts by Aloys Havriella on WGN, Chicago. Agency is Schimmel & Scott, Chicago.

Hansom to Continue

FOR the first time in 15 years the 2,400 amateur radio operators in the Amateur Radio System will continue to operate throughout the summer instead of closing their season on the last Monday in May as has been the custom. Opening the summer season members of the American Radio Relay League will participate June 2 in the AARL annual field day during which a contest to test the proficiency of operators in contacting one another during times of na- tional emergency will be conducted.

WOR Technical Manuals

SO MANY REQUESTS from stations, publishers and individuals have been received by WOR, New York, for copies of the Routine Operation and Operating Manual that the company has announced the following four manuals will be compiled into one volume for commer- cial distribution.

GIL BAYEK, announcer of WDCB, Hartford, on June 8 is to become program manager of WFAA, new FM station at Schenectady, N. Y.
ASCAP Supreme Court Decision

(Continued from page 12)

"Such an argument rests upon a mistaken premise," the court said. Then in a footnote, it pointed out that it had been referred to the ASCAP consent decree as an example of the theory that the decree might have some bearing upon the State's power to pass the legislation under attack. "But it has not," said the court. "In considering an action by virtue of purely intra-state transactions, the State might pass valid regulations to prohibit restraint of trade even if the Government had no law whatever with reference to similar matters involving interstate transactions."

"We find nothing in the copyright laws which purports to grant to copyright owners the privilege of combining in violation of otherwise valid state or Federal laws," said the opinion. "We have, in fact, determined to the contrary with relation to other copyright privileges." The court added that it could find nothing either in the language of the copyright laws or in the historical development of those laws to indicate any Congressional purpose to deprive the States, either in whole or in part, of their long recognized power to regulate combinations in restraint of trade.

The Act Applies

Under the findings of the lower court, said Associate Justice Black, ASCAP "comes squarely within the definition of the combinations prohibited by Section 1 of the 1937 Act." Since under the record and findings in the case ASCAP is an association within the meaning of the Florida statute, the court said it was not called upon at its instance to pass upon the validity of other provisions contained in the numerous clauses, sentences and phrases of the 1937 or 1939 Florida acts which might cover other combinations.

"It is enough for us to say in this case," the opinion concluded, "that the principles of Florida's law prohibiting activities of those unlawful combinations described in Section 1 of the 1937 act do not contravene the copyright laws of the Federal Constitution; that particular attacks upon other specified provisions of the statutes involved are not appropriate for determination in this proceeding; that the court below erred in granting the injunction; and that the bill should have been dismissed.

"All other questions remain open for consideration upon a showing in appropriate proceedings. For the reasons given, the judgment below in No. 610 (Florida vs. ASCAP) is reversed and the case is remanded to the lower court with instructions to dismiss the bill. The judgment in No. 611 (ASCAP against Florida) is affirmed."

A Similar Case

In the Nebraska case, Justice Black said most of the questions presented are the same as those raised in the Florida cases. In this case, it was pointed out, at the request of ASCAP, the three-judge court enjoined various State officials from enforcing the statute aimed primarily at price-fixing combinations operating in the field of public performance of copyrighted music. The opinion concluded:

"Here, as there, the court below found that threats had been made, that some of the sections of the act were invalid, that the invalidity of those sections pervaded the whole, and that the State officials should be enjoined from enforcing any of the numerous provisions of the act. But, as in the Florida case, the court below proceeded on a mistaken premise as to the role a federal equity court should play in enjoining state criminal statutes. Here, there was no more of a showing of exceptional circumstances, specific threats, and irreparable injury than in the Florida case. In his brief in this court, the Attorney General of Nebraska stated that "Appellants, as law enforcement officers, sincerely hope that no action under this law will be required. None was threatened before nor since the suit was started."

"With one possible exception, the record bears out the statement of the Attorney General. There was no evidence whatever that any threats had been made, but in his answer the Attorney General stated that he would "enforce the act against the complainant society." [If] the complainant society would operate in the State of Nebraska in violation of the terms of the statute by conspiring and conspiring to fix and determine prices for public performance of copyrighted musical compositions . . . As we have just held in Watson vs. Buck, it was error to issue an injunction under these circumstances.

In other material respects also, this case is like the Florida case. The court below failed to pass on what we consider the heart of the statute because of what it regarded as the invalidity of the invalid sections. But section 12 of the Nebraska statute is similar to section 12 of the Florida statute and provides that "if any section, subdivision, sentence or clause in this Act shall, for any reason, be held void or non-enforceable, such decision shall in no way affect the validity of enforceability of any other part or parts of this Act."

The legislative will is respected by the Supreme Court of Nebraska, and the court below should have followed state law in this regard. That part of the statute on which the court did not pass—and the part which the Attorney General said he stood willing to enforce if violated—set up a complete scheme for the regulation of various controlling performing rights in copyrighted music. On the authority of Watson vs. Buck, the decision below is reversed and the cause is remanded with instructions to dismiss the bill.

FOLK SONG SERIES

AVAILABLE ON DISC

A SERIES of 10 recorded programs, explaining and illustrating the folk songs of the American people as they are sung by the people themselves, has been prepared by the Radio Research Project of the Library of Congress and made available to stations and educational and cultural groups. The release of these programs affords the public an opportunity to hear for the first time actual field recordings of American folk music made for the Library's Archive of American Folk Song.

NARRATED BY JOHN A. LOMAX, noted authority on the subject of American folk music, the series has given the title, The Ballad Hunter, and reveals some of Mr. Lomax's experiences during the past 30 years in which he has been collecting recordings of American folk music for the Library.

The recordings of The Ballad Hunter will be distributed by the Federal Education Committee, U. S. Office of Education, Washington. The series consists of five-inch, double-face records with a 15-minute program on each side. It will be distributed at approximately $2.50 a disc, or $12.50, a program.

This is the second recorded series to be released by the Library since the establishment of its Radio Research Project in January.
FOllOWING is the full text of the decision of the Supreme Court of the United States on the appeals of the State of Florida versus ASCAP, decided unanimously May 26 by the tribunal holding ASCAP to be a price-fixing combination in restraint of trade. (A similar conclusion was reached in the case of Nebraska against ASCAP, decided the same day.)

SUPREME COURT OF THE UNITED STATES.

No. 610, 611. October Term, 1940.


J. Tom Watson (Gibbs), individually and as Attorney General of the State of Florida, et al., No. 611. Appeals from the District Court of the United States for the Northern District of Florida. [May 20, 1941.]

Mr. Justice Black delivered the opinion of the Court.

In broad outline, these cases involve the constitutionality of Florida statutes and the effect of the price-fixing combination of "author publishers" (including composers and publishers of music copyrights) and the appellees, holding ASCAP, a price-fixing combination in restraint of trade. (A similar conclusion was reached in the case of Nebraska against ASCAP, decided the same day.)

The court below, without passing at all upon the validity of the statutes of Florida, held that the conclusion to be drawn from the evidence is that the statutes involve an unlawful combination in restraint of trade. (A similar conclusion was reached in the case of Nebraska against ASCAP, decided the same day.)

The appellees, holding ASCAP, a price-fixing combination in restraint of trade, have filed a petition for a rehearing. (A similar conclusion was reached in the case of Nebraska against ASCAP, decided the same day.)

In this case, the Supreme Court of the United States held that the price-fixing combination of "author publishers" (including composers and publishers of music copyrights) was an unlawful combination in restraint of trade. (A similar conclusion was reached in the case of Nebraska against ASCAP, decided the same day.)

The American Society of Composers, Authors & Publishers (ASCAP), one of the appellees in No. 611 and one of the appellants in No. 610, is a combination in restraint of trade. (A similar conclusion was reached in the case of Nebraska against ASCAP, decided the same day.)

The decision of the Supreme Court of the United States was affirmed in No. 610, and reversed and remanded in No. 611.

Page 40 • June 2, 1941

BROADCASTING • Broadcast Advertising
of tiff who seek exerts its extraordinary and distinct prohibitions, are not of office.

The Broadcasting Co., 279 U.S. 45, 49.

While the original complaint was filed, it brings to mind the fact that an effort to enforce the State's Statutes against State criminal acts. The point is well taken, as the Supreme Court of the United States has upheld the power of the Federal Government to declare combinations unlawful. "The general rule is that equity will not interfere to prevent the enforcement of a State statute even though it is unconstitutional. 

It is of course conceivable that a statute might be flagrantly and patently violative of express constitutional prohibitions in every clause, sentence, and paragraph, and in whatever manner and against whomsoever an effort might be made to apply. It is sufficient to say that the statute before us are not of this type. Cases under the separate sections and paragraphs of the acts can be tried as they appear—preferably in the State courts. Any Federal questions that are properly prosecuted can then be brought here. But at this time the record does not justify our passing upon any part of the statute except, possibly, that phase of the statute outlawing Florida by combinations declared unlawful. While the proof and findings in the cases are not made specific as they might and should be under the circumstances of this case, proceed to this ultimate and decisive question.

It is impossible to answer the point raised, as much confusion has been brought about by discussing the statutes as though the power of a State to prohibit or regulate combinations in restraint of trade was in question and not further than the power exercised by Congress in the Sherman Act. Such an argument rears up a mistaken premise. Nor is it within our province in determining whether or not this phase of the State statute comes into collision with the Federal Constitution or laws passed pursuant thereto to scrutinize the Act in order to determine whether we believe it to be fair or unfair, conducive to good or evil for the people of Florida, or capable of protecting or defeating the public interest of the State. These questions were for the Legislature of Florida and it has decided them. And, unless constitutionally valid Federal legislation has granted to individual copy right owners the right to combine, the State's power valid to prohibit the prescribed combinations could not be held non-existent merely because such individuals can preserve their property.

We have been referred to a recent con- sent decree against ASCAP in the federal district court for the Southern District of New York, the theory being that the decree might have some bearing upon the State's power to pass the legislation now under attack. But it has not. In matters relating to interstate transactions, the State might pass valid regulations to prohibit restraint of trade if a Federal law or regulation had no law whatever with reference to the matter involved or the matters involved in interstate transactions.

The court below concluded as a matter of law that "enactment of the said Statute was not necessary to Protect, nor does it serve any public interest of the State of Florida. . . ."

Baltimore Institutions:

LEXINGTON MARKET

One of the oldest public markets in the U. S.

and

WFBR

Maryland's Pioneer Broadcast Station

WFBR is Baltimore's first station—and Baltimore's only station! It is owned and operated by Baltimoreans in a distinctive "Baltimore manner". That's why it's accepted as a Baltimore institution—and that's why your radio advertising on WFBR has extra "pull!"

WFBR Center of America's big city music scene—Say it's happening, it's happening! WFBR has over 250,000 listeners! Try WFBR.

250 WATTS • 1340 FULL TIME •

National Representative: Edward Petry & Co.
rights better in combination than they can as individuals. We find nothing in the copyright laws which purports to give the holders of such copyright titles the privilege of combining in violation of otherwise valid State or Federal laws. We have, in fact, determined to the contrary with relation to other copyright privileges.

But complainants urge that there is a distinction between our previous holdings and the question here. This contention is based on the idea that Congress has granted the copyright privilege with relation to public performances of music, and that with reference to the protection of this particular privilege, combination is essential. We are therefore asked to conclude from the asserted necessities of their situation that Congress intended to grant this extraordinary privilege of combination. This we cannot do.

We are pointed to nothing either in the language of the copyright laws or in the history of their enactment to indicate any congressional purpose to deprive the States, either in whole or in part, of their long-recognized power to regulate combinations in restraint of trade. Compare Waters-Pierce Oil Corp. v. Texas (No. 1), 212 U. S. 86, 107.

Under the findings of fact of the court below, ASCAP comes squarely within the definition of the combinations prohibited by Section 1 of the 1937 Act. The unlawful combination an aggregation of authors, composers, publishers, and owners of copyrighted vocal or instrumental musical compositions who form any society, association, or the like and the members of which constitute a substantial portion of the companies, firms or corporations within the United States who own or control such musical compositions and "when one of the objects of such combination is the determination and fixation of license fees or other restrictions required by such combinations for itself or its members or other interested parties," Section S of the 1937 Act makes it an offense for such combinations "to act within this State in violation of the terms of this Act."

The court below found that there were 250 composers and authors who were members of ASCAP; that the principal music publishers of the country are members; that the Society operates under the laws of the State for the purpose of controlling the right of performance of approximately 45,000 members of similar societies in foreign countries; and that the Board of Directors of ASCAP have "absolute control over the fixing of prices to be charged for performance licenses ..." Since under the record and findings here ASCAP is an association within the meaning of Section 1 of the 1937 Act, we are not called upon in its instance to pass upon the validity of other provisions contained in the numerous clauses, sentences, and phases of the 1937 or 1939 Act which might cover other combinations not now before us.

It is enough for us to say in this case that the phrase of Florida's law prohibiting activities of those unlawful combinations described in Section 1 of the 1937 Act was drawn to include the copyright laws of the Federal Constitution; that particular attacks on other specified provisions of the statute involved are not appropriate for determining the scope of the power that the court below erred in granting the injunction; and that the bill should have been dismissed. All other questions remain open for consideration and disposition in appropriate proceedings. For the reasons given, the judgment below in No. 619 is reversed and the cause is remanded to the lower court with instructions to dismiss the bill of complaint. Judgment in No. 611 is affirmed. It is so ordered.

Mr. Justice MRURY took no part in the consideration or decision of this case.

Gustenioral

(Continued from page 28)

The complete picture of the radio broadcasting industry is not given to the interested club member. An honest-to-goodness educational presentation of radio, from all angles—public service, advertising, programming, transmission, etc.—the deep-thunder Termites where NAB could and should come in very appropriately with its sales promotion activities and produce a motion picture of radio that could be forwarded from member to member for presentation before various clubs and schools of each city, town or locality. This also would afford NAB the opportunity of giving the NAB code to the public; something which should not be neglected for another month.

A film of this nature would offer a very interesting program, bringing out the multitude of "behind the mike" activities, copy restrictions, requirements, timing elements plus many other details that occur in the average broadcasting station, but remain practically unknown to the average radio listener. People who watch movies regularly see news reporters and newspapers dramatized almost constantly, and maybe once in 20 trips to the theatre will the radio station get a break.

With a film, such as has been briefly outlined, we would be selling some of these big department stores on radio by interesting their advertising managers (having the advertising club in mind). In its presentation to the public, the film should depict the average broadcasting station, not the big network operation. Such a film depicting the daily routine of an average broadcasting station would do much toward education and bringing thoughts to a good number of advertising men who heretofore have concentrated on the printed word. It will show Mr. John O. Public that the public service of his local radio is a necessity—that radio is daily instructing, entertaining, and selling thousands of his own community.

The film would be welcome and well received by Mr. Average Man.

**Avoncl Breaks**

BROWN & WILLIAMSON TO-BACCO Corp., Louisville (Avoncl cigarettes), in mid-May started a new promotion, one of life, and transcribed chain breaks, one-minute announcements and weather reports. D. C., and stations vary from three to five daily. Stations are WCHS, Charleston, WPP, Fairlington, W. Va.; WNNC, Raleigh, N. C.; KLZ, Denver; WDBJ, Roanoke, Va. Agency is Ressel M. Seeds Co., Chicago.

**Kids From Camps**

MILES LABS, Elkhart, Ind. (Alka Seltzer) is planning to originate several Quiz Kids broadcasts from Army cantonments during the summer. The Quiz Kids, currently on NBC-Blue, Wednesdays, at 8:30 p.m. will visit Camp Meade, Md., Camp Pendleton, Calif., and Camp Dix, N. J., in the early part of July. A special Quiz Kids program promoting the sale of defense savings bonds and stamps will be broadcast by the Radio-Recording division for distribution among schools all over the country.

**MA**

The Earl May Station

The Mail Station

5000 - 1000 Watts • NBC

SHENANDOAH

FREE & PETERS, Inc., National Representatives

Broadcast Advertising
Wages in Vacation Clarified by Ruling

Pay for Vacation Time Held Not to Affect Overtime

An employer’s pay for vacation time does not constitute payment for hours worked and does not affect the regular rate of pay upon which overtime is to be computed under the Fair Labor Standards Act, according to an opinion announced last Wednesday by Gen. Philip B. Fleming, administrator of the Wage & Hour Division of the Labor Department. This interpretation applies even when the employee foregoes his vacation. Presumably the employer would pay the employee the usual vacation pay even though the latter refused to give up his vacation. Hence, the fact that the employee chooses to stay on the job does not make the vacation pay he receives compensation for hours worked.

It is our opinion, therefore, that if an employee’s vacation pay is given him in addition to his normal earnings for hours worked, when he foregoes his vacation, such additional payment is not compensation for hours worked and does not affect the employee’s regular rate of pay under the Fair Labor Standards Act.

SUBSCRIBERS to NBC Theaters are receiving a 120-page portfolio of Theaters program, an issue by NIBC Radio-Recording division to include the name of each recording artist and/or program available through the Library.

BROADCASTING • Broadcast Advertising

June 2, 1941 • Page 43
FCC Rules Simplified
For Those in the Army

IN VIEW of the problem facing amateur radio operators and station licensees serving with the armed forces of the nation who wish to renew their licenses the FCC May 27 issued an order amending its Rules of Practice & Procedure and its Rules Governing Amateur Radio; Stations and Operators, with reference to renewals.

Hereafter the formal application can be dispensed with by these persons and an informal application in letter form will suffice provided the letter sets forth the fact that the applicant is in the service and is accompanied by a signed statement by the applicant's immediate commanding officer verifying the fact.

PRESENTED with awards for their pioneer work in broadcasting by the General Federation of Women's Clubs during the organization's golden jubilee celebration in Atlantic City, are Judith Walker, NBC public service program director in Chicago (second from right) and Margaret Cuthbert, NBC director of women's activities (right). Making the presentation is Mrs. Saidie Orr Dunbar, president of the Federation, while Mrs. Harold V. Milligan, chairman of the radio committee, observes the proceedings.

Radio Ad Problems at AFA
(Continued from page 9)

less trouble for time buyers and so discourage the use of spot radio, he declared.

Rate Problems
Attempts to place national advertising at local rates, to get time on a per-inquiry basis or to persuade stations to run as "sustaining" programs that are actually commercial likewise were received by Mr. Pellegrin, who berated advertisers and agencies for trying such shabby tricks and stations for falling for them.

He decried sloppily prepared commercial copy, pointing out that the time taken to retype a correct commercial would be more than paid for by the stimulus the next copy would be to the announcer upon whose rendition the effectiveness of the sales talk so greatly depends. He also asked advertisers and agencies not to hold up their orders or renewals until the last minute, thus inflicting needless confusion for station salesmen and representatives as to whether or not the time is available.

On the "chime" side of the picture, he cited the results that radio has produced for advertisers and offered to agencies and advertisers what can use them copies of the many success stories in the NAB files. A display of these case histories attracted considerable attention.

Rubicam Optimistic

An optimistic note for the future was sounded by Raymond Rubicam, Young & Rubicam, who spoke at the general luncheon session Wednesday. He reviewed the increase of advertising during the last war and in the years immediately following and said that in general the same trend would probably be repeated this time.

Offsetting the adverse effects of priorities on some businesses and of high taxes on all, he pointed out that last year more than 500,000 families moved out of the $1,000-a-year group into higher brackets and estimated that in 1941 there will be 1,250,000 new families with incomes of from $1,000 to $2,000 a year to spend. Mr. Rubicam said that new consumers for advertising to educate; millions of able to afford more than the barest necessities of life for the first time in several years," he said.

At its closing session, the Federation adopted a resolution reaffirming "the resolve of the AFA to keep in contact which this organization can give to the vital work of preparing this nation to overcome the grave perils which now threaten us."

Another resolution was adopted recognizing that "advertising faces unusual and special responsibilities in the immediate future. Normally an indispensable factor in the unparalleled freedom of choice in our market places, advertising becomes now, more than ever, a vital instrument of free economy, keeping open the flow of products and ideas."

Although expected in some quarters was no resolution dealing with the FCC network regulations, either from the AFA or from the radio department.
Evans Is Honored By Westinghouse
Awarded Order of Merit for Distinguished Service

WALTER EVANS, vice-president of Westinghouse Radio Stations Inc., and manager of Westinghouse radio activities, last Wednesday was awarded the Westinghouse Order of Merit in recognition of his outstanding service in broadcasting. The award, highest honor conferred by Westinghouse E. & M. Co., was presented by A. W. Roberton, chairman, at the monthly meeting of the board of directors.

The medal emblematic of the award was designed by Sculptor Rene Chambellan. The citation declared: "In recognition of the distinguished service of Walter Evans, particularly for his leadership in the field of radio development—engineering, commercial, manufacturing and operation; for the soundness of his judgment and the quality of his decisions; and for the high plane on which he is personally acceptable in government and business circles."

A Long Radio Career

Mr. Evans, who is chairman of the International Broadcasting Committee of the Defense Communications Board, was born in Columbus, 0., Aug. 27, 1898, and started in radio as a youth. After naval communications service in the World War, he joined Westinghouse in 1921 as radio operator at KYW, then in Chicago and now in Philadelphia. After becoming chief engineer he was named manager of the station in 1928.

In 1933 he became manager of the Westinghouse Radio Division, covering engineering, manufacturing and sales of radio equipment. Five years later he was elected a director of Westinghouse Radio Stations Inc. In 1939 he became vice-president. He is a member of the National Association of Broadcasters, Army Ordnance Assn. and the American Society of Naval Engineers. In 1924 he married Georgina K. Burtis, of Chicago, and has two children, Barbara Jean, 15, and Charles B., 11.

DEEPLY ABSORBED in a pre-program conference for 'Reg'lar Fellers,' which replaces Jack Benny on NBC-Red Sunday nights beginning June 8, are Jerry Devine, script writer; Eugene L. Bresson of the Empire Broadcasting Co., owner of radio rights to the show; Glenhall Taylor, Young & Rubicam producer, and Gene Byrnes, creator of the famous comic strip.

NBC and CBS Plan to Use Glass Base As Substitute for Aluminum Recordings

BECAUSE of Government priorities on the use of aluminum, Columbia Recording Corp., Bridgeport, Conn., announced May 26 that glass will henceforth be used as the base for its instantaneous acetate record as it has for discs ordered by advertising agencies and other organizations.

The glass records will be used at first on a test basis as they will be much more fragile than the aluminum recordings, which survive 40-50 playings and can be played back instantly without processing. CRC instantaneous recordings include waxings of about 1,000 CBS sustaining programs per year as piped from the network's studios to CRC studios in New York.

Smooth but Fragile

NBC, which has been working with other recording companies during the past few months on experimental acetate recordings, reports it will use up its available stock of aluminum for recordings after which it will use glass, now proved feasible for both instantaneous and other types of discs it issues regularly.

NBC, experimenting with steel, bakelite plastic and glass for its recordings, finds glass the smoothest and although fragile, the best substance outside of aluminum for recordings. Currently the network is working on a container which will prove safe in which to ship out glass discs to the companies and stations subscribing to its recording service.

Cemar Test

Cemar Co., Chicago (Renew Kit.), on May 19 started a test campaign of twice-weekly participations in the Modern Home Forum, conducted by Jane Weston, on WOWO, Ft. Wayne, Ind. If test proves successful station list will be expanded. Agency is C. Wendel Muench & Co., Chicago.

ABC Signs WARM

CONTRACT covering wages, hours and working conditions for employees of WARM, Scranton, has been signed with American Communications Assn. (CIO affiliate), according to Martin F. Memolo, president of the Union Broadcasting Co., operator of the station, and Graham Dolan, ACA representative. Pact covers engineers, announcers, program and sales departments and office workers.

INS reporters are young, active, alert, trustworthy journalists who know their business—a fact proved by frequent scoops.

THE HOT SPOT 740 between

NBC's Red and Blue KQW
San Jose, Calif.
San Francisco Studios
1470 Pine Street
Reps.: Reynolds-Fitzgerald, Inc.

In Tulsa It's KTUL 5000 Watts — CBS
Tulsa FIRST in per capita buying income in ENTIRE SOUTH
— Sales Management

BROADCASTING • Broadcast Advertising
June 2, 1941 • Page 45
No Change Seen From Crisis
(Continued from page 7)

reducing the power of stations on the lower frequencies on the coast or adjacent to heavily travelled naval bases because of possible interference with naval communications. Here, again, however, there is no immediate indication of any action one way or the other.

Because of the proclamation of the unlimited emergency, it was believed the whole complexion of the hearings on the White Resolution might be altered. Chairman Fly was scheduled as the first speaker before the full committee at 10:30 a.m. June 5. The hearings are expected to run through Wednesday June 4, at which time Senator Wheeler is scheduled to depart for Pittsburgh for an address the following day. Whether it will be necessary for the committee to resume the preliminary hearings could not be predicted.

Thus far, it is not known whether the FCC minority of Commissioners T. A. M. Craven and Norman S. Case, who opposed the drastic monopoly regulations on all counts, will be called upon to testify. Both were said to be in readiness to appear should the committee desire. They are not scheduled, however.

While the committee has no definite agenda of witnesses, indications are that the industry will be well represented. NAB President Miller will appear, probably as the first witness. Others tentatively scheduled to testify include Mark McComber, a well known figure in the monopoly proceedings in view of his designation by the President to make a survey of broadcasting; NBC President Niles Trammel, CBS President William S. Paley, and MBS Chairman Alfred J. McCosker. Independent Radio Network Affiliates probably will make an appearance through Samuel R. Rosenbaum, its chairman. A number of civic, educational and religious organizations of national scope already have resolved in opposition to the regulations and may submit statements to the committee.

It is expected that Mr. McCosker, as spokesman for MBS, will support the monopoly regulations and oppose the White Resolution, in keeping with the position taken by the network during the stormy developments since its promulgation May 8. Aside from Chairman Fly, no other known witnesses in support of the regulations have been announced.

NAB Reviews Position

The NAB position—all front opposition to the monopoly regulations as constituting a threat to the foundations of broadcasting—was reviewed as the Executive Committee meeting in Washington last Wednesday night—the first meeting of the members since its selection following the turbulent convention in St. Louis May 12-15.

In addition to President Miller, members attending the sessions included James H. Shoupe, WLW, Cincinnati, and Paul M. Worenci, WTIC, Hartford, for big stations; John Elmer, WCBM, Baltimore, and William H. West Jr., WTMV, E. St. Louis, for small stations, and John J. Gillin Jr., WOW, Omaha, for regional stations. Don S. Elias, WRAL, Raleigh, and regional station director, was absent.

Also participating ex-officio were Edward Krauber, CBS executive vice-president, and Frank J. Russell, NBC Washington vice-president. MBS is not represented on the Executive Committee, since its general manager, Fred Weber, resigned during the NAB convention because of its disagreement both on the monopoly issue and on copyright.

Others who participated in the discussions included Harry C. Butcher, CBS Washington vice-president; Walter J. Brown, WSPA-WORD, Spartanburg, S. C.; George W. Norton Jr., KAVE, Louisville; Luther L. Hill, Iowa Broadcasting Co.; Edward M. Kirby, NAB public relations director, now on leave as radio advisor to the War Department Bureau of Public Relations, and C. E. Arney Jr., NAB assistant to the president.

President’s Comment

At his press conference last Wednesday, the President was asked if he planned any change in international broadcasting or international communications. Without confining his answer to that particular field, the President said he had no knowledge of any change contemplated in the radio industry regulations, although he explained that the inquiry might be directed to Mark Ethridge, Chairman Fly, or Harry Butcher, or some of the others.

On the whole subject of proclamations, the President explained that he will issue specific orders for the use of individual powers if needed, and that he will support the emergency proclamation. This was interpreted to mean that if and when he decides to invoke any phase of Section 606(c), he will order an order covering those powers and extending to no other powers.

The controverted Section 606(c), which was used with abandon by the public prosecutor in his campaign as a "censorship" threat, is broken down into four sections. Sections (a) and (b) relate to wars in which the United States may be engaged. Section (c) relates to any war and covers moves that may be taken to preserve the neutrality of this country. Section (d) provides for "just compensation" to be ascertained by the President, in the event facilities actually are taken over. The text of Section 606(c) follows:

Upon proclamation by the President that there exists war or the threat of war or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to the stations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

MASS EDUCATION in aviation fundamentals reached a climax last week when first graduation exercises were held in Philadelphia by the WCAU Aviation Ground School. Some 250 students, from 16 to 60, completed 40-hour courses in basic air subjects. Here Dr. Lloyd Bohn, of Temple U., receives a hand-carved eagle from the student body in appreciation for his lectures. Participating in ceremonies are (l to r): Harry Dulin, CAA inspector in Philadelphia; Capt. E. M. Pace, manager of Naval aircraft factory; Alfred J. Wolf, aeronautical attorney; Bruce Mathewson, student, holding trophy; Joe Connolly, WCAU promotion director; Capt. Jack Knight, United Airlines; Dr. Bohn; R. S. Gall, public relations director of Brewster Aircraft Corp.

COMMITTEE MAKEUP
Several Senators Informed
On Radio Matters

THE SENATE Interstate Commerce Committee, which begins hearings June 2 on the White Resolution has 21 members. Senator Wheeler (D-Mont.) is chairman, while Senator White (R-Me.) is ranking minority member.

Democrats on the committee are: Burton K. Wheeler (Mont.), Elliston D. Smith (S. C.), Robert F. Wagner (N. Y.), Alben W. Barkley (Ky.), Homer T. Bone (Wash.), Harry S. Truman (Mo.), Charles O. Andrews (Fla.), Edwin C. Johnson (Colo.), H. H. Schwartz (Wyo.), Lister Hill (Ala.), Tom Stewart (Tenn.), D. Worth Clark (Idaho), James M. Tunnell (Del.), Ernest W. McFarland (Ariz.).

Republicans, by seniority, are: Wallace H. White Jr. (Me.), Warren R. Austin (Vt.), Henrik Shipstead (Minn.), Charles W. Tobey (N. H.), Clyde M. Reed (Kan.), Chan G. Gurney (S. D.), C. Wayland Brooks (III.).

with Simplified CIRCUIT DESIGN

GENERAL ELECTRIC
Radio Restriction On OGR Dropped

A MOVE to prohibit distribution of films, radio scripts or transcriptions by the Office of Government Restriction was proposed yesterday when conferees eliminated a Senate amendment carrying this prohibition from the bill giving permanent status to the Office, authorizing appropriation of $1,500,000 for its operation during fiscal year 1942.

The amendment, proposed by Senator Taft (R.-O.), was approved March 20 by the Senate by a vote of 50 to 33. The record vote during consideration of the Administration-backed measure.

OGR Radio Activity
A survey by Broadcasting, made in the fall of 1940, revealed that for more than half of the OGR released, through its State offices, a transcription series based on the activities of the Cabinet and other Federal agencies, the Office was releasing a disc series based on the defense program, covering such agencies as the Army, Navy, Coast Guard, Civil Aeronautics Authority, and Department of Justice (alien registration). Robert I. Berger, special assistant to OGR Director Lowell T. Mellett, staffed a radio liaison force to Federal agencies in their use of the medium.

Senator Taft contended in a statement urging passage of his amendment that under President Roosevelt's second reorganization order radio functions of the old National Emergency Council, predecessor of OGR, were transferred to the Office of Education, of the Federal Security Administration. During hearings before the House Committee on Expenditures in Executive Departments this spring, it was charged that OGR was being set up on a basis which would make it a logical focal point for Government ownership, when and if that developed. Then the idea of prospective censorship was denied unequivocally by Director Mellett in his testimony before the committee.

Test for Kilmer
KILMER & Co., Binghamton, N. Y., recently acquired by Sterley Products Co., Wheeling, W. Va., will test radio in a few markets as yet unselected for its product Swamproot. Whether station will carry programs will be used has not been decided by the agency, Blackett-Sample-Javitt, New York.

Fulton Lewis Honored
WHEN Fulton Lewis Jr., MHS committee, was graduated from Ballston Spa High School, Ballston, in 1920, he had no idea that 20 years later his teachers would confer their highest honor on him. Recently the Washington High School Teachers' Association notified Lewis that he has been selected as the first recipient of a newly-established annual award: "For distinguished service to community and craft".

BROADCASTING • Broadcast Advertising

EMERSON DRUG Co., Baltimore (Bromo-Seltzer), will sponsor Voz Pop on two networks for eight weeks on NBC-Blue starting Aug. 8 as a summer replacement for Ben Bernie, Fridays 9-9:30 p.m., and on CBS, Mondays 8-8:30 p.m. Starting Aug. 4, when Ben Bernie is resumed, the sponsor will continue the Voz Pop program on CBS only, according to Ruthrauff & Ryan, New York. The latter program is currently sponsored on CBS, Thursdays, 7:30-8 p.m. by Penn Tobacco Co., Wilkes-Barre, Pa., for Kentucky Club tobacco and leaves the air for that sponsor on June 26, Kiesewetter Adv. Agency, New York, is the agency for Penn tobacco.

JAMES F. EGAN, copy executive of Leunen & Mitchell, New York, has been elected vice-president and copy director of the agency.

rule, after a case is decided, also was advocated by the FCC bar group, along with the issuance of declaratory rulings on whether a program is in the public interest. He opposed the FCC practice of employing oral record advice of its own experts in formulating decisions, and took exception to the suggestion of Chairman Fly that the administrative agency be empowered to take the case away from the presiding officer at the conclusion of a hearing for the purpose of issuing proposed findings and conclusions.

BINGHAM PROPOSES PROCEDURE CHANGE

DISAGREEING with a number of the tenets of FCC procedure endorsed by FCC Chairman James Lawrence Fly, Herbert M. Bingham, Washington attorney and president of the FCC Bar Assn., last Wednesday appeared before a Senate judiciary subcommittee considering proposed changes in the procedure of Federal administrative agencies.

The subcommittee, headed by Senator Hatch (D.-N. M.), is considering three separate proposals—one from both the majority and minority groups of the Attorney General's Committee on Administrative Procedure and a third drafted by the American Bar Assn. Chairman Fly appeared before the subcommittee April 18, endorsing the bill advanced by the majority membership of the Attorney General's Committee [BROADCASTING, April 21].

Explaining the FCC Bar Assn.'s position, Mr. Bingham said the group favored a composite proposal made up of provisions drawn from all three of the bills. Confining his testimony to application of the proposed statutory changes to the FCC, he urged the Senate to consider the administrative principles advocated by Chairman Fly and urged right of intervention for any interested party.

Issuance of rules covering a general principle or matter subject to
Decisions...

MAY 23

TIMECAPSULE—KFRO, Longview, Tex., granted renewable renewal standing 60 days; WGST, Atlanta, granted continuance and standing 75 kw. maximum power. 

MAY 24


MAY 25

WLSH, Hartford, Conn.—Modification CP change to 1400 kc 75 kw directional, unrestricted. WJSJ, Mobile, Ala.—Modification CP 1100 kc 10 kw directional. WBC, Charlotte, N. C.—Modification CP 650 kc 10 kw directional.

MAY 26

WWVA, Wheeling, W. Va.—Modification CP change to 950 kc 10 kw directional, unrestricted.

Applications...

MAY 26

WWVA, Wheeling, W. Va.—Involuntary assignment license to Martinsville Broadcasting Co., KRBS, Martinsville, Va.—Involuntary assignment license to Martinsville Broadcasting Co., KRBS, Martinsville, Va.—CP increase power.

Network Accounts

NEW BUSINESS

WHITE LABEL RECORDS (Fremantel), on June 7 renews Double or Nothing on 119 MBS stations. Fri.-Sat.-Sun., 8-9:30 p.m. (PST). AGENCY: Business Publicity, Los Angeles.

GALLENKAMP STORE CO., San Francisco (shoes), on May 22 started Here's the Time on 6 CBS Pacific Coast network stations (KNX KARM KSFO KOIN KFI KPFF). Thurs., 6-6:30 p.m. AGENCY: Long Adv. Service, San Francisco.

Renewal Accounts

GENERAL FOODS CORP., New York (Jell-O), on July 3 renews The Allrich Family for 52 weeks on 84 NBC-Red stations. Thurs., 8:30-9 p.m. Program is discontinued for four weeks starting July 24. AGENCY: Young & Romany, N. Y.

GENERAL FOODS CORP., New York (Maxwell House coffee), on July 3 renews The Coffee of Champions for 52 weeks on 90 NBC-Red stations. Thurs., 8-8:30 p.m. Program is discontinued for four weeks starting July 10. AGENCY: Benton & Bowles, N. Y.

KNOX GELATINE CO., Johnstown, Pa.—Granted renewal for 13 weeks Backgrounds for Headlines with Bob Hope on 5 NBC stations. Thurs., 6-7 p.m. AGENCY: Dual Broadcasting Co., N. Y.

ADAM HAT STORES, New York, for the sixth consecutive year, has renewed for 52 weeks its Hour of Champions with Sang Taub, heard on WOR, New York, Sundays, 1-2 p.m. AGENCY: Glicksman Adv. Agency, New York.

Network Changes

ANDREWS & GERRYS, Cincinnati (Woodbine cream and sugar), on July 2 replaces Tony Martin from Hollywood & New Haven You Meet, on 60 NBC-Red stations, Wednesdays, Saturdays, 8:15-8:30 p.m. with a half-hour dramatic show, The Thin Man. AGENCY: Lennen & Mitchell, New York.

BRISTOL-MYERS CO., New York (Isana, Sal Hepatica), on July 4 replaces the Eddie Cantor Time to Smile program on NBC-Red Wednesdays 9:30-10 p.m. with Quixer Baseball, quiz program using baseball method of play. AGENCY: Skidmore.

PROCTOR & GAMBLE CO., Cincinnati, New York (Lysol and Spry), on July 2 displaces The Allrich Family on 6 NBC-Red stations. Thurs., 8-9 p.m. (PST). AGENCY: Honeywell, Chicago.

CONTINENTAL BAKING CO., New York (Wonder bread), on July 3 shifts America's Favorite Friend to new timeslot from Sat., 8-9:30 p.m. to Thurs., 7-8 p.m. AGENCY: Ted Bates Inc., N. Y.
Help Wanted

Progressive NBC Affiliate—Desiring experienced announcer with southern voice to handle controlling. Record, Mix, and announce, be $1.00. People in advance. Count three words for box address, forms close one week preceding issue.

Help Wanted

Progressive NBC Affiliate—Has opening experienced announcer with southern voice to handle controlling. People in advance. Count three words for box address, forms close one week preceding issue.

Tayton Signes Figler

TAYTON Co., Hollywood (Cosmetics), on July 11 starts Tayton's Tattler, featuring Jimmie Figler, on CBS Pacific Coast stations (KNX, KFOX, KARM, KOIN, KIRO, KFPP, KVI), Friday, 8:30-9:15 P.M. (PST). If series is successful, the contract will be extended. Figler, out of radio for a year, has signed for a three-year contract with salary and percentage of gross. BDLO, Los Angeles, has the account. The firm is a large marketer of cosmetics on the Coast.

CLASSIFIED

Advertisements

Help wanted and Situations Wanted, 7¢ per word. All other classifications, 1¢ per word. Bold face listing, double. SOLACE CAPS, triple. People in advance. Count three words for box address. Forms close one week preceding issue.

PROFESSIONAL DIRECTORY

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An Organization of Qualified Radio Engineers
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WFBG
ALTOONA, PA.

- NBC RED
- 250 WATTS
- FULL TIME OPERATION
- RAILROAD SHOPS ON FULL TIME SCHEDULE

WFBG provides the only full coverage of the Altoona trading area.

Advertise in BROADCASTING for Results!
Excess Profits Tax Levied on Capital Opposed by NAB

Would Be Hardship to Service Industries, Committee Told

TERMING the plan "a new principle in taxation" based on "an arbitrary determination of what constitutes normal profits and how excess profits," J. Robert Myers, of the NAB research department, appeared last Wednesday before the Hearst-Ways & Means Committee to oppose the Treasury Department's proposal to restrict the "normal profit" base for the excess profits tax to a ceiling of 10% on invested capital.

Mr. Myers noted in his statement to the committee that broadcasting corporations, along with other service industries, would be placed under a ceiling on its prevailing rather than the previous basis premised on average earnings for the 1936-1939 base period.

Haggerty Explains

The Ways & Means Committee, which for several weeks has been conducting hearings in connection with the proposal to raise an additional 3.5 billion dollars in taxes for the defense effort, on May 19 heard John B. Haggerty, president of the International Printing Trades Assem., explain his position for levying a 20% tax on the gross income of radio stations and a 75% levy on the transfer of station ownership.

Advocates of Rep. Connery (D-Mass.) the same day introduced a bill calling for a graduated tax on station earnings, ranging from 10% to 20% on earnings of $150,000 annually and above [BROADCASTING, May 26].

E. J. Brown, international president of IBEW, in a letter to Chairman Dougton (D-N. C.), of the Ways & Means Committee, last Monday expressed IBEW's strong opposition to the Conneny proposal, terming it "unreasonable, discriminatory, and arbitrary," declaring that it partakes of the nature of class legislation. He explained that IBEW, with more than 200,000 affiliates, covers several thousand radio technicians or workers in closely related activities, and declared that the union can be assumed to have the views of more than 45,000 employees of the broadcast industry, irrespective of the fact that all of them are not members of IBEW.

In his statement of May 19 before your committee, the Assistant Secretary of the Treasury (John L. Sullivan) conceives a new theory concerning excess profits, Mr. Myers declared. He opposes the tax profits in excess of a necessary normal return. In order to define what such profits are, it becomes necessary to relate them to something which does not relate to invested capital.

"Business differs greatly as to the amount of invested capital nec-

FCC Extends Date

THE FCC May 27 announced extension of the effective date of section 925 (b) of the standard and high-frequency broadcast rules which prohibit broadcasting of commercial programs under experimental licenses, to July 29, 1941.

"Turn Off That Jazz and See if You Can Get the Old Dirt Dobber!"

Elmer Davis Program

ELMER DAVIS, CBS news analyst, who returned last week from a five-week survey of conditions in England, on June 1 conducted a special CBS program taking the radio audience on a "tour" of the network's news-room. During the broadcast Paul W. White, CBS director of news broadcasts, was heard in a transatlantic conversation with Edward R. Murrow, CBS chief of European correspondents, in London, on important events of the day.

FM Set Sales Rise

SALES of frequency modulation receivers during April showed an increase of 15% over March, according to figure based on manufacturers' returns just issued by FM Broadcasters Inc., New York. Between 2,000 and 2,500 FM sets were marketed during April, the report revealed, bringing the current total of FM receivers in operation throughout the country to nearly 30,000. Of this number it is estimated that between 9,000 and 10,000 sets are located in the New York metropolitan area.

School Adds to List

UTILITY ENGINEERING Institute, Chicago (air conditioning courses), has added six stations to the list releasing its varying schedule of 5 and 15-minute musical programs. Stations added during the month of May are WILW, Cincinnati; WHDH, Boston; WSPR, Springfield, Mass.; KFBI, Wichita, Kan.; WIBC, Indianapolis; WWSA, Harrisonburg, Va. Contracts are for 13 weeks. Agency is First United Broadcasters, Chicago.

Chicle Chuckles

ITEM: Gun Works Blow Up and a Sticky Time Is Had By All. Anyway, the Twin Cities were recently all gummed up when KSTP sponsored a gum bubble blowing contest in 10 St. Paul and Minneapolis theatres to promote the new Dubble-Bubble Gum show. Dubble-Bubble of the Navy. Prizes were cash—and more gum.

Stations in Phila. Defend Rejections

Stations Hold to Position in Policy on Lindbergh Time

HOLDING their ground in the face of protests to their action in refusing to sell the America First Committee spot announcements to advertise the group's May 29 rally, at which Major Lindbergh was to have made his address, the managers of WCAU, KYW and WFL, Philadelphia stations, announced individually that they will give no consideration to such requests for time on a sustaining rather than paid basis, in accordance with the NAB Code.

All three reiterated their resolve not to sell time for discussion of controversial issues, such as situations involving interventionists and non-interventionists, unless each side had equal opportunity to be heard.

Officials Comment

Setting forth his station's policy, Samuel R. Rosenbaum, president of WFL, declared: "WFL will not sell time for speeches or spot announcements on the question of the World War, but we will give this 'sup free time when available, just as we did with the Communist party, giving advocates of opposite views an equal opportunity to be heard."

Leslie W. Jones, general manager of KYW, also issued a formal statement of policy covering broadcasts of controversial issues: "The long-established practice of KYW has been to give equal time to both sides of every question involving the public interest. In serving this community, KYW consistently has refused to sell broadcasting time for the dissemination of opinions which an opposing group might, for financial reasons, be unable to refute. We adhere uncompromisingly to this established policy of free time for broadcasting, which calls for the straightforward presentation of both sides of any major issue involving the welfare of our country and its people."

Commenting on charges that WCAU also had refused time to the America First Committee, Dr. Leon Levy, president of the station, said that WCAU had refused to broadcast Mr. Lindbergh's address, explaining that no such request had been made. In a telegram to Rep. Lambertson (R-Kan.), Dr. Levy protested remarks by the Congressman on the floor of the House, during which both he and Mr. Rosenbaum were referred to by name. He stated in the telegram that when such request was made, it will be given proper consideration, and called attention to the fact that WCAU broadcast a speech by Mr. Lindbergh from Minneapolis on Tuesday evening, and anthropology another non-interventionist address by Senator Wheeler (D-Mont.).

Page 50 • June 2, 1941
Soon!!!

The BASIC advertising medium

of the Central Atlantic States

National Representation — INTERNATIONAL RADIO SALES — New York, Chicago, San Francisco
ARGENTINA
BRAZIL
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Some of the direct radio circuits linking the United States with 15 Latin American countries in the RCA Communications Central office at New York.

"Fishbones" MAKE THE WORLD A NEIGHBORHOOD!

At Riverhead, Long Island, RCA engineers have spun a magic web of copper wires... a net to catch messages, news and voices from lands across the sea. They call them "fishbones"...

But to the technically-minded, these are all-wave antenna systems for Diversity Reception, an RCA Laboratories development which removed the elusiveness from transatlantic radio communication.

During the first world war, transoceanic communication was as variable and uncertain as the weather. The "ether" was liable to fits of stubborn silence for hours and even days on end. Under the best conditions, messages were likely to fade in and out disconcertingly — strong one instant, down in the "hash" the next. Traffic could be handled at only a few words a minute.

How the "Fishbones" Work

"Fishbone" antenna systems derive their name from their shape. Three "fishbone" units, according to standard practice, comprise a "diversity" reception array. Each unit, located approximately 1,000 feet apart, is made up of two parallel wires, from each one of which extend at right angles numerous cross wires, or "bones." The two long parallel wires, or "backbone" of each unit, point toward the distant transmitter, and are connected to a separate receiver... fading rarely affects all three antenna units at the same time. A special mixer-circuit, designed to favor the strongest signal, merges the output of the three "fishbone" units into one... and sends it over wire-lines or by radio-relay from Riverhead. Telegraphic messages go to the R.C.A. Communications office at 66 Broad Street, New York, for recording on either tape or special radio printers; broadcast programs are relayed to a center such as NBC in Radio City.

A Modern Miracle

Today, thanks to "diversity," plus multiplex operation and special printer equipment, telegraphic messages can be received at the aggregate speed of 300 words per minute! Transatlantic radio broadcasts, picked up by an antenna at Riverhead, and fed into a network, reach the entire country in a fraction of a second, clearly and enjoyably. Even pictures are hurled overseas in a matter of minutes!

Illustrating the scope and breadth of RCA services, RCA has six antenna systems at Riverhead for broadcast program service alone... and 70 for radiotelegraphic communication with every part of the world! "Diversity," developed by RCA Laboratories, is today a modern miracle, linking America to the world with the speed of light—helping to expedite commerce, and keep Americans informed right up to the minute!

RCA LABORATORIES
A Service of Radio Corporation of America

Other RCA Services:
RCA Manufacturing Co., Inc. • RCA Institutes, Inc. • R.C.A. Communications, Inc. • Radiomarine Corporation of America • National Broadcasting Company, Inc.