One year ago a tobacco company picked WOR only to increase its business and put over a new cigar. Sales during the first 3 months on WOR were 32% greater than sales for the year before. Orders for the new cigar came in from wholesalers in 6 states. Sales this year show every indication of being double those for last year.
Would You Like to Know

25 Ways to Fix

HAMBURGER?

12,000 WLS Listeners Did!

JANE TUCKER'S PROGRAMS

Jane Tucker has several programs with woman appeal: Kitchen Kettle, Child Clinic of the Air, How Human We Are, Love Stories of Famous People and others. Her friendly air personality has made these radio features singularly successful for a variety of advertisers. For the story of Jane Tucker and her successful, selling radio features on WLS, write us . . . or ask any John Blair man.

ON ONLY three WLS programs (Thursday, Friday and Saturday at 9:45 A.M.) Jane Tucker offered a leaflet on "25 Ways to Fix Hamburger."

12,536 requests for this leaflet have been received at WLS—and they're still coming in more than 100 a day!

Here again is proof that WLS influences listeners . . . that they respond . . . that WLS Gets Results!

Management Affiliated With
KOY, PHOENIX and
THE ARIZONA NETWORK
KOY, PHOENIX
KTUC, TUCSON
KSUN, BISBEE-DOUGLAS
REPRESENTED BY JOHN BLAIR

490 KILOCYCLES
30,000 WATTS
NBC AFFILIATE
WITH WNAC as the key station, sales power is put simultaneously into motion on The Yankee Network's 18 other stations in focal buying centers throughout New England.

That's applying intensive action where it will get the most effective results . . . the areas where population is largest . . . the markets responsible for 90% of New England's retail sales.

This is the method that scores of national advertisers have found successful year after year, because Yankee Network stations have the complete coverage and thorough, long-established acceptance essential for building dealer good will and consumer buying.

Information about The Yankee Network is as easily accessible to an advertiser in San Francisco as it is to a Boston business man.

THE YANKEE NETWORK, INC.
21 BROOKLINE AVENUE, BOSTON, MASSACHUSETTS
EDWARD PETRY & CO., INC., Exclusive National Sales Representatives
Primary Reader for Time Buyers

CATTLE: Large, heavy animals that Nebraska farmers like to sell at $12.25 per cwt.

HOGS: Fat creatures that are bought almost faster than they can breed. Nebraska farmers currently get $11.15 per cwt. for them.

SHEEP: Mild, lovable things—which fact, however, does not prevent Nebraska farmers from marketing them for $11.75 a hundredweight.

DOLLARS

Silver and paper objects that Nebraska farmers get by the millions, in trade for cattle, hogs, and sheep alone. They'll trade these dollars for your products, if you tell 'em your story over KFAB. Remember, you need KFAB, to cover the vast farm areas of Nebraska and her neighbors!
"Looking back on those days, I have to laugh at some of the things we did. But I've never laughed at the equipment we've used. "Our first transmitter was a 100 watt Western Electric. Plenty of things gave us trouble in those days, but that transmitter caused us least worry of all. When we increased power, we sold the 100 watter and bought a 500 watt Western Electric. 

"Each time we stepped up—to 1 KW, 5 KW and then to 50 KW—we stuck with Western Electric. And each time, we found a ready market for the old transmitter. "Perhaps there were times when we could have bought a transmitter for less money—or maybe one with more shiney metal trim. But we looked at the works and workmanship. In 18 years, we've never bought a piece of equipment that didn't have the name Western Electric on it—and we've never regretted a single purchase. "I'm no engineer, but I got a real kick out of some of that equipment. It was a thrill when we went to crystal control—and when we received a transmitter with stabilized feedback! Later, thanks to Western Electric and Bell Labs, we had the first single mast radiator in our territory. But about the biggest thrill of all comes each month when I look at our power bills and realize the savings made possible by the Doherty circuit in our present 50! "For 18 years it has always been Western Electric for me—and it always will be!"

And we at Western too are proud of our long association with the industry. Although our energies are now engaged in the defense program, you may be sure that our interest and that of our distributors in broadcasting and in you who are a part of it is as keen today as in the past.


Western Electric EQUIPPED FOR BETTER BROADCASTING
TULSA—THE OIL CAPITAL OF THE WORLD!

Tulsa, Oklahoma, is the gold-rush city of the Twentieth Century—though of course this time it's black gold! In thirty-five years, Tulsa has grown from virtually nothing to more than 160,000 people. And within the 75-mile radius of Tulsa (28% of Oklahoma's area) is concentrated 40% of the State's total population, who account for 44% of its entire retail trade.

In such a market, a live radio station gets results that would be unbelievable in older sections of the country. And in Tulsa, KTUL is the live station! Owned by a great wholesale jobbing organization with thousands of interested friends all over the territory, KTUL knows its territory, knows its audience, and knows what sells goods. Hence KTUL is a "natural" in all phases of merchandising—won the Armour Silver Merchandising Plaque in January of this year, for instance. . . .

Whatever you make or sell, KTUL can help you do a top job in the Tulsa area. Ask your Agency to ask the Colonel!

KTUL
5000 Watts • CBS

FREE & PETERS, INC.

Pioneer Radio Station Representatives
Since May, 1932
NBC, CBS Ask Court to Restrain FCC

Seek Injunctions to Stop Enforcement; Conference at Justice Dept.

FACED WITH wholesale cancellation of station affiliate contracts by Nov. 15, NBC and CBS last Thursday plunged the FCC's "sudden death" chain-monopoly regulations into litigation by filing separate equity suits against the Government in the U. S. District for the Southern District of New York.

The equity complaints seeking issuance of permanent injunctions against enforcement of the regulations were supplemented by motions for temporary restraining orders and preliminary injunctions. The court was asked to convene a statutory three-judge court to determine the issue, as provided under the Communications Act and in other statutes.

Joining in the NBC action were Woodmen of the World Life Insurance Society, operating WOW, Omaha, an NBC-Red outlet, and Stromberg-Carlson Telephone Mfg. Co., operating WHAM, Rochester, N. Y., an NBC-Blume outlet. In the main complaint of NBC, as well as in separate affidavits, these stations contended that invoking of the regulations would cause irreparable loss and serious undermining of their operations, built up over long periods of affiliation with the respective NBC networks.

Authority Challenged

Claiming irreparable injury and a "descending spiral" of developments that would seriously undermine the entire broadcasting industry, the two networks also challenged the FCC's jurisdiction to issue the regulations. The constitutionality of the Commission's exercise of power likewise was sharply questioned.

The suits were filed a day following a conference of representatives of NBC, CBS, MBS and the FCC with Assistant Attorney General Thurman Arnold, relating to possible institution of anti-trust actions by the Department of Justice against the networks.

That the FCC, through the Department, will oppose the issuance of temporary relief was evident immediately following filing of the actions. Decision on the temporary injunction is expected in advance of the Nov. 15 effective date of the restrictive rules.

NBC, WOW and WHAM jointly filed with the court a detailed complaint together with a motion for preliminary injunction and a temporary restraining order. These pleadings were supplemented with a detailed affidavit of Niles Trammell, NBC president, setting forth the manner in which NBC's operations purportedly would be disrupted and establishing the historical background of the suit.

John J. Gillin Jr., general manager of WOW, and Edward A. Hanover, vice-president of Stromberg-Carlson in charge of WHAM, filed separate affidavits setting forth the degree of injury which would be done them if relief is not afforded. NBC's pleadings were filed by John T. Cahill, of New York, chief counsel for the network in the chain-monopoly proceedings, John B. Dawson, of New York, counsel for WOW, and Thomas H. Middeton, of New York, counsel for Stromberg Carlson.

Given Five Days

CBS, through former Judge John J. Burns, its head counsel throughout the three-year-old chain-monopoly proceedings, filed its detailed summons and complaint, a motion for temporary restraining order and preliminary injunction, a detailed affidavit by CBS President William S. Paley, and an affidavit by Herbert V. Akerberg, vice-president in charge of station relations.

The voluminous papers in both suits were filed with the clerk of the New York District Court Thursday afternoon, with District Judge Henry W. Goddard sitting. Service subsequently was procured on the Department of Justice and the FCC as the Government defendants. Under ordinary procedures, the papers were to be returned Saturday before Judge Goddard, who was asked promptly to convene a statutory three-judge court comprising one Federal circuit judge and two District judges.

See pages 51 to 61 for abstracts of affidavits and other pleadings filed with the U. S. District Court for the Southern District of New York in network-monopoly suits.

Under the court procedure, if the motions were heard, the Government has five days in which to answer the complaints and more particularly the motions for temporary restraining orders and preliminary injunctions. Because two holidays intervened in New York (Sunday and Tuesday, Election Day), all answers are not due until Friday, Nov. 7, or Saturday, Nov. 8, it was indicated. Whether the Government will seek additional time in which to answer was problematical, though the length of the charges augured for such a plea.

MBS, through its chief counsel, Louis G. Caldwell, has served notice that it intends to intervene, as a friend of the Government, and oppose issuance of injunctive relief. It endorsed the revised chain-monopoly regulations as beneficial to the industry, the public and the advertiser, and has maintained that no upheaval in the industry will result.

Anti-Trust Status

Whether the Anti-Trust Division, at the time the Government files its answer to the NBC-CBS suits, simultaneously will file cross-complaints against the networks, likewise is not clearly indicated. There was no statement forthcoming from the Department as to its plans, though it was clear that Anti-Trust Division lawyers felt they had a basis to proceed against the industry under the Sherman anti-trust laws.

The only comment that could be gleaned from Department sources was that no commitment has been made as to what types of suit will be brought, if any. Thus, it was indicated that if the Department decides to move, it must yet determine whether it will do so civilly or criminally. Past indications have been that only a civil action might be undertaken, if cross-litigation is decided upon.

It was expected that another conference with Mr. Arnold, Holmes Baldridge, chief of the litigation section of the Anti-Trust Division, and Victor O. Waters, special assistant to the Attorney General in charge of radio matters, would take place with network-FCC representatives prior to any separate or counter-action. Such a conference may develop within a fortnight.

Should the Department proceed criminally, which is thought less likely, it might enjoin many elements of the industry. Conversation in the past, public or private, has centered around proceedings against all three major network organizations, plus possibly the NAB and other industry entities.

Speculation has centered around the character of action the Department might take as a countermeasure in equity proceedings. Based on a review of the three-year-old record in the chain-monopoly proceedings, it is thought the Department might strike at such factors in all networks as (1) exclusivity; (2) time options; (3) 28-day clearance; (4) five-year affiliation contracts; (5) the local versus national rate differential formerly invoked by NBC on network time cancelled by affiliates for performance of other commercials; (6) artists and concert bureau sub-sidary operations; (7) transcription operations.

Baldridge, Waters Assigned

The latter two items—artists bureaus and transcriptions—presumably do not relate to CBS, but would affect NBC. Similarly, certain of the provisions also might affect MBS, which has contended it has been forced into exclusive contracts with certain of its affiliates as a measure of self-defense.

Messrs. Baldridge and Waters, it is understood, already have been assigned to the case and will handle the Government's answer to the NBC-CBS suits, in collaboration with the FCC. They also would handle, it is presumed, any direct actions brought by the Government against the industry. Both participated in the ASCAP-IMI consent decrees, with Mr. Waters handling the preliminary litigation phases early this year. The Anti-Trust Division, under Government procedure, acts as the law office for a number of administrating

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Temporary Licenses to Be Authorized For Stations Challenging Network Rule

ACTING swiftly following the filing of suits challenging the validity of the Commission's monopoly regulation, the FCC in a five-judge panel announced adoption of a minute setting forth procedure it will follow in applying the policies announced in its chain broadcasting regulations.

Since networks as such are not licensees, the FCC said that stations wishing to contest the validity of the regulations will have their complaints heard by the court, and will in no way be injured since temporary extensions of license with renewals from time to time until there is a final determination of the issues, will be authorized.

Text of Minute

The full text of the Commission's public notice follows:

"If a station wishes to contest the validity of the Chain Broadcast Regulations adopted on Docket No. 5060, or the reasonableness of their application to the particular station, its license will be set for hearing. In order to insure that the station may remain on the air and be in no way injured by any such Commission proceedings and appeal to court from a decision in such proceeding, the Commission will grant such licensee a temporary extension of its license, with renewals from time to time until there has been a final determination of the issues raised at such hearing.

"In the event of such litigation, and if the validity of the application of the Chain Broadcast Regulations to such licensee is sustained by the courts, the Commission will nevertheless grant renewal or extension of the license, otherwise entitled thereto, who has unsuccessfully litigated that issue, if the licensee thereupon conforms to the decision."

Supplementary Decision

"The supplementary decision and order on Docket 5060 indefinitely suspended Regulation 3.107, relating to the operation of more than one network by a single network organization. No similar suspension was made of that portion of Regulation 3.106 relating to network operation of more than one standard broadcast station with substantially overlapping service areas. The Commission will postpone indefinitely any action to prevent such dual station operation if it is shown that the operation of only one network in any city is indispensable to the continued operation of two networks by a single network organization.

"The adoption of the foregoing procedure is without prejudice to the rights of any person who may petition the Commission for modification or stay of the Chain Broadcast Regulations."

Bulova Defense Talks

BULOVA WATCH Co., Toronto, is replacing the time following three daily time signals on 37 Canadian stations during November with talk of the war. The new formula drives instead of the usual commercial announcements.

Least Foreseen

Losses Foreseen

Impression of the requirements imposed under the rules "would disrupt the ordinary course of business of NBC's, Woodmen's and Stromberg Carlson's respective businesses as corporations engaged in radio broadcasting and radio network broadcasting, would damage NBC by loss of revenue in an amount in excess of $3,000,000, existing advertising contracts exceed $22,000,000, aside from contracts with artists and production personnel.

Loose

Fears of the loss of their broadcasting licenses as a result of these regulations, CBS said it "will not negotiate for or enter into the affiliation contract" heretofore invoked. More than 115 stations licensed by the Commission have such contracts with CBS, expiring at various times between the original effective date of the rules and Dec. 31, 1947.

Weaken the Network

Due to the fear of loss of license, these stations "have threatened to cancel and repudiate their affiliation contracts," CBS said. The network "will continue to have the effect of working "irreparable damage and injury" because of NBC's inability to negotiate or enter into contracts containing provisions necessary to its network operations.

Since the issuance of the original regulations on May 2, not less than 48 stations have served notice of their intention to abrogate their contracts, it said, as a result of the order, and certain advertisers have refused to renew existing contracts or to enter new contracts for use of their time.

Coincident with filing of the suit, Mr. Trammell said NBC had initiated the action "with great reluctance, especially in view of upset to national news and programs, if they would require the diligent attention of governmental agencies to matters of pressing concern." He said that since promulgation of the regulations NBC had exerted every effort "to get relief from the Commission so as to avoid the death-knell of our American System of Broadcasting."

On CBS's behalf, Judge Burns's main complaint brought out that as of Dec. 1, CBS employed over 1,800 persons regularly, excluding performing artists and musicians, and that it had total assets of $22,000,000, over $18,000,000 of which is devoted directly to network broadcasting. Aside from long-term contracts and commitments for rent and buildings, furnishing of news for special programs, employment of performing artists and musicians, requiring payments for several years in the future in excess of $4,000,000, he contended that earnings have exceeded $5,000,000 in both 1939 and 1940.

After detailing the character of affiliation contract entered into by CBS with its affiliates, the CBS chief pointed out that these provisions are advantageous to both parties and are indispensable to efficient operation. They were characterized as necessary to enable the network to compete with priors in the media of national circulation, assuring "a better, fuller and more efficient use of the radio facilities of the nation than any system of network broadcasting with which we are familiar."

Because stations "fear the loss of their broadcasting licenses as a result of these regulations, CBS said it "will not negotiate for or enter into the affiliation contract" heretofore invoked. More than 115 stations licensed by the Commission have such contracts with CBS, expiring at various times between the original effective date of the rules and Dec. 31, 1947.
THE location of WBEN's new transmitter on beautiful Grand Island, N. Y., is technically strategic—and symbolic. Just across the Niagara River from metropolitan Buffalo and connected by bridge, Grand Island was chosen after long study by consulting radio engineers. Its location intensifies WBEN's signal and concentrates the station's power over its service area. The transmitter site is approximately a mile from the Canadian border, making WBEN probably the closest U. S. station to our friendly neighbor. Buffalo is the home of great defense industries that link nations of good neighbors in the common cause of democracy's defense. WBEN is the friendly voice to carry your message to 400,000 U. S. families and to additional thousands of their Canadian neighbors.
DCB May Improve Radio's Priorities

Broad Advisory Powers for Communications Group

AIMING at more efficient use of available material supplies for communications operation, the Priorities Division of the Office of Production Management is understood to be ready to delegate advisory powers to general advisory groups that would exist in the Defense Communications Board and its new Priorities Liaison Committee, or in some similar organizations.

Although the DCB committee would act only in an advisory capacity, it is thought the practical effect of the plan would be to improve and advance the classification of the industry in priorities matters, since specialized attention could be given to the special needs of communications and recommendations would receive greater consideration.

Under the broad authorization expected, supervision of priorities for the communications industry would be handled by an advisory group, capable of intelligently weighing the relative needs of the various types of communications service, it was felt.

Types of Service

Machine and Procedure for dealing with priority requests for the industry are being formulated. At an Oct. 29 meeting of the DCB Priorities Liaison Committee with about 50 of the industry’s “industry priorities representatives”, representing each of the DCB industry technical committees, recommendations for a check classification of communications services from the standpoint of national defense, civilian defense and non-defense civilian services, DCB may receive these recommendations at its next regular meeting Nov. 6, although no definite decision may be reached immediately.

In communicating communications priorities policies to the Supply Priorities & Allocations Board, including the rationing of service according to relative importance, it is understood to be a major power to be granted DCB under the plan.

The specialized knowledge of technical experts of DCB and the experience of the OPN in handling priorities and allocations are to be dovetailed and yield a much more satisfactory result, so far as securing a reasonable supply of materials for the nation, than has been the case in the past.

Also tying into the picture, but not conflicting with the projected function of the committee, nominations were made to OPM last Thursday for a 29-member industry advisory committee representing manufacturers covering the whole range of radio equipment. It was pointed out that the radio manufacturers advisory committee would function from a manufacturer’s standpoint, while the DCB

FULL MOBILIZATION of network and affiliate defense facilities was mapped last Wednesday at a meeting of NBC-Blue regional representatives held in New York at the call of Niles Trammell, NBC president. Later Red representatives held a similar session. At the Blue meeting were (l to r) Samuel Rosenbaum, WFIL, Philadelphia; Elzy Roberts, KXOK, St. Louis; Mark Woods, NBC vice-president and treasurer; Col. Frank C. Pfeiffer, WSYY, Syracuse; Harry Mullen, NBC vice-president and general manager; Harold Nilsen, WBNR, Fort Worth; and Jack T. Oklahoma City; Henry P. Johnston, WSBN, Birmingham; Mr. Trammell; Howard Lane, KFAB, Sacramento; Tracy C. McCracken, KFBC, Cheyenne, Wyo.

**Timebuyers’ Likes in Program Listings, Rate Cards and Coverage Maps Outlined**

TIMEBUYER’S preferences in rate card schedules are reviewed in a letter sent to sales executives of the NAB by Frank E. Pellegrin, director of the NAB Department of Broadcast Advertising. The letter is based on a report of a meeting held Oct. 9 by the timebuyers’ sub-committee of the American Association of Communications Agencies, of which John Hymes, Lord & Thomas, New York, is head.

In making up spot campaigns, timebuyers desire that station schedules show the following, it is explained:

1. Time of each program.
2. Title of program.
3. Type of show (transcribed music, hillbilly live talent, quiz, etc.)

Type of Program

Many titles, say the timebuyers, do not describe a program. They suggest that schedules could show type of program by margin symbols, which also would indicate whether the program is sustaining or commercial, and whether local or network.

The timebuyer voiced a desire to receive schedules showing names of sponsors or products, so that spots will not be bought following competitive programs. Weekly schedules, they suggest, should be shown “across the board”.

Recommended is a four-page folder with seven columns, one for each day of the week, and with broadcast periods ranging down the left-hand side. They prefer that the folder should fold down to standard filing size of 8½ x 11.

On the subject of rate cards the timebuyers recommend that rates be stated as the actual amounts which apply for given frequencies, rather than by a schedule of discounts. When rates are based on frequency each rate should apply to a minimum number of broadcasts customarily purchased, such as 12, 25, 50, etc.

Coverage maps, it is recommended, should show both signal strength and audience mail returns, both broken down into primary and secondary areas, day and night shown separately. Basic figures are desired on the map rather than merely a group of counties in color.

Since methods of conducting surveys are not uniform, the timebuyers suggest they would credit highly any studies undertaken cooperatively by stations within a city and conducted by an impartial authority. They refer to the AAAA Newspaper Reader Surveys conducted in leading cities.

The timebuyers recommend that all stations establish good business practices and ethical standards, and then inflexibly maintain them; that fair rates be established and adhered to, without special “deals” for various clients, or one price to an agency and another to a local distributor; that per inquiry or contingent deals, or any other unfair requests, be turned down; that there be no rebates or secret discounts; that agency commission be allowed only to recognized agencies and never on business placed direct or to so-called “house agencies”; that all unfair trade practices and unfair demands be reported to the NAB for public action to the industry.

NBC and Affiliates Adopt Defense Plan

A FOUR-POINT radio defense program, calling for full mobilization of the combined resources of NBC and its 643 affiliated stations, was adopted by committees representing Red and Blue network affiliates at a two-day conference on defense activities held in New York last week.

Committees met in separate sessions, the seven Blue network representatives conferring on Wednesday and the Red network committee meeting on Thursday. Each committee represents one of the seven regions into which the country has been zoned for the defense planning. Committees are to be elected by Red and Blue stations in their respective zones by Nov. 16 to replace temporary committees that met last week.

Defense program comprises: 1. Development of a coordinated plan of operations by NBC and affiliates to insure maximum efficiency of service through effective cooperation with all national defense agencies; 2. To study plans for the maintenance of public morale and public physical well-being during any unexpected emergency; 3. To maintain normal broadcasting schedules, as far as possible, in the event of emergency to the end that our national life and normal business shall suffer a minimum of dislocation; 4. Establishment of a clearing house of information to expedite the procurement of radio equipment and replacement parts.

Representatives of the temporary committees who participated in the meetings were: Paul W. Morency, WTIC, Hartford; James D. Shouse, WLC, Cincinnati; John J. Christin, WOW, Omaha; Edwin W. Craig, WSM, Nashville; O. L. Taylor, KGNC, Amarillo; Sid S. Fox, KDYL, Salt Lake City; Howard Lane, KFBB, Sacramento; Harry C. Wilder, WSYY, Syracuse; Sam Rosenbaum, WFIL, Philadelphia; Elzy Roberts, KXOK, St. Louis; Henry J. Johnston, WSGN, Birmingham; Harold V. Hough, WBAR-KGKO, Fort Worth, and Tracy McCracken, KFBC, Cheyenne.

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"Selective SPOT BROADCASTING

of football and baseball assures us intense interest from our best prospects!"... SAYS JOSEPH R. ROLLINS FOR ATLANTIC REFINING

THE ATLANTIC REFINING COMPANY
PETROLEUM PRODUCTS
320 SOUTH BROAD STREET
PHILADELPHIA, PA.

Mr. John Blair,
John Blair & Company,
520 N. Michigan Avenue,
Chicago, Illinois.

Dear Mr. Blair:

For the past five years spot broadcasting in the form of local baseball and football games has occupied the major portion of The Atlantic Refining Company's budget.

Naturally, we of the Atlantic Refining Company as well as Atlantic dealers are more than satisfied because selective Spot Broadcasting of football and baseball assures us intense interest from our best prospects. We know of no other form of advertising that creates good-will and sales so effectively.

Speaking for The Atlantic Refining Company and our dealers, I want you to know that we all appreciate the splendid co-operation your stations have given the Atlantic Refining Company in connection with our advertising programs.

We are looking forward to an even greater football season during 1941.

Very truly yours,

Joseph R. Rollins
Advertising Manager

JOSEPH R. ROLLINS
Advertising Manager
THE ATLANTIC REFINING COMPANY

You won't find magic in Spot Broadcasting's solid success at Atlantic Refining. Instead, you'll find a typical example of the way Spot Radio's inherent flexibility fits and solves tough merchandising problems.

Through unrestricted choice of top stations, Spot Broadcasting insures complete blanketing of selling areas, without waste. It provides an unlimited range of programs and times... assures intense selective audience interest for Atlantic's sport broadcasts. Consequently, Atlantic Spot Radio influences customers constantly (with peak interest during vital Fall and Spring merchandising campaigns). It appeals equally to dealers... inspires aggressive cooperation from present outlets and gains important added distribution. The result is satisfaction... and success!

- Powerful Spot Broadcasting will bring this same sharp-focused flexibility to your advertising problem. Ask a John Blair man.
Peace Again Reigns in Copyright Field

ASCAP Catalog Returns After 10 Months

The music-radio war is over.

True, the majority of individual broadcasting stations have not yet taken out ASCAP licenses and there are a few details still to be worked out, such as a per program plan for regional networks and the way in which clearance at the source for commercial transcription is to be handled, but the contracts enabling the return of ASCAP music to CBS and NBC were signed last Wednesday and at midnight ASCAP music again was broadcast on those networks after an absence of 10 months.

Signing of the contracts, which included those for the individual use of ASCAP music by NBC and CBS and for CBS M & O stations as well as by the networks themselves, might have taken place several weeks sooner had the networks not required ratifications of affiliates, whom the networks asked to agree to rebate 2½% of their income from network commercial programs as their share of the networks' payment to ASCAP. Officials of both networks reported that “better than 90%” of their stations had so agreed before the contracts were signed.

Contracts Mailed

Since MBS had signed with ASCAP May 11, returning the Society’s music to its network programs two days later, all nationwide networks are now broadcasting this music, in addition to 500 individual stations, 295 of which have blanket licenses and 5 independent stations, ASCAP reports. Immediately following the signing of the NBC and CBS contracts, ASCAP began mailing out contracts to all stations, sending to each a covering letter and per-program arrangements for both commercial and sustaining programs.

Present licensees as well as stations not now licensed by ASCAP received the forms, ASCAP stated, as the former, who signed up on the basis of 3% for blanket licenses and 10% fees under the per-program plan, are now entitled to switch to the new contracts and reduce their fees 2½% and 8%, respectively, under a most-favored-nation clause in the contracts negotiated by MBS.

MBS is also entitled to a reduction on its network programs, to the 2½% blanket license fees negotiated by NBC and CBS in place of the 3% which MBS now pays. Application of this reduction may occasion further friction between broadcasters and ASCAP, as MBS announced it “will enjoy any reduced rate that ASCAP effects with other broadcasting networks retro-

active to May 19,” while ASCAP maintains the reductions did not go into effect until Oct. 30, when the NBC and CBS contracts became effective.

Since the individual stations had not received their license forms from ASCAP, the Society’s board of directors on Thursday voted to extend again its blanket permission for use of ASCAP music at football games during the weekend. Reason the forms were not sent to stations until NBC and CBS had signed was that they constitute offers by ASCAP of reduced fees, which the Society did not want to make to stations until it had achieved the network deal, of which the lowered station fees is a part.

Monopoly Broken

For radio, the new contracts mark a major victory, achieved through an industry solidarity which, although once broken, persisted long enough to break the music monopoly which had formerly appeared invincible. On the financial side, radio has reduced its annual payments for ASCAP music from $5,100,000 paid in 1940 to an estimated $3,000,000 for each year through 1949, in contrast to the estimated $9,000,000 which ASCAP would have received under the terms it first offered to broadcasters. But the major victory for radio is the achievement of a competitive market for music, assured by the successful establishment of BMI as an alternative source of music for radio.

For ASCAP, the new contracts bring back what is still the Society’s best customer, and on a basis of sound business relationship which should avert most of the difficulties which were inherent in the old scheme.

Immediately following the signing, a joint NBC-CBS-ASCAP statement was issued:

“Solution of the music problem is welcomed equally by radio and ASCAP. Never before has there existed such complete understanding and friendly relations between ASCAP and broadcasters as is the case today. We believe that the contracts entered into today between radio and ASCAP will result in years of useful implementation in the fulfillment of that duty and that cause.”

Since the after-midnight musical programs on the networks had been cleared for broadcasting before the contracts were signed and the network music rights departments declined to accept last-minute changes, the first ASCAP tunes on NBC and CBS were not broadcast until the regular broadcasting day on Thursday. Some ASCAP tunes appeared during the daytime, but it was evening before they were back in full force on commercial musical programs, practically all of which included both ASCAP and BMI numbers. The Major Bowes Amateur Hour on CBS included 8 ASCAP tunes in its total of 19, a ratio which is probably representative of all musical programs that evening.

BMI Statement

No ASCAP numbers were included among the 10 winners on the Hit Parade on Saturday, as there were no ASCAP tunes among the 10 most popular during the previous week, but the three “extra” selections on the program were all ASCAP numbers.

BMI’s official reaction to the completion of the contracts of NBC and CBS with ASCAP is expressed in a statement made the day of the signing by Sydney M. Kaye, BMI executive vice-president.

“BMI is glad to see ASCAP music return to a wider audience. That ASCAP music should be available has always been part of BMI’s ultimate hopes for the music business. It is important that active competition between publishers, licensing agencies and writers should exist in the field of music, just as competition exists in all other artistic and business fields. BMI will continue to serve the broadcasting industry and other music users.

“We are proud of the fact that the establishment of BMI has resulted in the entry into the music field of many publishing firms which were previously unable to gain access to the American public, and, more important, that there have been created scores of solid musical hits written by young composers who were previously unknown. It has been proved that there is musical talent in every corner of our country.”

Chesbrough Back

CHESBROUGH MFG. Co., New York (vasseline), through McCann-Erickson, that city, on Nov. 3 starts its fifth year sponsoring the weekly Dr. Christian program on 64 CBS stations, Wednesday, 8:30-8:55 p.m. (EST), with West Coast repeat, 8:30-8:55 p.m. (PST). Jean Hersholt is featured in the title role, with Lurene Tuttle supporting. Jean Cannon is agency producer.

Card Campaign

U. S. PLAYING CARD Co., Cincinnati, on Nov. 3 is to begin a 13-week campaign of one-minute live and recorded announcements on two stations in New York and two in Chicago to supplement a magazine campaign to get under way about the same time. Agency is J. Walter Thompson, New York.
A Scoop! that ends the equipment delivery “bug-a-boo” . . . IF YOU ACT NOW!!

GATES INTRODUCES and offers you prompt guaranteed delivery on the

NEW 250C TRANSMITTER

An unexpected opportunity to make an immediate replacement or new installation

Here’s a brand new member of the now famous Gates family that introduces entirely new standards in transmitter equipment. The 250C will please the most critical station executive because of its pleasing appearance. This feature plus the year-after-year trouble-free performance that is built into all Gates equipment will appeal to the engineer.

It is a real achievement to offer this new transmitter at this time and to assure prompt delivery is important news to any station that is planning to make equipment improvements anytime in the near future. Our present materials stock is sufficient at present to fulfill a limited number of immediate orders. Therefore, we suggest you investigate the 250C Transmitter immediately for complete details.

A Completely New, Advanced Design With a Score of Technical Advantages Important to You—

The exclusive INTEGRATED DESIGN is a completely new mechanical arrangement available for the first time, which places the 250C years ahead of even the transmitters in the latest installations. A single vertical panel is used for mounting all the components except the tubes which are placed on shelves. Thus, all parts are visible and easily accessible—providing better ventilation and more efficiency than was thought possible. Another outstanding feature is MOTOR TUNING which eliminates complicated methods of adjusting the condensers and provides smoother, easier operation than was possible by hand.

“Showmanship with a Plus Performance”

Smart, attractive designing makes the Gates 250C the dream of every station executive and engineer. The front panel is outstanding. The entire front is satin black, trimmed with pleasing tones of ivory and red applied in fine sweeping lines that lend real “eye appeal”.

WRITE PHONE WRITE! Whether you are planning to replace equipment or interested in a new installation it will pay you to read the entire exciting story of the Gates 250C Transmitter. Completely detailed, illustrated bulletin gladly sent on request.

GATES
QUINCY, ILLINOIS, U.S.A.
Inde pendents Call Convention To Effect Reorganization Plan
Lafo unt Sees Possibility of Ferrar Which Will Represent All Branches of the Industry

FIFTY-TWO broadcasters, representing every State in the United States, the District of Columbia, Alaska, Puerto Rico and the Philippine Islands, will meet in Chicago sometime between Nov. 15 and 20 to elect officers of National Independent Broadcasters and to effect reorganization of the NIB as an industry-wide body. Arrangements are being made to include all broadcasters except the networks and their M & O stations.

Announcement of the meeting, made last week by Harold A. La font, NIB president, is in line with plans adopted at a special NIB convention held in Chicago Sept. 22-23 [BROADCASTING, Sept. 29].

Foresees Federation
Stating that members of Independent Broadcasters Inc., recently formed organization of regional stations on a national basis, need a network [BROADCASTING, Oct. 20], are cooperating with NIB in calling the Chicago meeting the middle of this month, Mr. La font intimated a consolidation of the two groups was a probability. Going even further, he said he could visualize "under the proper circumstances and with identities and organizations merged into one whole industry united in a federation of broadcasters, including all branches. Each network, network affiliates, nonnetwork stations, clear channel stations and every other group with its own particular problems, just as all the transcription companies would have an agreement to cooperate in carrying out its own affairs."

But whenever a problem arose affecting the entire industry, the united federation could act as a single body, united, without hesitation. Aside from such all-inclusive problems, however, each group would maintain its independence and all groups would have equal voice in the policies of the parent organization, so that there would be no possibility of domination by any single interest.

"Letters Sent"
To insure selection of delegates who would truly represent the stations of their areas, the NIB has inaugurated a novel procedure. Letters were sent to all broadcasters in the United States, except the networks and their M & O stations, asking each broadcaster to name the man in his territory best qualified to call and conduct a meeting of all stations that will meet in Chicago.

Last week, Mr. La font and Ed-win M. Spence, NIB managing director, drew up a letter which was sent to the broadcasters selected by their fellows, asking them to hold State meetings for the purpose of electing and instructing their delegates to the forthcoming meeting. Complete list follows:


WHEN THEY HELD a honesmakers convention at Lynchburg, Va., WVLA carried a 30-minute remote from convention headquarters. Annunciator Cobb (left) donned a net and carried a smoker for protection but Engineer Maynard Duvall was satisfied with his pipe.

WINS IS ORDERED TO REINSTATE KING
WINS, New York, has been ordered to reinstate Walker King, announcer, with full back pay, in an American Arbitration Assn. decision given last week, following a hearing held Oct. 23 of the dispute between WINS and the American Federation of Radio Artists.

AFRA has signed an eight-week "interim" agreement with WBNY, New York, covering staff announcers at the station during the time that operating adjustments are being put into effect by the station management. Negotiations with WAAT, Jersey City, are practically completed, with contracts expected to be signed momentarily, Mr. Heller said last week.

Bee son Joins Rep
STERLING B. BEESENF, formerly of Joseph Hershey McGilivra, vice-presi dent and previous manager of WTOP, Toledo, and assistant merchandising manager of the Michigan Network, has joined Headley-Reed Co., New York, radio representative, as senior solicitor.

Collins Named V-P
KENNETH COLLINS, an executive in the merchandising department of Arthur Kudner Inc., New York, has been appointed vice-president in charge of merchandising.

Ballantine Moving To Blue Dec. 12
Will Finish First 13 Weeks Of Program on Mutual

CONTRARY to Oct. 24 reports that P. Ballantine & Sons, Newark, was shifting its Three Ring Time series from MBS to NBC-Blue prior to termination of its 13-week contract with Mutual, the company announced last week that the program will finish its initial 13 weeks on MBS, shifting to NBC Dec. 12.

This announcement partially counters a rumor that the network's rejection of Ballantine's offer to pay full time charges for the remaining five weeks of the contract.

Change in Policy
Shift of the program radically changes NBC's policy, established last spring, of carrying no beer advertising on its networks. MBS contends the situation is a perfect illustration of the evils of exclusive option on time of affiliate stations, a practice which would be eliminated if the new FCC rules for networks were put into effect.

Mutual's explanation is that the reason the program has shifted to the Blue was that when the Blue sold opposite Three Ring Time to Canada Dry for Michael & Kitty, it exercised its option on those stations which are affiliated with the Blue, in contrast with MBS, thus raising the number of MBS stations recording the Ballantine show for delayed broadcast to approximately 30% of the outlets, which in turn brought about the cancellation by Ballantine.

NBC, however, stated that only five stations were asked to drop the program, with 25 broadcasts in favor of Michael & Kitty.

In a hasty presentation to J. Walter Thompson Co., agency in charge of the Ballantine advertising, MBS pointed out that a similar situation would prevail in the program's intended time on the Blue, as Information Please on the Red during that time currently uses 13 Blue stations as part of its network. NBC reported, however, that the 28-day recapture clauses are included in the contracts signed by American Tobacco Co., sponsor of Information Please, and that this company has been notified these stations will be withdrawn as of Dec. 12 for the new Blue network client.

Paramount Fund
PARAMOUNT PICTURES, New York, has allocated $250,000 for radio, newspaper, national and fan magazine and trade paper exploitation of forthcoming technicolor picture "Louisiana Purchase." Buchanon & Co., New York, handles the account.

Page 14 • November 3, 1941 BROADCASTING • Broadcast Advertising
"I'm just telling you what I've heard, Colonel. It's all up and down the lines, too. That NBC-Red station in Oklahoma City by the name of WKY occupies an almost impregnable position with listeners in its market.

"The fact is, Colonel, that WKY is one of the highest-ranking stations in the country from a program-rating standpoint. Among NBC-Red stations in 31 of the nation's most important markets—pretty fast company, you'll admit—WKY leads them all in program rating from 3 to 5 p.m. It's in second place from 7 to 9 p.m. and in third place from 9 to 11 a.m. as well as 1 to 3 p.m. At no time, morning, afternoon or night, does it rank lower than seventh among these 31 outstanding stations. Nor does any other Oklahoma City station come close to WKY's rating at any time of day.

"Hadn't we better line up with this WKY outfit, Colonel? They ought to be a pretty potent force to have on our side."
Advertising Industry Plans War Council

Means of Meeting Attacks To Be Devised

A WAR council among advertising groups to map means of meeting a growing anti-advertising movement and effects of the emergency will be the subject of an ANPA news letter, "The Homestead, Hot Springs, Va."

Participating will be executives of leading advertising media and leaders of industries using advertising, who have been invited to sit with members of the Assn. of National Advertisers and the American Assn. of Advertising Agencies at a special joint meeting of the ANA and AAAA.

New ANPA Bulletin

As the advertising industry and associated media ponder the growing attacks on advertising, the American Newspaper Publishers Assn. on Oct. 27 issued a revised bulletin, "Government Takes a Bigger Role and More in Advertising Matters". The first version of this summary of antagonistic Government measures toward advertising was published Aug. 20 by the ANA. [BROADCASTING, Aug. 26].

A number of recent attacks against advertising by persons connected with Government are included in the bulletin.

A detailed survey of the wounding Government anti-advertising front showing how both Congress and Federal agencies are gunning for advertising as an institution was printed in the Aug. 18 BROADCASTING.

In a prospectus issued by the joint ANA-AAAA committee handling the meeting, it is pointed out that advertising is seriously menaced by the impact of anti-advertising forces, accelerated by the national emergency. The purpose of the meeting, it is pointed out, is to bring before those most directly concerned with this problem—national advertisers representing business management, agencies and the national media—a carefully prepared presentation of the actual situation and the facts about advertising's place in the American system of free enterprise.

The ANA-AAAA groups have been gravely concerned in recent months about advertising and what may happen to business in the immediate future. This concern is shared by agency executives, magazine and newspaper publishers, broadcasting networks and stations, and other members of the advertising industry.

When these leaders get together at Hot Springs, they will take up a four-point program: Part I will be a presentation of the facts about the opposition to national brands and the advertising thereof; Part II will be a presentation of the facts about the economic effects of advertising and its vital place in the American system of free enterprise; Part III will consist of experience talks by high-ranking executives in business about the indispensability of advertising as a selling tool under the American economic system; Part IV will consider the question "What can we do about it?"

This four-point program is based on the conclusions of the ANA and AAAA that its course of action should include (1) a cooperative effort; (2) establish the facts; (3) effective presentation of those facts.

Two Sources of Attack

The two trade associations have voiced concern recently over the growing frequency and severity of the attacks on advertising, which they describe as the show window of business. These attacks come first from those who would destroy the American system of free enterprise and second from those who are sincere but wholly ignorant of the true function of and the facts about advertising.

Some of these attacks are based on the unsound doctrine, according to the ANA-AAAA, that advertising is simply an added cost to the consumer, that it fosters monopoly, that it is an economic waste, that trade-marks are an unreliable guide to quality, that advertising should be disallowed as a cost in Government contracts. All such attacks have had their effect on the American public, on consumer leaders, on Government officials, according to the ANA-AAAA.

Furthermore, these groups point out that there has been increasing talk of curtailing advertising as a means of controlling inflation and restricting it as a means of controlling production. Two instances cited are the last-minute attempt to include a tax on radio and outdoor advertising in the revenue bill of 1941, and the actual incorporation in the bill of attacks on electronic advertising signs. In addition, there is the movement for mandatory standardization and mandatory government grading of consumer goods, hailed by many as a means of replacing brand names and their advertising.

In calling the joint meeting, the ANA-AAAA emphasized that the danger lies not so much in what the extremist elements in the anti-advertising forces are trying to do, but in the fact that the more moderate elements, among those in charge of the nation's machinery and in Congress, "simply don't realize what is taking place because they don't fully understand what advertising is and how it functions".

Furthermore, there is growing realization that one of the first and most important jobs is to bring about a better understanding of the dangers to advertising and its vital place in the American system among the rank and file of businessmen, employees, merchants, etc., as well as among those in the advertising business itself.

Mysteries of Video

MYSTERIES OF VIDEO were explained to the Duke and Duchess of Windsor last Wednesday when they toured the RCA Bldg. in New York. Clay Morgan, assistant to the president of NBC, took them around. After being televised the royal couple stopped to renew acquaintance with Eddie Cantor before his Time to Smile broadcast for Bristol-Myers Co.

(Continued on page 44)
KDKA is worthy of the plaudits and best wishes of the entire radio industry. Twenty-one years of usefulness, of public service and of ethical broadcasting.

Chairman Fly of the F. C. C. designated WWJ* as “a veritable Methuselah among radio stations.” As one Methuselah to another, we say, Congratulations, KDKA.

*On the air daily since August 20, 1920
The Story of Two Novembers...

This is November—and our Birthday Month: The Fifteenth Birthday of the NBC Red Network—But this isn't just a story about us.

This story is about some things that grew up with us Between two Novembers, 15 years apart... a story that's bigger than we are. And we know it.

It isn't only something on a calendar.

And it isn't the sort of thing that you can analyze By counting the colored counties on a map.

Though a map's one way to look at it...

A map can show you how, for instance, In nearly every county of America, We can bring our people together, as into one room—Out in Montana, down in Rhode Island, across the plains of Texas—

When the President speaks to the people... when the destiny of the nation rests with the people... or when the people want to be told The facts that a people should hear.

Yes—and a map can make you feel, perhaps, How rich and poor, strong, weak, young, old (But Listeners all!) Are gathered today into a transcendent unity Beyond achieving in that other November 15 years ago. We have removed forever Cracker-barrel sectionalism... misunderstandings between City and City, State and State. And something has been born that was not here before.

Other generations may have dreamed What these last 15 years have made come true: The pioneer, rolling westward through days of dust And days of snow, May have dreamed how some day we should end...
The isolation of geography,
Binding New York to Cheyenne with the speed of
light: hurtling darkness and storm; and through
wind and lightning speaking
From the Atlantic to the Pacific, with

One voice
To one nation
Indivisible!

But the story isn't only in the maps...
It's in the people, after fifteen years.
It's a pattern in the people.

One-fourth of our people have lived with Network
Broadcasting
Since the day they were born...
And more than a third of us have lived with it
Since we were five years old.

Count that, when you measure
The strength, the power, the influence
Of Network Radio today
On the minds of Americans!
It's a pattern in the people... Look around you.

It's a pattern in their living: their waking, their working: their leisure and laughter: their dancing and buying. They get up to network radio, and they go to bed to network radio.

It's a habit... and you can't erase it.

During these 15 years, the NBC Red Network has become a part of America.

It belongs.

Let's say it simply:

For 15 years, the National Broadcasting Company has been proud of its job. It's been a big job, and we've tried to give our best to it. We must have. For the network the country listened to first is still the network most people listen to most!

NBC Red NETWORK
The Network MOST People Listen to MOST
THE NATIONAL BROADCASTING COMPANY
A Radio Corporation of America Service
KOB 50 kw. Grant Protested by WJZ
NB Charges It Was Given No Chance for Hearing

PROTESTING another case having all the earmarks of a clear-channel breakdown, counsel for NB, and the New York Blue network key, WJZ, filed with the FCC last Wednesday a petition for rehearing on the Commission's revocation of the grant of duplication facilities on WJZ's 770 kc. frequency to KOB, Albuquerque, N. M.

The brief charged that the FCC, on Oct. 14, without application or hearing, had revoked the authority of WJZ to operate simultaneously with WJZ on 770 kc., 50,000 watts day and 25,000 watts night power, without affording WJZ an opportunity for hearing. The NBC petition was filed as a score of applications were pending with the FCC to secure increased facilities through duplication of clear channels.

Merely An Experiment

From the FCC side, it has been indicated the shift of WJZ's 50-25 kw. operation from the previously authorized 1030 kc. to 770 kc. had been approved as a "special service authorization" because of complications in connection with Havana Treaty reallocations involving KOB. The shift had purportedly been characterized as a purely experimental move to secure "factual" information, indicating that further change might not be necessary.

According to the NBC-WJZ brief, the FCC on May 7, 1941, granted KOB a 50 kw. construction permit for 1180 kc. Previously, on March 24, and effective March 29 with reallocations under the North American Regional Broadcasting Agreement, KOB had been licensed to operate unlimited time with 20 kw. on 1030 kc. the clear channel occupied by WBJ-WBZA, Boston-Springfield. On June 3, the brief continued, the FCC granted KOB a "special service authorization" to operate with 50 kw. day and 25 kw. night on 1030 kc. Then on Oct. 14, without notice to NBC and without hearing, it authorized KOB to operate simultaneously with WJZ with 50-25 kw. on 770 kc., without application by Albuquerque Broadcasting Co., the brief declared.

Apart from allegations that KOB's operation on the WJZ clear channel would result in serious curtailment of WJZ service resulting from co-channel interference, the brief pointed out that WJZ has had pending since April 11, 1936, an application for power increase from 50,000 to 250,000 watts, and maintained that the KOB grant amounts to a denial of this application without hearing.

Alkaline Spots

AKLINE Spots: Co., New Brunswick, N. J. (Flem-O-Lyn), recently started a series of participating announcements 18 times weekly for 4-6 weeks on WOV WOR WPEN WIP WHOM WCAE. Agency is Redfield-Johnstone, New York.

Analysis of FCC License Logs Shows 167 Equipment Projects

WHY MANUFACTURING production lines must be kept open for maintenance and repair of broadcast operations is statistically illustrated by a recapitulation of outstanding Government licenses covering broadcast operations, standard as well as FM and visual.

An analysis of FCC license logs discloses there are 873 licensed standard broadcast stations in the United States. In addition, there are outstanding 41 construction permits for standard broadcast stations under construction, while 120 licensed stations have outstanding construction permits for installation of new equipment.

Others Pending

In the new field of FM there are five actually licensed stations with 52 under construction. In television, one commercial station is licensed and seven are under construction. These are exclusive of experimental television stations in operation or under construction.

According to FCC records, there are 16 experimental FM stations licensed under special authorization. There are 18 experimental television stations licensed, with 27 under construction. Two television licensees hold construction permits for installation of new basic equipment.

FCC Defense Communications Board officials have indicated that because of the tight priorities situation occasioned by defense requirements, it may be necessary to stop all new station construction except where deemed essential as a defense measure. In other words, the FCC may find it necessary to forego licensing of new broadcast stations in areas already adequately served. In areas not having sufficient service, however, the FCC, probably through OPM, will certify to OPM authorities that the proposed service is deemed necessary as a national defense measure.

Without considering new station construction, however, it is pointed out that the industry must be kept supplied with tubes, parts and replacements, to operate at maximum efficiency. Recent OPM rulings have tended to open the way for essential repairs and replacement material, but the outlook is regarded as extremely bleak, unless production lines are kept moving on such materials earmarked for essential commercial and private radio operations.

Belko Case Review

By Supreme Court

Highest Tribunal Will Hear Overtime Wage Decision

MOVING toward a final ruling on the question of how overtime pay must be determined under the Fair Labor Standards Act, the U. S. Supreme Court last Monday announced it would review lower court decisions in the Belco Corp. case, which, according to the Wage & Hour Division of the Labor Department, presents the most far-reaching issue since the legal validity of the Act was established. Arguments in the case may be heard late in November or December, with a decision expected about a month later.

The case, bitterly fought through U. S. District and Circuit Courts by the Wage & Hour Division, revolves around a form of employment contract developed and used by A. H. Belo Corp., owning WFAA, Dallas, and a half-interest in KGKO, Fort Worth, and publishing the Dallas Morning News.

Appellate Ruling

The company has maintained before the courts that an employer who guarantees his employees a certain weekly salary might fix by agreement with them the rate to be received, and thereby escape payment of overtime compensation. This position was upheld June 27 by the Fifth Circuit Court of Appeals, following appeal by the wage-hour administrator of a weekly salary by the number of hours actually worked that week [BROADCASTING, July 7, Sept. 22].

Gen. Philip B. Fleming, Wage-Hour Administrator, has challenged the Belco contract as an evasion of the law. Should the lower court decisions stand, the Government maintains, most weekly salaries 'can be converted by contract' into arrangements for minimum or low basic hourly rates requiring no additional compensation for work in excess of 40 hours in any week in which the statutory maximum is exceeded.' It is estimated that more than 1,600,000 employees subject to provisions of the Act 'are directly or potentially affected by the availability of these contractual devices.'
NOW FULL TIME, WFNC offers you an advertising opportunity that's as obvious as a 21 gun salute. WFNC is the favorite station of the largest Army Post in the United States—nearby Fort Bragg with its 67,000 officers and men. The rich, rolling country in WFNC's primary area produces $4,226,000.00 worth of peaches, watermelons, cantaloupes, strawberries and vegetables a year. A year's tobacco crop brings $41,153,000.00 at average price levels. Cotton accounts for $7,241,000.00. These are last year figures. This year the Defense Program is making a bonanza of WFNC-land. Population in WFNC's home county has risen 60% since 1940. Last year there was a total population of 861,257 in this area with a spendable income of $244,451,000.00 (including the 67,000 officers and men at Fort Bragg, who receive $27,600,000 annually). This year ... who knows? You won't go wrong in WFNC-land ... with WFNC.
Radio Gives Musical Show a Lift

‘Hellzapoppin’ Offers Broadway Success Story

By MARLO LEWIS

ON SEPT. 22, 1938, the popular vaudeville comedians, Ole Olsen and Chic Johnson, opened a musical review on Broadway called “Hellzapoppin”—an entertainment which followed no previously-created pattern and yet was accepted. It was a large, expensive show, built out of vaudeville units that had kept audiences on the road in stitches for some seasons.

“Hellzapoppin” met with a lukewarm reception from Manhattan’s calloused theatre critics, who had nothing with which to compare it. But Olsen & Johnson and the Messrs. Shubert, their producing associates, knew they had a surefire audience pleaser, knew its comedy had been proved the public outside of New York and couldn’t miss in New York—provided audiences could be made to forget the critics’ almost unanimous regrets and reports and be made to come to the theatre.

Once inside its doors, the producers knew the audience would be delighted.

The Unknown Quantity

The problem was to create immediate and widespread interest in this extraordinary attraction. After much deliberation, a decision was made by C. P. Greneker, advertising and publicity director for the Messrs. Shubert, and the agency. This decision radically deviated from the promotion usually followed for a Broadway show.

The plan embodied the use of regular classified amusement list making in all metropolitan newspapers, and in addition—radio—a very seldom used medium in show business. This was the radical departure—the unknown quantity.

“Hellzapoppin” became a sensational success almost overnight. Within eight weeks its audiences had grown too large for its initial New York theatre, and it took up quarters in the Winter Garden, Manhattan’s largest legitimate playhouse. “Hellzapoppin” has just celebrated its second birthday and launched its fourth successive year in New York with no diminishing of its advance sale. It has given more than 1,300 performances. It is not only the longest-running attraction currently on Broadway—it is the longest-running musical show in the history of the entire theatre. To date, more than 2,500,000 tickets have been sold, considerably more than ever before purchased for a Broadway play.

Their First Show

The Messrs. Shubert and the agency were jointly curious about the continued success of “Hellza-

HIGH-POWERED EXECUTIVES examine 5,000-watts of new RCA transmitter installed by WSYR, Syracuse. About 300 radio advertiser and agency executives attended the mid-October dedication. Here (1 to r.) Sidney Strots, NBC program vice-president; Col. Harry C. Wilder, president of WSYR; Fred R. Ripley, vice-president of WSYR; William Hillman, NBC commentator and journalist; Niles Trammell, NBC executive; Messrs. Trammell, Strots and Hillman addressed the assembled visitors.

Oil Firms Revert To Selling Theme

But Conservation, Defense Thought Is Not Abandoned

WITH THE recent pronouncement by Federal Petroleum Coordinator L. C. Johnson (see following reports on the sale of gasoline in the East, oil companies and marketers serving the seaboard are again revamping their commercial radio programs to give added emphasis to the "shortages and economy" theme and substituting straight selling copy with some emphasis continuing on "conservation for national defense" theme.

Some oil companies when the gasoline curfew went into effect, oil companies have used non-selling conservation copy, without curtailments in the selling of motor and fuel oil during the shortage period, is now opening each broadcast with, "Gas is an important defense material; use it economically!"

Radio has gone back to the personal-gain emphasis, as have Socony-Vacuum and Sun. Atlantic will plug White Flash in straight copy, while Cities Service will hold closely to the patriotic theme, emphasizing that each gallon of gas saved can be used for the armed forces. Shell, Gulf and Texaco continue to use their regular copy of "No Change Copy". They did not change copy since their radio advertising is on a national basis and not localized in the East.

Republic Campaigns

RADIO will be included by Republic Productions Inc., in its $100,000 special exploitation campaign for the film, "Lady For A Night." An extensive campaign, including radio, has also been set up for the Englewood Smalls film, "The Cowardly Brothers." Rudy Montgelas, New York executive of Buchanan & Co., agency servicing the account, was in Hollywood during late October to complete details.

Illinois Meat Spots


DORIS DENELT, vocalist of KROY, Oakfield, N.Y., has been signed by Universal for a series of singing roles. She is the wife of Knute Kirby, assistant manager of KROY.

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BROADCASTING • Broadcast Advertising
Housewives are true homemakers in the Cowles Stations area. They want worthwhile facts and friendly counsel from radio people who talk over homemaking problems with them.

That is why the three friendly Home Economics counselors of the Cowles Stations get the “tune-in” nod in this area of some 1,500,000 radio homemakers. Each of these homemaking specialists knows her listeners in her locality — and caters directly to their likes and dislikes.

So we talk about results, based on actual response to these friendly, intimate personalities. After all, results are so much more important than far-fetched station claims of having practically all the listeners — and such.

Libbie Vaughan, chief chef for seven years of WMT's Magic Kitchen, performs sales magic for advertisers on her program.

“Your Neighbor Lady” — Wynn Hubler — does a plus job for advertisers who seek the responsive, neighborly WNAX audience.

Helen Watts Schreiber smoothly handles home economics on KSO, Des Moines. Stand-out sales getting results are her specialty.

WMT CEDAR RAPIDS-WATERLOO
KRNT DES MOINES
THE Cowles STATIONS
KSO DES MOINES
WNAX SIOUX CITY-YANKTON

Represented by The KATZ Agency
Buffalo Has a

1526 K

50,000 WATTS

COLUMBIA

550 K.C.

WKBW • WGR

50,000 WATTS • COLUMBIA • 5,000 WATTS • MUTUAL

National Representatives: FREE & PETERS, INC.
Buffalo today has a new radio map — a map that adds millions of listeners to your radio dollar.

Through a new $350,000 transmitter plant — the most modern installation in America — the Buffalo Broadcasting Corporation offers advertisers:

1. WKBW, Buffalo’s only 50,000-watt station, carrying Columbia network programs, with an eleven-state night time coverage of 12,000,000 people.
2. WGR, at the dial’s most favorable position — 550 kilocycles, carrying Mutual network programs, with the greatest regional coverage of any Buffalo station— 5,000 watts by day, 1,000 watts, directionally intensified, by night.

Backed by the most extensive promotional campaign ever launched by any Buffalo radio station, WKBW and WGR now are in position to give advertisers the largest radio circulation per dollar ever offered in this half-billion dollar market.

For top results, make WKBW or WGR your first choice in Buffalo.

BBC's SECOND Major Improvement in 30 Days

The opening of our new transmitter plant is BBC's second big forward stride in 30 days. The first occurred on September 28th when WKBW became the exclusive outlet for the Columbia network programs and WGR became the permanent outlet for the Mutual network’s expanded schedule.
Durr Is Confirmed To FCC Position

Senate Acts Speedily on New Member of Commission

IN ALMOST record-breaking time, the nomination of Clifford J. Durr to be a member of the FCC was confirmed by the Senate last Wednesday.

The Senate Interstate Commerce Committee approved the nomination at a brief meeting last Monday, reported it the same day to the Senate, and after the requisite legislative lay-over, the Senate confirmed the nomination without opposition at its Wednesday executive session.

No Opposition

With a dozen of the committee's 21 members present, Mr. Durr's nomination was ratified unanimously. Because several Republican members wanted to know more about the appointee, he was called to the Capitol Tuesday morning and made a brief appearance.

Mr. Durr, it was stated following the meeting, explained that he was not familiar with the FCC's operations beyond what he had read in the public prints and had heard since his nomination by President Roosevelt last month. He was questioned briefly by committee members and excused.

Senator Lister Hill (D-Ala.), who co-sponsored the Durr nomination, urged the Senate to call an executive session to report the nomination promptly and give the FCC its full quota for the first time since the expiration of the term of Frederick I. Thompson June 30. Mr. Durr's term is for seven years from June 30.

Interviewed by Broadcasting, Mr. Durr asserted he joins the FCC "with an open mind." He said he had no preconceived notions about any aspects of the FCC's work and proposed to "brush up" on the Act and FCC activities.

Plans Short Leave

After he is sworn in, Mr. Durr said, he planned to spend a short vacation with his parents at his home in Alabama before assuming his duties.

Mr. Durr asserted that his chief, Jesse Jones, Secretary of Commerce and Federal Loan Administra- tor, had told him he would be "an ideal member" so he could assume the FCC post.

He has been assistant general counsel of the RFC since 1937, having joined that agency fresh from an Alabama law practice four years earlier. With the creation of the Defense Plant Corp. last August, he was named its general counsel—a $10,000 post. He will draw the same stipend as a member of the FCC.

It is presumed Mr. Durr's primary interests will center around broadcasting and related fields as a member of the FCC. While commissioners function on all FCC activities, particular members have been more prominently identified with specialties. Messrs. Fly, Craven and Case, for example, deal primarily with broadcast activities, while Commissioners Walker and Wakefield, by virtue of their background in public utility-common carrier operations, are associated primarily with telephone-telegraph matters.

An Alabama Democrat, a Rhodes scholar and a high-ranking lawyer in Administration circles, Mr. Durr has had vast experience in industrial and business affairs during his eight-year tenure with the RFC. That agency is regarded as more closely allied with private business operations than perhaps any other in Government. This background and experience, it was thought, would serve him in excellent stead in dealing with broadcast regulation as a private business pursuit, as well as with the common carrier utilities in the field.

The 42-year-old Alabaman is a brother-in-law of Supreme Court Associate Justice Hugo Black. He is a member of the board of legal examiners created last summer by the President to deal with problems of lawyers in civil service.

THE DOMINANT financial program preference is for spot announcements, according to an analysis of radio advertising by John J. McCann, appearing in the September issue of Banking. The study is based on a canvass of 765 stations and the experience of 688 bank sponsors. Essence of success in radio advertising, according to Mr. McCann, is the ability of many advertisers to furnish a competitive program led to the spot announcement, according to the article, which describes it as "a simple device for capitalizing the listening audience already drawn to the station by a popular program."

After reviewing the strength and weakness of announcements, gives a resume of factors to be taken into consideration by advertisers. Among them are the time of day, preceding and following program, on other stations. The article observes that spot selection is difficult because of a shortage of good time and suggests that the advertiser consult the station's representative, describe his wishes, and when a desirable time becomes available, pick it up. "That is the way the national announcement advertiser builds their schedule," the article states. "Gradually you will be able to work toward your ideal schedule.

Suggestions are given for copy preparation and frequency with which copy is changed. The matter requires careful study, Mr. Gordon writes, with emphasis on brevity.

NEW MEMBER OF THE FCC

CLIFFORD J. DURR
Photo Taken Shortly After Senate Confirmation

SOME TIPS TO BANK SPONSORS

Basis of Successful Use of Radio by Financial Institutions Is Attributed to Copy

WCHS Requests 50 kw. on 640 kc.

Fifth Petitioner for Facility; WFTL Seeking 710 kc.

A FIFTH applicant for assignment to the 640 kc. clear channel, on which KFI, Los Angeles, is the dominant station, was registered last Tuesday, when filing for an application by WCHS, Charleston, W. Va., for a shift from 580 kc. to the clear channel with an increase in power from 5,000 to 50,000 watts.

Other pending applications for assignment to the frequency include those of WCKY, Cincinnati, and WJHP, Jacksonville, Fla., both seeking 50,000 watts; WOKO, Albany, N. Y., with 6,000 watts, and WHCU, Ithaca, N. Y., with 5,000 watts. WHKC, Columbus, operates on 640 kc., limited time, with 500 watts, while WOI, Ames, Iowa, a college station, uses 5,000 watts daytime on the frequency.

WKRC, Cincinnati, also will file an application for 640 kc., with 50,000 watts. It is now on 850 kc., using 5,000 watts day and 100 night.

WFTL Application

Further encroachment on 710 kc., occupied at present by WOK, New York, and KIRO, Seattle, both 50,000-watt Class I stations as well as KMPC, Beverly Hills, Cal., 10,000-watt Class II station, is seen in the application last week of WFTL, Fort Lauderdale, Fla., filed last Tuesday. WFTL would move from its present 1400 kc., increase to 10,000 watts and install a directional antenna for night use.

KXA, Seattle, currently on 770 kc., with 1,000 watts as a limited time station to WJZ, New York, the dominating station on that frequency, has filed an application for the FCC for an increase in power to 10,000 watts and a change to unlimited operation with a directional antenna for day and night use. KOB, Albuquerque, N. M., is also holder of a recent special serv- ice authorization from the Commission, to operate on 770 kc. with 50,000 watts daytime and 25,000 watts night.

Jacques Schedule

JACQUES SEED Co., Prescott, Wis. (Jacques Proven Hybrids), starts its third broadcasting ses- sion Oct. 20 with a schedule of seven one-minute announcements, an increase over schedules previously used, to unlimited operation with a direc- tional antenna on the following Corn Belt stations: KROC KWLM WIBU WGWJ WFTL WOKO WDAY WSAU WTAQ WIBA WEAU KWAT. Triangle Adv. Agency, Chicago, placed the account.

PROMOTIONS have been ordered for three NWAY page boys in New York, Francis, H. Jr., becoming clerk in the treasurer's office, Walter E. Hulbert, doing the sales work in the sales division, and Robert Larrabute going to the international division as traffic clerk.

Page 26 • November 3, 1941
Look, mister... I just make surveys. When I ask which of the 4 networks you listen to most, does that make me know why you can only get one... Don Lee?

I get the same story in hundreds of towns up and down the Pacific Coast. ... Four networks broadcasting, yet listeners can only get Don Lee. They tell me it's mountains. Most of the Pacific Coast towns are surrounded by 'em.

Naturally you get good reception from Don Lee ... they have a station right smack in the middle of every important town on the Pacific Coast (32 of 'em), while the other networks' messages often come from hundreds of miles away and sail right over the mountains. You can't get reliable long distance reception in this man's country.

What happens in towns where the four networks are located? Well, I understand in the Los Angeles, San Francisco, Seattle and Portland markets Don Lee ties for first place with 5 firsts out of the top 14 Pacific Coast evening shows.*


You would think most of the advertisers would use Don Lee? Well, as a matter of fact, more Pacific Coast advertisers do use Don Lee than the other three networks combined. Now about my survey, which of the four networks do you listen to most? Oh, that's right—you can only get Don Lee.
Proposal for Broadcast Franchise Tax Likely to Remain Inactive Until Spring

PROPOSALS for a franchise tax on the radio broadcasting and communications industries probably will get no serious consideration from Congress until April or May, when new tax legislation is brought up. This was revealed last Tuesday when Broadcasting learned of an informal meeting held in Washington by a group of congressional leaders to outline legislation affecting administrative changes in the Internal Revenue Code to strictly administrative matters -- such as methods of collecting the way of new taxes or revised rates to be included.

Coming in the face of information that the Treasury Department is expected to submit by April 15th, through the franchise tax line and knowledge that the FCC for some time has been working up a comprehensive cost-of-regulation tax plan for presentation by President Franklin D. Roosevelt, the revelation of Congressional plans cast a new light on radio tax prospects.

Previously it was understood that some sort of franchise tax proposal possibly would be worked into the amendatory legislation for the Revenue Code, which would have meant that the proposition shortl would have been due for serious consideration by Congressional committees.

FCC Inactive

FCC Chairman James Lawrence Fly stated at his press conference last Monday that there were no developments on the cost-of-regulation tax plan expected by part of the Commission membership. The plan has been discussed periodically by FCC officials, but has been passed over for the last several weeks [Broadcasting, Oct. 27]. Chairman Fly indicated that no decision had been made on whether the Commission should advance its suggestions in the form of a full-blown legislative proposal for a broadcasting-communications franchise tax. Some members are known to feel that the proper procedure would be to hold official suggestions until Congress asks the FCC for its views on the franchise tax idea.

The general idea of the pending plan was outlined by Chairman Fly Aug. 18 at an appearance before the Senate Finance Committee during consideration of the 1941 Revenue Act, from which finally was deleted a controversial provision allowing a deduction from the radio's net time sales of $100,000 and more annually.

Although the Treasury Department has started its franchise tax study, complying with instructions by Congress, it was indicated by the Joint Committee on Internal Revenue Taxation that that group has the discretion in its work and is not disposed to do so until the administrative amendments are out of the way. Also it was indicated that the committee was not anxious to consider a proposal of any "half-baked" proposition such as the recent 5-15% tax proposed on radio's net time sales.

Video for Latins

PROPOSAL to secure films from Brazil and the Argentine for American broadcasting was set forth last week by Myron Zobel, president of Telecast Productions Inc., New York, in a talk to Col. William J. Donovan, head of the Office of Coordination of Information in Washington. South America, according to Mr. Zobel, will represent an important television area for advertisers and our markets must offer reciprocal opportunities and in the near future television will bridge the distance between the two continents by direct distribution via coaxial cable and relay stations. Mr. Zobel also called Dr. Julio Barata, director of the Telecommunications Commission of Brazil requesting an interview emphasizing that he proposes to visit that country to bring back a record of Brazilian life and culture and not in an effort to impress our ideas on them.

MBS Program Meeting

PROGRAM DIRECTORS of key stations will hold their second meeting this year Nov. 10-11 at the Hotel Stevens, Chicago, with Adolph Ophinger, MBS program manager, presiding. Semi-annual affairs, the first meeting was held last June in New York, at which time arrangements were made for the presentation of four films in 16mm. A report on the program shows six weekly, and additional news periods.

'Digest' Renews

READERS' DIGEST ASSN., Chappaqua, N. Y. (magazine), the week of Oct. 27 renewed another four weeks its schedule of one-minute announcements three times weekly on 68 stations. Agency is BBDO, New York.

MERCHANDISING PLANS for the four broadcasts featuring Shirley Temple to be sponsored on CBS during the Christmas season by Elgin Watch Co. were the subject of this confab held in office of Frank R. Brodsky (seated), advertising manager of the company at Elgin, Ill. Stanley H. Holt of William Easton & Co., New York, agency经营 the four programs, points to a still of the juvenile star, while Thomas D. Connelly, CBS program promotion manager looks on. The broadcasts will fill in the four-week layout of Hollywood Premiere, and represent the watch company's first network radio since 1936.
The story of defense needs is being thoroughly told to the Middle West—over WDAF. There is no defense bottleneck on WDAF.

Fifty-seven regular news broadcasts each week . . . plus news bulletins when they break. Quality rather than repetitious quantity in news dissemination has made WDAF the accepted station for news dependability and news integrity in the Kansas City area.

Whether it’s news, defense, charity, schools, churches—the community looks to WDAF . . . and does not look in vain.

WDAF
KANSAS CITY
The Other Fellow's VIEWPOINT

Strictly Sausage

EDITOR, BROADCASTING:

In your Oct. 13 issue on page 22, you show a picture of Don McNeill and other Swift executives seated about a breakfast table, supposedly buckling down to Swift's Premium Bacon.

Actually, this breakfast broadcast was the kick-off for the fall season of sausage advertising.

Swift executives do not like to be publicized as connected with Bacon.

Please correct.

Buckingham Gunn, Director of Radio, J. Walter Thompson Co., Chicago.


Cartoon characters form the basis of a child radio program study conducted by Dr. Clarence Morgan (kneeling), director of radio education at Indiana State Teachers College. His classes have built several scoring boards using comic strip and Mother Goose research, which hold attention of the children while they play a game of scoring. Dr. Morgan is heard on WBOW, Terra Haute, as the Hoosier Schoolmaster.

KFBK Sacramento, California

Receives AS MUCH DAYTIME MAIL PER CAPITA from 1204 Cities, Towns and Villages as from the City of Sacramento

ASK ANY PAUL H. RAYMER COMPANY OFFICE FOR PROOF

Mc Clatchy Broadcasting Co. Serving the Rural West KFBK Sacramento

AGENCY

Appointments

Brodie & Hayrie, Montreal (floor), to J. J. Gibbons Ltd., Toronto.


David G. Evans Coffee Co., St. Louis, to Ruthrauff & Ryan, N. Y.

Falstaff Brewing Corp., St. Louis, to Ruthrauff & Ryan, N. Y.


Buckingham Gunn, Director of Radio, J. Walter Thompson Co., Chicago.

Great Lakes Varnish Works, Chicago, to Maxy McNeill, Chicago. Radio may be used in smaller markets, with dealer cooperation.


Demand for Talent

WFBL Develops Formula for Regional Bookings

Faced with steady demands for outside appearances of WFBL's Mustel Clock Gang, the management of the Syracuse station evolved a standard booking arrangement to equalize appearances between large and small communities.

Under the plan, the seven-piece studio band, headed by Don Anderson, is available for dances staged by schools or responsible civic groups in need of funds. Charge, regardless of the size of the community or the admission price, is always the same with WPBL, charging off whatever deficit there is, if any, to promotion. The agreement also provides for other station features and stars.

New WRUW Frequency

WRUW, international station of World Wide Broadcasting Corp. located at Seattle, Wash., last Tuesday was granted a modification of its license to permit use of the additional 9700 frequency, providing no objectional interference results to service of other stations which in the opinion of the Commission have priority of assignment.

WDRC

Connecticut's Pioneer Broadcaster

up - Up - Up

RADIO again has been called upon by the Government to furnish free time during Civilian Defense Week Nov. 11-16. Designed to inform the public on the need for universal participation in the civilian defense program, the period will feature spot announcements and radio appearances by well-known public figures and radio personalities.

All stations are being asked, through the NAB, to carry spot announcements promoting Civilian Defense Work, according to Arthur Stringer, of NAB Washington headquarters. Spots also will be used on the major network commercial programs, it was indicated by the Office of Emergency Management, with a speaker appearing on the Voice of Firestone and other network features.

During the week 14 guest speakers are scheduled to make broadcast appearances, among them Mayor LaGuardia, Director of the Office of Civilian Defense, President Roosevelt, Kate Smith, Donald M. Nelson, Paul V. McNutt, Mrs. Henry Morgenstau Jr., the Lord High Mayor of London, and Mrs. Eleanor Roosevelt. Three special dramatic shows also will be carried on MBS and NBC-Blue.

Canada Cuts Sets

CANADA WILL SAVEt approximately 600,000 on imports of parts for receiver tubes from the United States, in connection with the recent government order curtailing radio receiver production by 25% of the 1940 production. Statistics issued by the Department of Munities & Supply at Ottawa show that the curtailment on receiver production will mean a saving of $700,000 in radio tubes, for the making of which 86% of the materials come from the United States. Other savings for war needs by this cut in radio set production include 825 tons of steel, 85 tons of copper, 30 tons of brass, 15 tons of aluminum, $125,000 for glass dials, 50,000 for ball bearings, 250 tons of corrugated cartons, $1,375,000 in paper tubes, 25,000 gallons of paint and shellac, $1,375,000 in ceramics, 105,000 square feet of plywood, 5,400,000 square feet of veneer, and 1,500,000 board feet of solid wood.

WMCA Changes

BLACKETT - SAMPLE - HUMERT, New York, which has been placing two hours five times weekly on WMCA, New York, for various drug and cosmetic products of American Home Products Corp., Jersey City, on Oct. 27 changed the format of the period, scheduling Sweeter Love Songs for 2-3:15 p.m., to fill the entire two-hour time. The period 1:15-2 p.m. formerly included transcribed repeats of network serial dramas. Two-hour Saturday evening dance parade with Don Phillips and his orchestra on WMCA will be sponsored by Ex-Lax Inc., Brooklyn, starting Nov. 8 for the full 8-10 p.m. period. Agency is Joseph Katz Co., Baltimore.

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Mold of the Future

Not long ago, men laughed at the railroad...the steamboat...the airplane...and radio. They laughed at the ideas that have made American industry the greatest in the world. While industry, research, and invention mold the miracle of tomorrow, American business looks into the future with confidence. New fields are being opened...the riches of a great nation are being tapped...new markets are emerging! The possibilities for American business are greater than ever before. KXOK, feeling the pulse of things to come, has keyed itself to meet the advertiser’s needs in the rich Mid-Mississippi Valley Market...a market where 3,531,700 people spend over $826,000,000 annually in KXOK’s primary area alone...and defense contracts total more than $700,000,000.

Prepare for the future! Strike while the iron is hot...now is the time...now is the day...write or wire KXOK.

KXOK 630 KC. 5000 WATTS DAY AND NIGHT

ED WITH KFRU, COLUMBIA, MO., • OWNED AND OPERATED BY ST. LOUIS STAR-TIMES
Advertising Outlook

IN THE helter-skelter of war-defense activity, quickened and punitive FCC edicts, and increasing free-time pressures, we in broadcasting perhaps have taken only a side-glance at another pitfall that faces all who live by advertising.

Mindful of the uncertainty that confronts industry generally, with Uncle Sam perched precariously on a keg of TNT, broadcasters perhaps have been too preoccupied with these more intimate and immediate regulatory onslaughts. It's plain that a fundamental change is taking place in the national economy. War activity provides the golden opportunity for extreme left-wingers to get in their licks. Those close to Washington's boom defense operations, naturally, have an infantile movement toward complete destruction of advertising, which the long-haired gentry call "an economic waste".

This transcends the consumer movement, or the pot-shots and pin-pricks at national advertising of the pre-defense era. Practically every defense agency in Washington now has its anti-advertising adherents, and some of the veterans who have advocated grading of consumer goods as a mandatory replacement of brand names find it much easier to spread their gospel under cover of the emergency.

Because business generally is good, many advertisers and more than justify this course, important representatives of media haven't recognized the gravity of the situation. With plenary powers vested in so many individuals and organizations, an anti-advertising movement could spread through the government like wild-fire.

With commendable foresight, leaders in the national advertising and agency field have decided to act. The Asn. of National Advertisers and the American Asn. of Advertising Agencies have called a joint meeting in Hot Springs, Va., Nov. 13-15 to tackle the problem. Because it cuts across all media, key figures in the newspaper, radio and magazine fields, as well as outdoor owners have been invited to the sessions.

ANA and AAAA have concluded that an effective course of action should include (1) a cooperative effort; (2) establish the facts; (3) effective presentation of those facts. It is evident that existing conditions, and the uncertainty ahead, more than justify this course.

Radio, as a major medium, albeit the newest, certainly will pitch in wholeheartedly. Beset with its own troubles, and as the heaviest contributor among the media to the defense effort, radio nevertheless will work with every tool at its disposal to preserve free enterprise, which is the embodiment of advertising under the American system.

Sweeter Refrain

ASCAP, after a ten-month rendezvous with extinction, finally has made its peace with radio. A new high in rancor and name-calling preceded the break with radio last New Year's. The result of the sanguinary encounter, which saw ASCAP drop out of the Hit Parade, along with the ascending of the newly-created BMI and several lesser music performance groups, is an approximate two-thirds reduction in ASCAP's asking price.

There is no basis for floating on radio's side. ASCAP readily has admitted that it was "licked", and has learned that radio makes music, not the reverse. There is room for two fully-competitive music organizations—BMI and ASCAP. Radio must have access to a going concern in the field, lest there develop a repetition of the experience of the last decade with ASCAP.

Broadcasters—networks and stations alike—should avoid performance of the catalogs of one licensing group to the exclusion of others. Intrinsic merit, of course, counts. But the failure to perform one catalog can only result in an interdiction of competition, and a shortage of talent must be maintained in music for the benefit of the writers and of the users—radio and other public performers.

So now let's have a minimum of words over music.

Word-War Crisis

WITH the race toward peace or war for the United States, it was inevitable that radio would find itself caught between the isolationists, the interventionists and the deep blue sea.

Unfortunately the Beckman incident, as it has become known, and latterly the America First incident involving the networks, apparently are only the beginning. As war comes closer it is a foregone conclusion the isolationists will demand more and more, mostly from the networks. In the final analysis this means allotment of the time of stations.

It's no secret of course, that little short of coercion has already been used to obtain time. This is true not only of the isolationists; for the interventionists, more subtly perhaps, have not been derelict in wrangling periods.

This situation isn't unique in broadcasting annals. The matter has come up, in a lesser degree, many times. Radio has delivered a number of arguments to Congress and in political campaigns. But now the stakes are higher. Viewpoints cross and criss-cross political boundaries. Tension and tempers are near the breaking point. The rules of public decorum are easily forgotten under such circumstances.

One must agree that radio has been eminently fair in the allotment of time for foreign policy discussions. Now, however, the situation gets ugly, with America First, which uses free speech as its keystone, complaining to the FCC. Section 326 of the Communications Act forbids the FCC from exercising any censorship powers. Then why should these proponents of free speech go to Chairman Fly?

With the lid off, however, utmost vigilance must be exercised by those who determine who may or may not speak, if this record of fairness and balance is to be maintained. Those same spokesmen, who now credit radio with fair play because they have had free access to the network microphones, will quickly denounce the medium as a whole if thwarted in their efforts to get bigger hookups.

Networks cannot pledge station time indiscriminately. The public, while it must be kept informed, can't be given an overdose of repetitious talk on the same issue. Broadcasters must decide what will transcend the toughness of the political campaigns, but nothing that intelligent management can't handle.
We Pay Our Respects To —

Personal Notes

David Sarnoff, RCA president, and NBC board chairman, after West Coast hearings as a member of President Roosevelt’s special employment service committee, will vacation in Honolulu. Mark Ethridge, Louisville publisher and head of WHAS, that city, is chairman of the committee and returns to his duties following San Francisco conferences.

Gardner Cowles Jr., president of Iowa Broadcasting Co., on Oct. 21 will be one of the speakers on the broadcast conducted by John Whittaker, well-known war correspondent of the Chicago Daily News Foreign Service, at the Shrine Auditorium in Des Moines.

Johnny Sinclair has been promoted from the promotion to the commercial department of WCHS, Charleston, Va.

William F. Malo, commercial manager of WDRC, Hartford, has been designated an air raid warden and participated in the recent precautionary maneuvers in New England.

Fred Kellerton, son of L. Evans, president of KCMO, Kansas City, has transferred from the commercial department of KCMO to the sales and sales promotion division.

Bill Shaw, CBS San Francisco sales service representative, has been named manager of the Air Force Post Nov. 3 will enroll in the Rankin Aeronautical School at Tulare, Cal.

Wilbur Edwards, salesman of WAI, Nebraska, on Oct. 25 became the father of a boy.

Norris West resigned Oct. 24 as a local manager of the Philadelphia Orchestra to assume new duties Nov. 17 as program manager of WOOP, new FM station to be operated by WCAU, Philadelphia. He will continue as announcer and commentator for the broadcasts of the orchestra's Friday afternoon concerts on MBS.

Ray C. Jenkins, general sales manager of KBOF, St. Paul, Minn., has been elected to the board of the Minneapolis Amatuzqen, all summer celebration in the Northwest. Mr. Jenkins also is first vice-president of the Minneapolis Advertising Club, director of the Better Business Bureau, Community Fund board member, and radio chairman of the Fifth District American Legion.

E. Ruth Welden, head of the business office of KFRC, Columbia, Mo., is convalescing from an appendectomy.

Bill Wiseman, promotion manager of WOW, Omaha, and editor of the station's News Tower Magazine, has accepted an invitation to speak at the annual convention of the Southwestern Assn. of Industrial Editors at Stillwater, Okla., Nov. 7.

Fred Mueller, assistant to the director of promotion of KMOX, St. Louis, has been elected secretary of the Missouri Advertising Club of St. Louis.

Carter Ringley, formerly of KMBC, Kansas City, has been named manager of the St. Louis office of Radio Sales.

Hale Bondurant, sales manager of WHO, Des Moines, has been named to the advisory committee of the local Better Business Bureau.

Baden Powell, executive assistant of KTRR, Houston, has rejoined the staff after serving in the Army.

John A. Miguez, Jr., since 1938 assistant to director of photograph sales of the international division of RCA Mfg. Co., has been promoted to department, succeeding J. M. Regottaz.

Sandy Gayler has been promoted to commercial manager of WBTM, Danville, Va., succeeding John M. Croft.

Wayne Welch, promotion manager of KSB-KXNT, Des Moines, is in Iowa City hospital suffering from an infected foot.

George Allen of the sales promotion department of WOR, New York, is back on the job after a two-week absence due to an injured back.

George Arkes, formerly of Pedlar & Ryan, has joined the New York sales staff of Joseph Herschey McGillian, station representative.

Samuel Chotzinoff, director of NBC's music division, has been appointed by President Roosevelt as a member of the advisory committee of music to assist the State Dept. in its program of cultural relations between the American republics.

Frederick Leitschun, RCA-NBC Hollywood attorney, is recovering from an illness which has confined him to his home for more than a month.

George Grant, of the local sales office of WCBS, is the father of a girl, Barbara Sue, born Oct. 27.

G. L. Winters, formerly of WGOY, Valdosta, Ga., has joined WGBH, Boston, as a member of the sales and promotion department, succeeding A. T. Hawkins who remains as WGBR president.

George A. Landry, manager of the Prairie Works of Western Electric Co., at Chicago, has been named head of the staff branch of the production division of the Office of Production Management, according to an Oct. 27 announcement from the latter. Mr. Landry is a veteran of the Army Air Force.

Stone Heads KROC

Wallace St. Stone, who in July resumed the program manager of WDGO, Minneapolis, has been named station director of KROC, Rochester, Minn., it was announced last Monday by Gregory Gentling, president of the station. Active in radio since 1928, Mr. St. Stone has been associated with WCCO, Minneapolis, KSDO-KELO, Sioux Falls, S. D., and KSDO-KELO, Cedar Rapids, Iowa, during McCord advertising agencies. Since leaving WDGO he has been vacationing in New York.

Rambeau on Coast

Fred L. Allen, formerly account executive of Raymond Morgan Co., Hollywood agency, and prior to that commercial manager of KLZ, Denver, has been appointed West Coast manager of Wm. G. Rambeau Co., station representatives, and is establishing offices of the firm in Los Angeles, St. Louis, and the former city. Firm has been appointed to represent KJBS, San Francisco; KFOX, Long Beach, Calif., and KFWB, Hollywood.
JOHN CHARLES DALY, CBS special events announcer, has been named news reporter on the CBS evening program The World Today, replacing Bob Trout, who recently went to London to fill in as the CBS European news chief during a vacation of Edward R. Murrow.

DALE CARTER, former Broadway actress, has joined WBTM, Danville, Va., as a woman's commentator and editor. Kerr Davies has been added to the WBTM announcing department.

W. P. HEFFERNAN, program director of WBTM, Danville, Va., and director of the local American Legion Forty and Eight band, recently was honored with receipt of the state championship trophy.

ED BRADY, formerly KVOD, Denver, announcer, has joined KOA, that city, in a similar capacity, and replaces Dave Valle, now with KFRC, San Francisco. Bob Kerschner, of KOA guest relations, has resigned to accept a Government position at Rock Island, Ill. His duties have been taken over by William St. John, new to radio.

ED ALLEN, formerly of WIBG, Philadelphia, has joined the announcing staff of WFGP, Atlantic City. Bob Carlyle, WFGP announcer, has returned to work after a serious illness. Allyn Brook announces, is to be enlisted for military training in January.

LOU EAIM, formerly of WSPD and WEK, has joined WHIO, Dayton. George Lumnins, freelancer, has joined the WHIO continuity staff.

BOBBY J. JOHNSON, formerly of WNB, Binghamton, N. Y., and WBN, New York, has joined the announcing staff of WGY, Schenectady.

BOB YOUNG, on active duty with the Army as a first lieutenant, has resigned to return to the WBN announcing staff of KOA, Denver. Bob Kerschner, of the KOA guest relations, has resigned to accept a Government position at Rock Island, Ill. He is succeeded by William St. John.

ED BRADY, formerly of KVOD, Denver, has joined the KOA announcing staff, succeeding Dave Valle, now with KFRC, San Francisco.

BOB HILLE, announcer of KXOK, St. Louis, has been granted leave of absence to enlist in the Army.

CHUCK HARRISON, staff announcer of WHF, Rock Island, Ill., has resigned to return to the KOA announcing staff.


ALAN FISHBURN, director of NBC Network Festival radio, has resigned to go to New York, radio announcer, on Oct. 25.

BILLY DUNN, in charge of news for CBS in the Far East out of Manila, is now on tour of Asiatic capitals reporting news from the early morning news roundup each week.

FRED WOOD, former announcer of WIP, Philadelphia, was married late in October to Helen Jettoris while in Dayton, Ohio. There he is recuperating from a recent illness.

LEONARD GROSS, formerly of the guest relations staff of KPO-KGO, San Francisco, has resigned as assistant to Jennings Pierce, public service program director of NBC's western division.

FRED BRIGGS, program director of KKA, San Francisco, has resigned to join KSFQ, San Francisco as announcer.

BILLY SELAH, formerly of KMMJ, KFQ and KFNF, has joined the announcing staff of KFBI, Wichita, Kan.

HERB PLAMBECK, farm news editor of WH, Des Moines, presided at a Nov. 1 dinner meeting for judges and contestants at which preparations for the WHO Corn Belt Plowing contest were set. Mr. Plambeck also judged the parade at Iowa's cornhusking contest, held Oct. 30 near Hartly. He was named news and local cornhusking contest, Nov. 3, near Tipton, Ia.

JACK KERRIGAN, announcer of WHO, Des Moines, has been promoted to production manager, with Kenneth Oefler the new continuity director of the station. Bobby Griffin, former WHO announcer, has been named supervising announcer, succeeding Capt. Ernie Sanders, now on active duty with the Army.

TOM McKnight, Hollywood radio producer, has been assigned to the weekly CBS holiday season series, featuring Studio One and Temple, which starts Dec. 5 under sponsorship of Egan National Watch Co. Series will replace for four weeks only Hollywood Premiere, sponsored by Lever Bros. (Lifebuoy). Miss Temple is reportedly receiving $50,000 for the four appearances which mark the first time she has accepted a contract for more than one broadcast. Deal is set by Wm. Eddy & Co., New York.

BERNIE LAWRENCE, formerly of WJMO, Churchville, is now host of the NBC Hollywood Production Department.

RING CROSBY, Hollywood star of the weekly NBC Kraft Music Hall, has been assigned to the Chicago operation, on Oct. 30 returned to the show after an absence of 13 weeks.

JOE PARKER, NBC Hollywood production, and radio announcer, of that city, was married in Yuma, Ariz., Oct. 11, it was recently revealed.

RUSS CARRIER has joined the announcing staff of the Cleveland, Ohio station. He started with CKB, Prince Albert, Sask., and CKCPU, Saskatoon, Sask.; CJGJ, Yorkton, Sask.; and CKY, Winnipeg.

D. R. COATS, veteran Canadian broadcasting personality who has been before the microphone since 1921, has left CKY, Winnipeg, to join the Royal Canadian Air Force in an administrative capacity. He is succeeded in the CKY public relations department by W. Carpenter.

CLEVE ROBERTS, KMPC Beverly Hills, Calif., program director, has returned after a recent attack of influenza.

PAUL WEST, formerly KSFQ, San Francisco, continuity director, has joined the CBS Hollywood staff as an writer, and been assigned to the weekly Hollywood Showcase, sponsored by Richard Hudnut Inc. (cosmetics).

WILLIAM SENER, formerly of WSUI, Iowa City, Iowa, has joined Radio Council of the Chicago Public Schools as assistant traffic manager.

ROGER (Dutch) UNDERHILL, former sports announcer for WIP, Davenport, lowa, has joined the announcing staff of WSIN, Milwaukee, and will broadcast all remaining games on the Marquette football schedule.

ZEB LEE, formerly of WISE, Asheville, N. C., has joined the announcing staff of WPTF, Raleigh.

DON HART, formerly of WJJD, Chicago, and WMFF, Plattsburg, N. Y., has joined the announcing staff of WSNJ, Bridgeport, N. J.
Meet the LADIES

MONICA MUGAN

BEDTIME stories from the pages of Homer and Aristophanes; primitive living in outposts towns of Canada's far north; at least two deeds of heroism; a first-class teacher's certificate from the province of Saskatchewan; and enterprise in radio contribute to the character of diminutive Monica Mungan, heard each week day morning on CBL, Toronto. At Monica Mungan's, written and talked by Miss Mungan, women whose interests are broad and alert find stimuli and bright informative talk.

Monica Mungan came to Toronto and CBC five years ago, after serving a radio apprenticeship at WJAC, Calgary, Alta., which she joined in 1935, when that station boasted a personnel of three. For three years she wrote continuity and scripts, acted in plays, broadcast news, sang, played the piano, and directed commercial programs, a pinch-hitting regime that has given her a good sense of values and sound radio knowledge. Born in 1906 in Winnipeg, she learned her classics from her father, a medical doctor, and learned to act with her brothers and sisters under the direction of her mother.

GEORGE COMTE, announcer of WTMJ, Milwaukee, has been signed as commentator for the six concerts of the Wisconsin Symphony.

G. E. (Ted) Knapp, Jr., newest member of the announcing staff of KTRH, Houston, claims to be the tallest mike artist in the business. He stands 6 feet, 7 inches.

CHARLES POINTEL, formerly program director of WFGR, Sunbury, Pa., has joined WJW, Augusta, Ga., as publicity director and special events announcer.

GLEN ADAMS, announcer of WIS, Columbia, has been assigned the leading role in the local Town Theatre group's play, "The Man Who Came to Dinner."

BILLY MAC, formerly of WJMA, Covington, Va., has joined the announcing staff of WBNX, Macao, Ga.

TOM SWAFFORD, a student under Marvin Young in the NBC production department, Los Angeles, has been named program director of KGBS, Harlingen, Tex., Don Phillips, formerly of WACO, Waco, Tex., has joined the KGHS announcing staff.

JACK RUTLEDGE, managing editor of the Valley Morning Star, Harlingen, Tex., has been appointed news editor of KGHS, Harlingen.

CHARLES STONE, program director of WMBR, Jacksonville, Fla., in recognition of his five years of service to the station, was awarded an all expense trip to New York by WMBR. Glenn Marshall, secretary-treasurer of WMBR, accompanied Mr. Stone.

VINCEN PALMERI, continuity director of WJBC, New Haven, is the father of a 9-pound boy born Oct. 16.

BILLY MACK, announcer of KDRO, Sedalia, Mo., is in Chicago awaiting induction into the Army Nov. 17.

JACK GREYSON, announcer of KSFO, San Francisco, recently resigned to go to Hollywood.

FRANK J. McGLOGAN, formerly of KSTP, St. Paul, on Nov. 1 joined the announcing staff of WJR, Detroit.

ROD HOLMGREN, news editor for WOI, Ames, Iowa State College Station, joined the news staff of KSOM, Des Moines, Nov. 1.

JOHN RUSTAD, announcer of KSTB, St. Paul, has returned to the station after a nine-month tour of duty with the Army. Sergeant Rustad was released from further training under the over-26 age regulation.

New York

The Most Intimate and Effective Sales Approach to America's Largest Market.

5000 Watts Directional

OVER METROPOLITAN NEW YORK

WBNX

The Popular Station

November 3, 1941 • Page 37
WATTS, formerly of WSKR, McComb, Miss., and KXON, Sweetwater, Tex., has joined the announcing staff of WSLI, Jackson, Miss.

BETTY WELLS, director of women’s affairs of KSO-KRNT, Des Moines, Iowa, is writing a column for Better Homes & Gardens Magazine.

ROY WEINEDEL, founder of the Chicago Symphony Orchestra, has enlisted the production staff of the Chicago Daily News to assist in construction of the station. The new station, to be known as WHM, will begin operations on Nov. 15, with a symphony titled "Sinfonietta," composed by Mr. Weineandel.

J. STRUTHERS DUNN, founder of the New York Record Club, has been inducted into the Army and staffed the Third Battalion at Camp Wheeler, Ga.

ELMER CAMERON has located his rowboat. The rowboat was lost, but Elmer has located a new one.

Cable Pact With Staff

CONCLUSION of an agreement between the management of the Canadian Broadcasting Corp. and representatives of CBC employees was announced Oct. 24 at Ottawa. The agreement provides for organization of staff councils at CBS operating points (Ottawa, Montreal, Halifax, Toronto, Quebec, Chionoumi, Saskatoon, Winnipeg, Watrous, Vancouver) which will include all members of the staff except heads of divisions and members of the administration. The agreement also provides machinery for settlement of staff problems and for a meeting at least once a year at which all local staff councils will be represented to consider problems of employees throughout the country. CBC employees may join unions, but the status of the CBC prevents it from bargaining with unions as such.

CFTC, Kingston, Ont., will change its call letters to CKWS on Jan. 1, 1942, when it will start operating with 1 kw. on 960 kc.

Here They Are Again!

Those Aristocrats of the Range

THE SONS OF THE PIONEERS

With Their SYMPHONIES OF THE SAGE

Produced and Distributed By ROY ROGERS, INC., HOLLYWOOD, CAL.

Staff Members Named By WCRS, Greenwood

STAFF of the new WCRS, Greenwood, S. C., which went into operation last Sept. has been announced by the station to include Dan Cresson, formerly of WMBC and WMRD, both in Greenville, S. C., as general manager; W. D. Davis, previously connected with a local newspaper, sales manager; Norman O. Winkle, from WRNL, Richmond, Va., production and program department; Fred U. Wamble, formerly of WSPA, WORD, WTAL, and WHBB, chief engineer.

WCRS, an NBC-Red station, is owned by Greene Inc, which was organized for construction in January of 1940. Station is RCA equipped throughout and music is obtained from Standard Radio. Studios are located on Wilson St., just west of Lander College.

Ziemer Joins WLW

GREGOR ZIEMER, formerly business manager of the American School in Berlin, on Nov. 3 joined the staff of WLW, Cincinnati, as commentator on foreign affairs. Mr. Ziemer is a graduate of the University of Illinois and of U of Michigan and with his family has traveled extensively during the last 12 years including trips through Nazi-dominated nations. Mr. Ziemer’s 14-year-old daughter, Patsy, is author of the book "Two Thousand & Ten Days With Hitler" which is soon to be joined by her father’s "Education For Death."

FRED DODGE TO WBAL

FRED DODGE, New York-Philadelphia liaison of Ward Wheelock Co., advertising agency, has resigned to join WBAL, Baltimore, as production manager. He succeeds Harold Azline, who has joined the public relations division of the Marine Corps. Dodge originally entered radio via the agency field, later becoming assistant manager of WITL, Philadelphia.

In the Groove

SEVERE rebuke was recently tendered Dave Fulton, early morning announcer of WCHS, Charleston, by transcription when he set a quarter-hour recorded show in motion. Fulton, as he was stepping into the control room, the disc got hung in a groove and the continuity of the disc began repeating.

"Take the record off, you fool."

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KIRO, Seattle, recently observed its sixth anniversary with a dinner and party for the staff at the new 50-kw transmitter plant on Vashon Island in Puget Sound.

WNYT, Watertown, N. Y., is broadcasting twice-weekly, direct from Madison Barracks, New York. One program consists of organ recitals from a newly erected chapel, the other, from the Post theatre, is devoted to the station complement band and orchestra. In addition a daily news roundup of social activities for soldiers in surrounding towns is given daily 6:45-7 a.m.

WGBC, Louisville, celebrated its fifth birthday with a special 15-minute program Oct. 23. Principal speaker was Charles Lee Harris, vice-president and business manager, whose father, the late Arthur L. Harris, founded the station.

WDRC, Hartford, has begun its fifth year of broadcasting The Main Street, Hartford, a man-on-the-street interview show. Ray Barrett, chief announcer, has been on the program since its start and Howard's Clearers of Hartford, the original sponsors, still present the program.

WGEO, Schenectady, GE shortwave station, is expanding its programs to include 15 minutes of news in Czech six days a week. Other news programs are presented in Spanish, Portuguese, French, and Greek.

Price Talk Sponsored

CANADIAN Department of Labor, Ottawa, used a one-time paid network broadcast in the form of a 2-minute question and answer program to outline the new wartime Stabilization of Wages & Prices which goes into effect Nov. 15. The broadcast took place Oct. 29 on 48 stations including a repeat for the Pacific coast and French version for the stations in Quebec province. Account was placed by Walsh Adv. Co., Windsor, Ont.

Meade to Paramount

IN Accord with plans to use radio more extensively for film exploitation, Paramount Pictures, Hollywood, is expanding the radio division of its studio publicity department and has added Robert J. Meade to the staff. He is in charge of studio news contact with networks and local stations, working under direction of Robert Hussey, head of Paramount's radio division. Meade one time was on the Hollywood staff of J. Walter Thompson Co.

San Franciscans are staying awake these nights!

Something has been happening to San Franciscans' sleeping habits! (Their radio listening habits, too.) It's not a revival of the Barbary Coast that's causing the change—but a KSFO local program...the late evening broadcast of WILLIAM WINTER—KSFO'S BRILLIANT NEWS ANALYST!

Winter's keen, penetrating interpretation of the news has caught Northern California's favor...literally changed it's sleeping habits! At 10:15 p.m. (until recently not considered "peak time" in West Coast radio) Winter's broadcast commands 50% more listeners than the other three network stations combined!

We knew we had picked another winner—even before C. E. Hooper gave us the statistical facts. Not that we're immodest, but KSFO has a knack for picking shows that catch the local favor. And build big audiences. Making radio even more effective for KSFO advertisers.

A CBS STATION • SAN FRANCISCO

National Representatives: Edward Petry & Co., Inc.
The Broadcasting Station
KSDK—The St. Louis Post-Dispatch

The Distinguished Broadcasting Station

New Orleans' Greatest Radio Value
A Mutual Affiliate

RADIO PIONEERS
SINCE 1922
FIRST IN ST. LOUIS
In Popular Program Polls

Only New Orleans Station With
ASCAP
AND BMI
music

WNOE

Basic NBC RED Network

The Distinguished Broadcasting Station

Station KSD—The St. Louis Post-Dispatch

POST-DISPATCH BUILDING, ST. LOUIS, MO.

FREE & PETERS, INC., NATIONAL ADVERTISING REPRESENTATIVES

NEW YORK • CHICAGO • DETROIT • ATLANTA • SAN FRANCISCO • LOS ANGELES

November 3, 1941 • Page 41
Gallo Wine Co., Modesto, Cal. wine), in mid-October started using on 3-week basis, seven weekly musical-rhyme transmitted announcements on KGB, San Diego, Cal. Firm also sponsors 30-transcribed testimonial announcements per week on KJF, Hollywood, and plans expansion of water radio schedule to include other Southern California stations. Agency is Chas. H. Mayne Co., Los Angeles.

Horowitz & Margetzen, New York (managers), is starting a variety program featuring Harry Heresheld on WHN, New York, to run for 20 weeks beginning Nov. 17, Mondays, 8-9:30 p.m. Advertisers Broadcasting Co., New York, handles the account.

Charles Gulden Inc., New York (Gulden’s Mustard), using radio on several stations, on Oct. 26 began sponsorship of the Jewish Amateur Hour on WBZ, Brooklyn, Tuesday, 8-9:30 p.m. Sponsored locally for the last seven years, the program features Victor Facker, well-known performer of the Jewish stage in the m.c. role. Agency is Chas. W. Hoyt Co., New York.

Greater New York Brewery, for Mc可惜’s ale and its new VX beer, in Oct. 31 started Here’s Looking at New York, a 10-minute column with George Jessel, on WEDG, New York, Fridays, 6:45 p.m. Agency is Kelly Nasim Inc., New York.

Wichita business jumps 60%!

"Spending advertising dollars where business is booming" is a safe rule for time buyers. The above table lists the top twenty of 147 U. S. trading areas—in terms of percentage of business activity change during the year September 1, 1940—September 1, 1941. Wichita ranks second on this list. Yes, Wichita is booming, and to sell Wichita, you need KFH.

Kansas City Machine

Columbia’s Only Full-Time Outlet for Kansas

FH

WICHITA

CBS • 5000 DAY AND NIGHT • CALL ANY EDWARD PETRY OFFICE

Broadcasting • Broadcast Advertising

Air Force, AFM Settle Differences in Canada

MISUNDERSTANDINGS between the Royal Canadian Air Force and the American Federation of Musicians [Broadcasting, Oct. 6] have been settled and "four views composed upon all matters" Air Minis- ter C. G. Powers stated in Ottawa following a conference with Walter M. Murdoch, executive officer of the AFM in Canada. The trouble developed after the Ottawa Journal reported some weeks ago that no R. C. A. F. band has played on the Canadian Broadcasting Corp. network for some time "because chiefs of the CBC have been threatened indirectly by AFM President Pettrillo of Chicago."

Air Ministers stated at Ottawa that the policy of using R. C. A. F. bands "in the interests of the armed forces" would be continued. This would eliminate "any suggestions of competition with civilian musicians." "I am satisfied," he said, "that our mutual objective to make the largest possible contribution to our war effort will be the result of our discus-

Savings Bank Fund

An Appropriation of $120,000 for radio, $260,000 for newspaper, and $2,000,000 for pictures for its first cooperative campaign, was approved by the Sav-

Food Ads to Expand

Only 3 of 51 national advertisers in the food field, who spent some $29 million dollars in 1939, are planning to decrease advertising expenditures next year, according to a sur-

FOR QUICK RESULTS - OR A LONG PULL

WBNS

CENTRAL OHIO’S ONLY C B S OUTLET

Ask any Blaire man or us!
Baron's Bark

WLOK, Lima, O., has a new sound effects engineer—Baron, the wire-haired terrier owned by Dick Tinker, local insurance executive. Baron appeared one day recently at WLOK's noon man-on-the-street show, which opens with the ring of a school bell. Ed Braun, handling the show, put the handle of the bell in Baron's mouth, and the pooch performed so noisily that he began to get fan letters. Responding to the listener demand, Baron has become a regular performer on the show, particularly delighting youngsters in the outdoor audience.

Mississippi Post

Mississippi Post

GIVEN TO WRIGHT

C. J. Wright, owner and general manager of WFOR, Hattiesburg, has been named president of Mississippi Broadcasters Assn., formed Oct. 23 at a meeting in Jackson of representatives of 12 Mississippi radio stations. Other officers elected at the meeting were H. M. Smith, WAML, Laurel, vice-president, and L. M. Sepaugh, WSLI, Jackson, secretary-treasurer.

Plans for active participation in the national defense effort, particularly through programming cooperation, were discussed at the meeting. An executive committee also was appointed to develop plans for operation of the new association, which has been organized on a permanent basis. It is scheduled to meet quarterly.
Goldberg's 12th
WITH the same cast which made the first broadcast Nov. 20, 1929, the CBS serial The Goldberg's, sponsored by Procter & Gamble Co., Cincinnati, for Duz and Drift, will celebrate its 12th year on the air Nov. 20. Mrs. Gertrude Berg, who also writes and directs the show, continues as "Molly". James Waters is still playing "Jake", Rosalyn Silber, then a child of ten and now grown, is "Rosey"; and "Sammy" is still played by Alfred Ryder.

WHK School Series
COOPERATING with Cleveland College of Western Reserve U, WHK, Cleveland, is resuming its annual five-week educational broadcasts featuring faculty members of the school. The programs are heard Monday through Friday at 5 p.m. Discussions to be heard cover everything from civics and sociology to literature and science.

Kent Cooper's Second
SECOND composition by Kent Cooper, general manager of Associated Press, to be introduced on the air is titled "Sunset" and was given its broadcast premiere on the Oct. 31 Cities Service Concert program on NBC-Red. Mr. Cooper's first published song, "Dixie Girl", was given its premiere by Dr. Frank Black on the same program May 10.

Slightly Terrific!
Slightly terrific, too, the way WDBJ holds an audience spell-bound! For the record, most of the people in this neck of the woods tune to WDBJ most of the time! Our magic formula? We're the only station that can be heard regularly throughout the entire Roanoke-Southwest Virginia territory! We're the only CBS source within listening range! We tailor our local features to our listeners' likes! And listen—the 798,000 people in our primary area (daytime) make 25.7% of all the retail purchases in the whole state! How about letting us work some sales magic for you?

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

LATE IN OCTOBER, during Better Parenthood Week in Cincinnati, Arlene Blackburn, star of the radio serial, Linda's First Love, sponsored by Kroger Grocery & Baking Co. for four years five times weekly on 27 stations, played host to 10 little girls who have been named after her radio character. Coming from five States, the 10 little Lindas and their mothers were guests of Miss Blackburn and Kroger in Cincinnati. Apart from all sorts of partying and sight-seeing, the group appeared on special broadcasts on WLW-WSA1 and WCPO. Gathered during a WLW-WSAI broadcast at a banquet during the three days of festivities are (1 to r) A. E. Johnston, Kroger advertising manager; Miss Blackburn; James D. House, Crosley vice-president in charge of broadcasting; Albert H. Morrill, Kroger president; Announcer Paul Jones.

Advertising Council of War
(Continued from page 16)
agement, agencies and media". In reviewing the program for the joint session, the prospectus states that Part I will consist of a presentation showing the menace to advertising and to national brands—a menace based on unsound economics, ignorance and misstatements—and the dangers resulting therefrom which may shortly be realized and may drastically affect the whole national advertising process and brand merchandising.
Part II will consist of a carefully prepared, graphic and fast-moving presentation of the economic justification of sound advertising in which a dozen basic controversial questions are clearly defined and broadly answered. This will be the real meat of the program, done in such a manner and in such form as to be freely available to serve as the basis for presentations by various groups on occasions where advertising is challenged or where the menace to sound merchandising is earnestly sought.
Parts I and II will be presented on Thursday, Nov. 13. Among speakers will be Leon Henderson, Administrator, Office of Price Ad-

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Broadcasting • Broadcast Advertising
Two to Blue—To the Trade—UP Features—
Mutual Club—Hot From Hannagan

Merchandising & Promotion

UP Plugs

BROADCASTERS and sponsors

Sponsors...to...the station.

Nov.

BROADCASTING and demonstration
descriptions...Zenith's...dedicatory programs were
started...radio.

Nov.

BROADCASTING and demonstration
descriptions...Zenith's...dedicatory programs were
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Nov.

BROADCASTING and demonstration
descriptions...Zenith's...dedicatory programs were
started...radio.
GOTTA PROBLEM?
If your problem is in the Hudson river valley . . . from Nyack to Hudson . . . WGNY would like to have an opportunity to solve it for you. You get coverage . . . service . . . and results with our 1000 watts at the old 250 watt rates. We have studios in Newburgh and Poughkeepsie . . . remote facilities in Middletown. We serve the area with local newscasts from each city . . . up news every hour . . . ASCAP and BMI music . . . lots of local people participation on programs . . . everything to build and maintain program appeal. If you've tried WGNY you know it . . . if you haven't, let us prove our service, results in an able-to-buy market.

IONS!

To two of 'em, in fact. In Northern Kentucky I did the exclusive radio job, drew an all-time record attendance of 109,463, with 31 shows originated on the spot in eight days. In Cincinnati, I did seven or eight shows a day, helped draw a crowd of 279,240. Small wonder advertisers and grocers alike say as one: "Cincinnati's own station is Cincinnati's food station!"

FESTIVAL OF THE EMPIRE STATE

BEAUTY SPECIALIST Richard Willis (left) has made the script of his Here's Looking at You program on WOR, New York, with Stanley Chambers, advertising manager of Barbara Gould Inc., New York, which took over sponsorship of the show Oct. 20 for its cosmetic products. Looking on (standing) is John Hymes, time-buyer of Lord & Thomas, New York, the agency in charge.

NEW LOS ANGELES AGENCY

EDWIN B. NEWPORT, head of Newport & Associates, and Faron Co. Moss Adv. Agency, retaining their respective Los Angeles organizations, in addition have formed a new firm under name of Adco Advertising at 5212 Wilshire Blvd., that city. Faron Co. Moss is general manager, Wallace F. Busse is radio director, with Miss Jo Hollebaugh as space buyer. Vocational-Educational Guidance Clinic, Los Angeles, has appointed the agency to direct advertising and on Nov. 5 starts a new five-minute program on KMPC, Beverly Hills. Other radio accounts include Hoyt Construction Co., Los Angeles (real estate), planning a Southern California spot announcement campaign; and Ralph Gordon Fear, Pasadena, Calif. (lecture bureau), planning announcements on Pacific Northwest stations.

NAMED ALUMNI VP'S

ROBERT WENBAN, formerly vice-president and creative director of Blackett-Sample-Hummert, Chicago, has joined Sherman & Marquette, Chicago as vice-president. Lawrence D. Milligan, radio director, has also been made a vice-president. Mr. Milligan recently came to the agency from Blackett-Sample-Hummert, where he was account executive on Procter & Gamble Co. for a number of years.

SOUTHERN RADIO FEATURES.

Dallas, is conducing radio cooking schools on live Texas and Oklahoma stations — WACO, KRRY, KNOW and KBCR.
Bassett to McKim

DON L. BASSETT has joined the head-office of A. McKim Ltd., Toronto, agency with branches throughout Canada, as radio director, succeeding Bert Collett who has the post since May 1940. Bassett's appointment started Nov. 1. He comes from Radio Centre Ltd., Toronto producing and transmitting daily disk and Variety shows.

Mr. Bassett, who was an employee of WBT, Charlotte, N.C., also worked as a radio editor for the Associated Press in New York and in London.

Coke by Koppers

A MISTAKE landed a ton of coke in the studios of WNAS, Philadelphia. The station was installing a display case in which samples of the products of station sponsors will be placed on exhibition. Accordingly, the Koppers Coke Co., sponsoring the station's hourly news broadcasts, was called for a sample of coke. Through a misunderstanding, the station porter discovered a ton of coke dumped in front of the case the next morning. It was wrongly labeled 22 feet in the station's sky-top studios.

Requests for Facilities

Set for Hearing by FCC

FOUR new station applications as well as the application of WFS and White Plains, N. Y., seeking to shift its frequency to 1320 kc. and increase to unlimited operating hours were designated for hearing by the FCC last Tuesday.

The application of WFS, currently operating on 1240 kc., as a part-time station sharing with WBBR, Red Bank, N. J., and WGBB, Freeport, N. Y., will be heard jointly with that of Paul Forman, owner and engineer, who is asking a new local in Newark, N. J., on 1230 kc. with 250 watts and a solidated hearing will also be scheduled for two applicants - Beauford J. H. Jester, Corsicana, Texas, and Roy Brannham, both in a Texas Dr. Pepper Bottling Co. - both seeking a local in Waco, Texas, on the same frequency, 1230 kc. with 250 watts fulltime. Individual hearing will also be set for the application of Charles E. Blackley, commercial manager of WSVA, Harrisonburg, Va., for a local in Staunton, Va., with 250 watts fulltime on 1240 kc.

Radio Sells Seeds

MOEWS LOEW SEED CO., Granville, Ill. (M-L Improved Hybrids), now using a 26-week schedule of announcements weekly on WLS, Chicago, and WHO, Des Moines, reports a 77% increase in business over last year. It was stated that a large part of the increase is directly attributable to its radio advertising. Account was placed by Triangle Adv. Agency, Chicago.

SURVEYS SHOW

That MORE people listen to CJOR, morning, afternoon and evening.

CJOR

Vancouver—B. C.

Nat. Rep.: J. H. McGillivray
H. N. Stevin, (Canada)
1000 Watts 600 K. C.

Walter Tison Requests Station in Jacksonville

W. WALTER TISON, pioneer Florida broadcaster and manager of WFLA, Tampa, on Oct. 21 filed an application with the FCC for a new 1,000-watt fulltime station in Jacksonville, Fla., on 600 kc. with a directional antenna night and day. Jacksonville in the recent monopoly hearings was described as one of the cities not now being served by all four networks [Broadcasting, Sept. 15].

Mr. Tison reports that in event the station is authorized it will be made available for network use thereby bringing all four networks to Jacksonville. WALT would be the call letters asked if application is granted. Ben S. Fisher, Washington attorney, and Frank G. Kear, Washington consulting engineer, are handling details.

Mr. Tison was formerly partner of WFLA but earlier this year disposed of his holdings to the Tampa Tribune to clear the way for fulltime operation by WFLA and WSUN, St. Petersburg [Broadcasting, Jan. 29].

Stratosphere Pickup

WLS, Chicago, on Oct. 24 broadcast the world record delayed parachute jump—arranged to establish scientific data for future stratosphere flights—made by Arthur H. Starnes from a height of 30,800 feet at 41 degrees below zero, opening his chute at 12,700 feet [Broadcasting, Oct. 27]. Station's mobile unit was used for constant contact with the plane as it flew into the stratosphere, and Starnes held two-way conversations with Mrs. Starnes and their son on the ground, also with Dr. A. J. Carlson, Uni. of Chicago, and Andrew C. Ivey, Northwestern U, research engineer. Starnes carried 85 pounds of radio and electrical equipment which recorded his reactions during the jump.

If You Want

(And who doesn't?)

... You'll find plenty of it on KFB! In fact, KFB carries more news programs than any other radio station in this area.

Some of these NEWS PROGRAMS are now open for sponsorship. But, they won't be open long! For availabilities and rates, write or wire TODAY!
CHICAGO'S seventh commercial FM outlet was authorized last Tuesday when the FCC issued a construction permit to the Oak Park Realty & Amusement Co. for high-frequency facilities in the Windy City. Permitted is a subsidiary of Loew's Inc., nationwide theatre chain, which holds all of the capital stock. Loew's, headed by Nicholas M. Schenck of New York as president, is the parent corporation of WHN, New York, and its FM adjunct W6NY, both licensed to the Marcus Loew Booking Agency. Metro-Goldwyn-Mayer Inc., also a part of Loew's Inc., currently holds a construction permit for K6ILA, Los Angeles FM station. The new Chicago station will operate on 47.9 mc. to serve 18,000 square miles and has stipulated that operation will be four hours daily and four hours nightly. Call letters W79C will be assigned.

W7SB, commercial FM station of WSBT, South Bend, and the South Bend Tribune was granted a modification of construction permit at the same meeting to make changes in transmitter and antenna system. In area, increase service area to 7,100 square miles and extend commencement and completion dates 60 to 100 days. Authorization was subject to same conditions relating to Order 79 under which the applicant's present grant was issued.

MODERNS Warig Suit
PLAGIARISM suit for $60,000 filed by Grombach Productions against Band Leader Fred Waring, Johnny O'Connor, Waring's manager, and Stack-Goble Adv. Agency was dismissed last week in New York Supreme Court at the end of a four-day trial. The plaintiff charged Waring used a program idea which Grombach alleged it submitted to Waring's office and auditioned for Stack-Goble.

WHEN W67C, FM adjunct of WBBM, Chicago, goes on the air shortly it will be among the first to experiment with this special high-gain directional stacked loop antenna atop 1 North La Salle St. Bldg., 621 feet above the street level. Designed to throw a stronger signal with lesser power, the antenna was perfected by Dr. Andrew Alford of Federal Telegraph Co., Newark. W68C plans to cover the 10,000-square-mile Chicago trading area with 10 kw. power.

RCA's 'Radio Age'
A NEW house organ published by RCA made its initial appearance in Mid-October. Known as Radio Age, the publication aims to present factually the news of RCA services, research, manufacturing, communications and broadcasting. First issue carried signed articles by Thomas F. Joyce, vice-president of RCAM; John Elwood, manager of the NBC International Division; Ralph R. Beal, research director of RCA Laboratories; Alfred W. Morton, vice-president in charge of television of NBC.

U.S.-Brazil Exchange
FIRST in a series of exchange programs between the United States and Brazil was broadcast Oct. 27 on NBC Radio. Plan for Brazil's NBC international stations WBCA and WNYB simultaneously beaming the program to Brazil with Portuguese announcements. Brazil was heard in turn by NBC's station WBBM, Chicago, through RCAC facilities with a program of folk music, Musical Brazil.

OUT OF THE Sky
CLIMAXING a promotional campaign in which WSYR, Syracuse, released publicity and advertising on its newly-assigned 5,000-watt operation to nearly 30 newspapers in as many communities, WSYR chartered special airplanes to drop circulars over these newspapers. The very thousands of copies of this circular a $1 bill was attached, which could be redeemed for $1 at the offices of the newspapers or WSYR.

UNIFORM PRESS • Broadcast Advertising
Bell for 5th District

J. C. BELL, vice-president and general manager of WBRC, Birmingham, Ala., has been named to the NAB engineering committee, representing the 5th District, the NAB announced last Monday. Mr. Bell founded WBRC in 1925. He started his radio career as an announcer before World War I, later became associated with Bell Radio Corp., which bore his name and from which sprung WBRC.

Heads NBC Traffic

JOHN T. MURPHY, assistant to E. B. Lyford, former supervisor of NBC's commercial traffic department, has taken charge of the department following the resignation of Mr. Lyford to be executive assistant in charge of station relations promotion. Mr. Murphy started as a page with the NBC 11 years ago, subsequently serving as a messenger in the central stenographic division, office boy, clerk, and assistant supervisor in traffic.

WIFE IS SILENT
Serves as Spotted of Game
For Russ Winnie

HUSBAND-WIFE combination, with the woman assuming the role of "Silent Partner," is responsible for the enjoyment listeners to WMJ, Milwaukee, get out of their sports broadcasts. For while Russ Winnie, station sportscaster, broadcasts football games, it's "George," his wife, who spots the play, keeping a record of substitutions, carriers, blockers and tacklers on the chart in front of her spouse.

The nickname "George" was fixed to Mrs. Winnie during the early days of broadcasting when a woman's place was in the home and not in a radio booth. Through the years the name has stuck. At present she is preparing for similar duties with husband Russ and undertakes descriptions of basketball games this winter.

MacGregor in N. Y.

C. P. MacGregor Co., Hollywood transcription producers, has established New York offices at 855 Fifth Ave., with Niles Gates in charge as manager. Mr. MacGregor is currently in Mexico for a series of conferences on radio with Mexican officials. His wife, Maximino Avila Camacho, Mexican secretary of communications and public works, returns to his Hollywood headquarters in mid-November.

THE IBEW recently renewed its contract with KYY, San Francisco, on behalf of all technicians at the station, who will receive a salary increase retroactive to Oct. 1.

ON THE BASIC MUTUAL NETWORK

PROFESSIONAL DIRECTORY

JANSKY & BAILEY
An Organization of Qualified Radio Engineers
Dedicated to the SERVICE OF BROADCASTING
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Specializing in Broadcast and Telephony Engineering
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HECTOR R. SKIFTER
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FIELD INTENSITY SURVEYS
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CUSTOM BUILT EQUIPMENT
SAINT PAUL, MINNESOTA

CLIFFORD YEWELL
Empire State Bldg.,
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An Accounting Service
Particularly Adapted to Radio

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Frequency Measuring Service
EXACT MEASUREMENTS
ANY HOUR—ANY DAY
R.C.A. Communications, Inc.
86 Broad St., New York, N. Y.

RING & CLARK
Consulting Radio Engineers
WASHINGTON, D. C.
Munsey Bldg. • Republic 2347

Advertise in BROADCASTING for Results!
INTIMATE GLIMPSES of everyday life in Washington, London and the U.S. Army and Navy are given listeners to the four half-hour Microphone Tours programs presented Saturday at 7 p.m. on NBC-Red. "Guides" for the tours include such NBC notables as Fred Bate, NBC London representative, and John McVane in that city; also Gr a h a m McNamee, Carleton Smith, George Hicks, Earl Godwin, Bauckhage, William Hillman and Raymond Clapper in the United States.

Reports From Camp
CAPT. EDWIN P. CURTIN, former radio publicity director of BBDO, New York, is in charge of production for a series of transmissions titled Camp Wheeler Reports, to be broadcast on WINS, New York, and WDRC, Hartford. Series features greetings sent by soldiers at Camp Wheeler, Ga., to their parents and friends as well as interviews on various phases of Army life, as conducted by Pvt. Bill Styles, former WINS announcer. Music for the series is conducted by Pvt. Harrison Cooper, former arranger for Herbie Kay, orchestra leader, and engineering is handled by Pvt. Thomas Hanlon, former engineer of WBRY, Waterbury, Conn.

Freedom's Meaning
DISTINGUISHED leaders in public life will express their opinions on vital questions currently affecting American and world freedom, on What Freedom Means on CBS. Dr. Ruth Nanda Anshen, author, and Jacques Maritain, French philosopher, were opening program guests. Future speakers will include Vice-President Wallace; Ambassador Hu Shih, of China; William Lyon Phelps, former Yale professor; Frank Kingdon, former president of Newark U.; Signed Undset, author and Bertrand Russell, philosopher.

Scandinavian News
SLANTED to Minnesota's Scandinavian population, KSTP, St. Paul, and six other Northwest stations have started a new weekly series of Scandinavian news shows in English. The series is handled by Val Bjornson, brother of Bjorn Bjornson, NBC correspondent in Iceland, who interjects occasional commentaries in Swedish, Norwegian or Icelandic.

Chest Sketches
DRAMATIZING the many types of charitable works carried on by Community Chest organizations, WTAG, Worcester, is presenting a quarter-hour series, Troublesome March, as part of its effort in the local Chest drive. Stories are taken from actual cases histories on file.

Wanted by the FBI
DESCRIPTIONS of criminals at large are broadcast each night as the five-minute Fugitives from Justice program of WTRY, Troy, N. Y. Material is furnished by the Albany office of the FBI.

IN PHILADELPHIA
Win friends, influence listeners, sell through WFIL

BROADCASTING • Broadcast Advertising

Page 50 • November 3, 1941
NBC, CBS Suits
(Continued from page 8)

because the Commission is without statutory authority to make the rules and is beyond the power of the Commission because the rules are "unreasonable, arbitrary and destructive of property without legitimate reasons; are not required by and do not serve public interest; are not necessary to carry out the terms of the Communications Act, are contrary to the public interest, convenience and necessity and to the Act."

If the Communications Act purports to authorize the Commission to make the rules complained of, then the Act was held to be in this respect unconstitutional and "exceeds the powers of Congress because it delegates power to the Commission without adequate legislative standards", contrary to the Constitution, because it "takes the property of the plaintiff without due process of law . . . ."

The CBS complaint concluded: "Unless the enforcement of that portion of the order referred to in paragraph 7 be permanently enjoined by the court, plaintiff will be unable to negotiate with station licensees for affiliation contracts described in paragraph 8, or for the renewal of existing affiliation contracts. Station licensees threaten to and will cancel or repudiate subsisting contracts. Plaintiff's ability to negotiate contracts with advertisers and contracts with labor organizations of technical workers and of performing artists will be destroyed or seriously impaired.

Loss of Goodwill

"The penalty which affiliated stations will incur for entering into or performing agreements contrary to the said regulations is so serious that no station will renew or perform any such existing agreements even for the purpose of testing the validity of the rules. Unless relief is granted in this action, plaintiff will therefore be compelled to submit to the consequences of the rules whether they are valid or not. Plaintiff's business identity and public goodwill will be substantially injured and its business rendered substantially less valuable. In the premises, plaintiff will suffer irreparable injury for which it has no adequate remedy at law.

"Wherefore, plaintiff prays that the court set aside, annul and permanently enjoin the enforcement of that portion of the order of the Commission which promulgates the rules complained of in paragraph 7 and that the court grant the plaintiff such further and further relief as may be just and equitable in the premises."

NBC, Wdio and Stromberg Carlson contended they had no adequate remedy at law and no method of proceeding exists for the review of the Commission's order, except by the filing of the suit. It asked the court that as soon as practicable the special three-judge court convene and that a temporary or interlocutory injunction be entered restraining, enjoining and suspending, until the further order of the court, the operation, execution, effect and enforcement of the order, insofar as it purports to become effective on or before Nov. 15.

Pending a hearing upon the application for a temporary injunction, the court was asked to issue a preliminary restraining order to remain effective until the application for a temporary or interlocutory injunction shall have been heard and determined and for a period of 90 days thereafter).

After final hearings, NBC prayed that the court decree the order is "beyond the lawful authority of the Commission, in violation of the legal rights of plaintiffs, wholly void and arbitrary and unreasonable, and that the order, insofar as the order purports to become effective on or before Nov. 15, 1941, be perpetually vacated, set aside, suspended and annulled, and the enforcement thereof perpetually restrained and enjoined."

Radio's Safety Role

SUPPORT radio is giving the Emergency Safety Campaign to reduce accidents drew special praise last week from W. H. Cameron, managing director of the National Safety Council, which is directing the nation-wide campaign at the request of President Roosevelt, who became concerned steadily rising accident toll and at the number of defense workers who are victims of accidents both on and off the job.

STROMBERG CARLSON MFG. CO., operating WHAM, Rochester, NBC-Blue affiliate contends that it could sell time to advertisers at only half the price it currently receives were it to lack network affiliation, according to an affidavit filed Oct. 27 in the U. S. District Court for the Southern District of New York, by Edward A. Hanover, vice-president.

Explaining the station's opposition to the FCC network-monopoly order, Mr. Hanover's affidavit states that under the rule less WHAM time will be sold in the future and WHAM will receive less revenue. For the year 1940, the income of WHAM was derived approximately one-half of the sale of network time by NBC, it is stated.

The affidavit pointed out that WHAM has a gross income from sale of its time to NBC and to local and other advertisers of approximately $500,000 a year. Option Provisions

The present contract between NBC and WHAM grants to NBC a firm option to sell specified period of the station time on 20-day's notice, according to the affidavit. "The above mentioned order, therefore, it goes on, prohibits the inclusion of such an optional time provision in any contract between a network organization and a local broadcast station. "Because of said contract with WHAM containing provisions for such optional time, and similar contracts with other stations, NBC is in a position to sell time to advertisers on a national network, as such. If an option exercisable as against another network organization or exercisable on less than 90 days notice is prohibited, it will be practically impossible to sell time to advertisers on a network basis, as such."

"In 1941 there has been a substantial increase both in the amount of network time sold to NBC and the amount of time sold to local and other advertisers. Even with an increase in the sales to NBC, WHAM has been fully able to serve its local community in local advertising and in the broadcasting of all events of local interest. Sale of time to NBC and optional provisions of the contract have been equally beneficial to both the national and the local service of WHAM."

"Cancellation of the affiliation contract with NBC will disturb an association which has existed for 14 years and will inflict irreparable loss upon Stromberg Carlson. Furthermore, cancellation of the contract without the consent of NBC may result in suit by NBC against Stromberg Carlson for breach of contract. The order places the burden on Stromberg Carlson of complying with the order, which will cause irreparable damage."

Where Sales Multiply

WAR BOOM HITS Piedmont Section of South Carolina DOMINATED BY WFBG GREENVILLE "TEXTILE CENTER OF THE SOUTH" OVER 150 ACTIVE ACCOUNTS 5000 WATTS NASHVILLE, TENNESSEE 2500 WATTS GREER, SOUTH CAROLINA 1500 WATTS CLEVELAND, OHIO

Represented by: RADIO ADVERTISING CORP.
NEGOTIATIONS with 21 stations for renewal of their CBS affiliation contracts have come to a complete standstill as the FCC has announced its new network rules in May, it was revealed in an affidavit by Herbert V. Akerberg, CBS station relations vice-president, entered in the U. S. District Court for the Southern District of New York, connection with CBS complaint seeking court action enjoining the FCC from putting into effect its drastic changes in the schedule date, Nov. 15.

Listing the 21 stations with whom negotiations have fallen off, since the FCC announced its network rules on May 2, Mr. Akerberg in his affidavit declared that other conferences with two stations for CBS affiliation agreements have ceased “because of the danger of the denial of the renewal of contracts if they should enter into such agreements”.

An appendix to the affidavit also presents copies of letters from 20 other CBS affiliates which in recent months have served notice of their intention to negotiate contracts to ameliorate their contracts in view of the Commission’s network order.

In some general tone, all the letters read that as a matter of self-protection the outstanding contracts must be abrogated, although of course was not the case that these stations would negotiate a new contract in keeping with the new FCC regulations.

Renewals Pending

“In the ordinary course of business we begin to negotiate for the renewal of the contracts from six months to a year prior to the date of termination of the contracts,” Mr. Akerberg explained. “In some instances, where the circumstances require it, we have been negotiating for the renewal of an existing contract as long as two years prior to its termination.”

CBS has regular affiliation relationships with 115 stations licensed by the FCC; the termination dates of the contracts are staggered and the contracts terminate in different years and at different times during the year. The station relations department is therefore continually engaged in commencing, continuing and completing negotiations with various stations for affiliation agreements or for the renewal of such agreements.

“On or about May 21, 1941, we were engaged in negotiations with various affiliates for the renewal of their affiliation agreements. The names of such stations follow: KFBB, Great Falls, Mont.; KGVO, Missoula, Mont.; CKAC, Montreal; WHIO, Dayton, O.; WIBX, Utica, N. Y.; WSN, Milwaukee; WCHS, Charleston, W. Va.; WPAA, Charleston, W. Va.; WAGA, Atlanta, Ga.; WNBK, Hamilton, N. Y.; WHCU, Ithaca, N. Y.; WDBO, Orlando, Fla.; WKBK, LaCrosse, Wis.; KGBM, Honolulu; K H C B, Honolulu; WWNC, Asheville, N. C.; WDAE, Tampa, Fla.; WCM, Cedar Rapids, Ia.; KNRT, Des Moines, Ia.; WHAS, Louisville, Ky.; WML, New Orleans, La.

“Negotiations for the renewal of affiliation contracts had been progressing with these stations for some time; all of the time during the subsisting between CBS and such stations, and for the renewal of such negotiations were proceeding between such stations on or about May 2, 1941, contained clauses referred to in Paragraph Fifth of the complaint. These clauses have been the foundation of successful network operation and their continuance is necessary to the continued existence of strong and successful network operation.

Other Negotiations

“As a result of the Commission’s order of May 2, letters, as well as contracts are to be terminated because the order prohibits any licensee from entering into such contracts, under the penalty of the denial of the renewal of its license. As a result of the order and its effect upon negotiations with stations for contracts or renewal thereof, the station relations department has ceased functioning in these matters completely and is unable to continue the regular conduct of its business.

“Not later than Nov. 15, 1941, when the said order becomes effective as to existing contracts, all the existing contracts of affiliation between CBS and licensees of the Commission must be abrogated and terminated by these stations or they will face the certain denial of their licenses. As a result, many stations have threatened that if the FCC will cancel or repudiate their contracts of affiliation prior to the effective date of the order, many and many stations have already done so.”

Letters included in the appendix were received from CBS by WADC, Akron, Ohio.; WAIM, Anderson, C. O.; WRDW, Augusta, Ga.; KDAL, Duluth, Minn.; WERC, Erie, Pa.; KARM, Fresno, Calif.; WNE, Keene, N. H.; WNOX, Knoxville, Tenn.; KOIL, Omaha; KGLO, Mason City, Ia.; WREC, Memphis; WQAM, Miami; KOMA, Oklahoma City; WMWD, Peoria, III.; KOY, Phoenix, Ariz.; KTUL, Tulsa, Okla.; WIBX, Utica, N. Y.; WNYX, Yankton, S. D.; KSFO, San Francisco; WKBW, Youngstown, O.

Cereal on Blue

CREAM OF WHEAT Corp., Minneapolis, for its hot cereal on Nov. 14 will sponsor the 9-9:15 a.m. portion of the Fish & Sports Morning Show on the NBC-Blue Breakfast Club program originating from Chicago. Number of stations for that time have not yet been cleared. BBDO, Minneapolis, is the agency.
Impaired Network Service Held Probable

A DEATH blow would be struck commercial broadcasting by enforcement of the FCC's chain-monopoly regulations, setting off a "descending spiral" in revenues which will result in less needed service, fewer listeners, and the inevitable result of impairment of the full, effective and best use of radio facilities of the country, William S. Paley, CBS president, declared in his affidavit filed in support of the network's complaint against the Government, seeking to enjoin the FCC from making its regulations effective.

The combined effect of the rules, Mr. Paley declared, "would be to destroy the present structure of network broadcasting". He predicted the result would be "encourage irresponsible fly-by-night operations on a get-rich-quick basis, and to prejudice the permanent and stable network system which now obtains."

National Service

In his 38-page affidavit, Mr. Paley first described the physical characteristics of broadcasting and the role of the FCC. CBS, he brought out, includes 122 stations, 115 of which are independently owned affiliates and seven owned by CBS, one of the latter being leased. CBS programs now are available to over 90% of the nation's entire nighttime audience, he declared.

Describing the economics of broadcasting and the need for national service, Mr. Paley recounted to the court the manner in which broadcasting functions and the degree of competition now existing in the network field. He pointed out that MBS, which he described as "largely controlled by the Chicago Tribune", has an operating capital of $5,000,000 and is located not only in Chicago and NBC, but also in Mutual.

He said, "has no studios, maintains no engineering department, neither owns nor maintains any facilities for the production of programs, and does not originate or produce a network program service such as is maintained by CBS and NBC."

He described it as an organization "devoted mainly to the sale of time of its affiliated stations for network broadcasting to national advertisers". Its commercial programs are produced by the originating station "or by the sponsor who buys time", he said, while its sustaining programs are "selected from among those produced by affiliated stations themselves, primarily as a part of the sustaining service of the stations for their own local listening audiences."

Mr. Paley pointed out that CBS leases program transmission service from AT&T for a minimum of 16 hours a day, at a cost of $2,000,000 a year. In 1940 alone, CBS expended in excess of $5,000,000 on sustaining programs and is committed to future payments in excess of $4,000,000 by long-term contracts for real estate, news services, special programs and musicians, he pointed out. Because of its strict adherence to high program standards, CBS has refused over $6,000,000 of network business tendered during a four-year period.

Would Be Immeasurable

To be useful to the national advertiser, the network must be able to provide him with an assurance of nationwide audience comparable to the assurance of nationwide circulation provided by magazines and other printed publications, he pointed out. National circulation for programs can be guaranteed only when outlets are fitted together like a jigsaw puzzle, so that there are no interstices or "blind spots" between neighboring affiliated stations.

Alluding to the FCC regulations, Mr. Paley said that if the make-up of the CBS network were to lose its stability through the sudden advent and departure of affiliated stations, "listening patterns would fluctuate wildly and the circulation which today results from the constant performance together of scientifically chosen outlets would not exist. What circulation would be produced if the outlets of a network were in continual flux might not be measurable and the advertiser would be reluctant and very likely even unwilling to buy the immeasurable". Nor would the advertiser embark upon the costly venture of a nationwide program series unless the relations between the network he selects and its affiliated stations are "sufficiently stable so that he may reasonably expect to maintain his coverage and enjoy the cumulative fruits of his efforts to please the listening public and promote sales of his product", Mr. Paley said.

This stability, fundamental to the practical existence of network broadcasting, Mr. Paley declared, "has been achieved by the practice of the network and the station in entering into an affiliation contract, pursuant to which the station becomes the network outlet in the station service area." He called the provisions of the existing CBS contract "indispensable to effective network broadcasting and to the fullest use of the radio facilities of the country". Covering the contribution of networks to American broadcasting, Mr. Paley said that the growth of the use of radio facilities of the nation could not have been accomplished without the practice of exclusivity and the call of option time.

Since 1934 contracts between networks and affiliated stations have been filed by stations with the Commission and considered in connection with applications for renewal of licenses and other petitions. CBS, relying upon the validity and subsisting effect of these practices and agreements, has devoted over $15,000,000 of assets to network broadcasting, he said. "Neither the Commission nor its predecessor has ever claimed hereafter to the power to regulate the contractual relations between networks and their affiliated stations", he asserted.

Contracts on File

After reviewing the chain-monopoly investigation culminating in the amended order of last month, Mr. Paley said the approach of the Commission majority to the problems in the broadcasting industry was essentially "one of academic unreality". He said "this thesis is monopoly by Columbia and NBC". Denying that monopoly exists in network broadcasting, Mr. Paley said the existing national networks are constantly engaged in vigorous competition for advertising sponsorship of commercial pro-

In radio, too,

it's Better to be Lower

Being in the right spot is important. Reminds us of WMCA. It has New York's lowest frequency (570 kc.) with enough power (5000 watts) to reach over 12,500,000 people without waste. The reason? Simple. Low frequency means longer wave-length; longer wave-length means maximum utilization of power. The best spot is the low spot.

WMCA

FIRST ON NEW YORK'S DIAL

BROADCASTING • Broadcast Advertising November 3, 1941 • Page 53
grams, listeners who build the goodwill of their outlets and particularly for the best outlets in all of the desirable markets. Every outlet which is affiliated with CBS today has been free to change its affiliation upon at least one occasion since the formation of MBS, he said. Moreover, there is a substantial turnover in the constituency of each national network.

Need of Identity

"The jurisdictional phase of the entire Commission's order as to chain broadcasting rests, I am informed by counsel and I believe, upon the narrow and delicate stem of a single conclusion of fact—the Commission's own conclusion that the public would be better served by radio if existing affiliation practices were to be suppressed, there by creating a new era of competition in what the Commission calls the 'network-station market'".

Disputing this claim, Mr. Paley asserted:

"Columbia's studies show that the flow of programs to listeners is steadyest when the identity of the outlet for the program has been established. A change of outlets carrying a Columbia program upsets the listening patterns for that program, and it takes substantial periods of time before the listening patterns reform around the new outlet.

This 'network-station market' which the Commission is trying to create is not the familiar network-station market in which networks compete for affiliates. Instead, it is a market in which the networks would be in competition every time they sought outlets for a network program; where networks would engage in a sort of over-the-counter, per program competition. It is an abnormal market in which networks would compete, not for regular affiliates to carry all the network's programs, but for occasional outlets to carry particular programs. The Commission makes entirely clear that by the 'network-station market' it means a market where networks compete not merely for contract affiliates but for outlets on a per program basis.

Thus the Commission complains, in the excerpt quoted above that: 'Stations bound by the usual five-year exclusive contracts are not free to bargain with other networks for programs; (other) networks are not free to bargain with those stations for time'; and so a station which contracts with one network does not have constant access to the programs of every other network. At no time has the Commission been able to show that in creased market may not exist, not in obedience to a theory of its own, forcing the established major networks to cease being what they are today and to become something the present nature of which no one can wholly foresee.

Theory of Competition

Citing the October opinion of the FCC where it criticizes exclusive option time because it "restricted competition in network broadcasting," Mr. Paley said this represents a brand new theory of competition for network programs such as never existed in the broadcasting industry. In the period before NBC adopted a formal affiliation contract, the outlets of NBC "did not

ANNUAL APPRECIATION DINNER of WIRE, Indianapolis, Ind., was attended last Oct. 20 by more than 500 persons. Among those at the speakers table were (1 to r): N. G. Mason, secretary-treasurer of WIRE; Paul McCluer, sales manager of NBC Chicago; Roger Reynolds, advertising manager of the Indianapolis News; and Rex Schapp, business manager of the station.

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They Put It At 680...and They Stay PUT! This is not just an idle claim, but a fact based on an exhaustive study of radio listening habits in the Merrimack Valley area. Write for complete information and learn why so many advertisers are making use of a "HUST" in New England.

WLAW

NEW ENGLAND

They Put It At 680...and They Stay PUT! This is not just an idle claim, but a fact based on an exhaustive study of radio listening habits in the Merrimack Valley area. Write for complete information and learn why so many advertisers are making use of a "HUST" in New England.

WLAW

LAWRENCE, MASS. 5000 WATTS • 680 KC.

with

COLUMBIA

AFFILIATE

National Representatives
THE KATZ AGENCY, INC.

Page 54 • November 3, 1941

BROADCASTING • Broadcast Advertising

Washington's Own Station

WITH WINX

WINX BUILDING • WASHINGTON, D. C.
prohibition against the giving of stations of exclusive options to networks, but provides that an "option, not exclusive against other network organizations, may be given by a station to national or regional networks for the broadcasting of network programs during not more than one of the four segments into which the broadcasts day is divided.

When a network's option upon the time of a station ceases to be "exclusive as against other network organizations", Mr. Paley contended, it ceases to be an option", but becomes "a mere right for the network to offer programs or program series to the stations and try to conclude a contract with enough stations in important markets to satisfy the advertiser."

Disputing the FCC's interpretation of the effect of the "non-exclusive option", Mr. Paley said it will not enable networks "to clear the same periods of time regardless of the number of stations for network programs". If CBS's "option" during the period from 8 to 10 p.m. on a Tuesday evening means that the time of the option is the time of the CBS sponsor "provided that five other network organizations (national and regional) do not make the station contracts first", he insisted, "then Columbia must contract with its sponsor subject to a sheer gamble that the time can be cleared and the advertising contract performed."

The prohibited of exclusive option time will make the clearing of time for the arrangement of a national network program "an almost impossible task", Mr. Paley declared. Advertisers do not determine to use network broadcasting to sell their products only 24 hours prior to the time of the program, he recited. It sometimes takes months of planning, market study and research, program planning and negotiations before an advertiser decides whether or not network broadcasting and thereafter what stations and programs to utilize, the court was told.

Assurance Needed

Under the FCC rule, the network might spend months in convincing the sponsor, in helping him select the territory in which to broadcast his program, the stations to utilize, the character of the program, and the talent, "and then find itself unable to provide either the stations or the time desired by the advertiser in the markets which he desires to cover", Mr. Paley said.

"It would be impossible in practice to operate a network such as that of CBS if CBS did not know in advance what circulation it could deliver, what stations it had to offer and what time on those stations was available for use by prospective advertisers", continuing Mr. Paley's affidavit. "This is precisely the kind of assurance the visual media are able to provide and the kind of assurance which the advertiser requires before he is able to make any intelligent selection of his medium, before he does, in fact, select the medium."

Alluding to the rule requiring 66 days notice, instead of the current practice of 28 days, Mr. Paley said in this the FCC "strikes a needless blow at the flexibility of the highly competitive network advertising business". While there is frequent need for negotiation in advance for network programs, he said that on the other hand, a variety of reasons in the industrial world will cause advertisers to desire to start an advertising campaign swiftly. Newspapers and magazines will continue to be able to accommodate such advertisers, "whereas network broadcasting will be working under an unnecessary handicap which will weaken it in competition with other media and cause it to lose important business."

Under the rules, Mr. Paley said, the network could not agree, as it does now, to supply a minimum number of hours per week of network sustaining and sponsored programs at a time when "all certainty as to the outlets for network commercial programs is destroyed". He predicted the sustaining program service provisions of present contracts "will go out because existing incentives and production of sustaining programs will cease."

Sees Network Decline

"The inevitable result," he continued, "will be the decline of the networks as producers and suppliers of programs which the stations now receiving such programs are unable to provide for themselves. Thus networks are relegated principally to the role of time brokers, agencies for the sale to network advertisers of the time of such stations as will engage them to make such sales. It will enable anyone, without the necessity of having a role in the production of the network programs, to buy wire connections and sell the time of whatever station he can obtain for specific commercial programs."

"Not being subject to the expense of operating an organization for the building of programs, with the investment which that entails, such agencies will be in a position to cut the rates to the advertiser, or to give to the station a greater share of the network revenue. Indeed it would be perfectly possible for such an organization both to cut the rates to the advertiser and to give the station a greater share of the revenue, as a result of operating without the trained personnel, the elaborate organization, the talent commitments, and all the other investments and expenses, which make possible the operation of a major network like CBS. The result of the Commission's order will be to encourage irresponsible fly-by-night operations on a get-rich-quick basis and to prejudice the permanent and stable network systems which now obtains."

"Unlike Columbia, Mutual has no studios, maintains no engineering department and does not produce programs, except European news broadcasts. It is thus relieved of the expense incidental to such operations and to which CBS is now subject. Mutual is in a position, once these Rules take effect, to charge less than CBS or NBC for obtaining the use of the facilities of the same stations which CBS or NBC would be in a position to offer."

Decline in Service

A contraction in network income from the breakdown of the principle of exclusive affiliation and option time "must certain result in a contraction" of services which are financed from current operations, such as international broadcasting, television, and the development of a Latin-American network. CBS is budgeting $800,000 a year for operation of the Latin-American venture, Mr. Paley said, while it is developing television at an annual expenditure of $900,000 a year, and is spending about $500,000 annually to cover every phase of the European war and the concurrent developments in America.

If networks are to engage in "free-for-all competition on a per-tier basis," Mr. Paley said, "network income will be further reduced and the carriage of legitimate advertisers will be rendered unprofitable."

IT'S KDKA'S 21st
Westinghouse Station Holds
Nov. 2 Celebration

KDKA, Westinghouse station in Pittsburgh, celebrated its 21st birthday Nov. 2. For it was on Nov. 2, 1920, that the station began an organized service of regularly scheduled radio programs.

To open the new service, station officials waited for the Harding-Cox election returns, and put them on the air. The first transmitter was a 500-watt, considered a veritable powerhouse in those days. The modern KDKA transmitter is a 50,000-watt, operating on the 1520 kc. clear channel. And whereas the first studios were in the home of Dr. Frank Conrad, a Western house official, at Wilkinsburg, the present up to date ones are in the Grant Building in the heart of the city.

The modern KDKA is a veritable institution in the home of Dr. Frank Conrad. It can be tuned to the KDKA station and hear the station's programs from the time of the first transmitter's operation to the time of the first studio's operation.

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program basis, with the first network which sells a particular period having the station as its outlet for that period," Mr. Paley declared, "then affiliation has lost all its meaning, and the public interest could as well have a 20-year duration as a two-year one."

Taking up Rule 3.105, which prohibits the amendment or alteration of any contract with a network which prevents the station from rejecting network programs which the station reasonably believes to be unsatisfactory, and under other specified conditions, Mr. Paley said that if it is intended by this rule to secure stations in their right to substitute sustaining programs for a network program preferred, it is to be so complaint concerning it. If, as its wording suggest, the rule proposes to enable stations to reject network commercials which they have already agreed to accept, simply because the station prefers another commercial, "the rule will discourage the use of networks by advertisers."

Text of Summary
The full text of the summary of Mr. Paley's affidavit follows:
The combined effect of the rules complained of would be to destroy the present network broadcasting. Burdens will be imposed upon that network broadcasting which is less able to meet the needs of the advertiser. A decline in the ability to meet these needs, a decline in the use of network broadcasting by advertisers and in consequence a reduction in the revenues. The result of this will be less program service, to the detriment of the public interest. The inevitable result of the Rules must therefore be to interfere with the effective functioning of the radio facilities of the country.

Moreover, the Rules will compel stations to alter fundamentally the nature and character of its business. In its present method of operation, CBS stations have been able to operate their station without direct charge for programs and in most instances without paying program expenses to the stations, and it shares the revenue from commercial program with the station. CBS is compensated for the costs of producing its sustaining programs, and pays stations for telling them to station them, and it shares the revenue from commercial program with the station. CBS is compensated for the costs of producing its sustaining programs, and pays stations for telling them to station them, and it shares the revenue from commercial program with the station.

Finally, the broadcasting business is being thrown into confusion and uncertainty by the fact that the rules upon which the networks force to make the rules unreasonable, by the fact that the rules make it impossible to deliver that service, by having the station as an exclusive affiliate, by paying the costs of network sales, and by its share of the revenue from network broadcasting. Under the Rules the service provided to the station by CBS can no longer bring these compensations.

EX-COLLEAGUES met when Dick Carey, formerly KMPC, Beverly Hills, Cal., announcer, who is now in Navy air training, was inter-""
WSB Revives Its 500-kw. Application, Seventh Stations Seeking Superpower

SEVENTH aspirant for superpower operation was disclosed last Tuesday with the reviving of a 1936 application by Atlanta, licensed to the Atlantic Journal, for an increase in power from its present 50,000-watt operation on 750 kc. as the dominant Class I-A station to 500,000 watts on the same frequency. A fortnight before WHAS, Louisville, had swelled the list to six by formally submitting to the FCC its request for 750,000-watt operation.

Already pending before the Commission were the applications of WLW, Cincinnati, for 650,000 watts, WOA, San Antonio, seeking 750,000 watts, KSL, Salt Lake City, for 500,000 watts, and WSM, Nashville asking 500,000-watt operation [BROADCASTING, Sept. 15]. Similarly the application of WHO, Des Moines, for an increase to 500,000 watts is reported to be about ready for filing.

Affidavit Filed By WOW

WOW, Omaha, could not broadcast high-quality and diversified programs without considerably increasing the expense were it to operate without benefit of its present NBC contract, the Red outlet declared in an affidavit filed Oct. 27 in the U. S. District Court for the Southern District of New York, by John J. Gillin Jr., general manager of WOW.

After reviewing the history of WOW, owned and operated by Woodmen of the World Life Insurance Society, Mr. Gillin's affidavit explains that the station has a gross value of approximately $175,000 and in its 18 years of operation by the Society, has created values of over $650,000 in goodwill.

This broadcast structure is irreparable injury unless enforcement of the FCC network-monopoly order is restrained, according to the affidavit. Three main points are brought out by Mr. Gillin:

A. The Society will be forced to breach the existing contract with NBC with resulting danger of a suit for damages by NBC.
B. The Society will lose revenues from the broadcasting of commercial program under said contract.
C. The station will be deprived of good-will built up by its affiliation with NBC over a 14-year period.

About half of the broadcasts of WOW are NBC-Red programs, the station being deprived of revenues derived by WOW from NBC network programs consistently amounting for several years to more than $100,000 a year.

The WOW service, which the affidavit says reaches millions of listeners in the territory adjacent to Omaha, is based largely on the high quality of sustaining and commercial programs received from NBC. Without the aid of the organization and facilities of NBC, it continues, in furnishing these high quality sustaining and commercial programs, it would be impossible for WOW adequately to serve its listening audience with out additional great cost in personnel, equipment and facilities.

It is stated that the additional cost of providing programs of this caliber would impair the revenue producing ability of WOW, and if the same high quality of program material were not maintained, the station's popularity with the present audience would be materially reduced, with a resulting reduction in the value of the station as an advertising medium.

At present, the petition further reveals, due to the high static level in the summertime as well as the man-made static level that generates from the industrialization in the Southeastern sector, the efficiency of the present WSB deal in serving the rural district is lessened. Granting the increase, WOW concludes, would make excellent service unavailable during a greater percentage of time.

In 1936 there were 13 stations which had pending applications for 500,000 watts, which precipitated the so-called superpower fight. Now in the suspense file are the applications seeking this output of WOR and WJZ, New York; WGN, Chicago; KFI, Los Angeles; WJR, Detroit; WGY, Schenectady. The status of certain of these channels, however, has changed since 1936.

Action on the superpower issue by the FCC is seen as imminent as a defense emergency measure. That the Commission is disposed to modify existing regulations to permit power in excess of 50,000 watts has been indicated for several months. The Defense Communication Board, of which NBC Chairman Fly is head, has emphasized the need for providing broadcast service to remote areas in a recent announcement [BROADCASTING, Aug. 11].

The affidavit states that the order of the Commission requires in effect a revision of the existing contracts between NBC and the Woodmen of the World Life Insurance Society, under penalty of losing its license to operate the station WOW. Affiant is informed and verily believes that NBC cannot profitably operate network broadcasting under the rules promulgated in the order and continue to supply the same high quality of programs.

"The order places the onus on WOW of breaching the existing contract by either failure to broadcast the network programs under the option time provisions of the contract or closing down the station. Under the provisions of the existing contract. As a result the Woodmen of the World Life Insurance Society is in imminent danger of being subjected to a suit for damages for breach of the existing contract.

"The revenue of WOW, as well as of radio stations generally, is derived entirely from the sale of radio time to advertisers. The rates for radio time on station WOW, as well as on all other radio stations, are based upon the circulation that they can offer to the advertiser, that is to say the probability that prospective customers will be listening to the programs being broadcast by the station. The probability that a large number of prospective customers will be listening is increased if the programs broadcast by the station are of constant high quality and standards whereas there is less probability of a large number of prospective customers listening if the programs are consistently of poor quality and of little general interest to the listening public."
Trammell Condemns Rules as Radio Threat

Files Strong Plea For Injunction Against FCC

ON THE BASIS of "arm chair theories" a majority of the FCC would "destroy the structure supporting American radio," Mr. Trammell, president of NBC, asserted in his affidavit filed with the U. S. District Court for the Southern District of New York, in support of the NBC-WNAC complaint challenging the validity of the FCC's so-called chain-monoropoly regulations. He vigorously joined in the plea for temporary injunction in the 15 - page affidavit filed 15 effective date for the regulations as well as the plea for a permanent injunction against the Commission.

Mincing no words in his condemnation of the regulations, Mr. Trammell in his 34-page affidavit first traced for the court the history of network functions and cited a description of the factors which enter into successful network operation.

National Aspects

It is network broadcasting that enables nationwide broadcasting to be effective and it reflects the fundamental aspects of the radio industry as distinguished from those of purely local character and significance, he said. The average local station is incapable of selling enough advertising locally to round out its broadcasting schedule with commercial or sustaining programs in any way comparable with the quality of those furnished by the network organizations, he said.

This conclusion is confirmed by the unanimous result of surveys indicating that the local station with a network affiliation is greater than that of a comparable station without such affiliation. The 1930 network broadcast stations not affiliated with any network in 1938 operated at an aggregate loss in that year of approximately $150,000, he said, 102 of them showing net loss of $888,493 and 148 of them showing net losses aggregating more than $1,000,000.

In carrying the court through the early development of radio, Mr. Trammell described in detail the manner in which commercial and sustaining programs are developed, how the networks function, and how the petition now existing in the field and how NBC in the first instance undertook operation of two rather than one network. "It took bold money, great skill and brains to do it in a field which was then new and hazardous," he said in harking back to NBC's organization in 1926.

Declaring that NBC invited competition from CBS, Mr. Trammell said that station demand for still more network service, however, finally induced NBC to initiate its second nationwide radio network in 1927. Between 1927 and 1934, the pioneer years of network broadcasting, he said this service was developed and expanded throughout the worst years of the greatest depression this country has known. The value of the public service which was rendered during those years "is incalculable," he declared.

Ultimately in 1934, MBS was organized and it attained a national status in 1936.

Long Experience

"The network broadcasting services rendered by NBC today are the product of 15 years of informed experience," Mr. Trammell said. "Its organization has been conditioned by the needs of its growing nationwide business. If these needs are disregarded in any effort at night reorganization of the industry, they are by the order of the Commission, network broadcasting as it exists in the United States today and substantial values dependent thereon will be irreparably damaged."

Aside from network broadcasting, other services such as the international shortwave field which is not commercially self-supporting, will suffer. These services have been maintained by NBC and CBS out of revenues derived from standard broadcast operation. Similarly, television and FM, two new forms of broadcasting, must rely for support of moneys derived from other sources.

After describing the nature of NBC affiliation contracts, which are outlawed under the FCC regulations, Mr. Trammell said the item of wire lines alone, borne by NBC, amounted to more than $3,600,000 in 1940. He called the optional time provision the "basis" of a day, that number of stations will have conflicting commitments. In the absence of network optional, network affiliation required by the advertiser would be able to overcome the desire of all of the other stations to carry a particular program.

At the present time, an advertiser using the Red network during the evening hour is required to contract for the use of a minimum of 40 stations of which only six are operated by NBC itself. Consequently, in the absence of network optional, network affiliation required by the advertiser would require sufficient negotiating by NBC with a minimum of forty-four stations.

Sponsors Must Know

From the point of view of NBC's relations with advertisers, network optional time on a firm basis is a sine qua non of negotiation and contracting. The advertiser wants to know what he is buying before he buys it. If a tentative period of time is fixed for his program he can be entered into before 44 stations have been contacted and the objections of each of these stations may well have changed his mind. If stations refuse for any reason to clear time for the program, he may have to consider a substitute period. Without time provision, therefore, NBC must deal with advertisers on an if, as and when basis, and this is an impossible way of conducting any large business enterprise.

From the point of view of NBC's relations with advertisers, network optional time is necessary in order that the business may be conducted on a big enough scale to pay the out of pocket expenses thereof. As a result no further explanation of NBC's annual expenses for network and key station operations, centralized as it is, for sufficient number of times to carry the load.

It must be remembered that the 5/4 broadcasting system of network optional time leaves ample periods within which stations can fill their programs, since the majority of such stations have a daily broadcasting schedule of from 11 to 14 hours. What is at issue, then, is the programming of a single station operating under these optional time arrangements but simpler than the programming of a network in the absence of such provisions.

Sustaining Programs

Covering sustaining programs, Mr. Trammell said they have a three-fold importance — quality, popularity resulting in goodwill, and necessity for efficient network operation. He cited the various outstanding sustaining agreements on NBC, pointing out for example that the National Farm & Home Hour results in an expenditure of $100,000 a year.

During 1940, NBC sustaining contracts, covering 35,000 broadcasts, entailed an expenditure of more than $2,000,000, he said, and no station alone. During the same period, NBC's other expenses for network and key station operations, such as news, sales, wireline engineering, staff, etc. aggregated over $14,900,000.

Networks must graduate their rates to advertisers upon the basis of circulation that they can offer, Mr. Trammell recited. Any change in the provisions of affiliation contracts which would inhibit the network from offering its full circulation, "will endanger the entire network broadcasting structure as it exists today."

"Any hindrance to the ability of a network to maintain its full circulation as based upon the affiliated stations available for a particular program, or the availability of a station in any key market, will result in spiraling injury to the network's economic interests, which increases in geometric progression, because any interference which blocks off affiliated stations lowers the network's revenues and this, in turn, requires a curtailment of program service which, in turn, further de-

V MEANS SAFETY in West Virginia as Col. John W. Bosworth (right center), superintendent of the state public safety department launches a new drive on West Virginia Network. Here he presents a V to Harold C. Miller (left center), news editor of WCHS, Charleston. Looking on are Program Director Bill Adams and Announcer Fred Parsons of WCHS.
creases the revenue to be received by the network."

Outlining the injury threatened by the order, Mr. Trammell said it "impacts" network broadcasting at two vital points—by revising contractual arrangements between stations and networks to the point where NBC will make adequate nationwide broadcasting impossible and seeks to prohibit ownership by a network of more than one station in a given locality, and ownership by a network organization of the only, or the most desirable, station in a given locality.

Need of Options

The "vice" of the time option ban was declared by Mr. Trammell to be its failure to recognize that a network must be able to "clear time on affiliated stations in order to render a nationwide service and that the identity or character of the organization which interferes with such clearance is immaterial." Under existing procedure, NBC requires an advertiser using the Red during a given day, to schedule for a minimum of 50 stations, of which only six are operated by NBC. Thus if option time is prohibited, NBC would be obligated for such hours would require negotiation by NBC with a minimum of 44 stations. Each of these stations would, under the Commission's amended order, be scheduling the programs of other networks. The problem of clearing time is intensified when one considers it in connection with the Blue network, which has 99 affiliates and the fact that this clearance must be accomplished for each of the many network programs broadcast.

In order to save itself and its affiliated stations from damage, he said, NBC would have to accomplish this feat with a sufficient number of hours annually to assure itself of a gross income of more than $20,000,000, which amount is spent in maintaining NBC's network and key station broadcasting services inclusive of wireline.

Continuing his criticism of the optional time ban, Mr. Trammell said:

"Thus, elimination of network optional time on a firm basis under the order of the Commission will cause irreparable injury to NBC and its affiliated stations by making it financially and physically impossible to handle a sufficient volume of business to support the existing programs and the network organization. Abolition of such optional time will inevitably lead to increased expenses to NBC and its affiliated stations as well as a reduction in network rates, a resulting loss in revenue and a consequent diminution in the quality of programs, thus setting in motion a vicious downward spiral. Such injury will result from the Commission's order even though NBC and its affiliated stations take no action other than to amend their respective affiliation contracts so as to bring them into conformity with the Commission's order.

"The requirement that the station market its air to clear its time of non-network programs only upon 60 days' notice will, in effect, be an absolute prohibition against network optional time. It is a matter of common knowledge that the advertising business that national advertisers insist that a specific advertising program be placed before the public shortly after the contract is signed. This insistence is not peculiar to radio advertisers. For example, magazines having a national circulation have found it necessary to reduce the period between the closing of an advertising contract and its publication.

Practical Needs

The 28-day notice required in existing option time provisions was not determined theoretically, but is the result of an experienced balancing of the needs of the stations and needs of the advertisers, since the networks must satisfy the legitimate needs of both in order to exist. The 50-day period flagrantly disregards the practical needs of the advertising business. National network organizations will be unable to clear time on less than 60 days' notice under penalty of losing to competing networks the advertising which support the existing broadcasting services. As a result, NBC will have to suspend the advertising time of stations on the basis of the 28-day notice period which has resulted from experience and in so doing, will be unable to clear such time as against competing networks. In addition, NBC will not be able to clear time on a basis which is not peculiar to radio advertisers. For example, magazines having a national circulation have found it necessary to reduce the period between the closing of an advertising contract and its publication.

The inevitable consequence will be the destruction of nationwide network broadcasting to the irreparable injury of NBC."

Regarding threatened license revocations, Mr. Trammell pointed out that between May 2, 1941 and the present, not less than 24 NBC stations have served notice upon NBC of cancellation of their contracts because of the FCC order. Not less than 24 other stations, he said, have served notice that they do not intend to abide by the terms of their contracts unless they are made to conform with the Commission order. NBC knows of "a substantial number of additional stations which, unless the order is complied with, intend to terminate such contracts upon the effective date of the order."

Affiliation Problems

Mr. Trammell also cited interference with new affiliations, resulting from the proposed order. For example, that WFTC, Kinston, N. C., had requested an affiliation with NBC but as a direct result of the Commission's edict, the network is prevented from entering into the affiliation contract mutually decided upon.

"45 Million Listened"

FOURTH LARGEST radio audience—45,000,000 persons

--to hear a speech by President Roosevelt was reported listening to his talk on Navy Day Oct. 28, according to a survey made by C. E. Hooper. Rating for the broadcast heard on all networks and many independent stations was 51.9, which follows the rating of 70 for his "unlimited emergency address May 27, 1941 for his Sept. 11 speech, and 59 for his Fire-side Chat on national security Dec. 29.

"A number of present NBC advertisers as well as prospective NBC advertisers to whom NBC has offered to renew existing contracts or has offered new contracts for the broadcasting of commercial programs have refused to enter into said contracts upon the sole ground that NBC would, under the order, be unable to assure said advertisers continued availability of stations presently affiliated with NBC throughout the term of said proposed advertising contracts," Mr. Trammell declared.

"After assailing the prohibition against network ownership of stations, which would strike directly at least six of NBC's outlets, leased or leased, Mr. Trammell said NBC would also be damaged by loss of value incident to a forced sale and destruction of value incident to NBC's inability to dispose of a leased station because of lack of provision in the lease." Declaring that the effect of the order is contrary to the public interest, Mr. Trammell said the conclusion is inescapable that the order will bring out a situation in broadcasting in the United States which is so patently contrary to the public interest, convenience and necessity "as to make its issuance an arbitrary and capricious act of the Commission."

Predicting that a "super-network" would develop under the regulations, Mr. Trammell said the large national advertiser desires to purchase the best network at the lowest cost. Under the order he would be enabled to "put together a network heretofore unavailable by selecting the best stations, and only the best stations, from all networks. An advertiser could approach NBC and insist upon buying a network which consists not only of NBC stations alone, but one built up of the best stations of the Red, Blue, CBS and MBS.

"If NBC should decline to act as sales agent for the deal, there is nothing to prevent the advertiser or his agency from negotiating directly with the stations, contracting for telephone wirelines and establishing his own network for his program." Mr. Trammell submitted along with his affidavit an exhibit showing a map of a 64-station network, (Continued on page 61)

TIES THAT BIND ★

Many different alloys go into the making of fine steel. Many different nationalities are blended into the making of America. So it is that the many nationalities speaking in eight different mother tongues over this station, help to solidly forge the unbreakable ties of freedom upon which America is founded.

★

TELL THE NEWS OF YOUR PRODUCTS AND SERVICES TO THIS AUDIENCE OF 5,000,000 PEOPLE

VOM

1480 KILOCYCLES
FULL TIME OPERATION
29 WEST 57TH ST., NEW YORK
Telephone Plaza 5-2404
JOSEPH LANG, Manager

AMERICA'S LEADING FOREIGN LANGUAGE STATION

BROADCASTING • Broadcast Advertising
November 3, 1941 • Page 59
**ACTIONS OF THE FEDERAL COMMUNICATIONS COMMISSION**

**OCTOBER 25 TO OCTOBER 31 INCLUSIVE**

**DECISIONS...**

**OCTOBER 28**

KVOS, Bellingham, Wash.—Granted certificate of convenience and necessity & N increase 1 kw N change 750 kw.

KQX, Gold, Grand Junction, Col.—Granted CP change 920 kw increase 500 w in 1 kw D unat. equipment change.

**NOVEMBER 28**

NEW, Oak Park Realty & Amusement Co., Chicago—Granted CP new FM station 1450 kw D change 100 kw on 1 kw D & unat.

**Died.**

Mr. Porter

**BROADCASTING**

**WCKY FINDS ANNE STAGES PROMOTION STUR FOR Quaker's Sparkles**

Mr. Porter

**Mr. Porter was born in Chicago 35 years ago, but was raised at Grand Junction, Col., where he attended public school and high school. He attended George Washington University in Washington, D.C., and obtained his B.S. degree in 1929 with his law degree. He was admitted to the bar in 1930 and became active in broadcasting. He became associated with the Littlepage firm in 1935 and was made a partner in 1939.**

**Applications...**

**OCTOBER 25**

WINX, Washington—Voluntary assign. to WABC, New York, N.Y. (facilities of WLAP provided WLAB's application for 610 kc granted).

NEW, Danville Broadcasting Co., Danville, Va.—Granted CP new station 1250 kw D; TP, modification CP broadcast license to 1280 kw D on Fri., Dec. 27.

NEW, W. Walter Tison, Jacksonville, Fla.—Granted CP new station 600 kw D & N on 1 kw directional D & N.

WFTL, Fort Lauderdale, Fla.—CP new transmitter directional D & N increase 10 kw change 710 kc.

WFMJ, Mason, Ohio—Granted CP new transmitter directional D & N increase 11 kw.

NEW, Cleveland Broadcasting Co., Cleveland, Ohio—CP new station 1300 kw directional D & N.

NEW, R. W. Bennett, Sandusky, O.—CP new station 1450 kw D & unat.

WROL, Knoxville, Tenn.—Voluntary assign. to S. E. Arden, licensee.

NEW, Euthaw Broadcasting Co., Gadsden, Ala.—CP new station 1150 kw D & unat.

NEW, Kettle—CP new transmitter directional D & N increase 10 kw D & N.

**OCTOBER 30**

NEW, New Haven Broadcasters, New Haven, Conn.— Granted CP new station 1300 kw D & 1 kw D & unat.

NEW, KPT, Fort Worth, Texas—Granted CP new station 1690 kw D & unat.


**KITE SOLD TO GLAUMAN, HEITMEYER**

SALE of KITE, Kansas City, is sought in an application to the FCC last week of First National Television Inc., under which D. E. Hendrick, Sam Pickard and Miss M. K. McCarter would transfer control of the station. Kansas City theatre operator and chief owner of KLO, Ogden, and Paul R. Heitmeyer, vice-president and general manager of KLO.

Deal involves $450 of KITE's stock — 9,678 shares, of which Pickard owns 4,100, McCarter 3,786, and Hendrick, 1,974. Messers. Glauman and Heitmeyer have advanced $8,100 on a 50-50 basis and if the FCC authorizes the transfer they will advance $50,000. Of this Glauman will give $40,000 and Heitmeyer, $10,000. The sellers have agreed that liabilities of the station will not exceed $27,000.

Outstanding stock of the station amounts to 10,621 shares of the 11,000 originally authorized. The FCC, it is claimed, will hold by its action that further transfer will not be affected by the deal. Mr. Hendrick, one of the transferees, is chief owner and principal of Star-VINN, a beauty-aid chain.

BLACKETT-SAMPLE-HUMMERT, Chicago, has been appointed agency for KITE, by St. Louis, Mo., C. L. Hotchkin, formerly radio director of Sherman E. Ellis, Chicago, has joined B&H as radio executive on the Fallstaff account.


BACHEROUGH MFG. Co., New York (vase), on Oct. 29, resumed promotion of 52 weeks Dr. Christopher on 64础 stations, Mon., 9:30-10:50 p.m. (EST), with West Coast repeat, 8:30-9:55 p.m. (PST). Agency McCann-Erickson Inc., Los Angeles.


VICK CHEMICAL Co., Greenboro, N. C.—CP new radio to 1200 kc on Nov. 4 to Oct. 27, renewed for 13 weeks News for Women on 5 CBS stations and 3 NBC stations, Mon. & Fri., 12:30-1:30 p.m., with Mon. thru Fri., 3:15-3:30 p.m. Agency: Morse International, N. Y.

AMERICAN TOBACCO Co., New York (Lucky Strike) on Nov. 14 renewed 14 weeks listening benefits to 1200 kc new CB station on 108 NBC-red stations, Fri., 3:30-4 p.m. Agency: Lord & Thomas, N. Y.


Coca-Cola, Atlanta (soft drink), has renewed for 5 weeks The Pause That Refreshes on the Air on 115 CBS stations, Sun., 4:30-5 p.m. Agency: D'Arcy Adv. Co., St. Louis.

Network Changes

PROCTER & GAMBLE Co., Cincinnati, Ohio—CP new radio to 750 kc on Nov. 3 to 115 CBS stations, Mon. thru Fri., 11:55-12:30 p.m. Agencies: Compton Adv., New York, for Dus; B. A. Weis Adv., New York, for Sparkies; Sample-Hummerbury, New York, for Diet.

Trammell Flays FCC Rules
(Continued from page 59)

Mr. Trammell said. The best re-
main-ning network possible would
necessitate use of 191 stations and
wou-d permit programing an average of a mere 65% of the radio fa-milies
and a good coverage of an addi-
tional 2.2%. 

Even more revealing, Mr. Tram-
mei11 said was that the cost of the No.
1 network besides its unprec-edent-
ed coverage, would be less to the
advertiser than the present NBC network or the present CBS network.

The No. 2 Advertiser Network with less
coverage, moreover, he said, not
only will cost more than the present
NBC or CBS networks, but will cost
more than the super-network No. 1.

“Truly national coverage under the Com-mis-sion’s order will become
the opportunity of a relatively few ma-
ny stations and the bulk of the
advertising revenue of the United States will go to a rela-
tively few of the country’s major
stations,” Mr. Trammell argued.

“Any result other than the four national networks worthy of the name and this result obviously is contrary to the public interest, convenience and necessity.”

Text of Affidavit

Following is the full text of the
affidavit by Mr. Trammell’s affi-
vit:

“The nationwide network broadcast-
ing services enjoyed by the United
States today are the fruit of 15 years of hard work and far-sighted develop-
ments that are directly connected with the
broadcasting industry. Without gov-
ernmental subsidies, in the face of a
shattering depression and despite an
unusually high rate of obsolescence, the
broadcasters risked their money and
used their brains with the result that this
nation has a network broad-
casting industry that is unequalled in
any other country of the world and
which represents a national asset of
sufficient magnitude to serve as a
wealth of the nation in a time of em-
gency.

There is scarcely an industry in this
country today which can point to a
record as clean as that of the broad-
casting industry. Its long-continued
business practices have never been
kept secret and the very contracts to
which the Commission have been
have on file with the Commission
since they were entered into. Year after year the operation of the
NBC networks has been certified as
being in the public interest by the
issuance and renewal of hundreds of
station licenses by two Commissions.

Now, on the basis of armchair theories, a majority of the present
Commission could destroy the struc-
ture supporting American radio. There
was no sensational discovery in the
Commission’s day-by-day study of net-
work broadcasting to justify this
wrecking operation. The Commission
was only able to criticize isolated in-
cidents so few in number as to add
nothing to detract from the
character of the broadcasters.

The Commission’s ban upon firm
operating agreements, would not
take account of the practical neces-
sities of network broadcasting even as regards its effects in the
Commission’s jurisdiction. The sum and substance of NBC’s position
as to the effect of the Order for-
bid the networks to obtain
options on station time is succinctly
expressed in the words of the Com-
nission’s order, as contained in the
Report of May 2, 1941:

“Few sponsors are willing to spend
large sums in building up a program
series to be broadcast over a num-
ber of stations at a certain hour
if some of the important stations are
subject to withdrawal upon order of
a dominant network.”

Must Clear Time

Withdrawal or refusal, upon order of
a dominant network or upon order of
a local sponsor, as pointed out
above, the vital issue is that time must be
clergy if network broadcasting is to
be supported by the advertisers. The
effect of the loss of advertising reve-
nu-e upon network broadcasting serv-
ces will be direct and disastrous.

The Commission also proposes to
compel NBC to disclose to the stations
which are vital to its network line-up and which are removed from the
capability of the service they furnish. The quality of the service rendered
by the stations has largely been due to
their operation by NBC, and their
forced disposal will not only damage
NBC but will also work to prejudice
the interests of the listeners public.

The Commission’s pious expressions
of horror at the “monopolistic” tend-
encies of the dominant networks, render-
ing valuable and laudable services, raises serious
questions as to the wisdom of the
public interest, convenience and necessity.”
Daytime Sponsors Split Bond Plugs

Formula to Be Devised for Coordinated Campaign

REPRESENTATIVES of five of the leading sponsors of daytime programs last Thursday suggested to the defense savings staff of the Treasury that they consider and urge the purchase of Defense Bonds and stamps be proportioned among them according to the number of shows presented by the individual sponsors.

The plan, submitted at a meeting in Washington, is aimed at dividing the load of free announcements now being carried by the "big five"—Colgate-Palmolive-Peet, General Food, General Mills, Lever Brothers and Procter & Gamble. In addition suggestions to work announcements into the shows were presented by the sponsor representatives.

Will Devise Formula

The five companies, who sponsor almost 50 programs on the three major networks during the day-time, have been using defense bond and stamp copy since the campaign started last May. Until now there had been no definite coordination of announcements, the individual sponsor using announcements in any manner and as frequently as he deemed best to the public, as he saw fit. The companies have agreed to use a plan, which apparently meets with the approval of the Treasury, a certain number of announcements be used each month. The sponsors agree to meet among themselves to work out a formula to determine the amount of announcements to be used on the various programs.

Attending the meeting were Roy W. Peet, advertising manager of Colgate-Palmolive-Peet; John Allen, general assistant to C. G. Mortimer, general advertising manager of General Foods; Edward G. Smith, radio program manager of General Mills; Philip C. Kenny, radio program department, Lever Brothers; William Ramsey, advertising manager of Procter & Gamble. The Treasury was represented by Vincent F. Callahan, chief, radio and press section, defense saving staff.

FRTC Stipulation

HECKER PRODUCTS Corp., New York, has stipulated with the Federal Trade Commission to stop certain advertising claims for 2-in-1 Paste or liquid shavings and to keep the Oct. 31 FRTC announcement. Eversharp Inc., Chicago, has filed an answer to an FRTC complaint charging misrepresentation in "guaranteed forever" claims for Eversharp pens and repeating pencils, since a severe charge is made for repairs. The answers and allegations in the complaint, however, do not conclude that Eversharp pens and pencils would never need repair or adjustment.

NINE MBS OUTLETS WILL HOLD STOCK

A REDISTRIBUTION of MBS stock among nine Mutual stations, instead of three as at present, was announced last Friday by Macfarlane, MBS president, who stated that "six additional members have signified their intention of acquiring equal shares of stock in the corporation with the three original stock-owning members." Acquisition of the stock will give the new holders equal participation in the underwriting and management of the corporation with the present owners. Bambergner Broadcasting Service (WOR, New York); WGN Inc., Chicago; Don Lee Broadcasting System of California.

New stockholders are: Baltimore Radio Shows Inc. (WBFF, Baltimore); Cincinnati Times-Star Co. (WKRC, Cincinnati); Colonial Network of New England; Pennsylvania Broadcasting C. (WIP, Philadelphia); United Broadcasting Co. (WHK-WCLE, Cleveland, and WHKC, Columbus); and WCAE Inc. (WCAE, Pittsburgh). Mr. Macfarlane stated that this enlargement of stock ownership further enhances the mutuality of the corporation.

NAB Sessions

WITH national defense a principal consideration, along with serious problems on the legislative, regulatory and labor fronts, well over a hundred station executives participated in the Oct. 28 meeting of NAB District 1 in Worces-
ter, Mass., and the Oct. 29-30 meeting of District 2 in Syracuse. In conjunction with the District 2 meeting NAB President Neville Miller last Wednesday addressed a special radio luncheon meeting of the Syracuse Optimist Club, attended by 200.

As in previous NAB meetings, both districts adopted resolutions calling for formation of a special committee of radio news editors in each State to aid in coordinating material for news and defense programs.

R&R Vice-Presidents

FREDERICK C. BRUNS, S. Reegan and Herschel V. Williams, executives of Ruthrauff & Ryan, New York, have been elected vice-presidents of the agency. Mr. Bruns, prior to joining Ruthrauff & Ryan in 1938 as an account executive, was with Federal Adv. Agency, New York, as vice-president. Mr. bayles joined the agency in 1953, and has been assistant director of the radio department for five years. Before joining R & R Mr. Williams had been on the radio staffs of Benton & Bowles and J. Walter Thompson Co., three years has supervised the agencies daytime and Canadian radio, in addition to creative and contact activity.

Chase & Sanborn Moves To Kenyon & Eckhard

STANDARD BRANDS, New York, has appointed Kenyon & Eckhard, New York to handle all Chase & Sanborn advertising effective Jan. 1, 1942, it was announced last Thursday. Now handled by J. Walter Thompson Co., New York, the Chase & Sanborn advertising at present featuring Edgar Bergen and Charlie McCarthy, Sundays, 8:30 p.m. on all NBC-Red stations will move in to the new agency on that date. This makes the second Standard Brands product to make the shift, Fleischmann's Yeast (I Love a Mystery) going to K& E from Thompson on July 17, 1940, (Broadcasting, Aug. 1, 1940). Standard Brand products still handled by J. Walter Thompson include Tender Leaf Tea (One Man's Family, on 60 NBC-Red stations, Sunday, 8:30-9 p.m.) and Fleischmann's Yeast for Bakers.

Studebaker Shortwave

STUDEBAKER CORP., South Bend, Ind., is starting a 30-week series of news broadcasts in Spanish to Latin American listeners via WRCA and WBNI, NBC international stations, 7:15-7:30 p.m., Mondays and Fridays.

Networks Explain Refusals of Time

FCC Gets Facts in Complaint Of America First Group

AFTER a week of tolling statements back and forth among the three networks, the FCC and the newspapers, the America First Committee made its first public attempt to force a broadcast nationally, in this instance a New York rally, wound up last week with the score thus:

1—Networks failed to broadcast a half-hour of the rally from 11:30-12 midnight Thursday, "waiving its policy of broadcasting only important transcriptions".
2—Chairman James L. Fly of the FCC is in possession of network statements as to how they handled the matter following a protest by AFB and a request by Mr. Fly for the networks' decision. Mr. Fly had no comment Friday on the statements.
3—NBC and CBS stuck to their original announcements and did not carry the rally.
4—NBC, CBS and commentators got a verbal lambasting at rally.

Pressure Resisted

AFC charged in its telegram to Mr. Fly, who is forbidden by the Communications Act from censoring programs, that it had been denied time for speeches by Charles A. Lindbergh and former Ambassador to Belgium, John Cudahy and had only been offered inadequate time for a speech by Sen. Burton K. Wheeler.

Niles Trammell, president of NBC, described the "inadequate time" offered Sen. Wheeler as a half-hour on 62 stations east of Chicago. Mr. Trammell said he saw no reason to "permit the America First Committee to assume the false appearance of the facts on the line do justify". CBS said it saw no reason why "Lindbergh should have a network every time he speaks".

After being refused time on the networks Amos Pinchet, and a member of AFC's executive committee, requested NBC, CBS, and MBS to transcribe the talks and rebroadcast them. This was refused by CBS and NBC but MBS complied.

Evidently provoking a battle that will run into thousands of words, John T. Flynn, newspaper column, the member of AFC's executive committee, gave NBC and CBS a thorough working over at the rally in New York last Thursday. Mr. Flynn charged the networks were doing more anti-interventionist talks than anti-war speakers, basing his charges on a three-day check made of the chains New York outlets. Mr. Flynn included the rebroadcasting of defense bond announcements, aluminum collection announcements and relief programs.

NBC and CBS both countered with statements Friday challenging Mr. Flynn's figures. The former also pointed out that it had allotted time for an American First Rally in Philadelphia Nov. 5.

"Here's That Radio Station Certificate You Sent For, Butch!"

Drawn for Broadcasting by Sid His
"Why, of course, EVERYBODY in the Muskingum River Valley listens to WLW. The farm we're living on now has always been occupied by some member of the Stacy family. My great, great grandfather, Capt. Wm. Davis, was given the farm for his service in the Revolutionary War.

"Dad comes from a long line of farmers ... and he's interested in new ideas, modern methods of farming. That's why, if you lived with us, you'd see him every noon, sitting in his easy chair, puffing away on his pipe, listening to WLW's 'Everybody's Farm Hour.' He never misses the market and weather reports.

"Mom has plenty of WLW programs she listens to regularly. I'm glad she likes them, because then I know when we're back in school, she won't be lonesome, sitting by herself.

"Ginny (my older sister) and I both go to school. Ohio State and the Marietta Business Institute. In the summer time we always listen to Hal O'Halloran's 'Top O' The Mornin' and Michael Hinn's newscast. Then, too, all the good dance music.

"Frank's the youngest in the family -15. He helps Dad a lot. But Dad says he's worthless to him on Saturday afternoons because he's determined to hear the football broadcasts on WLW.

"And THAT is the way we Stacy's feel about WLW ... THE CLEAR CHANNEL STATION. We like them most ... because they serve us best!"

YES—PROGRAMS WITH A DISTINCTIVE SECTIONAL FLAVOR PLUS CLEAR CHANNEL FACILITIES MAKES WLW A FRIEND TO FARMERS IN THE MIDWEST!
Radio added the fourth "R" to supplement readin', ritin' and 'rithmetic. The schoolboy may not know it yet, but a fifth "R"—Research—has an important role in helping to teach him.

In thousands of American schools, millions of youngsters are learning their lessons with greater ease and speed... are finding them more interesting and stimulating... are remembering what they are taught... because of research as conducted in RCA Laboratories.

Lessons that live are easy to learn... and from RCA Laboratories have come many developments which make them vibrantly alive. The RCA Victor School Sound System combines an effective teaching and administrative aid... RCA Victor radios, RCA Victrola models and Victor Records are used extensively to help teach music appreciation, civics, history, geography and other subjects... the RCA Recorder blazes new trails in speech and music instruction.

The purpose of RCA Laboratories is to promote the growth of radio as an art and industry, to meet the expanding demands of national defense, to create new products and services in keeping with the American way of life. The contributions of research in radio and electronics to entertainment, education and industry all help to achieve this purpose today. Research is the guarantee of further progress tomorrow in all that pertains to radio—and that holds for the School of the Air and for those who listen and look to learn.