

## NAB REPORTS

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### FIFTEENTH ANNUAL MEMBERSHIP MEETING NOW HISTORY

The Fifteenth Annual Convention of the NAB held at Chicago, Illinois, June 20-23, witnessed the largest number of registrations in the history of the Association. There were 568 registrations this year as compared with 549 last year.

### PROCEEDINGS WILL BE PRINTED

The proceedings of the Fifteenth Annual Convention of the NAB will be published in NAB REPORTS as soon as the official transcript is available.

### Officers and Directors for Ensuing Year

The following constitute the Officers and Directors of the Association for the current year:

President—John Elmer, WCBM, Baltimore, Maryland.

First Vice President—John J. Gillin, Jr., WOW, Omaha, Nebr.

Second Vice President—William J. Scripps, WWJ, Detroit, Mich.

Treasurer—Harold Hough, WBAP, Fort Worth, Texas.

Managing Director—James W. Baldwin, Washington, D. C.

### Directors

Edward A. Allen, WLVA, Lynchburg, Va.

Ralph R. Brunton, KJBS, San Francisco, Calif.

\*Harry C. Butcher, WJSV, Washington, D. C.

Arthur B. Church, KMBC, Kansas City, Mo.

Edwin W. Craig, WSM, Nashville, Tenn.

\*Gene T. Dyer, WGES, Chicago, Ill.

\*Herbert Hollister, KANS, Wichita, Kans.

J. O. Maland, WHO, Des Moines, Iowa

\*C. W. Myers, KOIN, Portland, Ore.

Eugene P. O'Fallon, KFEL, Denver, Colo.

John F. Patt, WGAR, Cleveland, Ohio

\*Frank M. Russell, WRC-WMAL, Washington, D. C.

\*Theodore C. Streibert, WOR, New York, N. Y.

T. W. Symons, Jr., KFPY, Spokane, Wash.

L. B. Wilson, WCKY, Cincinnati, Ohio

### PRESIDENT ELMER WILL SPEND ONE DAY EACH WEEK AT HEADQUARTERS

The new President of NAB, John Elmer, announced this week that he will spend one day each week at NAB

\* Elected this year.

### A WORD OF APPRECIATION

I want every member to know of the deep, warm gratitude which I feel for the confidence expressed in my election to the presidency of NAB. I assume the duties of the office with every intention to serve fully the best interests of our organization—and with a consciousness of the responsibility. No motive of mine in any action shall ever be selfish. To our whole membership I address my thanks and this promise.—JOHN ELMER.

headquarters. Mr. Elmer plans to be available to members between the hours of 10 and 4 each Thursday at 960 National Press Bldg., Washington, D. C. The President extends a cordial invitation to all members to visit their headquarters office.

### SYKES SAYS SILENCE CRITICS WITH SERVICE

"The best answer to make to those who are not satisfied with our American system of broadcasting is to render such a wonderful public service that these critics may, in the course of time, be silenced," said Judge Eugene

### IN THIS ISSUE

	<i>Page</i>
Fifteenth Annual Convention Now History.....	2175
Proceedings will be Printed.....	2175
Officers and Directors for Ensuing Year.....	2175
President Elmer To Be At Headquarters Each Week...	2175
Sykes Says Silence Critics with Service.....	2175
Resolutions Adopted at NAB Convention.....	2176
Resolutions Referred to NAB Board of Directors.....	2177
Recent Developments on Copyright Legislation.....	2179
More Power Recommended for WABY.....	2179
Recommends New Station.....	2179
Dismissal with Prejudice Recommended.....	2180
Recommends New Station Denial.....	2180
New Washington Station Recommended.....	2180
Recommends New Station.....	2180
Dismissal Recommended.....	2180
Recommends Application Dismissal.....	2180
New Station Recommended.....	2180
Recommends Denying KROY Changes.....	2181
WSMB Power Increase Recommended.....	2181
Recommends Time Changes for KFYO.....	2181
Denial Recommended for Ownership Change.....	2181
Denial Recommended for New Station.....	2181
Address of Judge Eugene O. Sykes.....	2181
Federal Trade Commission Action.....	2184
FTC Dismisses Case.....	2186
Federal Communications Commission Action.....	2186

O. Sykes, Chairman of the Broadcast Division of the Federal Communications Commission, in an address before the Fifteenth Annual Convention of the NAB held in Chicago, June 20-23.

The full text of Judge Sykes' address is printed in this REPORT. Every member who heard it will want to read it and every member who did not attend the Convention owes it to the industry as well as himself to read it.

## RESOLUTIONS ADOPTED AT NAB CONVENTION

The following resolutions were adopted by the Convention:

### Resolution No. 1

RESOLVED, That the National Association of Broadcasters sincerely thanks Hon. Judge Eugene Octave Sykes, Chairman of the Broadcast Division, Federal Communications Commission, for the helpful address delivered by him at its fifteenth annual convention, and that the membership is confident that his message will aid greatly in enabling broadcasting stations to carry out the responsibilities placed upon them by the Federal Communications Commission.

### Resolution No. 2

RESOLVED, That the National Association of Broadcasters hereby extends its appreciation to Mr. Glenn Snyder, Mr. H. Leslie Atlass, Mr. Ralph L. Atlass, Mr. H. C. Crowell, Mr. Gene T. Dyer, Mr. W. E. Hutchinson, Mr. Quin A. Ryan, Mr. F. A. Stanford, Mr. Niles Trammel and Mr. Clinton R. White of the Local Convention Committee for their services in helping to make the fifteenth annual convention of the National Association of Broadcasters a success.

### Resolution No. 3

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Sherman Hotel, and to Mr. Wm. P. Hennessy, Director of Conventions, Chicago Association of Commerce, for their splendid service in making the fifteenth annual convention of this Association an outstanding success; also to the management of the Sherman Hotel and other hotels for their courtesies in accommodating so many of our guests.

### Resolution No. 4

RESOLVED, That the official acts of the Managing Director since the fourteenth annual convention be and the same are hereby approved.

### Resolution No. 5

RESOLVED, That the National Association of Broadcasters thank Mr. Arthur Pryor, Jr., of Batton, Barton, Durstine & Osborn, Inc., of New York City, and Mr.

Marvin Oreck of Oreck's, Inc., Duluth, Minnesota, for their helpful participation in this fifteenth annual convention of the National Association of Broadcasters.

### Resolution No. 6

WHEREAS, the Federal Radio Education Committee, acting through a select committee, has agreed that certain specific projects should be carefully studied,

WHEREAS, at a cost aggregating approximately \$250,000.00, certain foundations have agreed to contribute approximately \$167,000.00, it is resolved that all broadcasting stations should be invited to contribute a total of approximately \$83,000.00 over a period of two years as the broadcasters' share of the expense of these investigations. Resolved further that the Board of Directors devise a formula whereby the contributions of each broadcaster will be on an equitable basis.

### Resolution No. 7

RESOLVED, That the National Association of Broadcasters encourage the prosecution of the United States suit against the American Society of Composers, Authors, and Publishers.

### Resolution No. 8

RESOLVED, That the National Association of Broadcasters, as an organization, use all legitimate means to further the passage of the Duffy Copyright Bill, and urge its membership to encourage members of the Congress from their districts to support this bill.

### Resolution No. 9

RESOLVED, That the NAB reiterate its position as favoring the issuance of radio station licenses for a term of at least three years.

### Resolution No. 10

RESOLVED, That the Board of Directors of the NAB be directed and are instructed to carry on negotiations with copyright owners to the end that a per-piece or measured service plan be obtained.

### Resolution No. 11

RESOLVED, That the NAB approves of the action taken by the Board of Directors in respect to the organization of the NAB BUREAU OF COPYRIGHTS, INC., and the transferring of the property and activities of the Bureau of Copyrights to the new organization and urges the wholehearted support to that organization of all our members.

### Resolution No. 12

WHEREAS, there has been introduced into the Congress of the United States a bill known as the Celler Bill, which

would authorize the construction, maintenance, and operation of a government broadcasting station,

WHEREAS, the existing system of broadcasting in the United States makes available to the various departments of the government ample time for broadcasting either domestic or foreign programs,

WHEREAS, the existing system of broadcasting in the United States affords to the departments of the government the greatest possible radio audiences,

WHEREAS, the operation of a broadcasting station by the Office of Education is opposed by all existing Federal and State laws respecting education,

WHEREAS, due to its official status, there would be great danger of utterances over such a station giving offense to friendly nations, and creating unnecessary international incidents,

WHEREAS, the enactment of the bill would result in a useless and extravagant expenditure of public funds,

NOW, THEREFORE, BE IT RESOLVED, That the National Association of Broadcasters express its opposition to the passage of this bill, and instruct its Board of Directors to use all legitimate means to cause its defeat, and urge the members of the National Association of Broadcasters to encourage their members in Congress to oppose the passage of this bill.

## RESOLUTIONS REFERRED TO NAB BOARD OF DIRECTORS

The following resolutions were referred to the Board of Directors:

A. WHEREAS, we believe it is for the best interests of the National Association of Broadcasters, as a trade organization, to promote the broadcasting industry of the United States at all times in the best possible manner,

THEREFORE, BE IT RESOLVED, that a Director of the Advertising Bureau of NAB be employed by the National Association of Broadcasters, to work under the supervision and direction of the managing director, to advance the art of radio broadcasting in the minds of the people and to portray a true picture of the value of the radio industry, in its present form, to the United States.

B. WHEREAS, the Copyright Act of 1909 was enacted at a time when Radio Broadcasting was unknown and in the application of such act to Radio Broadcasting as it exists today, numerous injustices have been complained of by both user and owner of copyrighted material, and

WHEREAS, the diversity of state legislation affecting copyrights and other problems of the broadcasting industry makes it advisable to coordinate information on these subjects for the benefit of all,

THEREFORE, BE IT RESOLVED, That a committee composed of one member of the National Association of Broadcasters from each state be appointed and that each such member be pledged to respond to committee call,

each such committee member to serve without compensation but with traveling and hotel expenses to be set and paid by the National Association of Broadcasters when such committee members are traveling pursuant to official call, and it shall be the duty of each such committee member to gather and furnish information on questions of copyrights and other problems of broadcasters, and that the activities of this committee shall be coordinated by suitable counsel engaged for that purpose.

C. WHEREAS, at the 1936 meeting of the National Association of Broadcasters, the following recommendation was adopted:

"WHEREAS, as the radio broadcasting industry continues to grow in size, it becomes more and more apparent that if broadcasters are to handle their state, regional and national programs intelligently, they must be organized in state, regional and national units, as such organizations will serve to keep the rank and file better informed and give the numerous broadcasters more of a voice in the affairs of the industry.

"NOW THEREFORE BE IT RESOLVED, the Board of Directors of the NAB be and are hereby instructed to bend every effort during the year 1936-1937 to foster such organizations as chapters of the NAB."

AND WHEREAS, one year has elapsed since that date and no effective action has been taken to carry out the purposes of that resolution, and

WHEREAS, the problems of radio are greater and more numerous than ever before, and

WHEREAS, the Radio Broadcasting Industry is threatened with unjust legislation, racketeering, taxes and program difficulties both locally and nationally, and

WHEREAS, the need for the Radio Broadcasting Industry to reorganize in keeping with the suggestions contained in the resolution adopted unanimously at the convention one year ago is greater today than ever,

NOW THEREFORE BE IT RESOLVED, that it is the sense of this Convention that the National Association of Broadcasters be recognized in such a manner and to such an extent as to encourage the growth and functioning of local and state-wide chapters.

BE IT FURTHER RESOLVED, that to expedite such reorganization, it is hereby ordered that a reorganization committee consisting of seven members be and is hereby appointed in the following manner:

The delegates present at this convention from each of the five radio regions as set up under the old Radio Act shall elect one of their number to represent their region on this Committee. These five in turn elect two additional members from among the delegates present, one of whom must be the President of the National Association of Broadcasters and the other when elected shall serve as Chairman of this Committee.

BE IT FURTHER RESOLVED, that to finance this work a fund of \$5000 be set aside to defray the actual expenses of this Committee and its work, and the Committee is hereby instructed to proceed at the earliest possible moment to work out the details of a reorganization plan in keeping with the following suggestions:

1. Local chapters are to be organized or chartered wherever a sufficient number of radio stations are grouped geographically in such a manner as to make a local chapter feasible. Example, northern California, southern California, Oregon, western Washington and eastern Washington.

2. Local chapters to be chartered only by the National Association of Broadcasters and each local chapter to be allowed one director in the National Association for each five stations or major fraction thereof plus one delegate for each station member, which delegate shall have all the rights and powers of a director save the right to vote and introduce motions.

3. The National organization to be divided into five or more regional organizations, which organizations shall be made up of the regular directors and delegates to the national organization from chapters in that particular region. These directors and delegates to have the same rights and powers in the regional organization as in the National Association.

4. Each Regional Organization to be presided over by a Regional Director, who shall be elected from and by the directors from that particular region present at the Annual Meeting of the National Association each year.

5. The Executive Committee of the National Association shall have charge of the affairs of the National Association in the same manner and to the same extent as does the present board of directors, and shall consist of the Regional Directors plus the President-elect and the Past President of the National Association.

BE IT FURTHER RESOLVED, that as soon as the committee has prepared such a plan in sufficient detail the committee shall submit it to the membership by mail and when a majority have approved it by mail, then the committee is hereby empowered to put said plan into operation to the end that the National Association of Broadcasters may be able to function under such plan of reorganization when it meets in annual convention in 1938.

(Voted that the Board of Directors appoint a committee to study the proposal and submit recommendations in the form of amendments to the constitution, if the committee deem it necessary.)

D. BE IT RESOLVED, by the Executive Board of the National Association of Broadcasters, that we express interest in the purpose of the American Foundation for the Blind to commemorate the fiftieth anniversary of the first meeting of Helen Keller and her teacher, the late Mrs. Anne Sullivan Macy, on March 3rd, 1887, and that

we endorse the nationwide celebration to be conducted during the remainder of this year and the first part of 1938, as a tribute to these two great Americans.

E. WHEREAS, considerable progress has been made during the last few years by the radio engineering profession, and a great deal of data has been obtained concerning the laws governing radio propagation, interference, receiver selectivity, and the operating characteristics and efficiency of radiators, and

WHEREAS, the Federal Communications Commission through its engineering department has demonstrated its progressiveness and aided the broadcast industry greatly by its actions in holding hearings, and otherwise, in accumulating advanced engineering information and correlating the same, and

WHEREAS, the "Preliminary Engineering Report on Allocations" made public by the Commission's Broadcast Division on January 14, 1937, meets with the general approval of the engineering profession, and

WHEREAS, the National Association of Broadcasters approves this report because it is based on sound and basic engineering principles, and

WHEREAS, there is a definite need in the broadcast industry for such improvements as will be possible by the adoption of these principles in the Commission's regulations,

NOW, BE IT THEREFORE RESOLVED by the National Association of Broadcasters:

The Federal Communications Commission is hereby petitioned by the National Association of Broadcasters to accept the report and to incorporate into its regulations the basic principles of said report.

(Referred to the Board of Directors with instructions that this resolution be given consideration before the Havana Conference.)

F. WHEREAS, the present broadcast frequency band, 550-1500 kilocycles, is now occupied by an almost maximum number of stations, and

WHEREAS, there is at present no satisfactory allocation agreement between the United States and other North American countries, and

WHEREAS, in the present situation interference exists on some broadcast channels,

NOW, THEREFORE, BE IT RESOLVED by the National Association of Broadcasters:

That the Federal Communications Commission be requested to use caution in granting applications or in making changes in allocations in the frequency band 1510-1600 kilocycles, or in other new bands that may be used for broadcasting, in order to prevent action which would interfere with a satisfactory solution of the problem of North American allocation pending the Pan American Conference called for November, 1937.

G. The Sales Managers Division of the Commercial Committee in meeting in Chicago, January 18 and 19, 1937, respectfully direct to the attention of the Commercial Section of the NAB that considerable confusion exists in the broadcasting industry with respect to whether announcements or spots should be combined with program units of time of five minutes or longer in the matter of figuring discounts.

It is our recommendation that announcements or spots of less than five minutes' duration should not be combined with units of five minutes or longer in the matter of figuring discounts.

We propose that announcements or spots of less than five minutes' duration should be combined in figuring discounts and that units of time of five minutes or longer should be combined in figuring discounts.

H. The Sales Managers Division of the Commercial Committee of NAB registered its approval of the purpose of the resolution passed by the NAB in convention at Cincinnati in 1934, which proposed a standardized sale of units of time for sale and quantity discounts.

Since that time considerable progress has been made by the broadcasting industry and there is now a definite attitude on the part of the broadcasters, as well as an expressed desire by many advertising agencies, to standardize even more definitely the matter of units for sale and quantity discounts.

Therefore, the Sales Managers Division in meeting in Chicago, January 18 and 19, 1937, respectfully submits to the Commercial Section of NAB for early consideration the following units of time for sale and quantity discounts:

a. Units of time for sale	b. Quantity discounts
1 hr.	13 times—5%
½ hr.	26 times—10%
¼ hr.	52 times—15%
5 min.	100 times—20%
	300 times—25%

Regarding announcements, we believe that further consideration should be given toward standardization. We further believe that all rate cards should be printed to show the actual rate or cost after application of the above quantity discounts.

#### RECENT DEVELOPMENTS ON COPYRIGHT LEGISLATION

Since the May 20 issue of the NAB REPORTS listing developments on state copyright legislation the Tennessee music copyright bill became law upon its approval by the Governor May 21, and the states of Florida, Michigan and Wisconsin have enacted laws affecting music copyright pools. These states, together with Montana, Washington, and Nebraska, make a total of seven states

which have enacted music copyright legislation during the present year. The Florida bill, which is similar to the Nebraska law, was approved by the Governor, June 9. The Michigan bill, patterned after the Montana law, has passed the House and Senate and is awaiting approval by the Governor. In Wisconsin the Governor, on June 16, signed a bill imposing a 25% gross receipts tax on music brokers and requiring all investigators of public renditions of music to register with the Secretary of State and pay a \$20.00 license fee. A joint resolution of the Wisconsin State Senate and House memorializing the Federal Congress to enact legislation prohibiting racketeering on copyrighted music received the Governor's approval June 2.

Only five state legislatures, namely Illinois, Michigan, New Hampshire, New Jersey and Wisconsin, are still in regular session, and the Minnesota and Ohio legislatures are presently convened for special sessions.

In Washington, D. C., due to extended hearings on patent bills, the Senate Patents Committee does not expect to reach the copyright bills of Senators Duffy, Sheppard and Guffey before the latter part of July.

#### MORE POWER RECOMMENDED FOR WABY

Broadcasting station WABY, Albany, N. Y., operating on 1370 kilocycles, unlimited time, applied to the Federal Communications Commission to increase its power from 100 watts to 100 watts night and 250 watts day.

Examiner Robert L. Irwin in Report No. I-446 recommended that the application be granted. He found that "there is a need for the additional daytime service proposed to be rendered in the area by the applicant." The Examiner found also that the granting of the application would not cause any interference with other stations and it would be in the public interest.

#### RECOMMENDS NEW STATION

The Schuylkill Broadcasting Company and the Pottsville News and Radio Corporation both applied to the Federal Communications Commission for a construction permit for a new station at Pottsville, Pa. Both applied for 580 kilocycles, 250 watts power and daytime operation. The question was whether a station should be erected at Pottsville and if so to whom the permit should be granted.

Examiner Melvin H. Dalberg in Report No. I-442 recommended that the application be granted to the Schuylkill Company and therefore that the other application be denied. The Examiner found that there is a need for additional service at Pottsville. He says:

"It is believed, however, that the applicant Schuylkill Broadcasting Company is, on the whole, better qualified to hold this construction permit than the applicant

Pottsville News and Radio Corporation in view of the fact that the individuals constituting this proposed permittee are more closely allied with and are more familiar with the broadcasting needs of the people in the area sought to be served. It is also felt that by comparison this applicant is better qualified financially to continue the operation of the station over a substantial period of time, should the same not result in an economic success in the early period of its operation."

### **DISMISSAL WITH PREJUDICE RECOMMENDED**

Phillip Jackson applied to the Federal Communications Commission for a construction permit for the erection of a new station at Brunswick, Ga., to use 1420 kilocycles, 100 watts, daytime operation.

Examiner John P. Bramhall in Report No. I-445 recommended that the application be dismissed with prejudice. When the hearing was called no one appeared representing the applicant.

### **RECOMMENDS NEW STATION DENIAL**

William M. Ottaway applied to the Federal Communications Commission for a construction permit for a new station at Port Huron, Mich., to use 1370 kilocycles, 250 watts and daytime operation.

Examiner John P. Bramhall in Report No. I-444 recommended that the application be denied. It is stated that the Port Huron Broadcasting Company has an application pending before the Commission for a construction permit requesting the same facilities as requested in this application. The Port Huron Company's application has been heard and the Examiner submitted a report recommending that it be granted.

### **NEW WASHINGTON STATION RECOMMENDED**

The Twin City Broadcasting Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new broadcast station at Longview, Wash., to use 780 kilocycles, 250 watts and daytime operation.

Examiner R. H. Hyde in Report No. I-443 recommended that the application be granted "subject to the condition that the site for construction of the transmitter be approved by the Commission before construction is begun." The Examiner states that "while the evidence discloses that there is program reception service available in the applicant's area from stations located in other cities, there appears to be a need for reception and transmission service adapted to the requirements of local interests."

### **RECOMMENDS NEW STATION**

W. E. Whitmore applied to the Federal Communications Commission for a construction permit for the erection of a new station at Hobbs, N. M., to use 1500 kilocycles, 100 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-449 recommended that the application be granted. He found that there is need for the local service proposed to be rendered by the new station and the operation of the station would not cause any objectionable interference with any existing stations and that the proposed station would serve public interest.

### **DISMISSAL RECOMMENDED**

C. S. Gooch operating as the Amarillo Broadcasting Company applied to the Federal Communications Commission for a construction permit for a new station at Amarillo, Texas, to use 1500 kilocycles, 100 watts, unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-447 recommended that the application be dismissed without prejudice. When the hearing was called counsel for the applicant appeared requesting that he be allowed to withdraw the application without prejudice.

### **RECOMMENDS APPLICATION DISMISSAL**

John D. Fields, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Las Vegas, Nevada, to use 1370 kilocycles, 100 watts and daytime operation.

Examiner P. W. Seward in Report No. I-450 recommended that the application be dismissed with prejudice. Following the hearing the applicant filed a motion asking for a dismissal of his application.

### **NEW STATION RECOMMENDED**

The Columbia Radio Company, Inc., applied to the Federal Communications Commission for a construction permit for a new station at Columbia, S. C., to use 1200 kilocycles, 100 watts, unlimited time. Also the Carolina Advertising Corporation applied for a construction permit at the same place to use 1370 kilocycles, 100 watts and 250 watts LS, and unlimited time on the air.

Examiner George H. Hill in Report No. I-448 recommended that the application of the Advertising Company be granted and that of Columbia Radio be denied. There is a definite need for additional radio service at Columbia, the Examiner found. Granting of the application of the Columbia Radio Company, said the Examiner, would result in objectionable interference while no substantial interference would result from the granting of the advertising company's application.

## RECOMMENDS DENYING KROY CHANGES

Broadcasting station KROY, Sacramento, Cal., applied to the Federal Communications Commission to change its frequency from 1210 to 1340 kilocycles, to increase its power from 100 watts to 250 watts and 1,000 watts LS, and to increase its time from daytime operation to unlimited time on the air.

Examiner Tyler Berry in Report No. I-451 recommended that the application for changes be denied. In suggesting the denial of the application the Examiner stated that:

"The operation of the station on the proposed assignment would provide an increased useful service for daytime operation and furnish a new and useful service at night, to the area to be served; however, such operation would cause objectionable interference to and a curtailment of the service of an existing station in an area now free of interference and which area does not enjoy equal radio broadcasting facilities with the area proposed to be served; and the increased service proposed would not exceed in importance to the Sacramento area the value of the service curtailed to the Butte area, and the applicant presents no special circumstances which would require that his application be granted to the detriment of an existing station. A grant would, therefore, result in an unfair distribution of radio facilities as contemplated by the Communications Act of 1934."

## WSMB POWER INCREASE RECOMMENDED

Broadcasting station WSMB, New Orleans, La., operating on 1320 kilocycles, unlimited time, applied to the Federal Communications Commission to increase its power from 1,000 watts to 1,000 watts night and 5,000 watts LS.

Examiner P. W. Seward in Report No. I-455 recommended that the power increase be granted "subject to the final approval by the Engineering Department of the Commission of the proposed transmitter site." The Examiner found that a need exists for additional daytime radio service in the area proposed to be served.

## RECOMMENDS TIME CHANGES FOR KFUE

Broadcasting station KSD, St. Louis, Mo., operating 1,000 watts and 5,000 watts LS sharing time with KFUE applied to the Federal Communications Commission for unlimited time on the air. Also KFUE, Clayton, Mo., operating on 550 kilocycles, now sharing time with KSD, applied for a license renewal and one half time.

Examiner P. W. Seward, in Report No. I-452, made the following recommendations:

"1. That the application of Station KSD for unlimited time operation on the frequency of 550 kilocycles be denied;

"2. That the application of Station KSD for renewal of license be granted, subject to the hours hereinafter designated for the use of Station KFUE;

"3. That the application of Station KFUE for one-half time operation on the frequency 550 kilocycles be granted; and

"4. That the application of Station KFUE for renewal of license be granted authorizing the use of the following hours: Monday to Saturday, inclusive, 7:00 a. m. to 10:30 a. m.; 12:30 p. m. to 2:00 p. m.; 3:00 p. m. to 5:45 p. m.; and 8:00 p. m. to 9:00 p. m. Sunday, 8:30 a. m. to 12:30 p. m.; 3:00 p. m. to 5:00 p. m.; and 8:00 p. m. to 9:30 p. m."

## DENIAL RECOMMENDED FOR OWNER- SHIP CHANGE

Broadcasting station KOOS, Marshfield, Ore., owned by the Pacific Radio Corporation, applied to the Federal Communications Commission for a voluntary assignment of its license to KOOS, Inc. The station operates on 1,200 kilocycles, 250 watts, daytime.

Examiner P. W. Seward, in Report No. I-453, recommended that the application be denied. He states that the granting of the application "would be in violation of Sections 301 and 310 of the Communications Act of 1934" and it would not be in the public interest.

## DENIAL RECOMMENDED FOR NEW STATION

T. E. Kirksey applied to the Federal Communications Commission for a construction permit for the erection of a new station at Waco, Texas, to use 930 kilocycles, 250 watts and 500 watts, LS, unlimited time.

Examiner Tyler Berry, in Report No. I-454, recommended that the application be denied. He states that "there is no satisfactory evidence in the record which would indicate that the applicant has any well defined plans for the construction and operation of the proposed station or that he may reasonably expect any local commercial support for the station." Also the Examiner states that the operation of the proposed new station would cause objectionable interference.

## ADDRESS OF JUDGE EUGENE O. SYKES, CHAIRMAN BROADCAST DIVISION OF THE FEDERAL COMMUNICATIONS COM- MISSION, BEFORE THE FIFTEENTH NAB CONVENTION

Mr. President, Members of the Association, Ladies and Gentlemen:

I deem it an honor and a privilege to address you upon this occasion. I congratulate and rejoice with you upon the successful work your Association has done during the

past year. I also am happy over the prosperous year you have enjoyed as broadcasters.

I wish to talk to you this morning about the duty and responsibility of the broadcaster. In legislating upon this subject, our Government, contrary to that of most of the countries of the world, decided to license persons to render this service rather than for governmental ownership and operation.

The entire theory of the Radio Act and its successor, the Communications Act, is that broadcasting licensees are made trustees of the Federal Government to render a public service to the communities their stations serve; that this license is a privilege granted by the Government for just such time as this service is rendered and in no way constitutes a vested right to the use of a frequency. For instance, quoting a part of Section 301 of the Act:

"It is the purpose of the Act \* \* \* to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license."

And in this connection may I also call to your attention Section 304 of this Act which reads as follows:

"No station license shall be granted by the Commission until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise."

Section 307(a) provides that:

"The Commission, if public convenience, interest or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act."

Section 309 is an important section and I quote it in full:

"If upon examination of any application for a station license or for the renewal or modification of a station license the Commission shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with said finding. In the event the Commission upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe.

"(b) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject.

"(1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein.

"(2) Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act.

"(3) Every license issued under this Act shall be subject in terms to the right of use or control conferred by section 606 hereof."

Section 606 of the Act, referred to in the last paragraph, is the War Emergency section providing for the taking over of these facilities by the President if he deems wise during the period of war.

The criterion set up in this law for the issuance and

for renewal of licenses, is "if public convenience, interest or necessity will be served thereby," or as stated in another section of the Act if "the Commission shall determine that public interest, convenience or necessity would be served by the granting thereof." In the one phrase, the word "convenience" is placed first, while in the other the word "interest." However, they mean the same thing.

While another section of the Act expressly states that a broadcasting station is not a common carrier yet, by the terms of the Act above quoted, and by its very nature, it is a business clothed with a public interest.

The Commission, having determined that you are a proper party to serve the public of your community and having granted you this gracious privilege in the form of a license, this duty then devolves upon you to render the best public service to your community that you can. You assume, by the acceptance of this license, a great responsibility of public service. How then is the best way in which you can fulfill this duty and responsibility? You are thereby accorded a wonderful opportunity for service which necessarily carries with it a grave responsibility. You are invited to enter the homes and firesides of your listening public for practically sixteen hours a day. These programs reach the men, women and children of the entire nation. They reach those who are now steering the destinies of our communities, state and nation, and those who are being trained to assume these reigns of government when the present actors pass from the stage. These thoughts should ever be present with you and your programs should be so built that our younger generations who have the privilege of listening to the radio should be improved and be better equipped for their responsibility to be so soon assumed by them.

While under our plan of broadcasting the stations must be self-supporting by their sale of time, yet you must bear in mind that this is but an incident and that your main object and purpose is one of public service. In fact, the better service you render the more popular becomes your station and the larger becomes your listening audience, hence the easier for you to obtain the necessary advertisement.

You are still a young industry and Federal regulation thereof is still young, yet within this period of a little over ten years we have seen a wonderful growth in the industry and have had wonderful improvements not only from a technical nature but also in the programs and the character of public service being rendered. Yet, like all young industries, there is room for greater improvement not only in our regulation of this art and industry but in the nature and character of the programs of the stations. The best answer to make to those who are not satisfied with our American system of broadcasting is to render such a wonderful public service that these critics may, in the course of time, be silenced. The needs of our various communities differ. Therefore, what will be a public



service in one community might not be in another. You should carefully familiarize yourself with your communities and see what local service you may render them and since your programs are going into these homes you must consider good taste. Certainly when broadcasting a dinner program it should not be interspersed with advertising announcements which would tend to destroy the appetites of this audience. You must be just and fair to everyone in your community and your editorial policy should be one to bring about closer cooperation and not to stir up strife therein. You should build up and not tear down.

I now desire to congratulate you upon the great and unique public service you rendered during the flood on the Ohio and Mississippi Rivers last February. The broadcast stations were a source of inestimable assistance in preventing loss of life and property and by keeping the public posted on the exact stage of the flood. Broadcast stations offer a very excellent means of acquainting the public almost instantly with any message the relief authorities may desire to disseminate. Many stations coordinated emergency units, procured supplies, directed relief activities, and raised many thousands of dollars through appeals to the public for the Red Cross. While broadcast stations were not alone in rendering this valuable service, they did their share and must be complimented highly for the efficient manner in which this service was rendered. Our engineers are now studying plans for the better cooperation of all radio facilities and relief organizations in times of emergencies. I feel sure we can always count on the broadcasters cooperating fully and to do their share. Service of this character is indeed public service of the highest order and which service I am sure was appreciated by our entire citizens.

Another public service in which progress is being made is that of the Committee on Federal Radio Education headed by Dr. J. W. Studebaker, Commissioner of Education, and composed of an equal number of broadcasters and educators. I shall not go into the details of the work of this committee and its numerous sub-committees, as I imagine Mr. Baldwin, your very able Managing-Director will make some report of it to you at some of your meetings. I understand, however, that two of the large foundations are very much interested and are willing to materially help in financing the work of this committee. I believe a successful conclusion of the labors of this committee will be of the greatest benefits to both radio and education.

At this point I should like to briefly refer to some of the matters in which we are all interested which have developed since your last meeting a year ago.

Last October we had the informal engineering hearing in which the industry cooperated very fully with the Commission and gave us a complete picture of the engineering, social, and economic phases of broadcasting. The testi-

mony taken at this hearing covered some 1741 pages and in addition there were numerous exhibits. The presentations were indeed interesting although some of the more technical phases will have to be analyzed by our engineers. I wish to take this opportunity to extend further our appreciation to the industry for its splendid cooperation in giving the Commission such a comprehensive picture which will enable it to determine if any changes in the existing policies or rules of the Commission should be made in order that broadcast stations may improve their service to the listening public.

Our engineers have made a preliminary report on the hearing to which we are giving careful consideration. There are certain other data we have asked the engineers to supply before we make any changes in the existing policies. The general feeling is that our engineers have done an excellent job on reporting the testimony of this hearing and their conclusions appear to be very favorably received in the industry. I can assure you also that we are not contemplating any drastic reallocation of broadcast facilities, but we will make whatever changes in policies and regulations that are deemed advisable step by step so that all interested parties may be given full opportunity to be heard on any changes that may adversely affect their interests.

Last September 15th, the Broadcast Division promulgated regulations governing all classes of broadcast stations except the regular stations with which we are all familiar. It may surprise you to learn that of the 1108 broadcast stations licensed by the Broadcast Division, 408 are other than regular broadcast stations. Of this number, by far the greatest number are relay stations used in transmitting programs from points where wire facilities are not available. On June 15th, the Broadcast Division repealed the rule requiring 2-day notice for the operation of relay stations. This requirement had been imposed so that the Commission could authorize operation that would not cause interference on the then very limited number of frequencies, but now more frequencies are available and this provision is not considered necessary. It is believed that the repeal of this rule will be to the advantage of broadcasters in building special-event programs.

Two other classes of stations governed by these regulations are television and facsimile stations. The new regulations made available three frequencies exclusively for facsimile stations and carry a provision that such stations may be licensed on any of the several experimental frequencies. The new rules also provide that facsimile broadcasting can be carried on after midnight on regular broadcast stations, under the condition that a program of development of facsimile broadcasting is presented to warrant such operation. The Broadcast Division is very interested to know whether the general public

wants a facsimile broadcast service and if such a service can be supplied at this time.

International broadcast stations, of which there are only a few—12 in number—occupy a unique position in the broadcast structure in that the signals from these stations are transmitted throughout the world. By selecting proper frequencies and employing directional antennas, it is possible to render service in practically any foreign country. While the government has authorized the operation of this class of stations since 1925, in the last several years there has not been a general expansion either in technical advancements or international program service by the licensees of these stations. In the past two years other countries of the world have developed this service which has resulted in stations in European countries rendering better service in South America countries than is received from the United States stations.

The Commission recently authorized the Engineering Department to investigate the international station problem with the view of making a report to the Commission on means of improving our stations so that their service will compare favorably with that of other countries of the world. We shall be pleased to have the report from our engineers and I feel sure that the broadcasters will accept their responsibility in rendering an international service comparable with the national service now rendered by regular broadcast stations.

Next November there is to be held at Havana, Cuba, an Inter-American radio conference for the purpose of discussing allocation of radio facilities between countries of North and South America. We have several very important problems as respects allocation of regular broadcast stations as well as international stations. Between the North American countries, as you know, we have a very unsatisfactory arrangement at this time resulting in mutual interference, as well as unsatisfactory exchange of program service. It is expected at this conference that these pressing problems will be discussed at length looking to an agreeable solution. The frequency assignment of international stations will also be a problem because certain countries have crowded so many stations rendering a national service on frequencies available that the international service is being materially impaired. It is hoped that an arrangement can be made for a better allocation of these frequencies to provide for an exchange of programs to promote better understanding among the republics of the American Continents.

At the international Conference at Cairo, Egypt, which is to be held next February, will be taken up the matter of international broadcast stations since their service and interference is world-wide in range. We have always taken the attitude that these frequencies offer an opportunity to contribute materially to the development of closer acquaintanceship among the countries of the world,

and they should be used exclusively to render an international service.

In conclusion, Mr. President, may I say that your Association deserves our congratulation upon the efficient and splendid way it has met and cared for problems that confront it and its members and I wish for you and it a continuation of this splendid work,

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**No. 3158.** Trading as **Rightway Institute, Joseph Rosenfeld**, 815 South Hill St., **Los Angeles**, is charged in a complaint with using certain unfair methods of competition in the sale of books and pamphlets, which he allegedly advertises as describing an effective and competent method of curing or relieving indigestion, heart-burn, excess gas in the stomach, and other intestinal and stomach conditions.

According to the complaint, the method the respondent recommends consists principally of a series of body movements, which allegedly will not have any effect in overcoming the factors causing gas either in the stomach or in the intestines. Use of such method, it is alleged, will not afford permanent aid and is not in all cases a reliable procedure for the relief of the ailments and conditions mentioned in the respondent's health literature.

**Nos. 3159-3160.** Two **New York** department store companies have been served with complaints charging false and misleading representations in the sale of certain merchandise. The respondent companies allegedly used advertising designations containing the word "silk" as descriptive of products not made of silk.

The respondent companies are **Abraham & Straus, Inc.**, Fulton and Hoyt Sts., **Brooklyn**, and **Oppenheim, Collins & Co., Inc.**, 33 West 34th St., **New York**.

The **Brooklyn** store is said to have advertised certain pillows as silk or as heavy silk, and certain items of wearing apparel for women as "Seraceta Taffeta," "Pure Dye, Pure Silk Prints," "Imported Silks," "Washable Crepes," "Muffler Silks" and "Silk Jerseys." The pillows and apparel so advertised were not composed of silk, but of other materials, according to the complaint.

**Oppenheim, Collins & Co., Inc.**, allegedly advertised evening wraps as "Silk Crepe," and other wearing apparel for women as "Made of Quality Silks," "Taffeta," "Crepe," "Luxurious Silks" and "Dark Satins Sprinkled with White Dots." The complaint charges that these products were not composed of silk, but of other materials.

**No. 3161.** Alleging monopolistic practices in the golf ball industry through a uniform price fixing policy on the part of leading manufacturers in concert with large and influential retailers, a complaint has been issued against the **Golf Ball Manufacturers' Association**, the **Professional Golfers' Association of America**, their officers, and various members of each group.

Violation of both the Federal Trade Commission and Robinson-Patman acts is alleged.

Principal members of the manufacturers' association named respondents are **A. G. Spalding & Bros.**, **New York**; **John Wanamaker, Inc.**, **Philadelphia**; **L. A. Young Golf Co.**, **Detroit**; **Worthington Ball Co.**, **Elyria, Ohio**; **Wilson Sporting Goods Co.**, **Chicago**; **U. S. Rubber Products Co.** and **Dunlop Tire & Rubber Co.**, both of **New York**, and **Acushnet Process Corporation**, **New Bedford, Mass.** These manufacturers are said to own and control practically all factories producing golf balls in the United States.

**No. 3162.** Alleging use of certain unfair methods of competition, a complaint has been issued against **National Silver Co.**, 61 West 23rd St., **New York**, engaged in the sale of silver-plated ware under brand names such as "King Edward", "Devotion", "Condor" and "Martha Washington". **Samuel E. Bernstein** and **Philip J.**

**Bernstein**, president and vice-president, respectively, of the company, also are named respondents.

By means of price lists, newspaper and magazine advertisements and radio broadcasts, the respondents allegedly announce retail prices which are greatly in excess of the normal or reasonable retail prices or values of their products, and are in excess of the prices at which such products are regularly and actually sold at retail.

Prior to or concurrently with the publication of these advertisements showing high and fictitious retail values, the respondents, the complaint charges, solicit the cooperation of retail dealers in the sale of their wares to the public at prices greatly reduced from those advertised. Typical of the representations allegedly made by the respondents to retail dealers was the assertion that "Millions who have seen 'King Edward' nationally advertised at \$50 will come in throngs to buy at ½ price."

## Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

**No. 01732. Frank Cremona, trading as Valley Soap & Chemical Co., Turtle Creek, Pa.,** agreed to stop representing that Valox Bleacher cleans and disinfects in the same operation, is effective as a treatment for aching feet and is a germ killer.

**No. 01738. Gate City Manufacturing Co., trading as Foot Health Products, 11 East 12th St., Kansas City, Mo.,** in the sale of Air-O-Matic Eze Arches, will cease representations that they give relief in all cases from metatarsal pains, burning callouses, bunions, flat feet, weak and fallen arches, and swollen ankles. The respondent also will stop asserting that its product is offered at a special price for a limited time only, unless orders at such price are refused at the end of a time determined.

**No. 01739. Woonsocket Nash Co., trading as Blue Moon Products Co., Woonsocket, R. I.,** will stop representing that its lubricant, Blue Moon Miracle Lube, will enable an automobile to be operated on less oil or gasoline, or with increased power, speed and smoothness, regardless of the mechanical condition of the motor; that it affords perfect protection against friction, wear, sticky valves, and scores of other motor troubles due to faulty lubrication, or that it affords any protection at all, unless this claim is expressly limited to those certain conditions where it is of some value.

**No. 01781. J. W. Eiss, 509 Fifth Ave., New York,** selling "Crucifix Wondrous Luck Ring", agrees to stop asserting that this article is a jewel or set with a jewel, and to cease representing, by inference or otherwise, that the ring will bring to the wearer good luck or happiness.

**No. 01782. Eugene and Max Sonkin, Chicago,** engaged in the sale of Formula 120 and Formula 120 Special Tablets, will cease advertising that these preparations are safe or harmless, that they are an effective remedy or competent treatment for weakness, debility and nervousness, and will help restore the normal functions of the nerves, blood or various glands. The respondents trade as Perso Products Co. and as Personal Products Co.

**No. 01783. James C. Bailey, trading as James C. Bailey & Co., 600 Blue Island Ave., Chicago,** stipulated that in advertising Herb-Lax Tea he will stop representing it as a competent remedy in the treatment of stomach, bladder, liver and kidney troubles, sick headache and constipation, and that it reaches the very root of practically all human ailments.

**No. 01784. Isabelle Rothschild, operating as The Belle Co., Santa Monica, Calif.,** stipulates that no longer will she advertise that motion picture actresses use her Bella Foundation Cream, the respondent admitting in her stipulation that this article is not used by such actresses to any appreciable extent. Other representations to be discontinued are that the product's regular retail price is greater than that at which it is actually sold or that the current price is a special offer for a short time only. The respondent agrees not to represent to prospective salesmen that there is a possibility of earning amounts in excess of those actually earned by her regular salespersons under normal conditions.

**No. 01785. Tom Boom, 3923 West 6th St., Los Angeles,** trading as National Press Syndicate, in the sale of his "press clipping and picture manual," agrees to stop advertising that purchasers can earn "big money" weekly by clipping and preparing material. Other allegations to be discontinued are that to be a successful feature writer, or writer of trade journal items or a news-

paper clipper, one needs no special ability, training, previous experience or "connections" and that a "press card" issued to purchasers of the clipping and picture manual, is the "Open Sesame" for gaining admission to places otherwise closed to the general public. The respondent agrees to stop using the words, "Press Syndicate," as a part of his trade name.

**No. 01786. Frank Lotreck, 711 North Grove Ave., Oak Park, Ill.,** agreed to discontinue representing that Pedix Bunion Plaster is an effective remedy for bunions, unless this claim is limited specifically to relief from the pain thereof; that it stops bunion pain almost instantly or at all, and that wonderful results "surely" are awaiting prospective users of the product.

**No. 01787. Bradley's Laboratory, Inc., Matoaka, W. Va.,** in the sale of Hy-Phen Tablets, will cease representing that they relieve all types of pain and headache, are safe in all instances, and constitute a competent treatment for colds. The respondent also agreed to desist from the use of the word "Laboratory" in its trade name and the word "Manufacturers" on its letterheads, or from otherwise representing that it owns or operates a laboratory or manufactures Hy-Phen Tablets.

**No. 1997. Tressol Laboratories, 87 Pine St., Maplewood, N. J.,** in selling Tressol shampoo, agrees to stop using on labels, cartons or in advertising matter, representations to the effect that the product contains no soap, when in fact it does have ingredients which, in combination, are recognized to be soap; that shampoos which contain alcohol are drying to the hair, scalp and hair roots, when, according to the stipulation, such shampoos, necessarily being diluted with sufficient water, do not have such drying effect; that the respondent's preparation is a blend of oils or contains oil, when this is not true, and that use of the product as a hair shampoo will promote the growth of hair, when such is not a fact.

**Nos. 1999-2000-2002.** Under stipulations entered into, an individual, a partnership and a corporation selling their products in interstate commerce will discontinue certain unfair representations in such sale.

The respondents are **Louis J. Orlando, trading as American Bank Equipment Co., 5737 Vine St., Philadelphia;** **Ezra, David and Menno Neuhauser, trading as Neuhauser Chick Hatcheries and Neuhauser Hatchery, Napoleon, Ohio;** and **Buschs Kredit Jewelers, 35 West 14th St., New York City.**

The respondent engaged in repairing check cancelling machines, and in their sale, agrees to cease selling his products as new, or without disclosing the fact that they are second-hand, repaired or reconditioned machines. He also stipulates that he will desist from use on printed matter of the words "Makers of," or any other words of similar meaning implying that he manufactures the products he sells or owns and controls the factory in which they are made, when this is not a fact.

The Neuhauser firm in the sale of chicks, agrees to cease representations to the effect that: Every "Good Luck" flock is raised on open ranges containing acres of fresh-sodded slopes sowed in alfalfa and clover; more than 5,000,000 of such chicks are shipped each year; David Neuhauser personally supervises the blood-testing of 250,000 or any other number of chicks during a year or other period of time; this blood-testing has been carried on for 9 years, or the copartners see to it that the flocks of chicks they sell get the feeding program consisting of the Purina Embryo Feeding Program as a supplement to their own feeding system, when such are not the facts.

Buschs Kredit Jewelers, in the sale of certain radio receiving sets, will quit using the words "all-wave" as descriptive of such sets, when the products are not capable of reception of the entire meter range of broadcasts and commercial transmission. The corporation also will desist from representing or implying in its advertising matter that users of its radio sets can receive European and other foreign stations easily or at will, and with satisfactory volume, and from representing the merits and value of its products in such way as to conceal the difficulties and deficiencies of short-wave reception, inherent in the present state of the art but unknown to the purchasing public.

**No. 2001. A. Joncaire, Inc., 145 South St., Boston,** agrees to discontinue use in its advertising matter of the phrase "Blended in France," alone or in connection with other words, implying that its perfumes are compounded in France and imported as finished products into the United States, when such is not a fact. The respondent corporation also agrees to desist from representing that it is the American representative or distributor of a perfumer in France, when such is not a fact, and from using on its stationery or in any other way the purported address "338 Rue St. Honore, Paris," when in fact the company has no such Paris ad-

dress. The word "Importers" will no longer be used on the corporation's stationery or otherwise, according to the stipulation.

**Nos. 1998-2003-2006-2007.** Three companies in **New York City** and one in **St. Louis** have entered into stipulations to stop certain false and misleading representations concerning the composition of wearing apparel which they sell in interstate commerce.

The **New York** companies signing the stipulations are **Van Raalte Co., Inc.**, 295 Fifth Ave., manufacturer of women's wearing apparel; and two department stores, **Best & Co., Inc.**, 5th Ave. at 35th St., and **Franklin Simon & Co.**, 5th Ave. at 38th St.

These three companies agree to cease using one or more of such words as "crepe," "silk" or "satin," either alone or in connection with any other words, so as to imply that the wearing apparel so designated is composed of silk, when such is not a fact.

According to the stipulations, **Van Raalte Co., Inc.**, labeled certain garments for women as "satin riquette"; **Best & Co., Inc.**, represented robes and pajamas as being made of "crepe", and **Franklin Simon & Co.** referred to women's blouses as "silk crepe", when, in fact, the products so described in newspaper advertisements or on labels were composed of materials other than silk.

**May Department Stores, Inc., St. Louis**, operating branch stores in several cities, agrees that in the sale of furs and fur garments it will discontinue describing such products in any manner other than by use of the correct name of the fur as the last word of the description, and that such correct name shall be printed in type not less conspicuous than that in which the accompanying descriptive words are printed. The stipulation provides that when any dye or blend is used to simulate another fur, the true name of the fur shall be preceded immediately by the word "dyed" or "blended", compounded with the name of the simulated fur, as, for example, "Seal-dyed Muskrat" or "Seal-dyed Rabbit."

**No. 2005. American Memorial Co.**, 2135 Piedmont Road, **Atlanta**, has entered into a stipulation to discontinue certain representations in the sale of marble monuments.

The respondent company agrees to cease representing in its advertising that its monuments are everlasting, or of the highest or finest quality; that they are the world's best genuine marble, or that, because such marble is allegedly pure, hard and solid, it will never fade, crack or disintegrate, when such are not the facts.

**Nos. 2008-2014, inc.** Seven companies manufacturing automobiles have entered into stipulations to cease using certain false and misleading representations in advertising in connection with the sale of passenger cars to the purchasing public.

The stipulations were signed by **Hudson Motor Car Co.**, **Graham-Paige Motors Corporation**, **The Studebaker Corporation** and the **Studebaker Sales Corporation of America**, **Chrysler Corporation**, **Nash-Kelvinator Corporation**, **Packard Motor Car Co.**, and **Auburn Automobile Co.** The Chrysler stipulation was also signed by its subsidiaries, **Chrysler Sales Corporation** and **DeSoto, Dodge Brothers** and **Plymouth corporations**.

Certain advertisements of the companies, according to the stipulations, contained the picture of a car equipped with accessories, and featured in large, conspicuous type a purported selling price which actually was less than the price of the car complete with accessories as pictorially represented. Elsewhere in the advertisements, and appearing in much smaller type, were such words as "and up", "all prices list at factory", "f.o.b. Detroit", and "equipment extra."

According to the stipulations, the companies stated that they have already discontinued the use of such advertising.

**Nos. 2440-2520.** Orders closing its cases against **Apex Distilling Co., Inc.**, **East St. Louis, Ill.**, and **California Vineyards Co., Chicago**, have been entered by the Federal Trade Commission.

The case against the Apex company, which was charged with unfair use of the word "Distilling" in its corporate name, was closed for the reason that the record in the case contains no evidence that the company engaged in interstate commerce in connection with the sale of alcoholic beverages.

In the other proceeding, the subject matter of the complaint against California Vineyards Co. was found to be covered by Federal Alcohol Administration regulations relating to labeling and advertising of wine. The respondent company was charged with advertising artificially carbonated fermented apple juice as champagne, and with representing that it owned and operated a vineyard, when such were not the facts.

**No. 2411. James Clark Distilling Corporation** and **D. and B. Products Corporation**, 26 Exchange Place, **Jersey City, N. J.**, have been ordered to cease and desist from representing that they are distillers of alcoholic beverages, when such is not a fact. Both companies are affiliates of Distillers and Brewers Corporation of

America, a holding company. The Clark company sells its products through the agency of the D. and B. company.

The respondent companies are ordered to discontinue representing, through use of the word "Distilling" in the corporate name of the Clark company, or in advertising, on labels, or otherwise, that the Clark company distills whiskies, gins or other spirituous beverages, that it manufactures such products through the process of distillation, or that it owns or operates a distillery, until it does own or operate such a place.

**Nos. 3108-3109.** Orders have been entered directing **Unique Novelties, Inc.**, a dealer in candy and chewing gum, and **Winthrop Novelty Co., Inc.**, a candy dealer, both of 35-37 Claver Place, **Brooklyn**, to cease and desist from selling to dealers candy or chewing gum so packed and assembled that sales to the general public may be made by means of a lottery.

The Unique company also is ordered to discontinue furnishing dealers with display cards, either separately or with assortments of candy or chewing gum, bearing legends informing purchasers that such products are being sold to the public by lot or chance.

## FTC DISMISSES CASE

**No. 2792.** The Federal Trade Commission has dismissed a complaint charging **Dr. Robert G. Jackson, of Buffalo, N. Y.**, trading under the name **Jackson Publishing Co.**, with unfair competition in the sale of a book allegedly used in promoting the sale of health foods. Dismissal was ordered after the Commission had heard argument by counsel for the Commission and the respondent.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning, Monday, July 5:

Tuesday, July 6

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Arthur Lucas, Savannah, Ga.—C. P., 1310 kc., 100 watts, unlimited time.  
WDNC—Durham Radio Corp., Durham, N. C.—C. P., 600 kc., 1 KW, unlimited time. Present assignment: 1500 kc., 100 watts, unlimited time.  
WBNS—WBNS, Inc., Columbus, Ohio.—C. P., 1430 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1430 kc., 500 watts, 1 KW LS, unlimited.

Wednesday, July 7

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—E. B. McChristy, Brownwood, Tex.—C. P., 630 kc., 250 watts, daytime.  
NEW—Galesburg Broadcasting Co., Galesburg, Ill.—C. P., 1500 kc., 250 watts, daytime.

Thursday, July 8

#### HEARING BEFORE AN EXAMINER (Broadcast)

- KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—C. P., 1360 kc., 1 KW, unlimited time. Present assignment: 1500 kc., 100 watts, 250 watts LS, unlimited.  
WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Modification of license, 1210 kc., 100 watts, unlimited time. Present assignment: 1210 kc., 100 watts, specified hours.  
WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license, 1210 kc., 100 watts, unlimited time. Present assignment: 1210 kc., 100 watts, specified hours.

Friday, July 9

#### HEARING BEFORE AN EXAMINER (Broadcast)

- NEW—Great Lakes Broadcasting Corp., Cleveland, Ohio (Brooklyn Twp.)—C. P., 1270 kc., 1 KW, 5 KW LS, unlimited time.  
NEW—Athens Times, Inc., Athens, Ga.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited.

The Commission, sitting en banc, Commissioner Stewart dissenting on June 29, entered its final order as indicated herein in the following cases:

Docket No. 1780—United States Broadcasting Corporation, Brooklyn, New York. WARD. 1400 kc., 500 watts, sharing time with WVFW, WLTH, and WBBC. Construction permit to move transmitter. Application denied.

Docket No. 2039—United States Broadcasting Corporation, Brooklyn, New York. Renewal of license. Application denied.

Docket No. 3924—United States Broadcasting Corporation, Brooklyn, New York. Voluntary assignment of license to Kings Broadcasting Corporation. Application denied.

Docket No. 1882—Brooklyn Broadcasting Corporation, Brooklyn, New York. WBBC. 1400 kc., 500 watts, sharing time with WARD, WLTH, and WVFW. Modification of license (requests facilities of WARD, WVFW, and WLTH). Application for modification of license granted\* in part, in so far as it requests facilities of stations WARD and WLTH, and denied in so far as it requests facilities of station WVFW.

Docket No. 2013—Brooklyn Broadcasting Corporation, Brooklyn, New York. Renewal of license. Application granted.

Docket No. 2014—Brooklyn Broadcasting Corporation, Brooklyn, New York. Renewal of auxiliary transmitter license. Application granted.

Docket No. 1967—Voice of Brooklyn, Inc., Brooklyn, New York. WLTH. 1400 kc., 500 watts, sharing time with WARD, WVFW, and WBBC. Renewal of license. Application denied.

Docket No. 3923—Voice of Brooklyn, Inc., Brooklyn, New York. Voluntary assignment of license to Kings Broadcasting Corporation. Application denied.

Docket No. 1968—Paramount Broadcasting Corporation, Brooklyn, New York. WVFW. 1400 kc., 500 watts, sharing time with WARD, WLTH, and WBBC. Renewal of license. Application granted.

Docket No. 3837—Paramount Broadcasting Corporation, Brooklyn, New York. Construction permit to make changes in equipment. Application granted.

Docket No. 2259—Brooklyn Daily Eagle Broadcasting Company, Inc., Brooklyn, N. Y. (New). Construction permit (requests facilities of WBBC, WLTH, WARD, and WVFW). Application denied.

Docket No. 2343—Debs Memorial Radio Fund, Inc., New York City. WEVD. 1300 kc., 1 KW, sharing time with WBBR, WFAB, and WHAZ. Modification of license (requests facilities of WBBC, WLTH, WARD, and WVFW). Application denied.

The order as herein entered shall be effective at 3:00 a. m., Eastern Standard Time, September 15, 1937.

The Commission will issue and publish at a subsequent date an opinion setting forth a statement of the facts appearing of record and the grounds for the decision herein reached.

#### BY ORDER OF THE COMMISSION:

The licensee herein shall file specifications of the antenna and ground system within two months after the effective date of this order, and after approval of such data, an additional two months will be allowed within which to complete installation.

If, for any reason, such information cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor.

#### APPLICATIONS GRANTED

KOCA—Oil Capital Broadcasting Assn., Kilgore, Tex.—Granted C. P. for changes in equipment and increase in day power from 100 watts to 250 watts.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted C. P. to install new equipment and increase day power to 250 watts.

KOVC—KOV, Inc., Valley City, N. Dak.—Granted C. P. for changes in equipment and increase in power for daytime use from 100 to 250 watts.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted license to cover C. P. as modified; 1180 kc., 10 KW night and day, simultaneous day KEX, share night KEX. Also granted authority to determine operating power by direct measurement of antenna input.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted license to cover C. P., 700 kc., 50 KW, unlimited time.

WJNO—Hazlewood, Inc., West Palm Beach, Fla.—Granted license to cover C. P., 1200 kc., 100 watts night, 250 watts day, unlimited time.

KVOR—Out West Broadcasting Co., Colorado Springs, Colo.—Granted license to cover C. P., 1270 kc., 1 KW, unlimited time.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted modification of C. P. for approval of transmitter at 137th and Pochman Ave.; authority to install new equipment, and make changes in directional antenna system.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted modification of C. P. to move station locally, install new antenna system and increase nighttime power to 1 KW.

WDAF—Kansas City Star Co., Kansas City, Mo.—Granted modification of C. P. extending completion date to 8-10-37.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted license to cover C. P. as modified, 590 kc., 1 KW night, 5 KW day, unlimited. Also granted authority to determine operating power by direct measurement of antenna input.

KEHE—Hearst Radio, Inc., Los Angeles, Calif.—Granted license to cover C. P. for auxiliary transmitter, 780 kc., 1 KW, for emergency purposes only.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of license to move transmitter to location of KTSM's transmitter at Mills and Ogden Sts., El Paso; increase day power to 250 watts and use KTSM's transmitter.

KJBS—Julius Burnton & Sons Co., San Francisco.—Granted authority to install new automatic frequency control equipment.

KGCM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—Granted authority to install new automatic frequency control equipment.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted renewal of license for the period 7-1-37 to 1-1-38; 1370 kc., 100 watts night, 250 watts day, specified hours.

WBBZ—Estate of Chas. Lewis Carrell, Adelaide Lillian Carrell, Rep., Ponca City, Okla.—Granted renewal of license on a temporary basis, subject to cancellation without advance notice or hearing at any time by the Commission, pending disposition of estate of C. L. Carrell, deceased.

KMAC—W. W. McAllister, San Antonio, Tex.—Granted 3 months' extension of present license, 1370 kc., 100 watts night, 250 watts day, shares equally with KONO.

KGKY—Hillard Company, Inc., Scottsbluff, Nebr.—Granted 1 month's extension of present license, 1500 kc., 100 watts night, 250 watts day, unlimited.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted 2 months' extension of present license, 1370 kc., 250 watts, 6 a. m. to LS.

WRDO—WRDO, Inc., Augusta, Maine.—Granted 2 months' extension of present license, 1370 kc., 100 watts night-day, unlimited.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted renewal of license on a temporary basis and designated renewal application for hearing.

WMSD—Muscle Shoals Broadcasting Corp., Sheffield, Ala.—Granted renewal of license for the regular period, 1420 kc., 100 watts night-day, unlimited time.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted 1 month's extension of present license, 1500 kc., 100 watts night, 250 watts day, unlimited time.

WJNO—Present Stockholders of Hazlewood, Inc., Palm Beach, Fla.—Granted authority to transfer control of Hazlewood, Inc., from present stockholders to Jay O'Brien.

KHUB—Anna Atkinson, as Executrix of the last will of F. W. Atkinson, deceased, Watsonville, Calif.—Granted involuntary assignment of license of KHUB to Anna Atkinson, Executrix.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted authority to install new automatic frequency control equipment.

KGIW—Leonard E. Wilson, La Junta, Colo.—Granted 2 months' extension of present license.

\* Subject to compliance with Rule 131.

## SET FOR HEARING

- KEEN—KVL, Inc., Seattle, Wash.—Granted 2 months' extension of present license.
- WGTM—H. W. Wilson and Ben Farmer, Wilson, N. C.—Granted modification of C. P. to move studio locally, and make changes in composite equipment.
- NEW—Lamar Life Ins. Co., Mobile, Jackson, Miss.—Granted C. P. for new relay station, 1622, 2058, 2150 and 2790 kc., 50 watts.
- NEW—WLBG, Inc., Mobile, Petersburg, Va.—Granted C. P. for new experimental relay station, frequencies 38900, 39100, 39300 and 39500 kc., 50 watts.
- W9XSO—WDAY, Inc., Mobile, Fargo, N. Dak.—Granted C. P. for experimental relay station, frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- NEW—City Broadcasting Corp., Mobile, New Haven, Conn.—Granted C. P. for new experimental relay station, frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.
- NEW—The Ardmoreite Publishing Co., Inc., Mobile, Ardmore, Okla.—Granted C. P. for relay experimental station, frequencies 33100, 34600, 37600 and 40600 kc., 2 watts.
- NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Granted C. P. for high frequency experimental station, frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.
- NEW—Allen T. Simmons, Tallmadge, Ohio.—Granted C. P. for new high frequency experimental station, frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.
- W2XAF—General Electric Co., Schenectady, N. Y.—Granted C. P. to make changes in equipment, increase power to 100 KW, install directional array for beam transmissions to South America and Europe.
- W8XNC—Allen T. Simmons, Mobile (Akron, Ohio).—Granted license to cover C. P. for relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 100 watts.
- W9XSF—WAVE Inc., Mobile, Louisville, Ky.—Granted license to cover C. P. for new relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- WAAG—Julio M. Conesa, Mobile, Ponce, P. R.—Granted license to cover C. P., frequencies 1622, 2058, 2150 and 2790 kc., 75 watts.
- WAHB—The Journal Company (The Milwaukee Journal), Mobile, Milwaukee, Wis.—Granted modification of C. P. and license covering same, authorizing changes in equipment.
- W8XKI—The Crosley Radio Corp., Mobile, Cincinnati, Ohio.—Granted modification of C. P. extending completion date to 12-7-37.
- KALO—Intermountain Broadcasting Corp., Mobile, Salt Lake City.—Granted modification of C. P. extending completion date to 6-29-37.
- W3XL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted modification of license to add A1 and A2 emission, and frequencies 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000-400000, 401000 kc. and above.
- NEW—A. H. Belo Corp., Mobile (Dallas, Tex.).—Granted C. P. for new relay station, frequencies 1622, 2058, 2150 and 2790 kc., 75 watts.
- NEW—Savannah Broadcasting Co., Mobile, Savannah, Ga.—Granted C. P. for new relay station, frequencies 1622, 2058, 2150 and 2790 kc., 10 watts.
- NEW—Intermountain Broadcasting Corp., Mobile, Salt Lake City.—Granted C. P. for new experimental relay station, frequencies 33100, 34600, 37600 and 40600 kc., 40 watts.
- NEW—Radio Station KFH Co., Mobile, Wichita, Kans.—Granted C. P. for new experimental relay station, frequencies 38900, 39100, 39300 and 39500 kc., 2 watts.
- W2XDG—National Broadcasting Co., Inc., New York City.—Granted C. P. and license authorizing move of transmitter locally to 30 Rockefeller Plaza; make changes in equipment and decrease power to 150 watts.
- WMFL—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted C. P. and license authorizing changes in equipment, reduction of power to 500 watts, and addition of A1 and A2 emission.
- NEW—WDSU, Inc., New Orleans, La.—C. P., already in hearing docket, amended to request 1500 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- NEW—N. B. Egeland, Roland, Iowa.—C. P. for new station amended to read: 1500 kc., 100 watts night, 250 watts day, specified hours: Daily except Sundays, 7:30 to 9:30 a. m., 11 a. m. to 2 p. m., 6 to 8 p. m.; Sundays, 11 a. m. to 12:30 p. m., 2 to 4 and 7 to 9 p. m.
- NEW—Colonial Broadcasting Co., Morristown, N. J.—C. P. for new station, 620 kc., 1 KW, unlimited time, using directional antenna for day and night use.
- NEW—Burlington Broadcasting Co., Burlington, Iowa.—C. P. for new station, 1310 kc., 100 watts, unlimited time, the exact transmitter and studio sites to be determined with Commission's approval.
- NEW—Sam Klaver and Nathan Belzer, d/b as The Great Western Broadcasting Co., Omaha, Nebr.—C. P. amended 5-1-37 for change in name; 1420 kc., 100 watts, unlimited time, exact transmitter site to be determined with Commission's approval.
- NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.—C. P. for new station to operate on 920 kc., 1 KW night, 5 KW day, unlimited time, and install directional antenna system for nighttime operation.
- NEW—Evening News Press, Inc., Port Angeles, Wash.—C. P. for new station to operate on 1400 kc., 250 watts, unlimited, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- NEW—Keystone Broadcasting Co., New Castle, Pa.—C. P. for new station to operate on 1250 kc., 250 watts, daytime only, exact transmitter and studio sites to be determined subject to Commission approval.
- NEW—D. E. Kendrick, Louisville, Ky.—C. P. for new station, 1210 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.
- NEW—Sherman V. Coultas, Milton Edge and Hobart Stephenson, Jacksonville, Ill.—C. P. for new station, 1310 kc., 100 watts, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—C. P. to move station to Jackson, Miss., transmitter at Terry Road, and studio at corner Griffith and Lamar Sts.; install vertical radiator; 1500 kc., 100 watts night, 250 watts day, unlimited time.
- KWOS—Tribune Printing Co., Jefferson City, Mo.—C. P. for changes in equipment; increase power and time of operation from 100 watts, daytime only, to 100 watts night, 250 watts day, unlimited time; 1310 kc.
- WDZ—WDZ Broadcasting Co., Tuscola, Ill.—C. P. to move station to site to be determined in Decatur, Ill.
- WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—C. P. to install new equipment, increase power to 5 KW; 1240 kc., unlimited time (to be heard before the Broadcast Division).
- WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P. to install directional antenna system for nighttime use; change frequency from 1370 kc. to 880 kc.; increase time of operation from daytime to unlimited.
- WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston-Salem, N. C.—C. P. to install new equipment and increase day power to 1 KW.
- WBNX—WBNX Broadcasting Co., Inc., New York City.—C. P., already in hearing docket, amended to request move of transmitter locally to near Secaucus, N. J.; install new equipment and directional antenna system for day and night operation; increase power to 5 KW (to be heard before the Broadcast Division).
- WKAR—Michigan State College, E. Lansing, Mich.—C. P. to move transmitter site to College Farms (locally); install new equipment and vertical radiator; increase day power to 5 KW.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—C. P. to move transmitter to intersection Russell Cave Pike and Ironworks Pike, near Lexington; install new equip-

ment and vertical radiator; change frequency from 1420 kc. to 610 kc.; increase power to 500 watts night, 1 KW day.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Amended modification of C. P. (already in hearing docket) to request move of transmitter to site to be determined with Commission's approval (locally); install new equipment; change frequency to 1330 kc.; increase power to 1 KW, unlimited time.

KPOF—Pillar of Fire, near Denver, Colo.—Modification of license to increase power from 500 watts to 1 KW.

David G. Adams, d/b as Adams Recording Studio, San Diego, Calif. Authority to supply electrical transcriptions to Stations XEBG and XEMO, Tia Juana, Mexico, to be delivered by private carrier.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Special experimental authority amended to request simultaneous operation day-WBRB and share WGNY and WGBB, share evenings with WBRB, WGNY and WGBB for the period ending 12-1-37.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KALB, Alexandria, La.; KCMO, Kansas City, Mo.; KFGQ, Boone, Ia.; KGGC, San Francisco; KGKB, Tyler, Tex.; KLUF, Galveston, Tex.; KNEL, Brady, Tex.; KNOW Austin, Tex.; KONO, San Antonio, Tex.; KOTN, Pine Bluff, Ark.; KOVC, Valley City, N. Dak.; KRBC, Abilene, Tex.; KR XO, Everett, Wash. KRNR, Roseburg, Ore.; KSLM, Salem, Ore.; KUMA, Yuma, Ariz.; KXL, Portland, Ore.; WAGM, Presque Isle, Me.; WATL, Atlanta, Ga.; WCHV, Charlottesville, Va.; WDAS and auxiliary, Philadelphia; WDWS, Champaign, Ill.; WEED, Rocky Mount, N. C. WFOR, Hattiesburg, Miss.; WHBB, Selma, Ala.; WHEF, Kosciusko, Miss.; WILM, Wilmington, Del.; WJBO, Baton Rouge, La.; WKEU, Griffin, Ga.; WLAP, Lexington, Ky.; WLLH, Lowell, Mass.; WMAS, Springfield, Mass.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMBR, Jacksonville, Fla.; WMEX, Boston, Mass.; WMFD, Wilmington, N. C.; WHFO, Decatur, Ala.; WMIN, St. Paul, Minn.; WNBf, Binghamton, N. Y.; WNLC, New London, Conn.; WOPI, Bristol, Tenn.; WPAD, Paducah, Ky.; WPAR, Parkersburg, W. Va.; WPAY, Portsmouth, Ohio; WRAK, Williamsport, Pa.; WRDW, Augusta, Ga.; WRGA, Rome, Ga.; WRJN, Racine, Wis.; WSAU, Wausau, Wisc.; WSVS, Buffalo, N. Y.; WSYB, Rutland, Vt.; WTMV, E. St. Louis, Ill.; WWRL, Woodside, L. I., New York; KFRQ, Longview, Tex.; KUJ, Walla Walla, Wash.; KCMC, Texarkana, Tex.; KIUN, Pecos, Tex.; KIUP, Durango, Colo.; KPQ, Wenatchee, Wash.; KTEM, Temple, Tex.; WABY, Albany, N. Y.; WGPC, Albany, Ga.; WOC, Davenport, Ia.

The following stations were granted renewal of licenses for the period ending Dec. 1, 1937:

KPDN, Pampa, Tex.; WJTN, Jamestown, N. Y.; KPMC, Bakersfield, Cal.; KVSO, Ardmore, Okla.; WCPO, Cincinnati, Ohio; WSAJ, Grove City, Pa.; WTAL, Tallahassee, Fla.; WDAH, El Paso, Tex.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon the pending application for renewal.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon the pending application for renewal.

The following stations were granted renewal of licenses on a temporary basis only, pending receipt and/or action on applications for renewal:

KGFI, Corpus Christi, Tex.; KMET, Palestine, Tex.; KRMC, Jamestown, N. D.; WJBK, Detroit; WMFJ, Daytona Beach, Fla.; WPRP, Ponce, P. R.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska—Present license extended on a temporary basis for the period July 1 to August 1, 1937, pending receipt and/or action on renewal application.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted renewal of high frequency broadcast experimental station license, for the period ending April 1, 1938, on an experimental basis only, subject to change without prior notice or hearing.

### SPECIAL AUTHORIZATIONS

WBZ—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Granted special temporary authority to operate a 1-KW crystal controlled transmitter, tolerance of 50 cycles, on 1020 kc., in vicinity of Millis, Mass., during daytime hours, for period July 1 to 31, 1937, in order to make tests for a possible new transmitter site.

KLPM—John B. Cooley, Minot, N. Dak.—Granted special temporary authority to operate from 2:30 to 5 p. m. CST, Sunday, July 4 (Provided KGCU remains silent), in order to broadcast International Peace Celebration featuring Canadian Premiers as speakers.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 9:45 to 10:20 a. m., CST, July 6, 7, 8, 9, 10, 12 and 13, in order to conduct cooking school of the air.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted special temporary authority to operate simultaneously with WSMK from 10 p. m. to 12 midnight, EST, Wed, June 30, for the purpose of broadcasting night baseball game.

WMBG—Havens & Martin Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays, from July 1, to 31, incl., provided WBBL remains silent, in order to broadcast special programs.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc. with 1 KW at night for the period July 1 to 31, inclusive, pending filing of and action on license application to cover C. P. for this authority.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset (July, 7:45 p. m.) to 11 p. m., EST, Tuesdays, Thursdays, Saturdays and Sundays for period, July 1 to 31, in compliance with Rule 131 on modification of license.

KGGF—Powell and Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, July 1, 6, 8, 13, 15, 20, 22, 27, 29, 1937, and from 8:15 to 9:15 p. m., CST, July 7, 14, 21, 28, 1937, in order that WNAD may remain silent during University summer vacation.

WNAD—Univ. of Okla., Norman, Okla.—To remain silent on above dates in order to observe summer vacation.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 9 a. m., EST, Morning News Roundup; 9 to 9:30 a. m., EST, Morning Musicale; 9:30 to 9:45 a. m., EST, Band Music; 9:45 to 10 a. m., EST, Organ program; 2 to 2:15 p. m., EST, Transradio newscast; 2:15 to 2:30 p. m., EST, Organ recital; 2:30 to 2:45 p. m., EST, Five Familiar Tunes; 2:45 to 3 p. m., EST, Sons of the Pioneers musical program, for period July 1 to 30, 1937, incl. (provided WSVS remains silent).

WMBQ—Joseph Husid, Receiver for Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Granted extension of special temporary authority for Joseph Husid, Receiver, for Metropolitan Broadcasting Corp., to operate station for the period July 1 to 31, 1937, pending action on any applications affecting WMBQ.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted extension of special temporary authority to operate daily except Sunday, 2 to 4:30 p. m., EST, and daily except Friday, Saturday, Sunday, 7 to 9 p. m., EST, for the period July 1 to 31, 1937, in order to broadcast sponsored northern league baseball games.

WCBD—WCBD, Inc., Chicago, Ill.—Granted extension of special temporary authority to use the transmitter of station WMBI for the period July 2 to 31, pending repair to WCBD's transmitter which was destroyed by fire.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted special temporary authority to operate from 9:30 to 10 p. m., EST, Friday, July 2, in order to broadcast a program for the N. C. Dept. of Conservation and Development, featuring address by Governor Hoey.

WAXB-WAXC—Alford J. Williams, c/o Gulf Oil Corp., Pittsburgh, Pa.—Granted extension of special temporary authority to operate RCA Type H aircraft transmitter, 5 watts, on board plane NC-1050 owned by A. J. Williams, and RCA Type AVT-7 transmitter, portable on ground, on frequencies 1646, 2090, 2190, 2830 kc., as relay broadcast stations for period July 3 to August 1, 1937, for testing and transmission of

program communication service between plane and portable transmitter on ground in connection with flight demonstrations and junior aviator activities at various locations over U. S.

- WWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate for the period beginning July 3 and ending August 1, 1937, with an increase in night power to 5 KW, to overcome interference.
- KOAC—Oregon State Agr. College, Corvallis, Ore.—Granted special temporary authority to remain silent on July 5, in order to observe National Holiday and holiday in Oregon Inst. of Higher Education.
- WKAR—Mich. State College, E. Lansing, Mich.—Granted extension of special temporary authority to rebroadcast Naval Observatory time signals over WKAR, provided station complies with requirements of Naval Observatory station, for period August 1, 1937, to February 1, 1938.
- KHUB—Mrs. Anna Atkinson, Executrix of estate of F. W. Atkinson, deceased, Watsonville, Calif.—Granted extension of special temporary authority to Mrs. Anna Atkinson, executrix of estate of F. W. Atkinson, deceased, to operate station KHUB for period July 5 to August 5, 1937, pending action on formal application for involuntary transfer of license.
- WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Granted special temporary authority to operate from local sunset (August sunset, 7:15 p. m.) to 7:30 p. m., EST, August 6, 13, 20, 27; and from local sunset (September, 6:15 p. m.) to 7:30 p. m., EST, September 3, 1937, in order to broadcast Anti-Communitistic talk.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—Granted special temporary authority to operate with currents in the antenna towers different from those specified in license for period not to exceed 30 days, provided the unattenuated field at one mile in the direction of KOIL shall not be in excess of 99 millivolts per meter.
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted special temporary authority to operate a 100-watt test transmitter on 970 kc., between hours of 12 midnight and 6 a. m., EST, for period not to exceed 30 days, in order to determine additional field strength measurements and transmitter locations. However, such operation not permitted during those hours prescribed for Commission monitoring schedule.

#### EFFECTIVE DATE EXTENDED

- NEW—Ex. Rep. 1-305: The Pottsville Broadcasting Co., Pottsville, Pa.—Effective date of order extended from June 29 to July 6, 1937.

#### MISCELLANEOUS

- WLBL—Radio Station WLBL, Stevens Point, Wis.—Granted 30-day authority to operate station at new location, pending filing and action on formal application for approval of new location.
- WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—The application for authority to operate on 930 kc., 1 KW, 5 KW LS, unlimited time, was granted without a hearing on February 16, 1937; the Commission reconsidered its action of February 16 and designated the application for hearing on protest of the Birmingham News Co. On June 24, the Birmingham News Co. filed a request to withdraw said protest, and the protest is accordingly dismissed.
- KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted petition to intervene upon the application of Eugene P. O'Fallon, Inc., station KFEL, Docket No. 4578, for a C. P. to use 920 kc., 1 KW, unlimited time. Dismissed opposition of the applicant.
- NEW—Harry Schwartz, Tulsa, Okla.—Granted petition of Harry Schwartz to waive provisions of Rule 104.6 (b) and accept his appearance in Docket No. 4586, application for new station at Tulsa, on 1310 kc., 250 watts, daytime.
- NEW—Wm. E. Walker and Merrill F. Chapin, d/b as Walker & Chapin, Oshkosh, Wis.—Granted petition of Walker & Chapin to accept their appearance in Docket No. 4588, application for new station at Oshkosh, 1010 kc., 250 watts, unlimited time.
- NEW—John Stewart Bryan, Petersburg, Va.—Granted petition for continuance of the consolidated hearing upon the applications of Havens & Martin, Inc. (Docket No. 4562), Petersburg Newspaper Corp. (Docket No. 4487), and John Stewart Bryan (Docket No. 4506), for construction permit to erect new broadcast station in Petersburg to operate on 1210 kc.,

100 watts night, 250 watts LS. Hearing now scheduled for July 12, 1937, to be postponed until Fall.

- KLS—Warner Brothers, Oakland, Calif.—Granted petition to intervene at hearing of application of Richard Field Lewis for a new station at Oakland, Calif., using 1160 kc., 1 KW, daytime (Docket No. 4584).
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted petition to intervene at hearing of application of Richard Field Lewis for new station at Oakland, Calif., using 1160 kc., 1 KW, daytime (Docket No. 4584).
- KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Granted petition to intervene at hearing on application of Richard Field Lewis for new station at Oakland, Calif., using 1160 kc., 1 KW, daytime (Docket No. 4584).
- NEW—Genesee Radio Corp., Flint, Mich.—Granted petition to accept the notice of appearance and statements of facts to be proved in connection with its application for a C. P. for new station on 1500 kc., 100 watts, 250 watts LS, specified hours (Docket No. 4587).
- NEW—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted petition for postponement of hearing of application of Radio Station WFNC (partnership of C. Frank Walker and Waldo W. Primm) for construction permit for new station in Fayetteville, N. C., to operate on 1210 kc., 250 watts, daytime (Docket No. 4583). Hearing now scheduled for July 12, 1937, new date to be fixed for a consolidated hearing upon the application of Radio Station WFNC and the Capitol Broadcasting Co., Inc. (Docket No. 4529).
- WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Granted petition for continuance of hearing on application for modification of construction permit to increase daytime power from 100 watts to 250 watts until LS. Hearing now scheduled for July 15, 1937, to be continued for a reasonable time subsequent to completion of construction (Docket No. 4592).
- NEW—L. L. Correll, Sr., et al., Lincoln, Nebr.—Denied petition for further hearing and intervention on application of Central States Broadcasting Co., Council Bluffs, Iowa, for C. P. for new station on 1500 kc., 100 watts, unlimited time (Docket No. 4179). Petitioner has application before Commission for C. P. for new station at Lincoln, Nebr., to operate on 1450 kc., 250 watts day, 1 KW LS, unlimited time.
- WFBR—Baltimore Radio Show, Inc., Baltimore, Md.—Denied petition for partial grant of application to authorize the use of 1 KW night, 5 KW LS, and for consideration of the application under Rule 104.7.
- NEW—A. L. Chilton, Dallas, Tex.—Granted petition to intervene in the hearing of the application of Centennial Broadcasting Corp. for new station at Dallas, Tex., to use 1500 kc., 100 watts, daytime (Docket No. 4551).
- National Broadcasting Co., Inc., New York, N. Y.—Denied petition praying that the Commission reconsider and grant application for authority to operate by remote control the experimental relay broadcast stations, W2XF, W2XK, and W8XB.
- KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted petition to intervene in the hearing on the application of Richard Field Lewis for new station at Oakland to use 1160 kc., 1 KW, daytime (Docket No. 4584).
- NEW—Voice of Detroit, Inc., Detroit, Mich.—Granted motion for continuance of hearing on application for new station to operate on 1120 kc., 500 watts night, 1 KW LS, unlimited time (Docket No. 3998). Hearing now scheduled for September 9, 1937, postponed to new date subsequent to October 15, 1937, to be fixed at convenience of the Docket.
- NEW—Saginaw Broadcasting Co., Saginaw, Mich.—Granted petition to intervene in the hearing of the application of Genesee Broadcasting Co. for new station at Flint, Mich., to operate on 1200 kc., 100 watts night, 250 watts day, specified hours (Docket No. 4587).
- KTUL—Tulsa Broadcasting Co., Tulsa, Okla.—Granted petition to intervene in the hearing on the application of United Broadcasting Co., Tulsa, Okla., for new station on 1550 kc., 1 KW, unlimited time (Docket No. 4606).
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted petition for continuance of hearing on application of WKBN for modification of construction permit to use 570 kc., 500 watts, unlimited time (Docket No. 4593). Hearing scheduled for July 15, 1937, postponed to new date to be fixed at convenience of the Docket.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted petition to deny as in case of default application of T. B. McChristy for new station at Brownwood, Tex., to use 630 kc., 250 watts, day-



time (Docket No. 4565). Denied petition of T. B. Mc-Christy to waive provisions of Rule 105.25 and accept his appearance. Also his petition to withdraw his application without prejudice.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted petition for authority to make this announcement: "This is Station WDGY with studios in Minneapolis and St. Paul."

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Denied petition for reconsideration and grant of application for modification of license (B5-ML-416) for change in frequency from 1070 kc. to 1080 kc., and change in time of operation from limited to specified hours.

KOBH—Black Hills Broadcasting Co., Rapid City, S. D.—Denied petition asking Commission to reconsider and grant without hearing application for assignment of license of KOBH (B4-AL-162).

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted request to extend the working of Rule 132 for sixty days from June 5, 1937. Also granted authority to move station locally and install new antenna. Designated for hearing application for increase in night power.

WNRI—S. George Webb, Newport, R. I.—Denied motion to reopen the record in Dockets Nos. 3857, 3836 and 3971, for purpose of taking additional testimony. Docket No. 3857 is application of S. George Webb for modification of C. P. to extend completion of construction for new station at Newport, R. I., on 1200 kc., 100 watts night, 250 watts LS, unlimited time. (Docket No. 3971), The Hartford Times, Inc., for modification of C. P. to change hours of operation of WHTT, Hartford, Conn., from daytime to unlimited, and (Docket No. 3836), E. Anthony & Sons, Inc., for C. P. to erect new station at Pawtucket, R. I., operate on 1200 kc., 100 watts night, 250 watts day, unlimited time.

NEW—United Theaters, Inc., San Juan, P. R.—Granted petition for oral argument upon its exceptions to Examiners Report No. I-407, concerning the application of Juan Piza, San Juan, P. R., for C. P. for new station on 1500 kc., 100 watts night, 250 watts LS, unlimited time (Docket No. 4309). Accepted brief submitted by United Theaters, Inc., in support of its exceptions to said Examiner's Report.

KHSL—Golden Empire Broadcasting Co., Chico, Cal.—Inasmuch as Rule 131 has now been complied with, the Division directed that a modification of license be issued to change frequency and time to 1260 kc., unlimited time, using 250 watts power.

KVI—Puget Sound Broadcasting Co., Tacoma, Wash.—Retired to closed files application for C. P. covering authority to use Old Western Elec. transmitter as auxiliary, moving same to Tacoma and using 1 KW power, which was granted April 2, 1937. Applicant has requested relinquishment of this authority, and the application granted April 2, is retired to closed files.

NEW—State Capital Broadcasting Assn., Austin, Texas.—Denied petition to rehear and consolidate in final hearing the application of State Capital Broadcasting Assn., to establish a new station to operate on 1120 kc., 500 watts night, 1 KW LS, heard by an Examiner November 10, 1936, and the application of Baton Rouge Broadcastng Co., Inc., Ex. Rep. No. 1-267.

NEW—Isadore Goldwasser, Anniston, Ala.—Denied petition requesting Commission to grant a rehearing on his application for C. P. to erect a new station to operate on 1420 kc., 100 watts, daytime. This application was denied by the Commission on April 27, 1937.

#### EXAMINERS' REPORTS RELEASED SINCE JUNE 15, 1937

NEW—Ex. Rep. 1-438: Elmira Star-Gazette Inc., Elmira, N. Y.—Examiner Robert L. Irwin recommended grant of C. P. for new station to operate on 1200 kc., 250 watts, daytime.

NEW—Ex. Rep. 1-439: Chase S. Osborn, Jr., Fresno, Cal.—Examiner John P. Bramhall recommended grant of C. P. for new station to operate on 1440 kc., 500 watts, unlimited time.

WPEN—Ex. Rep. 1-440: William Penn Broadcasting Co., Philadelphia, Pa.; and WRAX: WRAX Broadcasting Co., Philadelphia, Pa.—Examiner Tyler Berry recommended that application for authority to transfer control of Wm. Penn Broadcasting Co. and WRAX Broadcasting Co., from Clarence H. Taubel to John Iraci, be granted; that the application of WPEN for modification of license to increase power from 250 watts night, 500 watts day, to 1 KW day

and night, employing directional antenna be granted; that the application of WPEN for modification of license to change time of operation from sharing with WRAX on 920 kc., 250 watts night, 500 watts day, to unlimited time on said frequency, and requesting facilities of WRAX, be granted; contingent upon the Commission granting application for transfer of control of WPEN-WRAX from Clarence H. Taubel to John Iraci; that if these recommendations be concurred in, that the application of WRAX to increase power to 1 KW be denied. However, if these recommendations are not concurred in by the Commission, then the Examiner recommended that the application of WPEN for modification of license to increase power to 1 KW, using directional antenna and sharing with WRAX, be granted; and that the application of WRAX for modification of license to increase power to 1 KW, employing directional antenna, sharing with WPEN, be granted.

NEW—Ex. Rep. 1-441: Waterloo Times-Tribune Publishing Co., Waterloo, Ia.—Examiner George H. Hill recommended denial of C. P. for new station to operate on 1370 kc., 100 watts, daytime.

NEW—Ex. Rep. 1-442: Schuylkill Broadcasting Co., Pottsville, Pa.; and NEW: Pottsville News and Radio Corporation, Pottsville, Pa.—Examiner Melvin H. Dalberg recommended grant of application of Schuylkill Broadcasting Co. for C. P. to operate on 580 kc., 250 watts, daytime hours, and denial of application of Pottsville News & Radio Corp. for these facilities.

NEW—Ex. Rep. 1-443: Twin City Broadcasting Corp., Longview, Wash.—Examiner R. H. Hyde recommended grant of C. P. for new station to operate on 780 kc., 250 watts, daytime hours.

NEW—Ex. Rep. 1-444: William W. Ottaway, Port Huron, Mich.—Examiner John P. Bramhall recommended denial of application for C. P. for new station to operate on 1370 kc., 250 watts, daytime.

NEW—Ex. Rep. 1-445: Phillip Jackson, Brunswick, Ga.—Examiner J. P. Bramhall recommended dismissal with prejudice, of application for C. P. for new station to operate on 1420 kc., 100 watts, daytime.

WABY—Ex. Rep. 1-446: Adirondack Broadcasting Co., Inc., Albany, N. Y.—Examiner Robert L. Irwin recommended grant of application to increase power from 100 watts to 100 watts night, 250 watts day, on 1370 kc., unlimited time.

NEW—Ex. Rep. 1-447: C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, Texas.—Examiner Melvin H. Dalberg recommended dismissal without prejudice, of application for C. P. to use 1500 kc., 100 watts, unlimited time.

NEW—Ex. Rep. 1-448: Columbia Radio Co., Inc., Columbia, S. C.—Examiner Geo. H. Hill recommended denial of application for C. P. to use 1200 kc., 100 watts, unlimited time; and

NEW—Carolina Advertising Corp., Columbia, S. C.—recommended grant of application of Carolina Advertising Corp., to use 1370 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Ex. Rep. 1-449: W. E. Whitmore, Hobbs, N. Mex.—Examiner M. H. Dalberg recommended grant of C. P. for new station to operate on 1500 kc., 100 watts, daytime.

NEW—Ex. Rep. 1-450: John D. Fields, Inc., Las Vegas, Nevada.—Examiner P. W. Seward recommended dismissal with prejudice, of application for C. P. to use 1370 kc., 100 watts, unlimited time.

KROY—Ex. Rep. 1-451: Royal Miller, Sacramento, Cal.—Examiner Tyler Berry recommended denial of application for modification of C. P. to change frequency from 1210 kc. to 1340 kc.; power from 100 watts to 250 watts night, 1 KW LS, and hours of operation from daytime to unlimited.

KSD—Ex. Rep. 1-452: The Pulitzer Publishing Co., St. Louis, Mo.—Examiner P. W. Seward recommended grant of renewal of license subject to specified hours, and denial of application to operate unlimited time on 550 kc.

KFUO—Evangelical Lutheran Synod of Missouri, etc., Clayton, Mo.—Examiner Seward recommended grant of application for one-half time operation on frequency of 550 kc., and grant of renewal of license authorizing specified hours.

#### RATIFICATIONS

WMBO—WMBO, Inc., Auburn, N. Y.—Granted extension of program test period for 30 days from June 12.

W9XES—Midland Broadcasting Co., Inc., Kansas City, Mo.—Granted authority to operate as licensed for period of 30 days beginning June 19 and ending no later than July 18,

- to relay broadcast on Saturday mornings series of question and answer broadcasts.
- W9XPN—WDZ Broadcasting Co., Tuscola, Ill.—Granted authority to operate as licensed for 30 days beginning June 22, to relay broadcast various programs originating from Paterson Springs Park.
- WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted special temporary authority to operate with two 350 foot towers spaced  $5/8$  of a wave for the period June 21 and ending no later than July 20, while the 250 ft. tower is taken down and moved to the proper location in the new three element array as authorized by C. P.
- KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Cal.—Granted extension of special temporary authority to operate a 100 watt portable test transmitter between hours of 12 midnight and 6 a. m. PST, for period June 17 and ending no later than July 16, in order to make field intensity survey tests.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted special temporary authority to operate from 12 midnight to 6 a. m., EST, for period not to exceed 30 days, in order to determine proper operating constants for the most efficient operation of directional antenna; provided unattenuated field intensity at one mile in the direction of KOIL shall not exceed 99 millivolts per meter.
- KPRC—Houston Printing Corp., Houston, Tex.—Granted extension of special temporary authority to operate with power 5 KW night, for period June 23 to July 22, 1937.
- WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted extension of special temporary authority to operate simultaneously with WKBO from 10 to 11 a. m. and from 5 to 6 p. m., EST, for the period beginning June 23 and ending no later than July 22, incl., due to the adoption of Daylight Saving Time in Easton.
- W9XPW—WDZ Broadcasting Co., Tuscola, Ill.—Granted special temporary authority to operate relay broadcast transmitter of station W9XPW on the frequencies 31100, 34600, 37600 and 40600 kc., using 30 watts, for period of 30 days from June 22 and ending no later than July 21, 1937.
- WJAR—The Outlet Company, Providence, R. I.—Granted special temporary authority to operate 1 KW auxiliary transmitter as regular transmitter, for period not to exceed 30 days, pending installation of new 5 KW transmitter equipment as authorized by C. P.
- W3XPF—Farnsworth Television, Inc. of Pa., Philadelphia.—Granted extension of special temporary authority to conduct equipment tests of a 100 watt exciter unit for period June 21 to July 20, 1937.
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted special temporary authority to operate a 50-watt site test transmitter in the Rock Island-Moline area during daylight hours on frequency 1520 kc., and during experimental period at night on frequency 1210 kc., for period not to exceed 10 days.
- WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted special temporary authority to reduce daytime operating power from 5 KW to 1 KW for period beginning June 21 and ending June 30, 1937.
- KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Texas.—Granted extension of special temporary authority to remain silent for the period June 26 to July 25, 1937, preparatory to removal to Brownsville as authorized in modification of C. P.
- WQDM—Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 5 to 7:45 p. m., EST, June 26 and 30; from 2 to 6 p. m., EST, June 27 and July 4 and 18; and from 5 to 7:30 p. m., EST, July 3, 6, 8, 10, 14, 17, 20, 22 and 24, in order to broadcast sponsored baseball games.
- WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted special temporary authority to rebroadcast over station WISN the conversation carried on between exp. stations W5XAR and W5XAS of the Western Radio Telg. Co., for a period of not more than 1 hour, between June 28 and July 3, 1937, flying weather permitting.
- WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted special temporary authority to rebroadcast over station WKBB the conversation carried on between exp. stations W5XAR and W5XAS of Western Radio Telg. Co., for period not to exceed 1 hour between June 25 and June 30, flying weather permitting.
- KTMS—News Press Publishing Co., Santa Barbara, Calif.—Granted modification of C. P. for approval of transmitter site near Goleta, Calif., changes in authorized equipment and installation of directional antenna system for day and nighttime operation.
- NEW—Donald B. MacMillan, Mobile—Granted C. P. for exp. broadcast station.
- Granted petition of Doughty & Welch Electric Co., Inc. (WSAR), to intervene in the proceeding on the application of Fall River Herald News Publishing Co., for C. P. for new station at Fall River, Mass., Docket 4552.
- Granted petition of St. Petersburg Chamber of Commerce (WSUN) to intervene in the proceedings on the application of The Tribune Co. for C. P. for a new station at Tampa, Fla., Docket No. 3932, and dismissed the opposition of The Tribune Company to said petition.
- Granted petition of the Monocacy Broadcasting Co., to accept petitioner's appearance in the proceedings upon its application for C. P. for a new station at Rockville, Md., Docket 3191.
- Granted request of the St. Petersburg Chamber of Commerce for the issuance of a subpoena directing W. W. McEachern of St. Petersburg, to appear at the further hearing upon the application of Earl Weir for C. P. for new station at St. Petersburg, Fla., Docket 3868, and approved the issuance of such subpoena.
- The Broadcast Division, upon its own motion, extended the effective date of its decision on the application of Ventura County Star, Inc., et al, Docket 3469, from June 22 to June 29, 1937.
- Granted petition of Wescoast Broadcasting Co. (KPQ), to waive Rule 106.22 and to grant an order to take depositions in support of its application for C. P., Docket 4576.
- Granted petition of Superior Broadcasting Service, Inc. (WCAZ), to intervene in the proceedings upon the application of Leon M. Eisfeld for C. P., for new station at Burlington, Iowa, Docket 4502.
- Granted petition of WKBN Broadcasting Corp., to intervene in the proceedings on the application of Wm. F. Maag, Jr., for C. P. for new station at Youngstown, Ohio, Docket 4561.
- Granted petition of Red River Valley Broadcasting Corp. (KRRV), to intervene in the proceedings on the application of KCMO Broadcasting Co. (KCMO), Kansas City, Mo., for C. P., Docket 4485.
- Granted petition of Red River Valley Broadcasting Corp. (KRRV), to intervene in the proceedings on the application of L. L. Coryell, et al., Lincoln, Nebr., for C. P., Docket 4509.
- Granted petition of The Edison Electric Illuminating Co., of Boston, to intervene in the proceedings on the application of the Birmingham News Co., for C. P. for new station at Birmingham, Ala., Docket 3975.
- Denied the petition of E. E. Krebsbach, to accept his appearance, statement and affidavit and that he be allowed to participate in the hearing upon the application of KCMO Broadcasting Co., for C. P., Docket 4485.
- Granted petition of Leon M. Eisfeld requesting continuance of hearing on his application for C. P. for a new station at Burlington, Iowa, Docket 4502, and directed that the new hearing date be fixed at the convenience of the docket.
- Granted petition of Harry Schwartz for orders to take depositions at Tulsa, Sapulpa, and Sand Springs, Okla., in support of his application for a new station at Tulsa, Okla., Docket 4586.
- Granted request of Utica WUTK, Inc., for continuance of hearing date upon its application for C. P. for a new station at Utica, N. Y., Docket 4566, and directed that a new hearing date be fixed at the convenience of the docket.
- Granted petition of Cleveland Radio Broadcasting Corp., to intervene in the proceedings on the application of Great Lakes Broadcasting Corp. for construction permits for new station at Cleveland, Docket 4591.
- Granted motion of Herbert Lee Blye requesting that hearing date on his application for C. P. for new station at Lima, Ohio, Docket 4575, be postponed, and directed that the new date for hearing be fixed at the convenience of the docket.
- Granted motion of Jules J. Rubens requesting that date for hearing on his application for C. P. at Aurora, Ill., Docket 4579, be continued, and directed that the new date for hearing be fixed at convenience of the dockets.
- Granted petition of R. B. Broyles Furniture Co. (WSGN), Birmingham, Ala., to intervene in the proceedings on the application of the Birmingham News Co. for C. P. for a new station at Birmingham, Ala., Docket 3975.
- Granted petition of Earl Weir, St. Petersburg, Fla., requesting that hearing upon his application for C. P. for a new station at St. Petersburg, Docket 3868, be continued, and directed that the

new hearing date be fixed at a date in September, 1937, at the convenience of the dockets.

Granted motion of the Centennial Broadcasting Corp., requesting that the hearing on its application for C. P. for new station at Dallas, Texas, Docket 4551 be continued from July 2 to 15, 1937.

Granted petition of Southern Broadcasting Corp., Bogolusa, La., to intervene in the proceedings on the application of WSMB, Inc., New Orleans, La., for C. P. Docket 4530.

Granted petition of the Houston Printing Corp., to intervene in the proceedings on the application of Dr. Wm. States Jacobs Broadcasting Co. for C. P. for new station at Houston, Texas, Docket 4269.

Granted petition of Southern Broadcasting Corp., Bogolusa, La., to intervene in the proceedings on the application of WDSU, Inc., New Orleans, La., for C. P., Docket 4574.

Granted petition of the Tribune Building Co. (KXL), to intervene in the proceedings on the application of Richard Field Lewis for C. P. for a new station at Oakland, Cal. Docket 4584.

Granted petition of WLAC, Nashville, and the Yankee Network, Inc. (WNAC and WAAB), Boston, Mass., requesting that oral argument on the application of The Northern Corp. (WMEX) for C. P., Docket 4171, now scheduled for July 1, be postponed until such time as oral argument is had on the application of the Mass. Broadcasting Corp. (WCOP) for C. P., Docket 3332. The Broadcast Division dismissed the opposition of the Mass. Broadcasting Corp. to said petition.

Denied petition of L. L. Coryell and Son in so far as it requests the reinstatement of the applications of L. L. Coryell and Son, Docket 4509, and Cornbelt Broadcasting Corp., Docket 4604, upon the hearing calendar for June 28, and dismissed the petition in so far as it requests that the hearing date on the application of KCMO Broadcasting Co., Docket 4485, be continued.

Denied the petition of KCMO Broadcasting Co. in so far as it requests the reinstatement of the applications of L. L. Coryell and Son, Docket 4509, and Cornbelt Broadcasting Corp., Docket 4604, upon the hearing calendar for June 28, 1937, and dismissed the petition in so far as it opposes a continuance of the hearing date on its application, Docket 4485.

Dismissed application of KIUL, Garden City Broadcasting Co., Garden City, Kans., for Voluntary Assignment of License to KIUL, Inc., and directed that an order be entered accordingly and forwarded to all interested parties.

Denied the motion of Power City Broadcasting Corporation to postpone the effective date of the order of the Broadcast Division entered on February 9, 1937, denying the application of Power City Broadcasting Corp., for C. P. to erect a new station at Niagara Falls, N. Y. Docket 3839.

## APPLICATIONS RECEIVED

### First Zone

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—  
920 License to cover construction permit (B1-P-1751) for changes in equipment.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan &  
1390 Bostwick, St. Albans, Vt.—Modification of license to change hours of operation from specified hours to daytime to local sunset at Cleveland, Ohio. Amended to request daytime only hours of operation.

W1XQ—Broadcasting Service Organization, Inc., Boston, Mass.—  
License to cover construction permit for high frequency relay broadcast station (B1-PRE-54).

### Second Zone

WICA—C. A. Rowley, Ashtabula, Ohio.—Modification of construction  
940 permit (B2-P-756) for new station, requesting approval of vertical antenna, changes in transmitting equipment, and approval of transmitter site at 3 miles south of Ashtabula on Jefferson Road on R. Humphrey Farm, Ashtabula, and studio at 221 Center Street, Ashtabula, Ohio.

WJAC—WJAC, Inc., Johnstown, Pa.—Authority to install auto-  
1310 matic frequency control apparatus.

WMBG—Havens & Martin, Inc., Richmond, Va.—License to cover  
1350 construction permit (B2-P-338) as modified for changes in frequency, power, time, install new transmitter, and directional antenna for day and night, and move of transmitter.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Con-  
1450 struction permit for installation of new transmitter and increase in power from 500 watts, 1 KW day, to 5 KW day and night. Amended: equipment changes, installation of directional antenna for night use, and change requested power from 5 KW to 1 KW night, 5 KW day.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction per-  
1510 mit to change frequency from 1500 kc. to 1510 kc.; increase power from 100 watts night, 250 watts day, to 1 KW day and night; install new equipment; move transmitter from 12897 Woodward Avenue, Highland Park, Mich., to site to be determined, antenna system to be determined.

NEW—Reading Broadcasting Co., Reading, Pa.—Construction per-  
mit for a new high frequency relay broadcasting station on  
31100, 34600, 37600, 40600 kc., power 10 watts.

W3XGM—Reading Broadcasting Co., Reading, Pa.—License to  
cover construction permit (B2-MPRE-2) for high frequency  
relay broadcast station.

### Third Zone

WGCM—WGCM, Inc., Mississippi City, Miss.—License to cover  
1210 construction permit (B3-P-1445) for a new transmitter.

NEW—Ward Optical Co., Dr. T. B. Ward, Owner, Fayetteville,  
1310 Ark.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to make changes in antenna.

KCMC—KCMC, Inc., Texarkana, Tex.—Authority to determine  
1420 operating power by direct measurement of antenna.

NEW—W. C. Irvin, Amarillo, Tex.—Construction permit to erect  
1500 a new broadcast station to be operated on 1500 kc., 100 watts night power and 250 watts day power, unlimited time.

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Modification of  
1500 construction permit (B3-P-1198) to make changes in authorized equipment, for approval of vertical antenna and approval of transmitter and studio sites at Dade Blvd. and Bay Road, Miami Beach, Fla.

KNEL—G. L. Burns, Brady, Tex.—License to cover construction  
1500 permit (B3-P-1551) to make changes in equipment and increase power.

NEW—Sam Houston Broadcasting Assn., H. G. Webster, President,  
1500 Huntsville, Tex.—Construction permit for a new station on 1500 kc., 100 watts, daytime.

### Fourth Zone

NEW—John P. Harris, Hutchinson, Kans.—Construction permit  
710 for a new station to be operated on 1200 kc., 100 watts night, 250 watts day, unlimited time. Amended to make changes in requested equipment; change frequency from 1200 kc. to 710 kc., power from 100 watts night, 250 watts day, to 1 KW, and hours of operation from unlimited time to daytime.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—  
1210 Modification of construction permit (B4-P-1569) for changes in equipment and increase in power, further requesting changes in equipment.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—  
1360 Modification of construction permit (B4-P-1599) to extend commencement date from 6-16-37 to 10-1-37.

NEW—Carl Latenser, Atchison, Kans.—Construction permit for  
1420 new station to be operated on 1420 kc., 100 watts power, daytime operation.

W9XQV—Rockford Broadcasters, Inc., Rockford, Ill.—Modifica-  
tion of construction permit (B4-PRE-77) for changes of  
equipment.

WAAR—Rockford Broadcasters, Inc., Rockford, Ill.—Modification  
of construction permit (B4-PRY-22) for changes in equip-  
ment, reduce power from 50 to 40 watts.

### Fifth Zone

KSEI—Radio Service Corp., Pocatello, Idaho.—Modification of  
900 license to change power from 250 watts night, 1 KW day, to 500 watts night and 1 KW day.

KTKC—Tulare-Kings Counties Radio Associates, Chas. A. Whit-  
1190 more, President, Visalia, Calif.—Modification of construction permit (B5-P-816) as modified for a new station, requesting changes in authorized equipment and antenna.

NEW—Sims Broadcasting Co., Bartley T. Sims, Manager, Globe,  
1210 Ariz.—Construction permit to erect a new broadcast station to be operated on 1210 kc., 100 watts night and 250 watts day power, unlimited hours of operation. Amended to give transmitter site as 1.1 miles south of the city of Globe, Ariz.

**1250** KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Modification of construction permit (B5-P-650) for new equipment, increase in power, requesting changes in equipment, approval of antenna and approval of transmitter site at 5½ miles northeast of Long Beach, Calif. Amended to make changes in requested equipment, change requested transmitter site from 5½ miles northeast Long Beach, Calif., to South St. and Bellflower Blvd., near Long Beach, Calif., and change studio site from 220 E. Anaheim St., Long Beach, Calif., to Carson St. and Lakewood Blvd., near Long Beach, Calif.

**1310** KIT—Carl E. Haymond, Yakima, Wash.—Modification of construction permit (B5-P-1115) for a new transmitter and vertical antenna; change in frequency; increase in power; and move of transmitter, requesting approval of transmitter site at Yakima County, Washington. Amended to give

transmitter site as intersection Washington Avenue and Northern Pacific Right of Way, 1 mile south of city limits, Yakima, Wash.

**1340** KGIR—KGIR, Inc., Butte, Mont.—Authority to determine operating power by direct measurement.

**1310** KOKO—The Southwest Broadcasting Co., La Junta, Colo.—License to cover construction permit (B5-P-1120) for a new station.

**1490** KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Construction permit to install a new transmitter and increase power from 5 KW to 10 KW.

**NEW**—The KLZ Broadcasting Company, Denver, Colo.—Construction permit for new high frequency broadcast station on 31600, 35600, 38600, 41000 kc., power 100 watts, unlimited time.

## NAB REPORTS

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 JULY 8, 1937

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### NAB PRESIDENT INVITES MEMBERS TO VISIT HIM AT HEADQUARTERS

John Elmer, new NAB President, as announced last week, will spend one day (Thursday) each week at NAB headquarters; and invites members to visit him there between the hours of 10 a. m. and 4 p. m.

### FCC GRANTS ELEVEN NEW STATIONS

The Federal Communications Commission has granted construction permits for eleven new broadcasting stations as follows:

To the Community Broadcasting Company, Toledo, Ohio, new station to operate on 1200 kilocycles, 100 watts, daytime, effective August 3.

To the Telegraph Herald, Dubuque, Iowa, new station to operate on 1340 kilocycles, 500 watts, daytime, effective July 27.

To the Times Publishing Company, St. Cloud, Minn., new station to operate on 1420 kilocycles, 100 watts, unlimited time, effective August 3.

To George Harm, Fresno, Cal., new station to operate on 1310 kilocycles, 100 watts, unlimited time, effective August 10.

To Hildreth & Rogers Company, Lawrence, Mass., new station to operate on 680 kilocycles, 1,000 watts, daytime, effective August 10.

To Harold Thomas, Pittsfield, Mass., new station to operate on 1310 kilocycles, 100 watts night, 250 watts day, unlimited time, effective July 20.

To the Central Broadcasting Corporation, Centralia, Wash., new station to operate on 1440 kilocycles, 500 watts, unlimited time, effective July 20.

To Frank M. Stearns, Salisbury, Md., new station to operate on 1200 kilocycles, 250 watts, daytime, effective July 27.

To the Sioux City Broadcasting Company, Sioux City, Ia., new station to operate on 1420 kilocycles, 100 watts night and 250 watts LS unlimited time, effective August 17.

To State Capitol Broadcasting Association, Austin, Texas, new station to operate on 1120 kilocycles, 1,000 watts daytime, specified hours, effective August 17.

To the Red Lands Broadcasting Association, Lufkin, Texas, new station to operate on 1310 kilocycles, 100 watts, daytime, effective September 21,

### ADDITIONAL TIME RECOMMENDED FOR WBLK

Broadcasting station WBLK, Clarksburg, W. Va., operating on 1370 kilocycles, with 100 watts power, daytime, applied to the Federal Communications Commission for unlimited time.

Examiner P. W. Seward in Report No. I-456 recommended that the additional time be granted. He found that the evidence showed a need for additional nighttime service in the area proposed to be served and that granting of the application would be in the public interest.

### RECOMMENDS DENIAL TRANSFER OF LICENSE

Frank P. Doherty, of Radio Broadcasters, Inc., licensee of broadcasting station KRKD, Los Angeles, Cal., applied to the Federal Communications Commission to transfer the control of the corporation to J. F. Burke, Sr., and Loyal K. King. The station operates on 1120 kilocycles, 500 watts and 2,500 watts LS, sharing time with KFSG.

Examiner P. W. Seward in Report No. I-457 recommended that the application be denied. He found that "the granting of this application would be in violation of Sections 301 and 310 of the Communications Act of 1934, and would not be in the public interest."

### WHITE INTRODUCES RADIO INVESTIGATION RESOLUTION

Senator White of Maine on Tuesday introduced a resolution (S. Res. 149) calling for an investigation of the broadcasting industry by the Senate Committee on Interstate Commerce. The resolution, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

Whereas the Communications Act of 1934 declared it to be the purpose of Congress—

#### IN THIS ISSUE

	Page
NAB President Invites Members to Visit Him at Headquarters . . . . .	2195
FCC Grants Eleven New Stations . . . . .	2195
Additional Time Recommended for WBLK . . . . .	2195
Recommends Denial Transfer of License . . . . .	2195
White Introduces Radio Investigation Resolution . . . . .	2195
Court of Appeals Decides Radio Case . . . . .	2198
Federal Trade Commission Action . . . . .	2203
FTC Closes Cases . . . . .	2205
Federal Communications Commission Action . . . . .	2205

(a) To maintain the control of the United States over all the channels of interstate and foreign radio transmission; to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time under licenses granted by Federal authority, and that no such licenses should be construed to create any right beyond the terms, conditions, and periods thereof;

(b) That no station license should be granted until the applicant therefor had signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of such frequency;

(c) That there should be no transfer or assignment of a station license or the frequency authorized to be used without the consent in writing of the licensing authority, to the end that technical considerations, citizenship, character, the financial, and other qualifications of a transferee or assignee should be taken into account in determining whether a transferee or assignee possessed the statutory qualifications of a license holder and that his use of a frequency would be in the public interest;

(d) That the people of the different States and the communities thereof should have efficient and equitable radio service;

(e) That broadcasting licenses should not be for a longer term than 3 years, but with the right of the Commission to grant a renewal from time to time upon the same considerations which justified the original license;

(f) That the Commission should include in the license granted to a licensee engaged in foreign communication such of the terms, conditions, or restrictions which the President might impose with respect to cable licenses under the act relating to the landing and operating of submarine cables in the United States, approved May 27, 1921, as would make certain just and reasonable rates and service and that a licensee should not enjoy exclusive rights of operation;

(g) That all laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, and agreements in restraint of trade should be applicable to the manufacture and sale of and trade in radio apparatus and devices entering into or affecting interstate or foreign radio communication, and that should any licensee be guilty of any violation of such laws his license should be revoked;

(h) That a station license should be refused any person unlawfully monopolizing or attempting unlawfully to monopolize radio communication through control of the manufacture or sale of radio apparatus through exclusive traffic arrangements, or by any other means, or to any person having used unfair methods of competition;

(i) That there should be no combination between wire companies and radio companies if the purpose or effect thereof was to lessen competition in interstate or foreign communication; and

Whereas it has been charged among other things and is believed by many persons that rights in frequencies beyond the terms of licenses are being asserted by the holders thereof and recognized by the Federal Communications Commission; that licenses, though in form limited in time as provided by law, and the frequencies therein granted, are being treated by the holders and the users thereof and by the Commission as though granted for much longer terms than designated in the licenses; that the licensing authority has in effect recognized vested property rights of great value in licenses and in frequencies contrary to the letter and spirit of the law; that by various devices and means control of licenses and of frequencies have passed to others than the original licensee without the written approval of the Commission or with Commission approval given in disregard of congressional purpose; that persons and companies have been engaged in the acquisition and sale of broadcasting stations, licenses, and frequencies; that the licensing authority has permitted concentration of stations in some parts of the country and has failed to give equitable radio service to the people of the several States and the communities thereof; that with the approval of the Commission there has come about a monopolistic concentration of ownership or control of stations in the chain companies of the United States that through exclusive traffic arrangements and otherwise monopolistic control of the facilities of foreign communication by radio is being accomplished, and that the acts and attitude of the Commission are aiding and encouraging such monopoly; that the Commission in its decision of causes disregards its own rules and standards; that in the determination of matters before it the Commission has been affected and controlled by political and other influences not contemplated by statute and not entitled to consideration by a regulatory and quasi-judicial body; and that it has failed to observe and effectuate the purposes of the Congress and the laws enacted by it in the foregoing and other respects: Therefore be it

*Resolved*, That the Committee on Interstate Commerce is authorized and directed to make a thorough and complete investigation of the broadcasting industry in the United States and of broadcasting, and of the acts, rules, regulations, and policies of the Federal Communications Commission with respect to broadcasting and to report to the Senate the results thereof.

In particular, but not to the exclusion of other matters, the said committee is authorized and directed to make and to report to the Senate the results of an investigation and study of—

(1) The cases, if any, in which the Commission has departed from or has modified the application of its regulations and the engineering and other standards generally observed by it, together with the reasons for each such departure or modification;

(2) All acts by the Commission which recognize or seem to recognize the right of a licensee to a license or a frequency other than as specified in the terms, conditions, and time of the license;

(3) Whether the acts and decisions of the Commission in broadcasting cases have been influenced by matters not apparent in the public records;

(4) The geographical distribution of broadcasting facilities and whether there is an equitable distribution of broadcast service to all parts of the country; and if not, what steps should be taken to provide fair and equitable service throughout the United States;

(5) The extent to which broadcast stations have been concentrated in the larger communities of the country by transfer of stations from smaller communities to such centers or otherwise;

(6) The extent to which and the circumstances under which the ownership, control, management, or interest in more than a single broadcast station has passed into the hands of any person or group of persons;

(7) The circumstances surrounding and the considerations for the voluntary transfer of station licenses or construction permits;

(8) Instances of the transfer of minority interests in broadcasting-station licensees, and all transactions directly or indirectly affecting the control of such licensees, and whether said transfers have or have not been submitted to the Commission for approval and have received Commission approval or acquiescence;

(9) The sale price of any broadcasting station in any manner sold and transferred, together with a statement of the fair value of the physical assets and of other property, rights, contracts, and licenses involved in said sales, and in particular the value placed by the parties to the transaction upon the frequency licensed to be used;

(10) The sale of stock or other securities of any broadcasting stations, of any licensees, or of any person or persons directly or indirectly controlling such licensees, and the valuation put by the person transferring the same upon the station license or the frequency, the power or the hours of operation fixed in the station license, and the circumstances surrounding and the consideration for such sales and transfers and as to the participation in the negotiations for such sales and transfers by any person other than the seller and purchaser, the transferor and the transferee;

(11) The licensing of broadcast stations to persons other than the owners of the physical equipment, and in particular all cases involving the leasing of transmitting equipment;

(12) The surrender of control of facilities by licensees including all agreements to accept proffered programs with or without supervision by the licensee;

(13) All acts or assertions by broadcast station licensees which involve the claim to any right or interest

beyond the terms, conditions, and periods of the license;

(14) Whether considerations have been paid or promised to any licensee or permittee for not interposing objection to an application for all or a part of his facilities or for other facilities which could not be granted without disregard for the Commission's rules or its standards except with the consent of such licensee or permittee;

(15) All cases in which persons whose applications for the renewal of a broadcasting license have been refused by the Commission, have received from persons licensed to use the facilities for which renewal of license has been refused, money or other consideration in excess of the value of the physical equipment taken off the air and sold to the new licensee;

(16) Cases in which the real parties in interest in any application for broadcast facilities have not been disclosed to the Commission;

(17) The extent to which holding or other intermediate companies or persons have been employed in the ownership or control of broadcast stations and the effect of such intermediate ownership or control upon the effective regulation of broadcasting;

(18) The investments by licensees in the stations authorized to be operated by them, including the investment in equipment and in other items of cost;

(19) The charges for the use of station facilities and the profit or loss resulting therefrom;

(20) The extent to which broadcast stations are used to build up other businesses or enterprises in which the station licensees or persons financially interested in the licensees are engaged; the extent to which the facilities of broadcast stations are refused or are granted conditionally to competitors of such other businesses or enterprises, and the effect of the ownership and use of such radio facilities upon the businesses of those in competition with the businesses of those having the radio facilities;

(21) The extent to which broadcast stations are owned or controlled by or are affiliated with newspapers or other media of information or entertainment, and the effect of such ownership, control, or affiliation upon competing newspapers not possessing such facilities and upon the public interest;

(22) The development and present facts concerning broadcasting networks or chains, including the effects of chain association upon the licensee's control over his station;

(23) The effect of chain operations upon the financial results and status of chain-affiliated stations and independent stations, the ability of the chain-owned or affiliated station to render a local service, both sustaining and commercial and the duplication of broadcast programs; and the desirability of special regulations governing chains and stations engaged in chain broadcasting;

(24) The extent to which licensees of broadcast sta-

tions censor or refuse programs offered to them for transmission and the reasons for and the effects of such censorship or refusal;

(25) The extent to which, the basis upon which, and the times at which broadcast stations carry programs relating to public affairs, education, religion, labor, agriculture, charity, and public service generally;

(26) The extent to which and basis upon which broadcast stations carry programs offered by or on behalf of candidates for public office or programs relating to controversial subjects in the field of National, State, or local politics; and

(27) The extent to which, the basis upon which, the manner in which, and the times at which broadcast stations are used for commercial programs, including programs advertising products claimed to have medicinal or therapeutic value and programs relating to products or services, the sale or use of which may be illegal in any State in which the programs of the station carrying such programs may be received, the time given by the several classes of stations to commercial advertising or sales talk in the programs broadcast, and whether there should be control or regulation of advertising by radio and the character and extent thereof;

Said committee is further authorized and directed to make and report to the Senate the facts with respect to:

(1) Competition between wire companies in communication between the United States and foreign countries, between radio companies in such foreign communication, and between wire and radio companies in this field of foreign communication.

(2) Instances in which the Commission has granted licenses for transmission in foreign communication or has refused or withheld action upon applications for licenses and frequencies in this field of communication, and whether such action by the Commission or its nonaction, has been with the purpose or has had the effect of aiding one company in this branch of communications or of destroying or lessening competition between American companies in foreign communication.

(3) The extent to which companies engaged in radio communication between the United States and any foreign country have entered into exclusive traffic arrangements or other agreements with the purpose or effect of securing a monopoly in such communication or of lessening competition therein and the effect of such arrangements or agreements upon competing American companies.

Said committee is further authorized and directed to make a study of the policies and principles which should be declared and made effective in legislation providing for the regulation and control of the radio industry, of broadcasting, and of interstate and foreign communication by radio.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized

to hold such hearings, to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth Congress, to employ such experts, and clerical, stenographic, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents, to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed \_\_\_\_\_, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

### COURT OF APPEALS DECIDES RADIO CASE

The United States Court of Appeals for the District of Columbia handed down decisions in two radio cases. Mr. Justice Stephens dissented. The opinions are as follows:

#### UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA,

Nos. 6772 and 6773.

EASTLAND COMPANY, A Corporation, APPELLANT,  
v.

FEDERAL COMMUNICATIONS COMMISSION, PORTLAND BROADCASTING SYSTEM, INCORPORATED, INTERVENER.

CONGRESS SQUARE HOTEL COMPANY, A Corporation, APPELLANT,

v.

FEDERAL COMMUNICATIONS COMMISSION, PORTLAND BROADCASTING SYSTEM, INCORPORATED, INTERVENER.

Appeal from the Federal Communications Commission.

Decided June 28, 1937.

*Paul M. Segal and George S. Smith*, both of Washington, D. C., for appellants.

*Arthur W. Scharfeld and Philip G. Loucks*, both of Washington, D. C., for intervener.

*Hampson Gary, George B. Porter, Fanny Neyman, and F. W. Fletcher*, all of Washington, D. C., for appellees.

Before MARTIN, Chief Justice, and ROBB, VAN ORSDER, GRONER, and STEPHENS, Associate Justices.

MARTIN, *Chief Justice*: These appeals are brought under sections 402 (b) and (c) of the Communications Act of 1934, 48 Stat. 1064, relating to the granting by the Federal Communications Commission of licenses for



the construction and operation of radio broadcasting stations. The authority of this court in such cases is defined by subsection (e) of the Act, as follows:

“\* \* \* that the review by the court shall be limited to questions of law, and that findings of fact by the commission, if supported by substantial evidence shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. \* \* \*”

The decision of the Commission in the cases now upon appeal relates to certain applications of the Portland Broadcasting System, Inc., hereinafter called the Portland System, the Eastland Company, and the Congress Square Hotel Company, as intervener, for licenses permitting the use of broadcasting frequency 640 kc. for limited time of operation.

In addition to these applications, ten others involving numerous requests and proposals relating to broadcasting frequency 640 kc., were heard and denied by the Commission concurrently with those herein appealed. No appeal, however, was taken in any of the other ten applications. The present hearing therefore is confined to the appeals wherein the Eastland Company and the Congress Square Hotel Company, respectively, are appellants, in both of which the Portland System is appellee.

On April 5, 1934, the Portland System, a Maine corporation, applied to the Commission for authorization to construct a new radio station at the city of Portland, Maine, for unlimited daytime operation upon frequency 640 kc., with 500 watts power, “call letters new”.

On August 3, 1934, the Eastland Company, also a Maine corporation, applied to the Commission for authorization to construct a new radio station at the city of Portland, Maine, for unlimited daytime operation upon frequency 640 kc., power 100 watts, “call letters new”.

At the time in question the Congress Square Hotel Company was the owner and licensee of an existing radio broadcasting station at Portland, Maine, known by the call letters WCSH, it being the only broadcasting station in Portland at that time. It operated upon frequency 940 kc., with power of 1 kw. nighttime, 2½ kw. daytime, and unlimited hours of operation. This station, which was owned by the Eastland Company, opposed the granting of the application of the Portland System for authority to construct a new broadcasting station at Portland, and it has appealed from the Commission’s order granting such application. The appeal of station WCSH is based chiefly upon the ground that such a station would unjustly prejudice the broadcasting patronage of that station.

It may be noted that the contestants both apply for authorization to use frequency 640 kc. in the stations proposed by them. This is a clear channel under the Commission’s Rule 72, that is a channel upon which only a single station is permitted to operate during night hours.

During daylight hours, however, it is possible to allow duplication on such a frequency, inasmuch as (according to the theories of those learned in the art) the so-called sky-wave or ray, which is reflected in the upper atmosphere during the night hours, does not return to earth with sufficient intensity to cause interference. Such stations are designated by Rule 77 of the Commission as “limited time” stations. The frequency 640 kc. was regularly assigned by the Commission to broadcasting station KFI, located at Los Angeles, California, and accordingly the applications herein in question were for daytime operation only.

The Commission after hearing the present applications, granted that of the Portland System, denied that of the Eastland Company, and concurrently overruled the objection of the Congress Square Hotel Company. The present appeals were then taken.

The Brief of the appellants sets out four contentions in support of their appeals. The first of these reads as follows:

“1. The order and decision of the Broadcasting Division are invalid as having been made by a division of the Commission, the majority of which neither heard the evidence nor passed upon a report thereof.”

Upon an examination of the record we are convinced that this contention must be overruled.

Under section 4 (a) of the Communications Act, *supra*, it is provided that the Federal Communications Commission shall be composed of seven commissioners. Under section 5 (a) it is provided that the Commission is authorized by its order to divide the members thereof into not more than three divisions each to consist of not less than three members, and that any commissioner may be assigned to and may serve upon such division as the Commission may direct; and in case of a vacancy in any division the chairman of the Commission may temporarily serve. By section 5 (b) it is provided that the Commission may assign or refer any of its work or functions to any of such divisions for action thereon. By section 5 (c) it is provided that each division so constituted shall have power and authority by a majority thereof to hear and determine as to any of the work or functions assigned to it for action by the Commission, and shall have all the jurisdiction and power conferred by law upon the Commission and be subject to the same duties and obligations, and that any decision made by such division in respect of any matter so assigned to it shall have the same force and effect as if made by the Commission.

Under Commission Order No. 1, passed July 17, 1934, Commissioners Gary, Brown, and Sykes were assigned for duty on the Broadcasting Division, and served as such when the applications involved in this case came on for hearing, to wit, from October 22 to November 2, 1934. On January 1, 1935, Commissioner Gary resigned,

and was succeeded by Commissioner Prall. On March 9, 1935, Commissioner Brown was assigned to the Telegraph Division, and was succeeded as a member of the Broadcasting Division by Commissioner Case. The applications involved in this case were decided on May 1, 1936, by the Broadcasting Division composed of Commissioners Sykes, Case, and Prall.

The record discloses that oral testimony was introduced in the case beginning October 22, 1934 and that afterwards various depositions and publications were introduced as evidence in the case. Accordingly on May 1, 1936 the Division which entered the decision in the case was composed of commissioners who had not heard the oral testimony but nevertheless had been members of the Division for more than a year prior to the date of the decision, and during that time the stenographic reports of the oral testimony and copies of the written evidence were all in their possession and under consideration by them.

No question is raised by the appellants as to lack of notice, or opportunity to present evidence and file briefs or as to the manner in which the hearing itself was conducted. The appellants were accorded ample and timely notice and a full opportunity to be heard. The commissioners who entered the decision report that they had fully considered the evidence and the entire record of the case.

The contention of appellants is that they were entitled to have their case passed upon by the identical members of the Broadcasting Division who sat at the presentation of all of the evidence in the case, and that the procedure followed amounted to a denial of a lawful hearing and trial of the case, inasmuch as two members who joined in the decision did not hear the oral evidence when delivered by the witnesses in person.

In our opinion the partial change in the personnel of the Division which decided the case did not invalidate its decision, for it was nevertheless the decision of the Division which acted upon the evidence.

In section 4, subsection (j), of the Act, *supra*, it is provided that:

"The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested. The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense."

Rule 106.8 of the Commission, provides as follows:

"106.8 Except as otherwise provided herein, the rules of evidence governing civil proceedings in the courts of the United States shall govern formal hearings before the Commission; *Provided, however,* That the Commission reserves the right to relax such rules in any case where in its judgment the ends of justice will be better served by so doing."

It is provided by sections 409 (a) and (e) of the Act, *supra*, as follows:

"Sec. 409 (a) Any member or examiner of the Commission, or the director of any division, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission; except that in the administration of Title III [relating to broadcasting] an examiner may not be authorized to exercise such powers with respect to a matter involving (1) a change of policy by the Commission, \* \* \*".

"(e) The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. \* \* \*"

The testimony in the present case according to statute would have been taken by an examiner and reported to the Commission but this course was not followed inasmuch as the questions raised by the ten application not involved in this appeal concerned a "change of policy" of the Commission. It is plain that much of the testimony in such cases must be received by the Commission in stenographic reports, inasmuch as the Commission's jurisdiction extends throughout the entire country and it would often be very expensive for witnesses to come to Washington to testify orally and impossible for the Commission personally to go to various different parts of the country to hear oral evidence. See: *Garden City Feeder Co. v. Commissioner of Int. Rev.*, 75 F. (2d) 804; *Van Buren Water Works v. Van Buren*, 152 Ark. 83; *State ex rel American Telechronometer Co. v. Baker*, 164 Wash. 483; *Union Public Service v. Corporation Commission*, 140 Kan. 722.

In the *Telechronometer case, supra*, the court said:

"The members of the department who made the order \* \* \* were the lawfully constituted department of public works, they had before them the entire record, and it was their duty to enter such order thereon as in their opinion was proper \* \* \* the fact that changes took place in the personnel of the department during the course of the hearing avails respondent nothing in its attack upon the order which is the basis for this proceeding."

Moreover, it is provided by section 409 (e) of the act that the Commission may grant a rehearing of any deci-

sion made by a Division, or by the Commission, if sufficient reason appear therefor.

No motion, however, was made by appellants for a rehearing before the Division, nor before the Commission. It seems therefore that no injustice has resulted to appellants because of the circumstances attending the hearing of the case.

The remaining contentions of the appellants challenge the findings of the Commission upon the facts as disclosed by the evidence. In respect to these findings it must be remembered that the court is not to be governed only by the weight of the evidence in cases of contradictions, but must affirm the decision of the Commission as to the facts, if supported by substantial evidence, unless the decision is "arbitrary or capricious."

The appellants for their second contention claim that the order and decision of the Broadcasting Division are in violation of the Commission's rule against repetition of applications. We think this contention is not well founded. The record discloses that in February 1934 the Commission denied an application of the Portland Maine Publishing Company for authorization to erect a new radio broadcasting station in Portland. In April 1934 the Commission received the application from the Portland System which is now in question. The record discloses that these are separate corporations and that the Portland and Maine Publishing Company holds less than half of the stock of the Portland System, and that the latter company is not controlled by the former one. The testimony upon this subject is made the basis of conflicting claims by the parties, but we think that it is sufficient to support the Commission's decision.

The appellants also contend that it was error for the Commission to grant the application of the Portland System without a showing that the applicant was financially able to construct and operate the proposed station. Upon this subject, however, the Commission makes the following statement in its decision:

"However in view of the fact that the applicant corporation already has paid into its treasury \$25,000 in cash, and the testimony under oath of its principal witnesses that the additional \$25,000 will be forthcoming, we believe any doubts which may be raised in this record as to the financial ability of the Portland Broadcasting System, or the legal or financial ability of the Portland Maine Publishing Company to pay for the stock in the applicant corporation for which it has subscribed, should be resolved in favor of the applicant and the publishing company."

We think the testimony is sufficient to support this finding.

The appellants for their fourth contention claim as follows:

"The denial of the application of the Eastland Company and the granting of that of the Portland Broadcasting System, Inc., violated the facilities-distribution section of the Communications Act of 1934 and the quota regulations of the Commission."

The act of 1934, commonly known as the "Davis Amendment", 45 Stat. 373, provides "That the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. \* \* \*"

Under this statute the Commission by paragraph 6 (g) of its Rules, has provided:

"(g) Since the act provides for the equalizing of radio facilities among zones and among States, 'as nearly as possible', the Commission may allow a slight departure, plus or minus, from an exact mathematical estimate."

It appears from the record that at the time of the hearing the State of Maine and first zone were under quota on both day and night assignments; that the grant of Portland System's application adds to the quota of the State of Maine and first zone 0.15 units night and 0.3 units day. This would make the State over quota .08 units night and leave it under quota 0.49 units day. The first zone would still be under quota 1.84 units night and 22.45 units day. The Commission was of the opinion and so found that the increase in night quota of the State occasioned by the grant of the Portland System's application, which brought its assigned quota slightly over that due, was justified in view of the need shown, and was consistent with the terms of the Davis amendment which provides for "equal" facilities "as nearly as possible".

The Commission was also of the opinion that the evidence in the record affirmatively indicated that the city of Portland, County of Cumberland, could well support an additional radio broadcasting station without affecting adversely the services of radio station WCSH or the income or revenues of the Congress Square Hotel Company, licensee thereof and intervener herein. This was the only ground upon which the intervention of the latter company was made and the finding is therefore conclusive of its contention.

The Commission concludes its decision as follows: "This brings us to the application of the Portland Broadcasting System for a new station in Portland, Maine. It

appears from the record, and we so find, that this applicant is legally, technically, financially and otherwise qualified to operate a station of the kind and class applied for; that the service proposed by this applicant appears to be meritorious and of interest to the listening public in that area; that this application may be granted without resulting in interference to the fair and efficient service of any other existing station, and that public interest, convenience and necessity will be served by the granting of this application."

The decision of the Federal Communications Commission is hereby affirmed.

STEPHENS, *Associate Justice*: I dissent. As I understand the facts the witnesses were heard and the argument had before Commissioners Gary, Brown and Sykes, but the decision was rendered by Commissioners Sykes, Case and Prall.

Two modes of procedure are available under the statute. Under Section 409 (a) [48 Stat. 1096, 47 U. S. C. A. § 409 (a) (Supp. 1936)] it is required that "In all cases heard by an examiner the Commission shall hear oral arguments on the request of either party." Under Section 309 (a) [48 Stat. 1085, 47 U. S. C. A. § 309 (a) (Supp. 1936)], where no hearing before an examiner is contemplated, it is provided that the "Commission . . . shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe." Reading these two sections together I think it clear that Congress intended that the Commission might proceed either by examiner or by itself; that if it proceeded by examiner, while it thus need not hear the witnesses but need only read the evidence as taken by the examiner, still it must hear oral argument; that if it proceeded by itself it must hear the witnesses. And I think Congress meant that when the Commission, proceeding by examiner, and therefore merely reading the evidence, heard oral argument, at least a majority of the Commission that heard the oral argument must also decide the case. To make oral argument to those who are not to decide would be vain. And I think further that Congress meant that when the Commission proceeded by itself, and itself, therefore, heard the witnesses, at least a majority of the Commission that heard them must decide the case. To present witnesses to those who are not to decide would also be vain.

Congress is well aware of the exigencies under which administrative tribunals burdened with a great volume of public business requiring speedy disposition operate, and customarily permits them to dispense with unnecessary formalities. But I think that in the absence of language clearly permitting it, we should not conclude that Congress intended a Commission to dispense with oral argu-

ment before, or with hearing of the witnesses by, those who are to decide. Neither of these procedures is a formality. On the contrary, each is a substantial aid to correct decision.

The authorities cited in the majority opinion are, I think, not persuasive because of material differences from the instant case in the facts or statutes involved.

In respect of the cases in the United States District Court and the United States Circuit Court of Appeals relied upon by the appellee and not mentioned in the majority opinion, to wit, *Louie Lung Gooley v. Nagle*, 49 F. (2d) 1016; *United States ex rel. Chin Cheung Nai v. Corsi*, 55 F. (2d) 360; *United States ex rel. Minuto v. Reimer*, 83 F. (2d) 166: These three cases undoubtedly countenance discontinuity in the personnel of Boards of Special Inquiry in the Department of Labor. But while entitled to respectful consideration they are not binding here, and are moreover, I think, not highly persuasive, for the reason that the statute therein involved is not, as is that involved in the instant case, explicit as to procedure. Moreover, I am myself impressed, and for the cogent reasons which he gives, with the views expressed by District Judge Woolsey, in his first opinion in *United States ex rel. Chin Cheung Nai v. Corsi*, *supra*. He there said:

In a judicial proceeding, the personnel of the court could not be changed during the trial, unless with the consent of the parties.

The reasons for this rule, which I believe to be universally observed, are not far to seek. In the first place, a change in personnel during the trial of an issue of fact would render it impossible for the court properly to chancer questions of credibility, which depend almost wholly on subtle impressions made by witnesses on the tribunal before which they are appearing.

In the second place, a change in personnel inevitably would tend to dilute the sense of individual responsibility for the decision—a feeling which should inhere as strongly in every member of an administrative board as it does in every judge.

The action of administrative boards is not subject to full judicial review on the merits, yet they have to deal with issues of fact in matters of the greatest importance to the interested parties. It seems to me, therefore, necessary, in the absence of written consent of the parties involved, that such boards should be required as a *sine qua non* of a fair hearing to observe the principle of continuity of personnel which the crystallized experience of mankind recognizes as of cardinal importance especially when facts have to be determined. [55 F. (2nd) at 361.]

I think that the Supreme Court in *Quon Quon Poy v. Johnson*, 273 U. S. 352, does not rule on the question of the effect of discontinuity of personnel.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**No. 3163. F. W. Washburn Candy Corporation, Brockton, Mass.,** in a complaint is charged with unfair competition in the sale to dealers of candies so packed and assembled as to involve use of a lottery scheme when such products are resold to ultimate consumers.

The lottery element is alleged to be supplied by selling assortments of candies of uniform size and shape, some containing centers of a different color than the majority of pieces. Purchasers drawing the different colored pieces receive prizes, according to the complaint.

**No. 3164. Fioret Sales Co., Inc., 312 East 32nd St., New York,** is charged with false and misleading advertising in a complaint. This company manufactures and sells perfumes.

The principal allegation of the complaint is that the respondent company used misleading descriptions of its products on price lists, display cartons and other printed matter, particularly certain inscriptions in the French language which allegedly served to lead buyers into believing that the commodities so described were manufactured in France, when, according to the complaint, they were domestic products, compounded in the United States.

**No. 3165. Allying false and misleading representations in the sale of cosmetics, mercurochrome and other drug sundries and household notions, a complaint has been issued against Frank Spors, trading as Spors Company, LeCenter, Minn.,** a distributor of such articles to retailers and peddlers, who resell them to the consuming public.

Among allegations of the complaint are that the respondent advertised and stamped on certain articles retail prices greatly in excess of the actual selling prices; that he falsely represented himself to be an importer and manufacturer, and his business as being larger and more extensive than is actually the fact, and that the respondent furnishes dealers with merchandising plans involving the operation of gift enterprises or lottery schemes.

**No. 3166. Charging unfair competition in the sale of sales promotion cards for use by retail merchants, a complaint has been issued against Mutual Printing, Inc., 751 East 64th St., Chicago,** trading also as **Mutual Printing Co., Inc.,** and **Mutual Sales Promotion Service.**

Sales promotion cards sold by the respondent company were so designed and arranged as to involve use of a lottery scheme or gift enterprise when used by retail merchants in promoting the sale of their merchandise to the consuming public, according to the complaint.

Several groups of sales promotion cards are manufactured by the respondent company, but they all allegedly involve the same lottery scheme, and vary only in detail. A sample of the cards contains a series of amounts, such as 5, 10, and 15 cents, which may be punched by the merchant in the amount of purchases made by customers, and when all the amount numbers on the margin of the card are punched, a secret panel is opened and the customer is entitled to receive merchandise, free of charge, in the amount shown by the legend under the secret panel.

**No. 3167. Charging a combination to eliminate price competition, resulting in increased prices for cement, a complaint has been issued against The Cement Institute, an unincorporated association, its officers, and 75 cement manufacturing member corporations, producing 95 per cent or more of all of the cement made in the United States. The complaint alleges violation of the Federal Trade Commission Act and Section 2 of the Clayton Act, as amended by the Robinson-Patman Act.**

The complaint charges that the chief means employed for carrying the cement combination into effect is concerted use of the multiple basing point system of quoting prices. Under this system, it is alleged, identical delivered prices are made by every quoting producer entering into the combination, to any given destination in the United States. Instances of identical bids made by many producers to various Federal and State agencies are set forth in the complaint.

The Commission's complaint sets out, in effect, that each producing company knows that, when it refrains from offering competitive prices in the consuming areas where it has a natural ad-

vantage and receives its highest actual price, it will receive the same freedom from price competition when the situation is reversed. In this way there is everywhere a reciprocal waiver of natural advantages with no competition in price anywhere.

### Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations.

**No. 01788. Minnie McElroy, trading as The Worth Pharmacal Co., 74 Cortlandt St., New York,** selling Hexsanol and Vi-Tonol, agrees to stop representing that these preparations, alone or in combination, are a competent treatment for kidney or bladder disorders, or that their use will have any effect upon the vitality of the user.

**No. 01789. Petersime Incubator Co., Gettysburg, Ohio,** stipulates that it will stop representing that its Buckeye Mineral Water acts on the liver and kidneys or aids these organs to function properly, that it is highly charged by nature with health-promoting minerals, and that it is not marketed for profit.

**No. 01790. Dearborn Supply Co., 2350 Claybourn Ave., Chicago,** will discontinue the following representations: That Mercolized Wax will free the skin of blemishes and discolorations that are not superficial and due to external causes; that Parker Belmont Beauty Cream is an oxygen cream which lightens and whitens dark skin two or three shades, or normalizes a skin which is dry or too oily; that Powdered Saxolite smooths out wrinkles and age lines and refines coarse pores; that Powdered Tarkroot is beneficial for almost every condition of the skin, such as wrinkles, enlarged pores, blackheads and other surface blemishes, and that Tarkroot Beauty Mask revives a fatigued, drooping face more quickly and more completely than anything else.

**No. 01791. F. J. Lipinski and James E. Crampton, trading as Grant Laboratories, 1053 Grant St., Buffalo,** will cease advertising that J. E. C.'s Rectal Remedy is a competent treatment for piles or hemorrhoids. The respondents also will desist from using the word "Laboratories" in their trade name until they actually operate a laboratory.

**No. 01792. Frontier Asthma Co., Inc., 462 Niagara St., Buffalo,** stipulated that in the sale of a treatment for asthma it will discontinue representing that such treatment is an effective remedy for or will remove the cause of asthma and prevent hay fever. Other respondents who entered into this stipulation are George H. Calkins, Ernest N. Post, Harry I. Partridge, William Stanton, B. F. Van Duzee and C. P. Bonham, all of Buffalo.

**No. 01794. Selling printed instructions regarding a method of earning money, R. R. Dixon, Jefferson City, Mo.,** has entered into a stipulation to discontinue certain misleading advertising representations.

Dixon agrees to stop advertising that he offers to prospective purchasers a business opportunity, and that purchasers of his printed instructions may expect to earn any amount which is in excess of the average amounts previously earned by purchasers of his instructions.

**No. 2015. Oneida, Ltd., Oneida, N. Y.,** manufacturer of silver-plated ware, has entered into a stipulation to discontinue certain false and misleading advertising representations. This company distributes its products under the names of two of its subsidiary corporations, **William A. Rogers, Ltd.,** and **Simeon L. & George H. Rogers Co.**

Under the stipulation, Oneida, Ltd., agrees to desist from the use of or from suggesting or recommending to its retailer customers or from otherwise promoting any scheme or sales plan represented as a "Half Price" or a "Save \$20.00" sale wherein an alleged regular retail sales price of its products does not reflect or represent the normal and usual price.

**No. 2161. In a cease and desist order 10 corporations manufacturing substantially all of the viscose rayon yarn made in the United States, are directed to cease and desist from entering into and carrying out a price fixing combination held to be in violation of Section 5 of the Federal Trade Commission Act.**

Respondent corporations against whom the order has been entered are:

**Viscose Company, New York City,** with branch offices in **Providence, R. I., Charlotte, N. C., Chicago and Philadelphia,** and factories in **Pennsylvania, Virginia and West Virginia;**

**DuPont Rayon Co., Inc.,** with plants at **Buffalo, N. Y., Old Hickory, Tenn., and Amptill, Va.;**

**Tubize Chatillon Corporation,** with plants at **Hopewell, Va., and Rome, Ga.;**

**Industrial Rayon Corporation**, with offices in New York City and plant at Cleveland, Ohio;

**North American Rayon Corporation** (formerly **American Glanzstoff Corporation**), with offices and plant in New York City;

**American Enka Corporation**, with plant at Enka, N. C.;

**Skenandoa Rayon Corporation**, with plant in Utica, N. Y.;

**Delaware Rayon Co.**, of Newcastle, Del.;

**Acme Rayon Corporation**, Cleveland, Ohio;

**The Belamose Corporation**, Rocky Hill, Conn.

In its complaint against the respondent rayon corporations, the Commission charged that they had entered into "an agreement, combination, understanding, and conspiracy among themselves," to eliminate price competition among themselves.

**No. 2225. Crystaltone Radio Corporation**, 44 West 18th St., New York, has been ordered to discontinue misleading uses of certain well known trade names in the sale of radio sets and appliances. Samuel Glick, of the same address, trading as Pontiac Radio Co., and acting as an officer and director of the Crystaltone company, is also named as a respondent.

The order directs the respondents to stop using the trade names Edison, Victor or Brunswick or other trade names or marks of which they are not the legal owners, without the permission of the lawful owners thereof, or in any other way to represent that the radio sets, devices or appliances made and sold by the respondents are made, assembled, sponsored or licensed by Thomas A. Edison, Thomas A. Edison, Inc., Radio Corporation of America, Victor Talking Machine Co., Brunswick-Balke-Collender Co., Warner Brothers Pictures, Inc., or by any other organization which in fact does not make, assemble or sell such products.

In this connection, the order also bars use of colorable imitations of the names Edison, Victor or Brunswick, such as Edison with the representation of a bell, Victor with the word International, or the word "Brunswick".

**No. 2526.** A modified order to cease and desist has been ordered against **Mid West Mills, Inc.**, 1726-28 Arcade Place, Chicago, jobber of upholstering fabrics and other furniture material.

The modified order was issued in accordance with a decision of the United States Circuit Court of Appeals, Seventh Circuit, Chicago, on June 15, 1937.

The original order to cease and desist, issued in May, 1936, directed that Mid West Mills, Inc., cease and desist from representing by use of its corporate name, in advertising literature or in any other manner, that it was a manufacturer, mill operator or mill owner. Findings were that the respondent company was not a manufacturer of the merchandise in which it dealt.

The Commission thereafter filed in the Circuit Court of Appeals an application for enforcement of its order to cease and desist. The Court, in its opinion delivered in the case, stated that if the respondent company did not voluntarily strike the word "Mills" from its name, it should clearly inform prospective customers of the true facts. The Court denied the Commission's application for enforcement, but without prejudice to an order being entered by the Commission directing the addition of appropriate words to clearly convey the fact that the respondent company neither owns nor operates a mill.

**No. 2694.** An order has been issued prohibiting use of the name "I. S. U. Pilot" by 17 individuals and the **Uptown Cooperative Press, Inc.**, operating a newspaper of that name in New York.

The respondents are directed to cease and desist from using the name "I. S. U. Pilot" or any other name for their newspaper or other publications, to indicate that they constitute an authorized committee of the International Seamen's Union, or that any publication sold by them is a publication of that Union or authorized by it.

Findings are that the respondents were not members of groups, or committees of the International Seamen's Union, and that the "I. S. U. Pilot" was not that Union's publication, and that the use by the respondents of the name "I. S. U. Pilot" was without permission of that Union.

According to the findings, James L. Reamey, Joseph Curran, Louis Weinstock, Abraham Baskoff, Richard M. Kroon, John Anderson, William Allen, Elmer Johnson, Robert Brown, Harry Bridges, David Gordon, Elmer Brown, Dora Zucker, Luigi Genovese, A. W. McPherson, Albert Fleming and Charles B. Killinger, as members of I. S. U. Rank & File Group, I. S. U. Rank & File Members, Rank & File Committee of the I. S. U., and Rank & File International Seamen's Union, together with Uptown Cooperative Press, Inc., have been associated within such groups for the purpose of publishing and circulating the "I. S. U. Pilot." Uptown Cooperative Press, Inc., is said to have printed the paper for the other respondents.

**Nos. 2782-3132.** Two candy manufacturers, **Brown & Haley**, 110 East 26th St., Tacoma, Wash., and **Miss Morris Candies, Inc.**, 517-19 Third St., North, Minneapolis, have been ordered to cease and desist from selling and distributing to dealers candy so packed and assembled that sales to the public are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

The order also prohibits the respondents from supplying to dealers assortments of candy together with punchboard devices which may be used in distribution of the candy to the public at retail.

**No. 2786. California Packing Corporation**, said to be one of the world's largest packers and distributors of dried fruits, vegetables, and fish, and its subsidiary, **Alaska Packers Association**, both having headquarters in San Francisco, have been served with an order to cease and desist from certain practices deemed to have the effect of suppressing competition and tending to create monopoly.

Among practices prohibited under the order, is the use of the respondent corporations' tonnage of freight shipments and their buying power to induce industrial companies and steamship lines to ship commodities through and utilize the facilities of Encinal Terminals, operating a public wharfing business in Alameda, Calif., on the east side of San Francisco Bay, and controlled by the respondent corporations.

Other respondents named in the order are officials or former officials of the two corporations, as follows: L. E. Wood, A. M. Lester, W. H. Levy, A. K. Tichenor, H. E. Van Horn and Irving F. Lyons.

The respondents admitted all the material allegations of the Commission's complaint as setting forth facts showing the use of unfair methods of competition within the meaning of Section 5 of the Federal Trade Commission Act. They also waived the taking of further evidence and other intervening procedure, and consented to issuance of findings of fact and order to cease and desist.

**No. 2775.** An order has been entered directing **Helen Ardelle, Inc.**, 1401 East 41st St., Seattle, Wash., a candy manufacturer and dealer, to cease and desist from selling to dealers candy so packed and assembled that sales to the public may be made by means of a lottery.

The respondent company also is ordered to discontinue furnishing dealers with "punchboard" devices which may be used in selling its candy to consumers.

**No. 2799.** Prohibiting certain unfair methods of competition in the sale of tissues advertised as mentholated tissue handkerchiefs, an order has been issued to cease and desist against **The Rieser Co., Inc.**, 119 West Fortieth St., New York.

Held to have violated Section 5 of the Federal Trade Commission Act, the respondent company is directed to cease representing that its tissue products are superior to ordinary handkerchiefs because they are sanitary and disposable or because they are mentholated. It is also ordered to stop advertising that use of its tissues will clear nasal passages and that these products have been recommended by doctors as a cure or remedy for sinus trouble, hay fever and head colds or that they are beneficial in the treatment of such ailments and conditions.

Findings are that the respondent company's products have not been recommended by physicians and that their use will not accomplish the results claimed.

**Nos. 2861-3106-3145.** Orders have been entered directing **Schwabacher Brothers & Co., Inc.**, Seattle, and **George C. Miller & Co., Inc.**, Boston, both candy distributors, and **Wolverine Gum, Inc.**, Detroit, to cease and desist from selling to dealers candy or chewing gum so packed and assembled that sales to the general public may be made by means of a lottery.

The orders prohibit the two candy companies from furnishing dealers with "punchboard" devices for use in retailing their candy to the public.

**No. 3061. Glenn Laboratories, Inc.**, 287 West 127th St., New York, has been ordered to discontinue certain false and misleading advertising representations in the sale of a treatment for overweight called "Dr. Thomas' RX 157."

In its radio, newspaper and magazine advertising, the respondent corporation is directed to cease and desist from asserting that its product, so long as it contains desiccated thyroid or other form of thyroid, is a new method of treating obesity, converting food into fuel and energy, and that it can safely be taken by laymen without medical examination or advice.

**No. 3069.** An order requiring **Eucathol Co., Inc.**, Shawnee, Okla., has been issued to discontinue certain misleading repre-

sentations in the sale of "Eucathol", a rubbing and inhaling compound, sold also as an after-shaving cream.

Eucathol, according to the order, is not to be advertised as a preventive or cure for or as being beneficial in the treatment of insect bites, sunburn, hemorrhoids, colds, hay-fever, catarrh, scalds, skin disorders, influenza and pneumonia.

**No. 3098.** A modified order to cease and desist has been ordered against **George J. Nothnagel**, trading as **The Stanley Store**, 734 Haddon Ave., **Collingswood, N. J.**, a dealer in blankets and bedspreads.

Among the practices prohibited in the original cease and desist order issued against Nothnagel June 2, 1937, and now vacated and set aside, was that of aiding or inducing purchasers of his merchandise to resell it by means of a lottery, gift enterprise or game of chance. The modified order prohibits the same practices but contains the qualification that this provision does not apply to sales of merchandise not accompanied by any acts of the respondent aiding or inducing disposition of such goods under any plan involving a lottery, gift enterprise or game of chance.

**No. 3116** **Wolf Creek Soap Co.**, Northwestern Ave., **Dayton, Ohio**, has been ordered to discontinue certain unfair methods of competition in the sale of its products.

Representation is prohibited, directly or indirectly, through use of the word "Doctor" or the abbreviation "Dr.", or through words of similar import, that any of the respondent company's soap products is made pursuant to the formula of, or under the supervision of, a doctor.

The order bars use of the word "medicated", alone or with other words, or use of words of similar import, to represent that any of the respondent company's soaps have medicinal and therapeutic value, unless they actually contain medicinal ingredients in such quantity as to give the products substantial medicinal and therapeutic value.

#### FTC CLOSES CASES

**Nos. 2362-3105.** The Federal Trade Commission has closed without prejudice its cases against two dealers alleged to have sold merchandise by means of lottery methods.

A complaint had charged **Archie Richard Dahl**, of **Chicago**, trading as **Reliable Sales Co.**, with unfair competition in the sale of general merchandise by push card lottery methods. The Commission ordered the case closed after receiving information that the respondent had discontinued operating his business and was no longer engaged in the practices alleged in the complaint.

The Commission was informed that **Carl Smith**, 618 Roscoe St., **Chicago**, trading as **Fashion Silk Co.**, and formerly charged with unfair competition in the sale of hosiery through use of a lottery scheme, had discontinued the practices as alleged and that he had vacated his place of business. The case was ordered closed.

**No. 2791.** The Commission has also issued an order closing its case against **Rensen Corporation**, 70 Pine St., **New York**, which had been charged with unfair competition in the sale of a medicinal product advertised as "Aspirin Plus." The closing order was issued following receipt of information that the commodity in question is no longer being sold and the corporation is not operating.

#### FEDERAL COMMUNICATIONS COMMISSION ACTION

The Broadcast Division of the Commission recessed after taking action on July 6 to meet again at the call of the chairman. It is not expected, unless some emergency arises, that any further meeting of the Division will be held until early September. Routine matters, of course, will be taken care of in their usual course, without formal meetings, subject to ratification by the full Broadcast Division at its next meeting.

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, July 12:

Monday, July 12

#### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Richard Field Lewis, Oakland, Calif.—C. P., 1160 kc., 1 KW, daytime.

NEW—Harry Schwartz, Tulsa, Okla.—C. P., 1310 kc., 250 watts, daytime.

Tuesday, July 13

#### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Wm. E. Walker and Merrill F. Chapin, d/b as Walker & Chapin, Oshkosh, Wis.—C. P., 1010 kc., 250 watts, unlimited time.

NEW—Genesee Radio Corp., Flint, Mich.—C. P., 1200 kc., 100 watts, 250 watts LS, specified hours.

Wednesday, July 14

#### HEARING BEFORE AN EXAMINER (Broadcast)

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license to WBNO, Inc.; 1200 kc., 100 watts, share WJBW.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1200 kc., 100 watts, share WJBW.

WJBW—Charles C. Carlson, New Orleans, La.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time (requests facilities WBNO). Present assignment: 1200 kc., 100 watts, share WBNO.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, share WJBW.

NEW—Southern Broadcasting Corp., New Orleans, La.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited (requests facilities WBNO and WJBW).

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, share WBNO.

NEW—Standard Life Ins. Co. of the South, Jackson, Miss.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.

Thursday, July 15

#### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—F. B. Clements & Co., d/b as Southern Minnesota Supply Co., Mankato, Minn.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited.

WROK—Lloyd C. Thomas, Transferor, and Rockford Consolidated Newspapers, Inc., Rockford, Ill.—Authority to transfer control of corporation; 1410 kc., 500 watts, 1 KW LS, unlimited.

NEW—Centennial Broadcasting Corp., Dallas, Tex.—C. P., 1500 kc., 100 watts, daytime.

#### APPLICATIONS GRANTED

WJAC—WJAC, Inc., Johnstown, Pa.—Granted authority to install automatic frequency control.

KCMC—KCMC, Inc., Texarkana, Tex.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

KGIR—KGIR, Inc., W. of City, Butte, Mont.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

WJIM—Harold F. Gross, Lansing, Mich.—Granted C. P. to install new transmitter.

KRGV—KRGV, Inc., Weslaco, Tex.—Granted license to cover C. P., 1260 kc., 1 KW, unlimited time.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted license to cover C. P., 920 kc., 500 watts, daytime only.

KNEL—G. L. Burns, Brady, Tex.—Granted license to cover C. P., 1500 kc., 250 watts, daytime only.

WSM—The National Life & Accident Ins. Co., Nashville, Tenn.—Granted license to cover previously licensed auxiliary transmitter at 1501 Weston Ave., Nashville.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted modification of C. P. to extend commencement date to October 1, 1937.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Granted modification of C. P. to install apparatus other than as authorized.

- KATE—Albert Lea Broadcasting Co., Inc., Albert Lea, Minn.—Granted modification of C. P. as modified for approval of transmitter and studio sites, change in authorized equipment, and approval of vertical radiator.
- KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Granted modification of C. P. approving transmitter at State Highway No. 96, Brownsville, and studio at San Benito St., Brownsville, and changes in authorized equipment.
- KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted modification of C. P. for changes in equipment and antenna system.
- WQAN—The Scranton Times, Scranton, Pa.—Granted modification of license to increase power from 500 watts to 1 KW.
- WDEL—Mason Dixon Radio Group, Inc., Wilmington, Del.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.
- WAZL—Mason Dixon Radio Group, Inc., Hazleton, Pa.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.
- WEST—Mason Dixon Radio Group, Inc., Easton, Pa.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.
- WILM—Mason Dixon Radio Group, Inc., Wilmington, Del.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.
- WCAL—Mason Dixon Radio Group, Inc., Lancaster, Pa.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.
- WORK—Mason Dixon Radio Group, Inc., York, Pa.—Granted authority to transfer control of corporation to J. Hale Steinman and John F. Steinman.
- KFBI—The Farmers & Bankers Life Ins. Co., Abilene, Kans.—Granted voluntary assignment of license to The Farmers and Bankers Broadcasting Corp.
- WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of C. P. to move transmitter site locally; install vertical radiator; change time of operation from specified hours to unlimited time, except 8 to 9 p. m. Mondays; extend commencement date to 30 days after grant and completion date to 180 days thereafter.
- WRAX—Broadcasting Co. and Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted special authority to increase power to 1 KW to counteract interference caused by CMX, Havana, Cuba, and WWJ, Detroit, and KPRC, Houston, Tex.
- NEW—National Battery Broadcasting Co., St. Paul, Minn.—Granted C. P. for new high frequency station, frequency 25950 kc., on experimental basis, 1 KW, A-3 emission.
- NEW—Knickerbocker Broadcasting Co., Inc., New York City.—Granted C. P. for new high frequency station to be located in Flushing, N. Y. (experimental basis), frequency 26550 kc., 100 watts, A-3 emission.
- NEW—Reading Broadcasting Co., Mobile, Reading, Pa.—Granted C. P. for new experimental relaybroadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.
- W1XQ—Broadcasting Service Organization, Inc., Mobile (Boston, Mass.)—Granted license to cover C. P. for new relaybroadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.
- WAAR—Rockford Broadcasters, Inc., Mobile (Rockford, Ill.)—Granted modification of C. P. covering changes in equipment; reduction in power from 50 to 40 watts; extension of commencement date to 10 days after grant and completion date to 30 days thereafter.
- W9XQV—Rockford Broadcasters, Inc., Mobile (Rockford, Ill.)—Granted modification of C. P. for changes in equipment, extension of commencement date to 10 days after grant and completion date to 30 days thereafter.
- KW, unlimited time. (To be heard before the Broadcast Division.)
- WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Application for C. P. amended to request move of transmitter from Lynchburg to U. S. Highway No. 29, near Lynchburg; also to make changes in composite equipment; install directional antenna system for nighttime use; change frequency from 1200 kc. to 1390 kc.; and increase power from 100 watts night, 250 watts day, to 500 watts, unlimited time.
- WDSU—WDSU, Inc., New Orleans, La.—C. P., already in hearing docket, amended to request move of transmitter site locally, exact site to be determined with Commission approval; install new equipment and directional antenna system; and increase power from 1 to 5 KW. To be heard before the Broadcast Division.
- WAAB—The Yankee Network, Inc., Boston, Mass.—Modification of license to use present auxiliary transmitter Type W.E. 106-D as alternate transmitter. To be heard before the Broadcast Division.

### SPECIAL AUTHORIZATIONS

- KGDY—Voice of South Dakota, Huron, S. Dak.—Granted extension of special temporary authority to remain silent for the period July 1 to 31, 1937, for the purpose of rebuilding the transmitter to comply with Rule 132.
- WCAL—St. Olaf College, Northfield, Minn.—Granted extension of special temporary authority to operate from 2 to 3 p. m., CST, the following Sundays: August 1, 8, 15, 22, 29, 1937 (provided WTCN remains silent), in order to continue to schedule NBC programs with the commencement of daylight saving time in New York City.
- WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted extension of special temporary authority to operate from 3 to 4 p. m., CST, the following Sundays: August 1, 8, 15, 22, 29, 1937 (provided WCAL remains silent), in order to continue to schedule NBC programs with the commencement of daylight saving time in New York City.
- WCBS—WCBS, Inc., Springfield, Ill.—Granted extension of special temporary authority to operate from 10 p. m. to 12 midnight, CST, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, for the period July 8 and ending no later than August 4, in order to broadcast Municipal League Baseball games only.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 7 to 9 a. m., CST, the following Sundays: July 11, 18, 25 and August 1, in order to broadcast programs now heard Sunday afternoons, due to belief that audience is larger during mornings than during afternoons.
- WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted special temporary authority to rebroadcast over station WCCO a conversation carried on between experimental station W5XAR and W5XAS for a period not to exceed 1 hour, between July 7 and 12, 1937.
- WFLA—Clearwater Chamber of Commerce, Clearwater, Fla.—Granted extension of special temporary authority to close Clearwater studios from July 16 to September 1, 1937, inclusive, and use Tampa studios, on account of summer vacations for employees in order to continue WFLA during summer period with reduction in experienced personnel.
- WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate Daylight Saving Time instead of EST for the period ending in no event later than September 20, 1937.

### APPLICATION DISMISSED

The following application, heretofore set for hearing, was dismissed at request of applicant:

- WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—C. P., 1330 kc., 1 KW, 5 KW LS, unlimited time.

### MISCELLANEOUS

- NEW—William C. Smith, Bogalusa, La.—C. P. for new station to operate on 1310 kc., 100 watts, unlimited time. Site and antenna system to be approved.
- NEW—M. M. Valentine, Laredo, Tex.—C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time.
- WFBR—Baltimore Radio Show, Inc., Baltimore, Md.—C. P. to change transmitter site to Reedbird and Seamon Avenues, Baltimore, also to install new equipment and directional antenna system for day and nighttime operation; increase power from 500 watts night, 1 KW day, unlimited, to 5
- WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted voluntary assignment of license to Alabama Polytechnic Institute, University of Alabama State College (Board of Control of Radio Broadcasting Station WAPI); 1140 kc., 5 KW, simultaneous day KVOO, share KVOO night.
- WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied petition to extend effective date in re grant of application



of Hunt Broadcasting Assn. for C. P. to erect new 100-watt daytime station at Greenville, Tex., to operate on **1200 kc.** (Docket 3242).

- NEW—Kenneth Baker, Hartwell Gaus, V. A. Bernier, d/b as Key City Broadcasting Co., Kankakee, Ill.—Denied petition to take depositions in re application for new station to use **1500 kc.**, 100 watts, unlimited time (Docket 4522), and granted motions of Karl L. Ashbacher (WKBB) and Northwestern Publishing Co. to deny and strike petition for order to take depositions.
- KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted amended petition for acceptance of answer in re hearing on application of KCMO for C. P. to use **1450 kc.**, 1 KW, unlimited time, Docket 4485.
- NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—Denied petition to reconsider and grant application in part, and to extend effective date in re application for C. P. to use **1200 kc.**, 100 watts night, 250 watts LS, unlimited, Docket 3836.
- KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted petition to intervene in the hearing of KVOD for C. P. to use **630 kc.**, 1 KW, unlimited time, Docket 4527, scheduled for September 21, 1937.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted authority to suspend construction of new antenna and continue use of temporary antenna.
- NEW—Fall River Herald News Publishing Co., Fall River, Mass.—Denied petition to withhold decision upon the application of Harriet M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co. (Docket 4018).
- NEW—C. W. Corkhill, Sioux City, Iowa.—Denied petition for further hearing in re application for new station to operate on **1420 kc.**, 100 watts, unlimited time, and dismissed opposition to the petition for further hearing filed by the Sioux City Broadcasting Co. (Ex. Rep. 1-362).

#### EFFECTIVE DATES EXTENDED

- WSBT—The South Bend Tribune, South Bend, Ind.—Effective date of order extended to July 20, 1937.
- WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Effective date of order extended to July 20, 1937.

#### ACTION ON EXAMINERS' REPORTS

- NEW—Ex. Rep. 1-324: John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Remanded to the docket for further hearing with the privilege of all parties to introduce new testimony or take depositions.
- NEW—Ex. Rep. 1-360: Central States Broadcasting Co., Council Bluffs, Iowa.—Denied C. P. for new station to operate on **1500 kc.**, 100 watts, unlimited time, site to be determined. Examiner M. H. Dalberg reversed. Order effective September 28, 1937.
- NEW—Ex. Rep. 1-362: C. W. Corkhill, Sioux City, Iowa.—Denied C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time, site to be determined. Examiner Geo. H. Hill sustained. Order effective August 17, 1937.
- NEW—Sioux City Broadcasting Co., Sioux City, Iowa.—Granted C. P. for new station to operate on **1420 kc.**, 100 watts night, 250 watts LS, unlimited, site to be determined. Examiner Hill sustained. Order effective August 17, 1937.
- NEW—Ex. Rep. 1-363: State Capitol Broadcasting Assn. (R. B. Anderson, President), Austin, Tex.—Granted C. P. for new station to operate on **1120 kc.**, 1 KW daytime, specified hours—all hours not used by WTAW (directional antenna); Examiner R. L. Walker reversed. Order effective August 17, 1937.
- NEW—Ex. Rep. 1-370: Falls City Broadcasting Corp., Falls City, Neb.—Denied C. P. for new broadcast station to operate on **1310 kc.**; 100 watts, unlimited time. Examiner R. L. Walker sustained. Order effective September 28, 1937.
- NEW—Ex. Rep. 1-377: Radio Enterprises, partnership of R. Lacy & J. R. Curtis, Lufkin, Texas.—Denied C. P. for new station to operate on **1310 kc.**, 100 watts, daytime. Site to be determined. Examiner P. W. Seward sustained. Order effective September 21, 1937.
- NEW—Red Lands Broadcasting Assn., Ben T. Wilson, Pres., Lufkin, Texas.—Granted C. P. for new station to operate on **1310 kc.**, 100 watts, daytime. Site to be determined. Examiner Seward sustained. Order effective September 21, 1937.
- NEW—Ex. Rep. 1-378: Virgil V. Evans, Gastonia, N. C.—Denied C. P. for new station to operate on **1420 kc.**, 100 watts,

unlimited time. Examiner John P. Bramhall sustained. Order effective September 28, 1937.

- WJBR—J. B. Roberts, Gastonia, N. C.—Denied as in cases of default application for modification of C. P. to extend completion date of construction. Examiner Bramhall sustained. Order effective September 28, 1937.
- WATR—Ex. Rep. 1-379: The WATR Company, Inc., Waterbury, Conn.—Granted C. P. to make changes in transmitter; install directional antenna; move transmitter locally in Waterbury; change frequency from **1190 to 1290 kc.**; increase power from 100 watts to 250 watts and change hours of operation from limited to unlimited. Examiner M. H. Dalberg sustained. Order effective August 3, 1937.
- NEW—Ex. Rep. 1-240: Continental Radio Co., Columbus, Ohio.—Denied C. P. for new station to operate on **1310 kc.**, 100 watts, unlimited time. Site to be determined. Examiner R. L. Irwin sustained. Order effective September 7, 1937.
- NEW—Ex. Rep. 1-241: Continental Radio Co., Toledo, Ohio.—Denied C. P. for new station to operate on **1200 kc.**, 100 watts, daytime. Site to be determined. Examiner P. W. Seward sustained. Order effective August 3, 1937.
- WALR—Ex. Rep. 1-253: WALR Broadcasting Corp., Toledo, Ohio.—Denied C. P. to move studio and transmitter from Zanesville to Toledo (site to be determined). Station operates on **1210 kc.**, 100 watts, unlimited time. Examiner R. L. Walker reversed. Order effective August 3, 1937.
- NEW—Ex. Rep. 1-254: Community Broadcasting Co., Toledo, Ohio.—Granted C. P. for new station to operate on **1200 kc.**, 100 watts, daytime. (Site to be determined.) Examiner R. L. Walker sustained. Order effective August 3, 1937.
- NEW—Ex. Rep. 1-264: Marysville-Yuba City Publishers, Inc., Marysville, Cal.—Denied C. P. for new station to operate on **1140 kc.**, 250 watts, daytime. (Site to be determined.) Examiner R. H. Hyde reversed. Order effective September 7, 1937.
- NEW—Ex. Rep. 1-310: Telegraph Herald, Dubuque, Iowa.—Granted C. P. for new station to operate on **1340 kc.**, 500 watts, daytime. (Site to be determined.) Examiner John P. Bramhall reversed. Order effective July 27, 1937.
- WKBB—Sanders Bros. Radio Station, Dubuque, Ia.—Granted C. P. to move studio; move transmitter from R. F. D. No. 1, E. Dubuque, Ill., to Julian Township, Ill. (site to be determined), and install new antenna, **1500 kc.**, 100 watts night, 250 watts day, unlimited. Examiner Bramhall sustained. Order effective July 27.
- NEW—Ex. Rep. 1-325: The Times Publishing Co., St. Cloud, Minn.—Granted C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time. Site to be determined. Examiner R. L. Walker sustained. Order effective August 3, 1937.
- NEW—Michael F. Murray, St. Cloud, Minn.—Denied C. P. for new station to operate on **560 kc.**, 500 watts, daytime. (Site to be determined.) Examiner Walker sustained. Order effective August 3.
- NEW—Ex. Rep. 1-334: Clarence C. Dill, Washington, D. C.—Denied C. P. for new station to operate on **1390 kc.**, 1 KW, unlimited time. Directional antenna. Examiner John P. Bramhall reversed. Order effective September 7, 1937.
- NEW—Ex. Rep. 1-335: Luther E. Gibson, d/b as Times-Herald Publishing Co., Vallejo, Cal.—Denied C. P. for new broadcast station to operate on **1320 kc.**, 250 watts, daytime. Examiner John P. Bramhall reversed. Order effective September 14, 1937.
- NEW—Ex. Rep. 1-336: Advertiser Publishing Co., Ltd., Honolulu, T. H.—Denied C. P. for new station to operate on **1370 kc.**, 100 watts, unlimited time. Examiner R. L. Irwin reversed. Order effective August 31, 1937.
- NEW—Fred J. Hart, Honolulu, T. H.—Denied C. P. for new station to operate on **600 kc.**, 250 watts, unlimited time. (Site to be determined.) Examiner Irwin sustained. Order effective August 31, 1937.
- WGAR—Ex. Rep. 1-343: The WGAR Broadcasting Corp., Cleveland, Ohio.—Denied authority to transfer control of corporation from G. A. Richards, Leo Fitzpatrick, John F. Patt & P. M. Thomas to WJR, The Goodwill Station, a Michigan Corporation. Examiner R. L. Walker reversed. Order effective September 14, 1937.
- NEW—Ex. Rep. 1-349: The Courier-Post Publishing Co., Hannibal, Mo.—Denied C. P. for new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time. (Site to be determined.) Examiner M. H. Dalberg reversed. Order effective August 31, 1937.

NEW—Hannibal Broadcasting Co., Hannibal, Mo.—Denied C. P. for new station to operate on 1310 kc., 100 watts, unlimited time. Examiner Dalberg sustained. Order effective August 31, 1937.

NEW—Ex. Rep. 1-351: Golden Empire Broadcasting Co., Marysville, Cal.—Denied C. P. for new station to operate on 1140 kc., 250 watts, daytime. (Site to be determined.) Examiner Geo. H. Hill sustained. Order effective September 7, 1937.

NEW—Ex. Rep. 1-352: George Harm, Fresno, Cal.—Granted C. P. for new station to operate on 1310 kc., 100 watts, unlimited time. Examiner R. H. Hyde reversed. Order effective August 10, 1937. (The petition of Chase Osborn, Jr., to withhold action on this application, was denied, and the opposition to the petition of George Harm was dismissed.)

NEW—Ex. Rep. 1-353: Hildreth & Rogers Co., Lawrence, Mass.—Granted C. P. for new station to operate on 680 kc., 1 KW, daytime. Site to be determined. Examiner R. L. Walker sustained. Order effective August 10, 1937.

NEW—Old Colony Broadcasting Corp., Brockton, Mass.—Denied C. P. for new station to operate on 680 kc., 250 watts, daytime. Site to be determined. Examiner Walker sustained. Order effective August 10, 1937.

NEW—Ex. Rep. 1-358: Loyal K. King, Pasadena, Cal.—Denied C. P. for new station to operate on 1480 kc., 250 watts, daytime. Examiner R. L. Walker sustained. Order effective August 31, 1937.

WLLH—Ex. Rep. 1-361: Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Granted special experimental authority for a satellite station at Lawrence, Mass., to operate on 1370 kc.; 10 to 100 watts; unlimited time synchronously with WLLH, Lowell, Mass. (1370 kc., 100 watts night, 250 watts LS, unlimited). Site to be determined. Examiner Geo. H. Hill sustained. Order effective August 10, 1937.

WELI—Ex. Rep. 1-372: City Broadcasting Corp., New Haven, Conn.—Remanded case to Docket.

NEW—Lawrence K. Miller, Pittsfield, Mass.—

NEW—Ex. Rep. 1-375: Harold Thomas, Pittsfield, Mass.—Granted C. P. for new station to operate on 1310 kc.; 100 watts night, 250 watts day, unlimited time. Site to be determined. Examiner P. W. Seward reversed. Order effective July 20, 1937.

KGFF—Ex. Rep. 1-409: KGFF Broadcasting Co., Inc., Shawnee, Okla.—Dismiss without prejudice application for modification of license to change frequency from 1420 to 1430 kc.; increase power from 100 watts night, 250 watts day to 250 watts night and day, unlimited time. Examiner Seward sustained. Order effective July 2, 1937.

NEW—Ex. Rep. 1-414: Central Broadcasting Corp., Centralia, Wash.—Granted C. P. for new station to operate on 1440 kc., 500 watts, unlimited time. Site to be determined. Examiner John P. Bramhall sustained. Order effective July 20, 1937.

NEW—Ex. Rep. 1-423: Frank M. Stearns, Salisbury, Md.—Granted C. P. for new broadcast station to operate on 1200 kc., 250 watts, daytime. Site to be determined. Chief Examiner Davis G. Arnold sustained. Order effective July 27, 1937.

#### EXAMINERS' REPORTS RELEASED SINCE JUNE 29, 1937

KOOS—Ex. Rep. 1-453: Pacific Radio Corp., Marshfield, Ore.—Examiner P. W. Seward recommended denial of application for voluntary assignment of license to KOOS, Inc.

NEW—Ex. Rep. 1-454: T. E. Kirksey, Waco, Texas.—Examiner Tyler Berry recommended denial of application for C. P. for new station to operate on 930 kc.; 250 watts, 500 watts LS, unlimited time.

NEW—Ex. Rep. 1-455: WSMB, Inc., New Orleans, La.—Examiner P. W. Seward recommended grant of application to increase operating power from 1 KW to 1 KW, 5 KW LS.

WBLK—Ex. Rep. 1-456: The Exponent Co., Clarksburg, W. Va.—Examiner Seward recommended grant of application for modification of C. P. to change hours of operation from daytime to unlimited.

KRKD—Ex. Rep. 1-457: Radio Broadcasters, Inc., Frank P. Doherty, transferor & J. F. Burke, Sr., & Loyal King, transferees, Los Angeles, Cal.—Examiner Seward recommended denial of application to transfer control of corporation from Frank P. Doherty to J. F. Burke, Sr., and Loyal K. King.

#### ORAL ARGUMENTS GRANTED

WMBO—Ex. Rep. 1-430: Roy L. Albertson, Auburn, N. Y.—Granted oral argument to be held October 14, 1937.

NEW—Ex. Rep. 1-431: Curtis Radiocasting Corp., Indianapolis, Ind.—Granted oral argument to be held October 14, 1937.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted oral argument to be held October 14, 1937.

NEW—Ex. Rep. 1-433: Beaumont Broadcasting Assn., Beaumont, Texas.—Granted oral argument to be held October 14, 1937.

WMBH—Ex. Rep. 1-434: Joplin Broadcasting Assn., Joplin, Mo.—Granted oral argument to be held October 21, 1937.

NEW—Ex. Rep. 1-437: Valley Broadcasting Co., Youngstown, Ohio.—Granted oral argument to be held October 21, 1937.

#### APPLICATIONS RECEIVED

##### First Zone

WGNV—Peter Goelet, Newburgh, New York.—Construction permit to make changes in equipment and increase power from 1210 100 watts to 100 watts night, 250 watts day.

WFEA—New Hampshire Broadcasting Company, Manchester, 1340 N. H.—Authority to determine operating power by direct measurement of antenna power.

NEW—National Broadcasting Company, Inc., Bellmore, New York.—Construction permit for a new low frequency relay broadcast station on 1606, 2022, 2102, 2758 kc., 500 watts power.

NEW—National Broadcasting Company, Inc., Bellmore, New York.—License to cover the above.

##### Second Zone

WWJ—The Evening News Assn., Detroit, Mich.—Construction 920 permit to make changes in old W.E. D-87737 transmitter and move same from 810 W. Lafayette, Detroit, Mich., to 12700 Eight Mile Road, West, Oak Park, Michigan, to be used as an auxiliary transmitter.

WSAI—Crosley Radio Corp., Cincinnati, Ohio.—Modification of 1330 license to increase power from 1 KW night, 2½ KW day, to 1 KW night and 5 KW daytime.

WRTD—The Times Dispatch Publishing Co., Inc., Richmond, Va. 1500 —License to cover construction permit (B2-P-728) as modified for a new station.

NEW—Kanawha Valley Broadcasting Co., Charleston, W. Va.— 1500 Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.

XXX—First Baptist Church, Pontiac, Mich.—Authority to transmit programs from First Baptist Church at Pontiac, Mich., to Radio Station CKLW, Windsor, Ontario, Canada.

##### Third Zone

WNOX—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Modifi- 1010 cation of license to increase power from 1 KW night and 5 KW day to 5 KW day and night.

NEW—Charles F. Engle, Natchez, Miss.—Construction permit to 1210 erect a new station to be operated on 1210 kc., 100 watts night power and 250 watts day, unlimited hours of operation. Amended re antenna.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.— 1210 Construction permit to increase power from 100 watts to 100 watts night, 250 watts day, and make changes in transmitting equipment. Amended re equipment.

WTOC—Savannah Broadcasting Company, Inc., Savannah, Ga.— 1260 Construction permit to install a new transmitter and increase power from 1 KW to 1 KW night and 5 KW day. Amended re antenna.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Con- 1300 struction permit to install directional antenna for night use and increase power from 1 KW night, 5 KW day, to 5 KW day and night.

WGTM—H. W. Wilson and Ben Farmer, Wilson, N. C.—Modifica- 1310 tion of construction permit (B3-P-1286) for a new station, requesting changes in equipment and move of studio from 206 E. Nash St., Wilson, N. C., to 115 W. Nash St., Wilson, N. C.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—License 1330 to cover construction permit (B3-P-539) as modified for a new station.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—License 1330 to cover modification of construction permit (B3-P-514) for increase in power.

- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Modification of construction permit (B3-P-1422) for approval of vertical antenna and transmitter site at Pensacola, Fla.
- NEW—Panama City Broadcasting Co., Panama City, Fla.—Construction permit for a new station to be operated on 1420 kc., 100 watts power, daytime operation.
- W4XES—C. G. Hill, George D. Walker, Susan H. Walker, Winston-Salem, N. C.—License to cover construction permit (B3-PRE-108) for a new relay broadcast station.

#### Fourth Zone

- KFYR—Meyer Broadcasting Co., Bismarck, N. D.—Modification of construction permit (B4-P-1393) for move of transmitter from on Highway No. 10, Apple Creek Township, six miles east of Bismarck, N. Dak., to 2½ miles north and ¼ mile west of town of Menoken, N. Dak.
- WDAF—The Kansas City Star Co., Kansas City, Mo.—Authority to determine operating power by direct measurement of antenna power.
- WDAF—The Kansas City Star Co., Kansas City, Mo.—License to cover construction permit (B4-P-1418 as modified for equipment changes, vertical antenna, and move of transmitter).
- KWNO—Harry Dahl, Otto M. Schlabach, Maxwell H. White, and Hermann R. Wiecking, d/b as Winona Radio Service, Winona, Minn.—Modification of construction permit (B4-P-983) as modified to change authorized transmitter and studio sites from 110 Main St., Winona, Minn., to 216 Center Street, Winona, Minn., and extend commencement and completion dates from 8-15-37 to 2-15-38, respectively, to 45 days after grant and 180 days thereafter.
- NEW—Frank Ray, Dickinson, N. D.—Construction permit for a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time.
- KWOS—Tribune Printing Co., Jefferson City, Mo.—Authority to install automatic frequency control.
- KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—License to cover construction permit (B4-P-1695) for changes in equipment and increase in power.
- KOBH—Black Hills Broadcast Co. (Robert Lee Dean), Rapid City, S. Dak.—License to cover construction permit (B4-P-1631) for new equipment and increase in power.
- NEW—Western Audiphone Co., Ottumwa, Iowa.—Construction permit for a new station to be operated on 1420 kc., 100 watts power, unlimited time (Sections 6, 7, 8, equipment and jurat).
- KGKY—Hilliard Co., Inc., Scottsbluff, Nebr.—Authority to transfer control of corporation from A. W. Hilliard to L. L. Hilliard, 42 shares common stock.

- KAGM—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—License to cover construction permit (B4-PRY-24) for new low frequency relay station.

#### Fifth Zone

- KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Extension of special experimental authorization to operate on 710 kc., 1 KW, unlimited time, for period from 8-1-37 to 2-1-38.
- KDNC—The Democrat-News Co., Inc., Lewistown, Mont.—Modification of construction permit (B5-P-831) as modified for a new station, requesting equipment changes, approval of antenna, and approval of transmitter site at 509 West Main St., Lewistown, Mont., and move of studio from 513 West Main St. to 509 West Main St., Lewistown, Mont.
- KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—Modification of license to change power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.
- NEW—Pacific Radio Corp., Grants Pass, Ore.—Construction permit for a new station to be operated on 630 kc., 500 watts power, unlimited time. Amended: Antenna changes, change frequency from 630 kc. to 1320 kc., hours of operation from unlimited to daytime only.
- KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to change frequency from 1370 kc. to 560 kc.; changes in equipment; erect a new vertical antenna; increase power from 100 watts to 250 watts; and move transmitter from Marcus Whitman Hotel, 2nd and Rose Streets, Walla Walla, Wash., to site to be determined, Walla Walla, Wash. (wrong form).
- KRE—Central California Broadcasters, Inc., Berkeley, Calif.—License to cover construction permit (B5-P-1567) for new transmitter and antenna and move of transmitter.
- NEW—Gila Broadcasting Co., Safford, Ariz.—Construction permit for a new station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited time. Amended to change requested transmitter site from Central and Main to Sixth Avenue and Relation Street, Safford, Ariz.
- NEW—Fred M. Weil, Grand Coulee, Wash.—Construction permit for a new station to be operated on 1420 kc., 100 watts night and 250 watts day power, unlimited time.
- NEW—Louisa B. Thornton and M. E. Thornton, d/b as Port Angeles Broadcasters, Port Angeles, Wash.—Construction permit for a new station to be operated on 1500 kc., 100 watts night and 250 watts day power, unlimited time. Amended: Change name from Port Angeles Broadcasters to Louisa B. Thornton and M. E. Thornton, d/b as Port Angeles Broadcasters.
- KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—License to cover construction permit (B5-P-1617) for move of transmitter, and new antenna.



**NAB REPORTS** \* \* \* \* \*

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 JULY 15, 1937

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**FCC SETS HEARING FOR ATTORNEYS**

In connection with the disbarment proceedings of the Federal Communications Commission against two Washington attorneys, the Commission on Tuesday issued the following official statement:

The Commission in a General Session today, having considered the answers filed by Paul M. Segal and George S. Smith to the Order of May 19, 1937, including the motions contained in said answers that the charges contained in said Order of May 19, 1937, be dismissed, the Commission orders that said motions be overruled and denied; and,

The Commission further orders that the hearing on said charges and the answers of Paul M. Segal and George S. Smith be set before the Commission en banc on Monday, September 13, 1937, at 10:30 o'clock at the offices of the Commission in the City of Washington.

**CCIR-UIR MEETINGS REPORTED**

The Managing Director this week received the report of James C. McNary, who, as NAB delegate, attended the Fourth CCIR Meeting at Bucharest, Roumania, from May 21 to June 8, 1937, and the U. I. R. meeting at Lausanne, Switzerland, from June 17 to June 25, 1937.

The CCIR (Comité Consultatif Internationale Radio-communication—International Consulting Committee on Radio Communications) holds its international conference of engineers and scientists by virtue of provisions of the international administrative conferences at Washington (1927) and Madrid (1932). The CCIR functions in an advisory capacity to the administrative conferences, the next of which is scheduled to be held at Cairo beginning February, 1938, and is charged with consideration of technical matters affecting international regulations and allocations. The last CCIR meeting, held in Lisbon in 1934, was also attended by Mr. McNary, representing the NAB.

According to custom, the American delegation to CCIR meetings comprises a government delegation accompanied by company representatives. The government delegates to the 4th CCIR meeting were: Dr. J. H. Dellinger, (chairman), National Bureau of Standards; Captain S. C. Hooper, Navy Department; Colonel D. M. Crawford, War Department; E. K. Jett and Gerald C. Gross, Federal Communications Commission; and Francis B. de

**ANOTHER WORD OF APPRECIATION**

I take this means of expressing to the members my appreciation for the numerous suggestions which they have addressed to me as President of the National Association of Broadcasters. I am sure your constructive suggestions will be of great benefit in administering the affairs of the Association. The constructive ideas of all the members are solicited.

JOHN ELMER.

Wolf, Department of State. The other company representatives were: Dr. C. B. Jolliffe, Lloyd Briggs and H. K. Chadwick, Radio Corporation of America; Carroll Bickelhaupt, Lloyd Espenschied, F. M. Ryan and G. H. Barney, American Telephone & Telegraph Company; Haraden Pratt, Mackay Radio; and E. K. Cohan, Columbia Broadcasting System, Inc.

The recently-adjourned CCIR meeting was so timed that its opinions would be up-to-date and available for the forthcoming Cairo conference next year. According to the report received, it appears that some of the technical considerations affecting allocations, particularly those dealing with wave propagation, will necessarily undergo review at Cairo because of the rapidly changing state of the art and because of the demands for new frequencies certain to be made at Cairo by the aviation and high-frequency international broadcasting services. Some of the opinions of the 4th CCIR are summarized below.

While in Europe, Mr. McNary also attended the Tenth Annual Meeting of the UIR (International Broadcasting Union), devoting his time principally to the meetings of the Technical Committee. The most important item

**IN THIS ISSUE**

	<i>Page</i>
FCC Sets Hearing for Attorneys.....	2211
CCIR-UIR Meetings Reported.....	2211
Senate Bill Prohibits Broadcasting Gambling Information.....	2212
Three Radio Amendments Introduced.....	2213
WIL Appeals from Decision of FCC in Star-Times Case....	2214
Jack Falvey .....	2214
Broadcast Advertising in May.....	2214
Federal Trade Commission Action.....	2218
FTC Case Closed.....	2219
Federal Communications Commission Action.....	2219

discussed was the present condition of chaos in the high-frequency international relay broadcasting bands, and an effort was made to find engineering basis for improvement of service in these bands. Discussion included consideration of synchronization of transmitters using directional antennas for transmission of the same program in the same wave band to different portions of the earth, limitation of maximum and minimum power, frequency separation between channels, and shared use of the same carrier frequency in various parts of the world. Plans were made for continued observations of certain factors affecting international broadcasting transmissions. Considerable data, from the UIR Control Center at Brussels, was available to show the existing situation on the high-frequency channels.

According to the report submitted to the Managing Director, Mr. McNary observed television practices in Berlin and London. Both of these cities enjoy regular television broadcasting service. He was particularly impressed with the Alexandria Palace transmitter, in London, from which regular afternoon and evening programs are furnished, and with the studio and program production technique employed for these programs.

Of the opinions adopted at the CCIR Meeting, the following appear to be of interest to the broadcasting industry:

(a) r.f. harmonics: The previous opinion of the Lisbon meeting, with respect to radio frequency harmonics of fundamental carrier frequencies of 3000 kilocycles or less, was retained, which recommends that the harmonic power not exceed 0.025 watt, or 300 microvolts at 5 kilometers, with the proviso that such harmonic radiation is to be subject to special treatment if interference is caused. In addition, an opinion was adopted to the effect that harmonic power should be 40 decibels below the fundamental, for fundamentals of 3000 kilocycles or higher, with the same proviso as to interference.

(b) Synchronization: The opinion adopted on the subject of synchronizing broadcast transmissions simply defines synchronized carriers as those whose frequency difference is less than 0.1 cycle, and the so-called quasi-synchronized carriers as those whose frequency difference is less than 10 cycles. The latter term is not applicable to American practice.

(c) Frequency separation between broadcast channels: The opinion adopted on this subject states in effect that 20 kilocycle separation is the least that can be tolerated for two carriers serving the same area with high-fidelity reproduction; that, when geographical separation of transmitters operating on adjacent channels the frequency difference may be reduced to a value of less than 20 kilocycles; and that 10 kilocycles is the minimum recommended for short wave international broadcasting which is definitely not a high fidelity service.

(d) Classification of waves: The only change of importance in the classification of waves, and a change which was opposed by the American delegation, was the classification of frequencies between 30 and 300 megacycles as "very high" and frequencies between 300 and 3000 megacycles as "ultra high." Present American practice utilizes the term "ultra high" for frequencies in excess of 30 megacycles.

(e) Anti-fading antennas: The subject of anti-fading antennas, which was of some interest in certain European quarters but which actually had little international significance, was disposed of by adopting the American opinion practically in toto, pointing out the possibilities of improvement in coverage by careful attention to details of antenna design.

(f) Frequency tolerance: For broadcasting transmitters now in operation, 50 cycles; for broadcasting transmitters installed after January 1, 1939, 20 cycles. The entire table of tolerances and instabilities was reviewed and attempts were made by the American delegation to bolster up the tolerances for other services to conform to modern practice. The success was only moderate, however, as there has always been heavy pressure from some of the more backward services, such as marine radio, for maintaining the status quo.

(g) Wave propagation: The study of wave propagation was continued with a report being due from the centralizing administration before the Cairo conference. The interim report contains reference to the material submitted by the United States, without dispute, on which U. S. allocations are based.

(h) Background noise: An opinion on tolerable background noise in broadcast transmitters recommends a value of 54 decibels below 100 per cent modulation.

Miscellaneous: The conference discussed thoroughly and adopted several opinions with reference to the subject of man-made interference to broadcast reception. This subject is largely of European origin because of the plans to control such interference by legislation. The matter is of considerable interest to American broadcasting, but the material is not so applicable in this country. Other opinions issued referred to matters principally concerning other services (point-to-point telegraph, telephone, marine radio, aviation radio, etc), and to matters of interference, field intensities required for rendering service, etc.

## SENATE BILL WOULD PROHIBIT BROADCASTING GAMBLING INFORMATION

Senator Wheeler of Montana has introduced a bill in the Senate (S. 2758) which has been referred to the Committee on Interstate Commerce "to prohibit the transmission of certain gambling information in interstate commerce by communications facilities." Broad-

casting is specifically mentioned in the bill which is as follows:

#### A BILL

To prohibit the transmission of certain gambling information in interstate commerce by communications facilities.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That any gambler or any agent of a gambler who shall knowingly transmit or aid or assist in transmitting in interstate commerce by means of any communications facility any gambling information, and whoever shall knowingly transmit or aid or assist in transmitting in interstate commerce by means of any communications facility any gambling information to or for the use of any gambler, and whoever shall knowingly receive or aid or assist in receiving in interstate commerce by means of any communications facility any gambling information for any gambler or for transmission to any gambler, shall be fined not more than \$ . . . . ., or imprisoned not more than . . . . . years, or both.

SEC. 2. Whoever shall furnish, supply, provide, maintain, or repair any communications facility knowing that such communications facility is to be used in violation of the first section of this Act shall be fined not more than \$ . . . . ., or imprisoned not more than . . . . . years, or both.

SEC. 3. As used in this Act—

(a) The term "communications facility" includes any apparatus or personnel used in the broadcast, sending, transmission, or receipt (including delivery to the point of origin, delivery from the point of receipt to the point of destination, and forwarding) of writing, signs, signals, pictures, and sounds of all kinds by means of wire, cable, or radio.

(b) The term "gambling information" includes any information previous to the occurrence of an event, the occurrence or result of which is uncertain, relating to the mathematical chances of or odds on the occurrence of or a particular result of any such event or the amount of money wagered on the occurrence of or a particular result of any such event.

(c) The term "gambler" includes any person, partnership, corporation, or association who or which is engaged in business as a bettor, gambler, bookmaker, betting commissioner, stakeholder, or in any like or similar capacity.

#### THREE RADIO AMENDMENTS INTRODUCED

Senator Schwellenbach of Washington has introduced three amendments to the Communications Act of 1934 all of which have been referred to the Committee on Interstate Commerce. They are as follows:

S. 2755

#### A BILL

To amend section 315 of the Communications Act of 1934.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 315 of the Communications Act of 1934 be, and hereby is, amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 315. Each licensee of a radio-broadcasting station shall be required to set aside regular and definite periods at desirable times of the day and evening for uncensored discussion on a nonprofit basis of public, social, political, and economic problems, and for educational purposes. When any such licensee permits any speaker on any controversial, social, political, or economic issue to use its facilities during any such period, it shall afford to at least one exponent or advocate of each opposing viewpoint equivalent facilities. The licensing authority shall without any delay make rules and regulations to carry this provision into effect, and in proceeding hereunder it shall appoint and, in its discretion, act upon the recommendations of an advisory committee consisting of disinterested, representative citizens: *Provided*, That the licensing authority, the advisory committee, and licensees shall have no power of censorship of any kind, nor shall any license be revoked or renewal refused because of material so broadcast."

S. 2756

#### A BILL

To add section 315 (a) to the Communications Act of 1934.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Communications Act of 1934 be, and hereby is, amended by adding thereto the following:

"SEC. 315. (a) Each licensee of a radio-broadcasting station shall keep complete and accurate records open to reasonable public inspection—

"(1) of all applications for time;

"(2) of all rejected applications and the reasons for such rejections;

"(3) of all additions and changes requested in arranged programs on public, social, political, and economic issues and on educational subjects;"

S. 2757

#### A BILL

To amend section 326 of the Communications Act of 1934.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 326 of the Communications Act of 1934

be, and hereby is, amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 326. Nothing in this Act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communication: *Provided*, That this provision shall not be understood or construed to exempt any licensee from liability for any defamatory, profane, indecent, or obscene language or action broadcast by any officer, employee, agent, or representative of such licensee."

### WIL APPEALS FROM DECISION OF FCC IN STAR-TIMES CASE

Contending that the Communications Act of 1934 necessitates a finding on the question of "if public interest, convenience, or necessity will be served" as a prerequisite to a grant by the Federal Communications Commission, Radio Station WIL, St. Louis, Mo., this week filed its brief in the United States Court of Appeals for the District of Columbia. The appeal was from a denial by the Commission of an application by WIL for the facilities of 1250 kc, 1000 watts, with unlimited hours of operation, and the granting of such facilities to the Star-Times Publishing Co. of St. Louis.

The brief points out that the Commission rendered its decision and thereafter adopted certain findings in support of the ruling. It further alleges that the findings were not made by the Commission itself or by the Broadcast Division or by any board authorized to make such findings but that they were in fact made by the Law Department of the Commission and raises the contention that such findings cannot, by a minute entry of the Broadcast Division, become the findings of the Commission.

Asserting that the procedure followed in this case is contrary to established practise of other federal administrative boards, commissions and agencies, WIL asks that the Commission itself be required to determine the facts before making final decisions.

A further argument is advanced in the brief to the effect that the Commission erred in preferring a new applicant over an existing utility (WIL) and that it failed to give consideration to a prior licensee who had pioneered in the development of radio broadcasting in the St. Louis area.

The Commission has until September 20 to file its answer.

### JACK FALVEY

Members are advised to communicate with NAB Headquarters before contracting with Jack Falvey who represents the Falvey Feature Service or the Falvey Service Corporation.

## Broadcast Advertising in May HIGHLIGHTS OF THE MONTH

Total broadcast advertising during the month of May amounted to \$11,325,165, a slight increase over the volume registered for last month. This increase, due mainly to a 6.7% gain in local advertising, took the place of the usual seasonal decline. National network volume declined 2.3% and national non-network business 0.6% from the level of last month. Regional network volume gained 21.9%. Gross time sales for the month of May were 32.5% ahead of the volume recorded for the corresponding month of 1936. All portions of the medium experienced marked gains.

Compared to April, national magazine advertising increased in volume, national farm paper volume declined and newspaper lineage remained the same. Radio broadcasting continued to show the greatest gains in advertising volume of any major medium as compared to corresponding periods of last year. As against the 32.5% increase over last May registered by radio, national magazine volume increased 19.6% and national farm paper volume 4.2%. Newspaper lineage declined 1.1% from the level of last May.

Total non-network advertising rose 2.4% over the level of April and 33.6% over the volume registered during May 1936. The increase over last month was due mainly to a 4.7% gain in volume for the clear channel stations. Regional stations showed the greatest gain as compared to last May, although all sizes of stations recorded increases. The New England-Middle Atlantic Area experienced the most marked gain of any section of the country both as compared to last month and as to May 1936.

In the rendition field, live talent showed the only increase of importance as compared to April. Live talent showed the only gain in the national non-network field but transcriptions increased to a greater extent in the local field. As against last May, total live talent increased 41.7%, transcriptions 25.1%, records 9.4%, and announcements 29.1%. Announcements in the national field and live talent in the local field showed the greatest gains over May 1936.

National network clothing, regional network tobacco products, national non-network financial, and local accessory, beverage and department store sponsor groups showed the main increases in advertising volume over last month. As against last May, the most important gains were registered in national network household equipment and soap and kitchen supply advertising, regional network drug and tobacco advertising, national non-network food products and tobacco advertising, and local food products and radio set advertising sponsor groups. Retail broadcast advertising over individual stations amounted to \$1,333,180, an increase of 6.4% over the



level of last month and 21.8% greater than the volume recorded for May 1936.

## TOTAL BROADCAST ADVERTISING

Total broadcast advertising for the month of May is found in Table I.

**TABLE I**  
**TOTAL BROADCAST ADVERTISING**

*1937 Gross Time Sales*

<i>Class of Business</i>	<i>April</i>	<i>May</i>	<i>Cumulative Jan.-May</i>
National networks . . .	\$6,013,181	\$5,875,531	\$30,009,052
Regional networks . . .	112,938	137,734	541,167
National non-network .	2,982,200	2,962,200	13,812,100
Local . . . . .	2,201,000	2,349,700	10,452,200
<b>Total . . . . .</b>	<b>\$11,309,319</b>	<b>\$11,325,165</b>	<b>\$54,814,519</b>

Contrary to the usual seasonal decline, total broadcast advertising during the month of May remained at approximately the same level as was recorded in April. The slight increase was less than 1.0%. National network volume declined 2.3% and national non-network business 0.6%. Regional network volume increased 21.9% and local advertising 6.7%.

National non-network advertising showed the greatest gain over May of last year in rising 45.5% in volume. National network volume rose 32.1%, regional networks 10.4% and local business 21.1%. Total broadcast advertising for the month was 32.5% ahead of May 1936.

## COMPARISON WITH OTHER MEDIA

Compared to last month, national magazine volume increased 4.5% while national farm paper volume dropped 14.9% and newspaper lineage remained at approximately the same level. As against the 32.5% gain over last year registered by radio, national magazine advertising increased 19.6% in volume and national farm paper advertising 4.2% while newspaper lineage decreased 1.1%.

Advertising volume by major media is shown in Table II.

**TABLE II**  
**ADVERTISING BY MAJOR MEDIA**

*1937 Gross Time and Space Sales*

<i>Advertising Medium</i>	<i>April</i>	<i>May</i>	<i>Cumulative Jan.-May</i>
Radio broadcasting . . .	\$11,309,319	\$11,325,165	\$54,814,519
National magazines <sup>1</sup> . .	17,086,299	17,863,997	72,282,292
National farm papers <sup>1</sup> .	807,117	686,534	3,642,648
Newspapers <sup>2</sup> . . . . .	52,224,000	52,138,000	235,194,000
<b>Total . . . . .</b>	<b>\$81,426,735</b>	<b>\$82,013,696</b>	<b>\$365,933,459</b>

<sup>1</sup> Publishers' Information Bureau.

<sup>2</sup> Estimated.

## NON-NETWORK ADVERTISING

Total non-network advertising rose 2.4% in volume over last month due to the increase in local business. Non-network advertising over clear channel and high-

powered regional stations showed the greatest gain in rising 4.7%. Regional station volume rose 0.7% and local station advertising 1.2%.

All sizes of stations showed marked gains in advertising volume over May of last year. Clear channel and high-powered regional station volume increased 31.6%, regional station volume 44.7% and local station volume 10.8%. Total non-network advertising increased 33.6% over the volume registered for last May.

Broadcast advertising by power of station is found in Table III.

**TABLE III**  
**NON-NETWORK ADVERTISING BY POWER OF STATION**

*1937 Gross Time Sales*

<i>Power of Station</i>	<i>April</i>	<i>May</i>	<i>Cumulative Jan.-May</i>
Over 1,000 watts . . . . .	\$2,157,800	\$2,261,000	\$10,379,100
250-1,000 watts . . . . .	2,318,800	2,335,500	10,687,300
100 watts . . . . .	706,600	715,400	3,197,900
<b>Total . . . . .</b>	<b>\$5,183,200</b>	<b>\$5,311,900</b>	<b>\$24,264,300</b>

Compared to last month, the New England-Middle Atlantic and the North Central Areas experienced increases of 5.7% and 4.8%, respectively. The South Atlantic-South Central Area declined 3.0% in volume, and the Pacific and Mountain Area 1.0%.

As compared to May of last year, the greatest increase in volume occurred in the New England-Middle Atlantic Area, advertising in this Area rising 59.6%. Non-network advertising in the South Atlantic-South Central Area increased 42.2%, in the North Central Area 29.3% and in the Pacific and Mountain Area 6.9%.

Non-network advertising by geographical districts is shown in Table IV.

**TABLE IV**  
**NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS**

*1937 Gross Time Sales*

<i>Geographical District</i>	<i>April</i>	<i>May</i>	<i>Cumulative Jan.-May</i>
New England — Middle Atlantic Area . . . . .	\$1,307,600	\$1,382,800	\$ 6,222,700
South Atlantic — South Central Area . . . . .	1,042,000	1,010,500	4,659,800
North Central Area . . . .	1,941,400	2,035,200	9,124,900
Pacific and Mountain Area . . . . .	892,200	883,400	4,256,900
<b>Total . . . . .</b>	<b>\$5,183,200</b>	<b>\$5,311,900</b>	<b>\$24,264,300</b>

## NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Live talent showed the only increase of importance among the various types of rendition, rising 7.6% in volume over April. Announcements registered an increase of 0.7%. Electrical transcriptions declined 4.7% and records 1.5%. Live talent business also showed the greatest gain over last May by increasing 41.7% in

volume. Transcriptions showed a gain of 25.1%, records 9.4% and announcements 29.1%.

By increasing 8.2% in volume, live talent business registered the only gain in the national non-network field as compared to April. Transcriptions declined 7.7%, records 71.1% and announcements 4.0%. However, only records failed to show an increase as against last May. Transcriptions rose 33.7%, live talent 47.5%, and announcements 73.4%. Records declined 28.3%.

In the local field, electrical transcriptions showed the most important gain in rising 9.7% over last month. Live talent showed a gain of 6.9%, records 19.3% and announcements 4.3%. Compared to last May, live talent rose 36.0%, records 13.8% and announcements 10.0%. Transcriptions declined 1.5%.

Non-network advertising by type of rendition is found in Table V.

**TABLE V**  
**NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION**

Type of Rendition	National Non-network		1937 Gross Time Sales				Cumulative Jan.-May
	April	May	Local		Total		
	April	May	April	May	April	May	
Electrical transcriptions.....	\$1,164,800	\$1,075,100	\$234,100	\$256,900	\$1,398,900	\$1,332,000	\$5,907,980
Live talent programs.....	1,271,300	1,376,400	1,190,600	1,272,800	2,461,900	2,649,200	12,096,890
Records.....	20,100	5,800	67,200	80,200	87,300	86,000	429,410
Announcements.....	526,000	504,900	709,100	739,800	1,235,100	1,244,700	5,830,020
Total.....	\$2,982,200	\$2,962,200	\$2,201,000	\$2,349,700	\$5,183,200	\$5,311,900	\$24,264,300

**SPONSOR TRENDS IN MAY**

Declines were general in the national network field as compared to April. Clothing showed the only important increase. Compared to last May, however, many sponsor groups showed marked gains, the most important being in the automotive, accessory, foodstuff, household equipment, soap and kitchen supply, financial and tobacco groups.

As against last month, tobacco advertising showed the most important gain in the regional network field. Drug, soap and kitchen supply, and tobacco advertising increased to the greatest extent over last May. Gasoline and accessories, toilet goods, and beverage advertising declined.

Financial advertising increased 54.3% in the national non-network field. Drug, beverage, amusement, radio, department store and the miscellaneous groups showed minor declines while all other groups registered slight increases as compared to last month. Clothing, food products, soap and kitchen supply and tobacco advertising registered marked gains as compared to last May.

Gains were fairly general in the local field with the accessory, beverage and department store sponsor groups increasing to the greatest extent over April. All groups except the automotive, accessory, drug, and soap and kitchen supply groups showed increases as compared to last May.

Broadcast advertising during May by major product and sponsor groups is shown in Table VI.

**TABLE VI**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
**(MAY 1937)**

Type of Sponsoring Business	Gross Time Sales				
	National Networks	Regional Networks	National Non-network	Local	Total
1a. Amusements.....	—	\$984	\$2,490	\$55,770	\$59,244
1-2. Automobiles and accessories:					
(1) Automobiles.....	\$532,922	—	176,820	128,370	838,112
(2) Accessories, gas and oils.....	536,947	11,204	189,290	83,680	821,121
3. Clothing and apparel.....	26,040	913	77,210	285,210	389,373
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	466,901	14,184	300,840	60,310	842,235
(5) Toilet goods.....	1,017,125	1,680	115,090	21,000	1,154,895
6-8. Food products:					
(6) Foodstuffs.....	1,219,108	41,499	787,460	326,520	2,374,587
(7) Beverages.....	300,326	7,772	162,470	142,600	613,168
(8) Confections.....	110,522	200	42,130	13,480	166,332
9-10. Household goods:					
(9) Household equipment and furnishings.....	171,269	3,576	137,720	286,880	599,445
(10) Soap and kitchen supplies.....	527,793	12,389	241,350	7,060	788,592
11. Insurance and financial.....	61,044	8,017	20,060	104,540	193,661
12. Radios.....	121,134	—	5,500	25,060	151,694
13. Retail establishments.....	—	—	6,800	197,590	204,390
14. Tobacco products.....	620,961	21,400	187,530	14,160	844,051
15. Miscellaneous.....	163,439	13,916	509,440	597,470	1,284,265
Total.....	\$5,875,531	\$137,734	\$2,962,200	\$2,349,700	\$11,325,165

Details as to trends in the various fields of sponsorship are as follows:

1a. *Amusements.* Regional network volume three times as great as April. National non-network volume declined 12.9% while local advertising rose 38.5% compared to April. Regional network tripled volume of last May. Local advertising rose 79.7% and national non-network dropped 81.1% as against last May.

1. *Automotive.* Gains over April as follows: national networks 2.9%, national non-network 2.6% and local 8.6%. As against May 1936, national network volume rose 47.8% while national non-network and local advertising declining 33.7% and 12.2%, respectively.

2. *Gasoline and accessories.* Increases over April as follows: national networks 7.6%, regional networks 9.6%, national non-network 9.8%, and local 37.9%. National network volume 44.9% ahead of last May in volume. Regional network volume declined 47.9% and local business 21.5%. National non-network business increased 0.9%.

3. *Clothing.* National network volume two and one-half times as great as April. Regional network volume rose 14.9% and national non-network business 25.0%. Local business declined 1.9%. As compared to May 1936, national network business declined 16.0% while national non-network and local advertising increased 97.7% and 9.5%, respectively.

4. *Drugs and pharmaceuticals.* National network volume 6.3% below level of last month. Regional network volume rose 9.8% and local volume 10.2%. National non-network volume declined 20.8%. Compared to last May, national network business increased 25.6% and regional network volume more than doubled. National non-network and local advertising declined 0.7% and 1.6% respectively.

5. *Toilet goods.* While national network and national non-network volume remained at approximately the same level as last month, regional network volume declined 16.3% and local business rose 14.3%. As against last May, national network volume increased 13.5%, national non-network business 75.5% and local business 6.2%. Regional network volume declined 44.1%.

6. *Foodstuffs.* National network volume 5.3% below last month. Regional network volume increased 5.6%, national non-network volume 1.6%, and local business 1.0%. Increases in volume over last May as follows: national networks 47.6%, regional networks 21.2%, national non-network 78.7%, and local 36.9%.

7. *Beverages.* National network and national non-network volume 4.8% and 8.9% below April, respectively. Regional network volume up 19.6% and local business up 37.0%. As against May 1936, national network volume down 9.9% and regional network volume

down 52.0%. National non-network business four times as great and local business up 18.3%.

8. *Confectionery.* National network volume down 5.3% compared to April. Regional network business declined materially. National non-network business increased 2.4% and local business 23.2%. Compared to last May, regional network volume remained the same while national network volume increased 12.6%, local business 41.9% and national non-network business doubled.

9. *Household equipment.* Increases over April as follows: national networks 3.9%, regional networks 3.2%, national non-network 3.4%, and local 12.5%. National network business five times as great as last May. Regional network volume down 16.0%, National non-network and local advertising increased 14.1% and 28.9%, respectively.

10. *Soaps and kitchen supplies.* National network volume 12.5% below April. Regional network volume increased materially and national non-network volume rose 5.8%. Local business dropped 10.9%. Compared to last May, national network volume increased 62.3%, regional network volume 41.1% and national non-network more than doubled. Local business down 33.5%.

11. *Insurance and financial.* Compared to April, national network business down 16.0%. Regional network volume up 32.4%, national non-network 54.3%, and local advertising 26.9%. As against last May, national network volume increased 61.9% and local business 28.7%. Regional network business increased materially and national non-network business remained the same.

12. *Radios.* National network volume 3.0% above April. National non-network volume down 9.1% and local volume up 38.3%. Compared to May of last year, national network volume rose 6.5% and local volume 74.8%. National non-network volume dropped 70.4%.

13. *Department and general stores.* Compared to April, national non-network business down 8.3% and local business 3.1%. National non-network volume 11.1% below last May. Local advertising increased 32.7% over May 1936.

14. *Tobacco products.* Increases over April as follows: national network 4.6%, regional network 61.5%, national non-network 2.2% and local 25.4%. Increases over May 1936 as follows: national networks 57.8%, regional networks 72.9%, and local advertising 5.6%. National non-network volume more than doubled.

15. *Miscellaneous.* Declines from April level as follows: national networks 17.2%, regional networks 11.6%, national non-network 0.6% and local 0.6%. Compared to last May, national network volume declined 36.6% and regional network volume 7.2%. National non-network business increased 67.9% and local advertising 31.3%.

## RETAIL BROADCAST ADVERTISING

Total retail broadcast advertising over individual stations was 6.4% above the level recorded for last month and 21.8% greater than the volume of May 1936. Advertising by drug stores, confectionery stores, and radio retailers showed the greatest gains in volume as compared to last month. Drug, beverage, confectionery, household equipment, and radio set advertising showed the principal gains and gasoline, beauty parlor and grocery store advertising the principal declines as compared to last May. Broadcast advertising by retail establishments will be found in Table VII.

TABLE VII

### RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1937 Gross Time Sales	
	April	May
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$126,320	\$131,890
Gasoline stations, garages, etc.....	39,740	46,060
Clothing and apparel shops.....	316,530	302,950
Drugs and toilet goods:		
Drug stores.....	21,510	32,950
Beauty parlors.....	5,470	7,000
Food products:		
Grocery stores, meat markets, etc....	42,080	39,260
Restaurants and eating places.....	33,370	36,090
Beverage retailers.....	8,350	7,620
Confectionery stores.....	7,110	12,270
Household goods:		
Household equipment dealers.....	94,750	123,530
Furniture stores.....	124,360	133,380
Hardware stores.....	43,640	43,910
Radio retailers.....	16,750	25,450
Department and general stores.....	211,380	204,400
Tobacco shops.....		
Miscellaneous.....	161,070	186,420
Total.....	\$1,252,430	\$1,333,180

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them:

**No. 3168.** Alleging false and misleading representations in the sale of a study course intended to prepare pupils for United States Government positions, a complaint has been issued against **Clement A. DeGrace**, trading as **Social Security Counselors**, Davis Building, **Portland, Ore.**

Advertisements published in "Help Wanted" columns of newspapers are alleged to have been worded and placed so as to imply that they had been sponsored by a Government agency; that 300,000 Government positions were open and available and men and women were wanted to fill them, and that the respondent could obtain such positions for persons completing his course.

DeGrace is charged with making representations through his salesmen and through other channels, implying that the salesmen are connected with or otherwise represent the Government; that thousands of positions are available in the Social Security Board; that examinations for such positions would be held at definite times; that Government jobs are guaranteed or assured, and that money would be refunded students if no jobs were obtained.

**No. 3169.** Charging unfair competition in the sale of fountain pens, a complaint has been issued against **Argo Pen-Pencil Co., Inc.**, 220 Broadway, **New York**, and **Harry Sachnoff**, president and owner of practically all capital stock of the respondent company.

According to the complaint, certain fountain pens sold by the respondents were stamped in a manner simulating the stamping and marking as seen on solid gold pen points of 14 carat fineness. These markings allegedly conveyed the impression that such articles were composed of some kind of gold or gold alloy of 14 carats in fineness. "Duripoint 14 KT. Gold Plate" was imprinted on the points of certain of the respondents' pens. The words "Gold Plate" appeared below, and at such distance from the figures and letters "14 KT." that when a point was inserted to a sufficient degree within the barrel of a pen, the words "Gold Plate" were completely or almost completely concealed and the legend "Duripoint 14 KT." alone remained visible.

### Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

**No. 01740.** **People's Drug Stores, Inc., Washington, D. C.**, in its stipulation, agrees to stop representing that Thompson's Effervescent Aspirin Compound Tablets are an effective remedy for colds, and that they will relieve pain, unless there appears in such representation an explanation of the causes of pain which can be relieved thereby. The tablets will no longer be advertised as an effective remedy for over-acidity, unless this is expressly limited to over-acidity of the stomach. The respondent admits that while its preparation would have some mild analgesic effect due to the contained aspirin, and would temporarily reduce gastric acidity through its alkaline properties, it is not a competent treatment or an effective remedy for colds, nor will it affect over-acidity, except in the stomach.

**No. 01741.** **The Kendall Co., 2500 South Dearborn St., Chicago, trading as Bauer & Black**, and engaged in selling a hand lotion called Velure Lotion, stipulates that it will no longer advertise this preparation as a recent scientific discovery containing two ingredients new to hand lotions, or as capable of softening the hands in 15 seconds, or that Velure Lotion will miraculously transform work-roughened hands into white, soft things of beauty. The respondent admits that Velure has value as a hand lotion, and that although one of its ingredients is in a form unusual in such lotions, Velure is not a preparation newly or recently discovered or possessing ingredients radically different from other hand lotions.

**No. 01742.** **W. K. Sterline, 830 Ohio Ave., Sidney, Ohio**, in the sale of an asthma treatment, will cease advertising that his preparation will remove the cause of asthma or hay fever, or that it will do any more than give temporary relief from the paroxysms of asthma and the symptoms of hay fever. The respondent agrees that in promoting the sale of his medicine as a palliative for or as a relief from asthma and hay fever symptoms, he will assert neither directly nor by inference that the preparation is safe, unless it is explained that the preparation is not intended for use by persons having tuberculosis.

**No. 01743.** **Charles H. Birnbaum, trading as Star Book & Novelty Co., Camden, N. J.**, selling books, herbs, roots, curios, perfume and incense powder, agrees to stop representing that the roots or herbs sold, or any combination thereof, comprise a cure or competent treatment or remedy for some 90 listed diseases or conditions, and that the reading or studying of any book sold by the respondent will enable one to rise above his present surroundings, giving him efficiency, intellectual supremacy, or influence.

**No. 01744.** **Phoenix-Powers Co., Haddonfield, N. J.**, distributor of a wheat germ oil preparation designated E-Now, stipulates that it will cease representing that E-Now is of value in cases of lack of vigor, unless this is expressly limited to lack of vigor due to Vitamin E deficiency, or that E-Now is a concentrate of Vitamin E. The respondent company admits that E-Now contains a considerable number of Vitamin E units, but that such vitamins cannot be concentrated, and that administration of Vitamin E, while producing certain specific effects, has no effect on physical vigor generally.

**No. 01745.** **W. A. Orr, trading as Orr Health System and Orr Health Service, 2501 Glenmary St., Louisville**, sells "Printed Instructions Regarding Diet and Exercises as a Relief for Constipation". In his stipulation, Orr agrees to stop asserting that his system or service provides a competent remedy in the treat-

ment of constipation or indigestion, unless such assertions are clearly qualified to indicate that there are many cases in which beneficial results may not be expected. He will cease asserting that the system is based on natural or scientific principles, and that by following his instructions, constipation will be eliminated, and the eliminative system can be made normal or can be corrected. The respondent admits that, according to reliable medical authority, his exercises and diet, as outlined, are of benefit only in certain cases of constipation, and that in some cases harmful effects may result from following his instructions.

**No. 01746. E. L. Leisenring, trading as U. S. Drug & Sales Co., 1534 Lawrence St., Denver,** will discontinue the assertion that his Special Vitality Tablets are compounded from powerful glandular substances properly balanced with other active ingredients, and that the product is made by registered pharmacists. Leisenring also agrees to stop asserting that his preparation will aid in renewing the entire system, or that its use results in healthy and active glands.

**No. 01747. Floratone Company, 2512 West 7th St., Los Angeles,** selling Floratone, will cease advertising it as being capable of freeing one from mucous colitis, relieving gaseous stomach trouble, and making one feel like a "new man". The respondent will also cease asserting that Floratone may be used safely to "normalize" the chemistry of the colon by providing a suitable environment that invites the growth of "friendly bacteria", at the same time tending to retard disease-producing germs. Another assertion to be discontinued is that 17 cents a day or the cost of a full month's treatment of "Floratone", is the cost of better health and of freedom from constipation and mucous colitis.

**No. 01748. A. B. Mueller and A. L. Trader, operating as N. R. S. Company, 4221 East 31st St., Kansas City, Mo.,** in the sale of Vigorsol and Conditioner, agree to stop representing that Vigorsol is a prostate remedy capable of giving quick and positive results in home treatment, and that the Conditioner is harmless, or that it will eliminate toxins, purify the blood and maintain a free intestinal tract.

**No. 01749. Johnston, Holloway & Co., 1728 Spring Garden Road, Philadelphia,** selling Alergene, will stop representing this product as a competent treatment for allergy, unless this is limited to indicate allergic symptoms due to a Vitamin F deficiency or a lack of unsaturated fatty acids. The respondent company admits that, according to consensus of medical opinion, although Alergene contains certain ingredients which may aid in cases involving allergic conditions, it is not indicated in the treatment of allergy generally, nor will it reach or remedy the cause of any disease not due to fatty acid deficiency.

**No. 01793. Trading as Spark Plug Service Co., Joseph and Mayer Krawetz, 977 Rondo St., St. Paul, Minn.,** have entered into a stipulation to stop certain false and misleading representations in the sale of reconditioned spark plugs for automobiles.

Representations to be discontinued are that the respondents operate the largest rebuilt spark plug factory in the world; that their rebuilt spark plugs will give perfect performance for 10,000 miles, or that their products are individually tested and perform with the efficiency of new spark plugs.

**No. 01795. Agreeing to discontinue certain false and misleading representations in the sale of an electro-therapeutic device, William K. Beyer and Emil R. Hahnwald, trading as Beyer Manufacturing Co., 4655 Lincoln Ave., Chicago,** have entered into a stipulation.

The device, known as "Tropic Sun", will no longer be advertised as capable of building up resistance to colds and other winter ailments, according to the stipulation, and it will not be asserted that the rays of this lamp are deeply penetrating, or constitute a competent treatment or effective remedy for scalp disorders, psoriasis, rickets, influenza, rheumatism and arthritis.

**No. 2442. An order has been issued vacating and setting aside its order to cease and desist issued July 8, 1936, against Raritan Distillers Corporation, Perth Amboy, N. J.** The Commission also ordered that prosecution of the original complaint in this case be resumed.

The order to cease and desist of July 8, 1936, prohibited the representation, through use of the word "distillers" in the respondent company's corporate name, on stationery, in advertising or on labels, that the respondent company was a distiller of alcoholic beverages.

**No. 2795. An order to cease and desist has been issued against Harvey E. Wagley, trading as Federal Civil Service Training Bureau, 508 South Dearborn St., Chicago,** directing discontinuance of certain false and misleading representations in the sale of correspondence courses designed to prepare students for Civil Service examinations.

Wagley is ordered to stop representing, through use of the words "Federal" or "Bureau", or the term "Civil Service", or other terms with similar meaning, that his business is a part of or is connected with the United States Government or the United States Civil Service Commission.

**No. 2800. Canterbury Candy Makers, Inc., 93 Marion St., Seattle, Wash.,** has been ordered to cease and desist from selling candy so packed and assembled that sales to ultimate purchasers are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

The order prohibits the respondent company from packing in assortments boxes of candy together with punchboard devices which may be used in the sale of the candy to the public at retail.

**No. 2833. Under an order the Imperial Candy Co., Seattle, Wash.,** is directed to cease and desist from selling and distributing to dealers candy so packed and assembled that sales to the public may be made by means of a lottery, gaming device or gift enterprise.

The respondent company also is ordered to discontinue furnishing to dealers punch boards, either with assortments of candy or separately, bearing legends informing the purchasing public that the candy is being sold by lot or chance.

**No. 2950. Tolpin Studios, Inc., 2129 West Van Buren St., Chicago,** has been ordered to discontinue certain false and misleading representations in the sale of chinaware. The respondent company is a processor and decorator of foreign and domestic made undecorated chinaware.

The order prohibits the respondent company from branding, labeling, marking or otherwise causing the word "Limoges" to appear on its china or chinaware products, or causing such products to be represented as Limoges china or chinaware when they have not originated or been manufactured in the city of Limoges, France.

**No. 3037. Civil Employees Training, Inc., 9th and Chestnut Sts., Cleveland,** and three of its officers, have entered into a stipulation to discontinue certain false and misleading representations in the sale of a correspondence course designed to prepare students for taking Civil Service examinations.

Upon the signing of the stipulation by the respondents, the Commission closed its case in which a complaint had been issued charging them with practices similar to those covered in the stipulation.

Among representations to be discontinued under the stipulation are assertions to the effect that the respondents' salesmen are in the employ of the United States Government, or are otherwise connected with it; that Civil Employees Training, Inc., is an agency of or representative of the Government or the United States Civil Service Commission; that it is necessary to take the respondents' course in order to get a Civil Service job, and other similar allegations.

#### FTC CASE CLOSED

**No. 3099. The Federal Trade Commission has closed its case against Biloxi Oyster Exchange, of Biloxi, Miss., and 24 member companies.** The respondents were charged with entering into and maintaining a price-fixing agreement which allegedly had resulted in lessening competition in the interstate sale and distribution of canned oysters.

The case was closed for the reason that Biloxi Oyster Exchange has been dissolved and its charter surrendered.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled at the Commission in connection with broadcast cases for the week beginning July 19. The Broadcast Division has taken the following action, subject to ratification at its next regular meeting:

#### APPLICATIONS GRANTED

WMBO—WMBO, Inc., Auburn, N. Y.—Granted extension of program test period 30 days from July 11, 1937.

KVGB—Earnest Edward Ruehlan, Great Bend, Kans.—Granted authority to discontinue operation for period not to exceed 10 days in accordance with Rule 151.

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Granted special temporary authority to rebroadcast over radio station WEBC conversation carried on between experimental station W5XAR and W5XAS of the Western Radio Telegraph Co., for the period not to exceed 1 hour between July 10 and 16, flying weather permitting.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to rebroadcast over WEAU as above for period of not more than 1 hour between July 10 and July 15, flying weather permitting.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted special temporary authority to rebroadcast over radio station KROC a balloon flight into the stratosphere by Dr. Jean Piccard at Rochester, Minn. (W9XUH from the balloon and W9XUG from the ground), for the period ending no later than July 20, 1937.

## MISCELLANEOUS

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—The Broadcast Division directed that a modification of license to change frequency from 1420 kc. to 1210 kc., and time from daytime to unlimited, using 100 watts, be issued to KALB in conformity with its action of April 27, 1937, inasmuch as the applicant has complied with the proviso contained therein.

Granted petition of William F. Maag, Jr., to intervene in the proceedings upon the application of WKBN Broadcasting Corp., Youngstown, Ohio, for modification of C. P., Docket 4593.

Granted petition of State Broadcasting Corp. to intervene in the proceedings upon the application of WSMN, Inc., for new station at New Orleans, La., Docket 4530.

Granted petition of Colonial Broadcasters, Inc., to intervene in the proceedings upon the application of Arthur Lucas for new station at Savannah, Ga., Docket 4563.

Granted petition of Savannah Broadcasting Co., Inc. (WTOC), to intervene in the proceedings upon the application of Arthur Lucas for new station at Savannah, Ga., Docket No. 4563.

Granted petition of Wm. E. Walker and Merrill F. Chapin, d/b as Walker & Chapin, for a continuance of the hearing upon their application for C. P. for new station at Oshkosh, Wis., Docket No. 4588, and directed that said hearing be continued until September 24, 1937.

Granted motion of Athens Times, Inc., Athens, Ga., for a continuance of the hearing upon its application for C. P. for new station, Docket No. 4534, and directed that said hearing be continued until September 29, 1937.

Granted petition of Durham Radio Corp. (WDNC) to correct error in its application for C. P., Docket 4525, without affecting the hearing date thereof, and denied the petition of the Monumental Radio Co. for postponement of said hearing.

Extended the effective date of its order of May 18, 1937, in granting the application of the Hartford Times, Inc. (WTHT), for modification of C. P., Docket 3971, and denying the application of S. George Webb for modification of C. P., Docket 3857, and the application of E. Anthony & Sons, Inc., for C. P. for new station at Pawtucket, R. I., Docket 3836 (Ex. Rep. 1-303), from July 6 to July 20, 1937.

Denied motion of the Ward Optical Company for continuance of the hearing upon the application of Harry Schwartz for C. P. for new station at Tulsa, Okla., Docket 4586, and dismissed the protest of Harry Schwartz to the grant of said motion.

Denied petition of F. M. Gleason, d/b as North Georgia Broadcasting Co., to withdraw his application for C. P. for new station at Rossville, Ga., Docket 3978, without prejudice, and directed that said application be dismissed with prejudice, as follows:

Upon consideration of the application, record and evidence in this case, Ex. Rep. No. 1-396, and the exceptions thereto, the Broadcast Division this day found that public interest, convenience and necessity would not be served by granting the application of F. M. Gleason, d/b as North Georgia Broadcasting Co., for C. P., and entered its final order dismissing same with prejudice in the following case (Examiner recommends denial):

NEW—Ex. Rep. 1-396: F. M. Gleason, d/b as North Georgia Broadcasting Co., Rossville, Ga.—C. P. for new broadcast station to operate on 1200 kc., 100 watts, daytime. Application dismissed with prejudice. Order effective June 30, 1937.

Granted the motion of Coliseum Place Baptist Church, New Orleans, La. (WBNO), and Charles C. Carlson, New Orleans, La. (WJBW), for continuance of hearing in so far as said motions apply to the applications of the Coliseum Place Baptist Church for C. P., Docket 4580, renewal of license, Docket 4008, and assignment of license, Docket 4468, and the applications of Charles C. Carlson for C. P., Docket 4204, and renewal of license, Docket 4330, and the application of Southern Broadcasting Corp. for

C. P. for new station at New Orleans, Docket 3999, and directed that said hearing be continued until September 21, 1937; denied said motions in so far as they apply to the application of the Standard Life Ins. Co. of the South for C. P., Docket 4510, and dismissed the opposition of the Standard Life Ins. Co. of the South to the motion of the Coliseum Place Baptist Church.

NEW—Robert Noble and J. Earl Salter, Los Angeles, Calif.—Dismissed petition requesting rehearing by the Commission en banc upon the application of the Beverly Hills Broadcasting Corp. (KMPC) for transfer of control.

Power City Broadcasting Corp., Niagara Falls, N. Y.—Denied petition for rehearing upon its application for C. P. to establish a new broadcast station upon the frequency 630 kc., with power of 250 watts, daytime hours of operation.

## APPLICATIONS RECEIVED

### First Zone

WIBX—WIBX, Inc., Utica, N. Y.—Modification of construction 1200 permit (B1-P-1426) to install new transmitter and vertical antenna, change power from 100 watts, 300 watts day to 100 watts, 250 watts day, and move transmitter, requesting extension of completion date from 7-10-37 to 9-10-37.

NEW—Young People's Association for the Propagation of the 1220 Gospel, Philadelphia, Pa.—Construction permit for a new broadcast station to be operated on 1220 kc., 1 KW power, unlimited time. Using directional antenna day and night.

NEW—C. J. MacGregor, Port Newark, N. J.—Construction permit for a new experimental broadcast station on frequencies 2398, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 31100, 34600, 37600, 40600, 86000 to 400000 kc., power of 400 watts.

NEW—C. J. MacGregor, Port Newark, N. J.—License to cover the above.

XXX—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit recorded programs to all broadcast stations in Canada, licensed to operate by the Canadian Government, which may be heard consistently in the United States.

### Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Construction 560 permit to install a new transmitter, directional antenna for day use and increase power from 1 KW to 1 KW night and 5 KW day.

NEW—WWPO, Incorporated, Pittsburgh, Pa.—Construction permit for a new broadcast station to be operated on 1120 kc., 250 watts power, unlimited time. Use directional antenna day and night. Amended: To give transmitter site as Troy Hill Road, at Ridgeland Cemetery, Pittsburgh, Penna.

WJIM—Harold F. Gross, Lansing, Mich.—Construction permit to 1210 install new transmitter.

### Third Zone

KRGV—KRVG Incorporated, Weslaco, Texas.—Authority to 1260 transfer control of corporation from M. S. Niles to O. L. Taylor, Gene Howe and T. E. Snowden, 320 shares of common stock.

NEW—J. F. Rodgers, Harlingen, Texas.—Construction permit for 1370 a new station to be operated on 1370 kc., 100 watts power, 250 watts power day, unlimited time.

NEW—Lamar Life Insurance Co., Jackson, Miss.—Construction permit to erect a high frequency relay broadcast station on 31000, 34600, 37600, 40600 kc., 2 watts power. Amended: To omit frequency 31000 kc. and add 31100 kc.

### Fourth Zone

WGN—WGN, Incorporated, Chicago, Ill.—Construction permit to 720 install a new transmitter, erect a vertical antenna, move transmitter from Villa Road, about 4 miles East of Elgin, Ill. to Rohlwing Road, 2½ miles S. E. of Schaumburg, Illinois, and studio from 445 North Michigan Ave., to 441 N. Michigan Ave., Chicago, Ill.

WLBI—State of Wisconsin, Dept. of Agriculture and Markets, 900 Stevens Point, Wisc.—Modification of construction permit (B4-P-1220) as modified, for new equipment, increase in power, change in hours of operation and move of transmitter, further requesting move of transmitter from 1 mile S. of Auburndale, Wisc., to 1¾ mile S. W. of Auburndale, Wisconsin.

WMIN—Edward Hoffman, tr/as WMIN Broadcasting Co., St. Paul, Minn.—Assignment of license from Edward Hoffman, tr/as WMIN Broadcasting Company to WMIN Broadcasting Co.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Construction permit for a new transmitter and install directional antenna for day and night use, increase power from 10 KW, 25 KW day to 50 KW day and night.

#### Fifth Zone

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Authority for involuntary transfer of control of corporation from Edward M. Doernbecher, deceased, to Laura M. Doernbecher, Executrix of the estate of Edward M. Doernbecher, 996 shares of common stock.

NEW—Floyd A. Parton, San Jose, Calif.—Construction permit for a new station to be operated on 1330 kc., 250 watts power, daytime operation. Amended to change frequency from 1330 kc. to 1170 kc.

KSUB—Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—License to cover construction permit (B5-P-841) as modified for new station.

NEW—Louis P. Thornton, Baker, Ore.—Construction permit for 1500 a new broadcast station to be operated on 1500 kc., 100 watts power night, 250 watts power daytime, unlimited hours of operation.

#### Hawaiian Zone

KGU—Marion A. Mulrony and Advertiser Publishing Company. Ltd., Honolulu, T. H.—License to cover construction permit (B-P-1312) as modified for changes in equipment.

#### Puerto Rican Zone

WPRA—Puerto Rico Advertising Co., Mayaguez, P. R.—License 1370 to cover construction permit (B-P-668) as modified for a new station.





**NAB REPORTS** \* \* \* \* \*

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**HOOD EDUCATIONAL BROADCASTS, INC.**

Members are urged to refrain from entering into any agreements with Hood Educational Broadcasts, Inc., of New York City, pending a careful investigation of the service. The NAB is requesting this organization to furnish it with full particulars concerning the offer which they have made to broadcasting stations.

**INCREASED TIME AND POWER RECOMMENDED FOR WORL**

Broadcasting station WORL, Boston, Mass., operating on 920 kilocycles, 500 watts, daytime, applied to the Federal Communications Commission to increase its power to 1,000 watts and its time to unlimited.

Examiner Davis G. Arnold, in Report No. I-460, recommended that the application be granted. He found that there is need for additional nighttime service in the Boston area, and states that the granting of the application would not cause objectionable interference. The Examiner states that it would be in the public interest to grant the application.

**RECOMMENDS DENYING NEW STATION**

The Ann Arbor Broadcasting Company, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Ann Arbor, Mich., to use 1550 kilocycles, 1,000 watts, unlimited time.

Examiner George H. Hill, in Report No. I-461, recommended that the application be denied. He found that the area proposed to be served "receives satisfactory service from broadcast stations now rendering service in this area." The Examiner states that the proposed station would cause some interference and it would also be subject to interference from an engineering standpoint.

**MINNESOTA STATION CHANGES RECOMMENDED**

Broadcasting station WLB, Minneapolis, Minn., applied to the Federal Communications Commission to change its frequency from 1250 to 760 kilocycles, to increase its power from 1,000 to 5,000 watts and to change its hours from specified to sharing time with WCAL ( $\frac{2}{3}$

daytime). Also station WCAL, Northfield, Minn., applied to the Commission to change its frequency from 1250 to 760 kilocycles, and increase its power from 1,000 and 2,500 watts LS to 5,000 watts and from specified hours to sharing with WLB ( $\frac{1}{3}$  daytime). Also station WTCN, Minneapolis, Minn., now operating on 1250 kilocycles, 1,000 watts and 5,000 watts LS on specified hours, asked the Commission for unlimited time.

Examiner P. W. Seward, in Report No. I-463, made the following recommendations:

1. That the application of Station WLB, Docket No. 4147, for authority to operate on the frequency 760 kilocycles with power of 5 KW, daytime to local sunset, in accordance with the tentative time-sharing agreement heretofore entered into between Stations WLB and WCAL, be granted, subject to compliance by the applicant with the provisions of Section 303 of the Communications Act of 1934.

2. That the application of Station WCAL, Docket No. 4149, for authority to operate on the frequency 760 kilocycles with power of 5 KW, daytime to local sunset, in accordance with the tentative time-sharing agreement heretofore entered into between Stations WCAL and WLB, be granted, subject to compliance by the applicant with the provisions of Section 303 of the Communications Act of 1934, and the approval by the Commission of the transmitter site.

3. That the application of Station WTCN, Docket No. 4148, for authority to operate unlimited time on the frequency 1250 kilocycles, be granted if the applications of Stations WLB and WCAL are granted. In the event the applications of Stations WLB and WCAL be denied, it is recommended that the application of Station WTCN be denied.

**IN THIS ISSUE**

	<i>Page</i>
Hood Educational Broadcasts, Inc. ....	2223
Increased Time and Power Recommended for WORL .....	2223
Recommends Denying New Station .....	2223
Minnesota Station Changes Recommended .....	2223
Recommends New International Broadcast Station .....	2224
Frequency Change Recommended for WIOD-WMBF .....	2224
Recommends New Cleveland Station .....	2224
Increased Power Recommended for WBOM .....	2224
Federal Trade Commission Action .....	2224
FTC Dismisses Case .....	2226
Federal Communications Commission Action .....	2226

## RECOMMENDS NEW INTERNATIONAL BROADCAST STATION

The General Electric Company has applied to the Federal Communications Commission for a construction permit for the erection of a new international broadcast station to be located at Belmont, Calif., to use 9530 and 15330 kilocycles, 20,000 watts power and to operate unlimited time on the air.

Examiner George H. Hill, in Report No. I-462, recommends that the application be granted, "subject to compliance with Rule 983." He found that the company will render an international broadcast service and states that "the applicant has a program of research and experimentation which indicates reasonable promise of substantial contributions to the development of international broadcast service."

## FREQUENCY CHANGE RECOMMENDED FOR WIOD-WMBF

Broadcasting station WIOD-WMBF, Miami, Florida, operating with 1,000 watts, unlimited time, applied to the Federal Communications Commission to change its frequency from 1300 to 610 kilocycles.

Examiner R. H. Hyde, in Report No. I-464, recommended that the application be granted. He states that the changed frequency would not cause any interference and also that "the use of the new frequency assignment applied for herein would contribute substantially toward an extension and improvement of the present service of the applicant's station, which the Commission has heretofore found to be in the public interest in licensing the station."

## RECOMMENDS NEW CLEVELAND STATION

The Food Terminal Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Cleveland, Ohio, to use 1500 kilocycles, 100 watts and daytime operation.

Examiner John P. Bramhall, in Report No. I-458, recommended that the application be granted. He found that there is a need for additional service of the type proposed by the applicant in the area proposed to be served. The Examiner states that the interests of Station WJBK "will not be adversely affected by reason of interference, should this application be granted" and that the granting would be in the public interest.

## INCREASED POWER RECOMMENDED FOR WBCM

Broadcasting Station WBCM, Bay City, Mich., operating full time on 1410 kilocycles with 500 watts power,

applied to the Federal Communications Commission to have its power increased to 500 watts night and 1,000 watts day.

Examiner Robert L. Irwin, in Report No. I-459, recommended that the application be granted. He states that there is need for additional daytime service in the area proposed to be served and that "the daytime operation of Station WBCM with the power of 1,000 watts would not cause objectionable interference to the normally protected good service areas of Stations WROK, WELL, and WMBC, or any other licensed stations."

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**No. 3171.** Charging unfair competition in the sale of sales promotion cards for use by retail merchants, a complaint has been issued against **Edward and Dorothy Harris**, 417 South Dearborn St., Chicago, trading as **Ace Business Builders**.

Sales promotion cards sold by the respondents were so designed and arranged as to involve use of a lottery scheme or gift enterprise when used by retail merchants in promoting the sale of merchandise to the consuming public, according to the complaint. Several groups of such cards are manufactured by the respondents, all allegedly involving the same lottery scheme.

**No. 3172.** Charging unfair competition in the sale and distribution of hosiery, a complaint has been issued against **May Hosiery Mills, Inc., Burlington, N. C.**

Hosiery manufactured and sold by the respondent company is alleged to have been advertised as Pure Thread Silk and Rayon, the first three words appearing in a line of large capital letters with the words "and rayon" below and in small capital letters. Similarly, certain products were allegedly advertised as Creptone with Silk Wrap and as Genuine Wrap Pure Thread Silk and Rayon, the words "and rayon" appearing in inconspicuous letters beneath a line reading in large letters: Genuine Wrap Pure Thread Silk.

**Nos. 3173-3174.** Complaints have been issued charging **General Motors Corporation** and **Ford Motor Company** with using false and misleading representations in advertising the prices at which certain of their passenger cars are sold to the public. General Motors Sales Corporation also is named as a respondent.

Advertisements of the respondent companies, it is alleged, contain illustrations or descriptions of motor cars, and feature, usually in large numerals, a designated F.O.B. price. The complaints charge the advertisements are arranged in such a manner as to create the impression that fully-equipped cars so illustrated and described may be purchased at the F.O.B. or delivery point complete and ready for operation for the prices featured, or at other points for the featured prices plus the cost of transportation.

The passenger cars so advertised, the complaints aver, are not the models usually sold for the featured price, which generally is the price charged by the respondent companies for their less expensive cars. It is alleged that the cars so illustrated or described cannot be purchased at retail for the featured price at the F.O.B. or delivery point, or at the ultimate destination for such price plus transportation charges, without the payment of additional charges for added equipment and accessories constituting part of what the public understands to be a complete car ready for operation.

**No. 3175.** A complaint has been issued charging **H. G. Payne**, trading as **H. G. Payne Company**, 312-314 Broadway, Nashville, Tenn., with the use of unfair competitive methods in the sale of merchandise.

The respondent is alleged to furnish to dealers to whom he sells his products certain devices such as punchboards and pushcards which may be used in selling the merchandise to the ultimate consumer by means of a lottery, gaming device, or gift enterprise.

**No. 3176. Bloomingdale Brothers, Inc.,** operating a department store at Lexington Ave. and 59th St., New York, is charged in a complaint with misrepresenting certain wearing apparel for women.

In newspaper advertisements, the respondent corporation allegedly designated and referred to certain dresses and blouses as Windsor Crepe and as Heim Crepe, respectively. These designations, it is alleged, served as representations to the purchasing public that the garments so advertised and offered for sale were silk products, when, according to the complaint, they were not composed of silk but of other materials.

### Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations.

**No. 01108.** Under a stipulation entered into with **French Clinical Laboratory and Supply Depot**, 203 College St., San Antonio, Texas, that corporation will abandon certain advertising representations in the sale of its preparation, FFP, French's Foot Powder, sold as a treatment for athlete's foot.

The respondent will no longer advertise that this product will cure athlete's foot and other infections at once, within a few days, or at all; that it will assure quick and permanent relief in treating this ailment and all foot odors, or that it is a sure remedy for these conditions.

**No. 01750. Roman Cleanser Company, 9101 Delmar St., Detroit,** will cease representing that Roman Cleanser sterilizes combs, brushes and other articles; disinfects or deodorizes, unless this assertion is accompanied by directions that the article to be disinfected or deodorized must first be washed or thoroughly cleaned, and kills germs, unless this representation is limited to oxidizable germs, or qualified by the statement that Roman Cleanser will not kill all germs, including their spores.

**No. 01751. Bakon-Yeast, Inc., 4 Staple St., New York;** Bakon-Yeast, a vitamin concentrate, for restoring vitamin deficiency.

**No. 01753. Ellaline W. Chilvers and Beatrix R. Hoyt,** trading as **May Medicine Company**, formerly **W. H. May Laboratory**, 546 Pearl St., New York; Dr. May's Formulas, for nervous diseases.

**No. 01754. Little & Co., 612 N. Michigan Ave., Chicago;** garlic and parsley tablets, for intestinal, kidney, liver and skin disorders.

**No. 01755. Shuptrine Company, 31 Barnard St., Savannah, Ga.;** Tetterine, for skin disorders.

**No. 01756. Food Balance Corporation, 519 N. Central Ave., Chicago;** Sil-Tea and Beverly Hall Cereal Beverage, for digestive disturbances.

**No. 01758. Paul Case, trading as Cape Cod Cleaner, Brockton, Mass.,** stipulated that in the sale of his Cape Cod Cleaner, described as a sanitary cleaning device, he will stop advertising that any ambitious man or woman can average a dozen sales of his product daily in almost any territory, and will discontinue making unmodified claims of earnings in excess of the average earnings achieved by his full-time sales persons or dealers under normal business conditions.

**No. 01759. J. E. Gessner, trading as J. E. Gessner Company, 207 N. Michigan Ave., Chicago;** a preparation offered as a treatment for piles.

**No. 01760. Albert N. Reay and Fraser S. Reay, trading as The Reay Laboratories, P. O. Box 1786, San Francisco;** alcoholic extracts of the active principle of the leaves of poison oak, designated Otox and Okatox, for treatment of ivy poisoning. The respondents also agree to cease using the word "laboratories" in their trade name or otherwise representing that they own or control a laboratory or laboratories.

**No. 01761. The Knox Company, Chamber of Commerce Building, Los Angeles;** Buroids, for anemia, nervousness and constipation.

**No. 01762. The Murine Company, Inc., 9 East Ohio St., Chicago;** Murine, an eye treatment. The respondent company also agrees to stop using as an endorsement or recommendation of its product any statement of any person connected with its organization, unless the connection of such person with The Murine Company is clearly disclosed.

**No. 01764. E. A. Rush, trading as Beeman's Laboratory, 154 Edgewood Ave., Atlanta;** Beeman's Quick Relief (B. Q. R.), for colds, coughs, asthma and influenza.

**No. 01765. The Hydrosal Company, 333 East 8th St., Cincinnati;** Hydrosal Liquid and Hydrosal Ointment, for skin ailments.

**No. 01768. M. L. Durham, Carthage, Mo.;** Silver Seal Treatments, for women's ailments.

**No. 01769. Gardiner Manufacturing Company, Inc., 160 Van Rensselaer St., Buffalo,** selling a washing fluid designated "101", agreed to discontinue representing that the product is a sterilizer and kills germs; that it causes ivy and oak poisoning to disappear and will heal eczema and open sores, and that it deodorizes and disinfects, unless in connection with this latter claim users are directed to first thoroughly cleanse the surface to be deodorized or disinfected.

**No. 01773. Royal Mfg. Co. of Duquesne, 2632 S. Dearborn St., Chicago;** trading as Double "D" Laboratories; Vita-Min-Ol, for digestive disturbances.

**No. 01774. Dr. Van Vleck Company, Jackson, Mich.;** Muco Cones, Absorptive Plasma and Herb Tablets, for digestive disturbances, colds, rheumatism and piles.

**No. 01775. Thornton & Minor Clinic, 926 McGee St., Kansas City, Mo.;** Private Formula Rectal Ointment, for piles.

**No. 01777. F. D. Telling, trading as The K-Lindy Products Company, 5713 Euclid Ave., Cleveland;** Lindy Lotion, for skin ailments.

**No. 01778. Schering Corporation, Bloomfield, N. J.;** Saraka, a laxative.

**No. 01779. The Hood-Lax Corporation, 132 W. 31st St., New York;** Hood-Lax, a laxative.

**No. 01797. Affiliated Products, Inc., 4316 North Kilpatrick Ave., Chicago,** agreed to cease advertising that Outdoor Girl Face Powder has an olive oil base and is the only face powder containing olive oil; that it prevents or overcomes drying, wrinkling or aging of the skin, and has been ordered by Hollywood make-up experts as standard cosmetic equipment in the dressing rooms of stars in the Warner Bros.-First National Studios. The respondent company also will stop representing that the product is pure and safe "beyond question" or that it is safe for the most delicate skin.

**No. 01798. Tinytone Radio Co., Kearney, Nebr.,** has entered into a stipulation to discontinue certain unfair representations in the sale of Tinytone Pocket Radios and Tinytone Midget Portable Radios.

Among representations used in advertising which are to be abandoned by the respondent company are: That the pocket radios have a range of 50 miles or greater under favorable conditions; that they are all-wave sets capable of being used everywhere and of working without aerials, and that they may be used to tune in on all short waves for all police or all airplane calls and may be employed while walking or while riding in cars or on bicycles, unless this latter representation is qualified to indicate the equipment and conditions necessary to produce these results.

**No. 01799. Hoffman-La Roche, Inc., Nutley, N. J.,** in the sale of Cal-C-Malt, will discontinue advertising that the product is the only nutritive preparation which contains chemically pure vitamin C and that scientists have found vitamin C to be all important in the building of strong teeth and in keeping them and the gums sound and healthy. Representations that Cal-C-Malt is a safeguard against dental caries, diseased gums or pyorrhea and protects against infection, colds, sore throat, or anemia, will be stopped, unless such claims are limited to conditions due to or associated with vitamin C deficiency.

**No. 01800. C. A. Montgomery and C. F. Aldrich, trading as Aldrich & Montgomery, 492 Otis Ave., St. Paul, Minn.,** have entered into a stipulation to cease false and misleading representations in promoting the sale of photographs and frames by means of contests.

The respondents agree to stop representing that an answer to a "scrambled name" puzzle contained in contact advertisements or in radio broadcasts is alone sufficient to qualify a person to participate in any of their contests, and that neither payment of money nor the purchase of any article is necessary in order to qualify a person for participation in the contests, unless such is a fact.

**No. 2016. Roy J. Troutman, Shamokin, Pa., trading as G. E. Laboratories and as Great Eastern Laboratories,** has entered into a stipulation to discontinue certain unfair methods of competition in connection with the sale of Dr. Bayer's Horehound Cough Balsam.

Troutman agreed to cease using the name "Dr. Bayer's" in his trade name, and the abbreviation "Dr." or the word "Bayer's" in advertising or in labeling his product so as to imply that such product is made by The Bayer Company, Inc., of New York City,

which for many years has manufactured and sold "Bayer Genuine Aspirin".

**No. 2542.** An order prohibiting certain unfair methods of competition, including false disparagement of competitors' products, has been entered against **Robert C. Hoffman, York, Pa.**, trading as **York Bar Bell Co., Strength & Health Publishing Co.**, and **York Athletic Supply Co.** Hoffman deals in athletic goods, sells a course of lessons in physical training and publishes a magazine entitled "Strength and Health".

In advertising his athletic apparatus and course of training, the respondent, it was found, used two portraits of himself, one of which was a photograph taken just after a serious illness which had reduced his weight by about 40 pounds, and the other taken some 20 weeks later, together with the assertion that he had increased his weight from 210 to 250 pounds by use of York bar bell exercises. According to the findings, a substantial part of the gain in weight and in physical development was due to his recovery from the illness caused by an automobile accident.

It was found that the respondent also used pictures of certain well-developed individuals in such a manner as to mislead prospective purchasers of physical training courses into the belief that such individuals attained their development through use of the respondent's system, when such was not a fact.

**No. 2770.** **The Coolerator Company, Duluth, Minn.**, engaged in the sale of refrigerators in which natural or artificial ice is used as the cooling element, has been ordered to cease and desist from unfairly disparaging mechanical or electrical refrigerators sold by competitors.

Findings in the case are that certain representations made by the respondent corporation in its advertising matter were either false, misleading or insufficiently qualified, and have had a tendency to mislead the public into the erroneous belief that mechanical refrigerators are undesirable and ineffective in use and harmful and dangerous to users.

**No. 2801.** An order to cease and desist has been issued against **The Times Sales Co., Inc., 1524 Chestnut St., Philadelphia**, prohibiting certain unfair methods of competition in the sale of encyclopedias, revision and research services and magazine subscriptions.

The Commission's order prohibits the respondents' practice of effecting sales by holding or attempting to hold signers to the printed terms of contracts signed by them, irrespective of the alterations made in such printed terms by the respondents' selling agents pursuant to understandings between the agents and purchasers and by which the purchasers are induced to sign.

Findings are that certain of the respondents' agents represented to purchasers that they had authority to alter the printed terms and provisions of the contract with respect to time and terms of payment and with respect to substitution of magazines for those named in print in the contract. Pursuant to such representations, such alterations were made, but in these instances, the respondents, upon receipt of the signed contract, proceeded to its performance and enforcement the same as if binding only in accordance with the printed terms and provisions and as unaffected by the changes by which the purchaser's signature was induced. In line with this practice, the respondents, it was found, threatened signers to such contracts with suit and otherwise falsely represented that the contracts were performable and enforceable according to the printed terms, regardless of the alterations made in writing over such printed terms.

**No. 2834.** **Rogers Candy Co., 4547 University Way, Seattle, Wash.**, has been ordered to cease and desist from selling candy so packed and assembled that sales to ultimate purchasers may be made by means of a lottery, gaming device or gift enterprise.

The order prohibits the respondent company from packing in the same assortments for sale to the public at retail, boxes of candy together with punchboard devices which may be used in the retail sale of candy to the public.

**Nos. 2935-2937-3020-3032.** Disposition of four cases involving alleged violations of the Robinson-Patman Act has been announced. In two cases, orders to cease and desist were entered, and are the first such orders entered by the Commission under that Act. The two other cases were dismissed.

An order to cease and desist was entered against the **Biddle Purchasing Company, New York City**, and a group of sellers who pay brokerage fees to that company and a group of buyers who receive such fees from it. The other order to cease and desist was entered against the **Hollywood Hat Company, Inc., New York City**.

Respondents in one of the cases dismissed were **Bird & Son, Inc.**, and the **Bird Floor Covering Sales Corporation**, both of **East Walpole, Mass.**, and **Montgomery Ward & Co., Inc., Chicago**.

The second case dismissed was against **Kraft-Phenix Cheese Corporation, Chicago**.

The complaint in the Biddle case charged the respondents with violation of the so-called brokerage section of the Robinson-Patman Act. The order requires the sellers to discontinue paying to the Biddle Purchasing Company any commissions on sales of commodities as brokerage, or as an allowance in lieu thereof, which commission is intended to be paid over by Biddle to any purchaser of such commodities. The buyers are ordered to cease accepting from the Biddle company any commission which has been paid to it as brokerage, or as an allowance in lieu thereof, by a seller of commodities on sales made by such seller to the buyers.

The Biddle company is directed to cease and desist from receiving from any seller any brokerage commissions if such commissions are intended to be paid over to the buyer or to be applied for his use and benefit; and also from paying to any purchaser of commodities any commission received as brokerage from the seller.

#### FTC DISMISSES CASE

**No. 2758.** The Federal Trade Commission has dismissed its complaint charging **William Freihofer Baking Co., 20th St. and Indiana Ave., Philadelphia**, with unfair competition through false representations in the sale of bread.

Certain of the methods of competition alleged in the complaint as being unfair were found to have been voluntarily discontinued by the respondent, and there was lack of evidence to show that the other methods of competition alleged to be unfair were actually deceptive or misleading.

#### FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled at the Commission in Washington for broadcast cases during the week beginning Monday, July 26. The following broadcast hearing is set for the field.

Tuesday, July 27

#### FURTHER HEARING BEFORE AN EXAMINER (Broadcast)

To Be Held in Prescott, Arizona

NEW—Southwest Broadcasting Co., Prescott, Ariz.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited.

NEW—W. P. Stuart, Prescott, Ariz.—C. P., 1500 kc., 100 watts, unlimited time.

The Broadcast Division has taken the following actions subject to ratification at its next regular meeting:

#### APPLICATIONS GRANTED

KXRO—KXRO, Inc., Aberdeen, Wash.—Granted extension of equipment test period ten days from July 15, 1937.

WPRA—Puerto Rico Advertising Co., Mayaguez, P. R.—Granted extension of program test period 30 days from July 20, 1937.

WDRG—Radio Station WDRG, Hartford, Conn.—Granted authority to operate antenna WDRG alternately series and shunt excited for 15 days.

KGU—Marion A. Mulroney and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted extension program test period 30 days from July 10, 1937.

W8XPB—WHEC, Inc., Rochester, N. Y.—Granted special temporary authority to operate mobile high frequency relay-broadcast transmitter on July 14, 15, and 16, 1937.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted extension special temporary authority to operate from 5 to 6 a. m., CST, period July 15 and ending in no event later than July 31, 1937, in order to reach farmers in territory surrounding WDZ who are in their fields during summer months by 5 a. m.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to operate with directional antenna at will during daytime, using 1 KW power, for period not to exceed two weeks, in order to facilitate field strength measurements on coverage and to show change in field radiated in various directions.

WJAR—The Outlet Company, Providence, R. I.—Granted extension special temporary authority to operate 1-KW auxiliary transmitter as regular transmitter, for period July 19 and

ending no later than August 17, pending installation of new 5-KW transmitting equipment, as authorized under C. P.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted special temporary authority to rebroadcast program material originating from temporary relay broadcast stations WAXB and WAXC, granted to and operated by Alfred J. Williams, for the broadcast of radio control acrobatics from an airplane flying over the vicinity of Memphis, on July 17.

WGVA—Glenn Van Auken, Indianapolis, Ind.—Granted special temporary authority to operate a 25-watt transmitter on 1050 kc. during daytime hours, for period not to exceed 10 days, in order to make field strength measurements to locate site for WGVA transmitter, provided no interference is caused to other stations.

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted modification of C. P. to make changes in authorized equipment, approval of antenna (vertical), and transmitter and studio at Dade Blvd. and Bay Road, Miami Beach, Fla.

WICA—C. A. Rowley, Ashtabula, Ohio.—Granted modification of C. P. to change type of equipment and approval of studio site at 221 Center St., Ashtabula, Ohio, and transmitter site 3 miles south of Ashtabula, on Jefferson Road, on R. Humphrey Farm, Ashtabula.

### MISCELLANEOUS

In the matter of the application of Edwin A. Kraft, Petersburg, Alaska, for C. P., on which an order was heretofore entered on July 15, 1937, the Broadcast Division adopted and published a statement of facts and grounds for decision.

In the matter of the application of Owensboro Broadcasting Co., Owensboro, Ky., for C. P., on which an order was heretofore entered on June 15, 1937, the Broadcast Division adopted and published a statement of facts and grounds for decision.

In the matter of the application of The Nation's Center Broadcasting Co., Inc. (KWBG), Hutchinson, Kans., for C. P., on which an order was heretofore entered on May 18, the Broadcast Division adopted and published a statement of facts and grounds for decision.

In the matter of the application of The Yankee Network, Inc. (WAAB), Boston, Mass., for modification of license, on which an order was heretofore entered on May 18, 1937, the Broadcast Division adopted and published a statement of facts and grounds for decision.

In the matter of Harold M. Finlay and Eloise Finlay, La Grande, Ore., for C. P., on which an order was heretofore entered on June 15, 1937, the Broadcast Division adopted and published a statement of facts and grounds for decision.

Granted petition of Attala Broadcasting Co. (WHFF) to intervene in the proceedings upon the application of Standard Life Ins. Co. of The South for a new station at Jackson, Miss., Docket 4510.

Denied petition of the Ventura County Star and Merced Star Publishing Co., Inc., for a 90-day extension of the effective date of the Commission's decision upon its application for C. P. for new station at Ventura, Calif., Docket No. 3469.

Granted the petition of Pacific Radio Corp. (KOOS), Marshfield, Ore., for an extension of time until August 3, 1937, within which to file exceptions to Examiner's Report No. 1-453, upon its application for voluntary assignment of license, Docket 4473.

Denied motion of Milwaukee Broadcasting Co. (WEMP), Milwaukee, Wis., to withdraw its application for C. P. without prejudice, Docket No. 3892, and entered its final order dismissing same with prejudice, as follows:

The Commission, having heretofore entered its order denying the following application and the applicant having subsequently requested withdrawal of the application without prejudice, denied the petition to withdraw without prejudice, and upon the basis of statements contained in the verified petition, this day entered its final order as indicated herein:

WEMP—Ex. Rep. 1-315: Milwaukee Broadcasting Co., Milwaukee, Wis.—Dismissed with prejudice application for C. P. to install new equipment; change frequency from 1310 kc. to 1010 kc.; increase power from 100 to 250 watts night, 500 watts day; and change hours of operation from daytime to unlimited.

The order as herein entered shall be effective at 3 a. m., EST, July 14, 1937.

### EXAMINERS' REPORTS RELEASED SINCE JULY 13, 1937

NEW—Ex. Rep. 1-458: Food Terminal Broadcasting Co., Cleveland, Ohio.—Examiner John P. Bramhall recommended

grant of C. P. for new station to operate on 1500 kc., 100 watts, daytime.

WBCM—Ex. Rep. 1-459: James E. Davidson, Bay City, Mich.—Examiner Robert L. Irwin recommended grant of modification of license to increase power from 500 watts to 500 watts night, 1 KW day. Station operates on 1410 kc., unlimited time.

WORL—Ex. Rep. 1-460: Broadcasting Service Organization, Inc., Boston, Mass.—Chief Examiner Davis G. Arnold recommended grant of C. P. to increase power from 500 watts to 1 KW and hours of operation from daytime to unlimited.

NEW—Ex. Rep. 1-461: Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—Examiner George H. Hill recommended denial of C. P. for new station to operate on 1550 kc., 1 KW, unlimited time.

NEW—Ex. Rep. 1-462: General Electric Company, Belmont, Calif.—Examiner George H. Hill recommended grant of C. P. to construct a new international broadcast station to operate on 9530 and 15330 kc., with power of 20 KW, during unlimited hours, in accordance with Rule 983.

WLB—Ex. Rep. 1-463: University of Minnesota, Minneapolis, Minn.—Examiner P. W. Seward recommended grant of C. P. to change frequency from 1250 kc. to 760 kc.; increase power from 1 to 5 KW, daytime to local sunset, in accordance with tentative time-sharing agreement heretofore entered into between stations WLB and WCAL.

WCAL—St. Olaf College, Northfield, Minn.—Examiner Seward recommended grant of C. P. to change frequency from 1250 kc. to 760 kc., power from 1 KW, 2½ KW LS, to 5 KW, daytime to local sunset, in accordance with the tentative time-sharing agreement heretofore entered into between stations WCAL and WLB.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Examiner Seward recommended grant of modification of license to operate unlimited time on 1250 kc. if applications of WLB and WCAL are granted. In event they are denied, then it is recommended application of WTCN be denied.

### APPLICATIONS RECEIVED

#### First Zone

WESG—Cornell University, Elmira, N. Y.—Extension of special 1040 experimental authorization to operate on 850 kc., daylight to sunset at New Orleans, La., period 8-1-37 to 2-1-38.

WTIC—The Travelers Broadcasting Service Corporation, Hartford, 1060 Conn.—Extension of special experimental authorization to change frequency from 1060 kc. to 1040 kc., and hours of operation from share with WBAL to simultaneous operation with KRLD (unlimited) for period from 8-1-37 to 2-1-38.

WBAL—The WBAL Broadcasting Company, Baltimore, Md.—1060 Extension of special experimental authorization to change hours of operation from share with WTIC to daily simultaneous operation on 1060 kc. with KTHS, from 6 a. m. to local sunset at Hot Springs, Ark., from local sunset to 9 p. m., unlimited, on 1060 kc. will synchronize with WJZ on 760 kc., from 9 p. m., with power of 2½ KW, period from 8-1-37 to 2-1-38, using directional antenna.

XXX—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs to stations CFCF and CRCT, and the Canadian Broadcasting Corp.

XXX—Columbia Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs to stations CFRB and CKAC, and stations of the Canadian Broadcasting Corporation.

NEW—WHEC, Inc., Rochester, N. Y.—Construction permit for a high frequency relay broadcast station on 31100, 34600, 37600, 40600 kc., 2 watts power.

NEW—Columbia Broadcasting System, Inc., Washington, D. C.—Construction permit for a low frequency relay broadcast station on 1646, 2090, 2190, 2830 kc., 50 watts power.

NEW—Columbia Broadcasting System, Inc., Boston, Mass.—Construction permit for a high frequency broadcast station on 31600, 35600, 38600, 41000 kc., 100 watts power. Amended to cancel frequencies 31600, 35600, 38600, 41000 kc. and add frequencies 88000, 123000, 164000, 205000 kc.

#### Second Zone

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Extension of special experimental authorization to operate with 610 500 watts additional power from 9-1-37 to 3-1-38.

WBLK—The Exponent Co., Clarksburg, W. Va.—Authority to 1370 install new automatic frequency control equipment.  
WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—License to 1420 cover construction permit (B2-P-1398) as modified for new station.

### Third Zone

WDAE—Tampa Times Co., Tampa, Fla.—Modification of license 780 to change frequency from 1220 kc. to 780 kc., install directional antenna for day and night use.  
KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—1040 Extension of special experimental authorization to change frequency from 1040 kc. to 1060 kc., hours of operation from S-KRLD to simultaneous WBAL from 6 a. m. to local sunset daily, suspend until 8 p. m., and unlimited from then until midnight, for period to 2-1-38.  
KRLD—KRLD Radio Corporation, Dallas, Tex.—Extension of 1040 special experimental authorization to operate simultaneously with WTIC for period from 8-1-37 to 2-1-38.  
KHBG—Okmulgee Broadcasting Corporation, Okmulgee, Okla.—1210 Modification of construction permit (B3-P-1224) for new station on 1210 kc., 100 watts, daytime, requesting changes in equipment and approval of transmitter at 20th and Okmulgee Streets, Okmulgee, Okla., and studio site at 117 S. Muskogee, Okmulgee, Okla.; approval of antenna.  
KUOA—KUOA, Inc., Siloam Springs, Ark.—Modification of license 1260 to increase day power from 2½ KW to 5 KW.  
WGTM—H. W. Wilson and Ben Farmer, Wilson, N. C.—License 1310 to cover construction permit (B3-P-1286) as modified for new station.  
NEW—Amarillo Broadcasting Corp., Amarillo, Tex.—Construction 1500 permit for a new station on 1500 kc., 100 watts, unlimited time.  
W4XKB—Station WIS, Inc., Columbia, S. C.—License to cover construction permit (B3-PRE-101) for relay broadcast station on 31100, 34600, 37600, 40600 kc., 2 watts power.  
WAXD—The Birmingham News Co., Birmingham, Ala.—License to cover construction permit (B3-PRY-39) for new relay station.

### Fourth Zone

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Authority 570 to transfer control of corporation from Chas. H. Gurney to South Dakota Broadcasting Corp., 1500 shares Class A Common and 500 shares Class B Common stock.  
KFEQ—KFEQ, Inc., St. Joseph, Mo.—Modification of construction permit (B4-P-1690) to install vertical antenna, move transmitter locally, requesting further authority to move transmitter from 6¾ miles southeast of St. Joseph, Mo., to 5¾ miles southeast of St. Joseph, Mo.; extend commencement and completion dates 5 and 150 days, respectively.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Authority to 1050 transfer control of corporation from Morgan Murphy to Elizabeth B. Murphy 60 shares of common stock.  
KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—1310 License to cover construction permit (B4-P-1695) for equipment changes and increase power. Amended re equipment.  
KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Construction 1370 permit to make changes in automatic frequency control equipment. Amended re equipment.  
KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Authority 1370 to install new automatic frequency control.  
WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to install 1420 a new transmitter, increase power from 100 watts to 100 watts night, 250 watts day, change hours of operation from specified hours to unlimited time.  
W9XJL—Head of the Lakes Broadcasting Co., Superior, Wis.—Modified license to delete frequencies 31600, 35600, 38600, 41000 kc. and request 25950 kc. only. Amended to request frequency 26100 kc. instead of 25950 kc.  
NEW—Head of the Lakes Broadcasting Co., Duluth, Minn.—Construction permit for relay broadcast station on 31100, 34600, 37600, 40600 kc., 2 watts.

### Fifth Zone

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—710 Special experimental authorization to operate unlimited time from 8-1-37 to 2-1-38.  
KYA—Hearst Radio, Inc., San Francisco, Calif.—Construction 1230 permit to use old RCA 1001-B transmitter as an auxiliary transmitter and move transmitter from 1231 Market St., San Francisco, Calif., to Bayview Park, San Francisco, Calif., using 1 KW power.  
KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Authority 1270 to install automatic frequency control.  
KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—License to 1270 cover construction permit (B5-P-1352) as modified for equipment changes.  
NEW—Shirley D. Parker, Yakima, Wash.—Construction permit 1310 for a new station to be operated on 1310 kc., 100 watts night and 250 watts day power, unlimited time.  
KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Construction 1370 permit for approval of antenna and move of transmitter from 203 Main St., Clovis, N. Mex., to 10th at Hillcrest Park, Clovis, N. Mex.  
NEW—Tom Olsen, Port Angeles, Wash.—Construction permit for 1500 a new station to be operated on 1420 kc., 100 watts power, unlimited time. Amended: Change frequency from 1420 kc. to 1500 kc., power from 100 to 250 watts, hours of operation from unlimited to daytime only.  
NEW—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Construction permit for a relay broadcast station on 1646, 2090, 2190, and 2830 kc., 50 watts power.

**FLORIDA BROADCASTERS MEET**

The Florida Association of Broadcasters held their second annual convention in Jacksonville on Sunday, July 25, in the George Washington Hotel. Every station in the state was represented at the meeting. The newly elected officers are: W. Walter Tison, WFLA, President; L. S. Mitchell, WDAE, Secretary-Treasurer; Harold P. Danforth, WDBO, First Vice President; Executive Committeemen—John R. Beechem, WJNO, and Henry G. Wells, WCOA.

**FLORIDA MEETING ATTENDED BY BALDWIN**

James W. Baldwin, managing director of the NAB, attended the meeting of the Florida Association of Broadcasters held in Jacksonville, Sunday, July 25.

**FCC CHAIRMAN PRALL DEAD**

Anning S. Prall, chairman of the Federal Communications Commission and member of that body since January, 1935, died on July 23, of heart trouble at his summer home in Maine following a brief illness.

Funeral services were held on Tuesday at the Port Richmond Dutch Reformed Church, Port Richmond, Staten Island, N. Y. As a mark of respect the Commission was closed during the funeral and for the remainder of the day on Tuesday.

As a tribute to Mr. Prall the 700 broadcasting stations of the country were asked by NAB to remain silent for a period of one minute at 12 o'clock noon, eastern daylight time, Monday.

James W. Baldwin, managing director of NAB, attended the funeral on behalf of the association.

Mr. Prall entered on duty at the Commission on January 17, 1935, having been appointed by President Roosevelt to succeed Hampson Gary who resigned.

Mr. Prall was confirmed by the Senate without opposition on January 15, and after taking the oath of office his colleagues named him chairman of the Broadcast Division of the Communications Commission.

He was appointed a member of the Federal Radio Commission by President Roosevelt on February 22, 1934, but because of responsibilities in the House of Repre-

sentatives, of which he was then a member, he did not qualify.

His services in the House covered a period of 12 years. He was elected first to the 68th Congress in 1923, and re-elected to each succeeding Congress including the 73rd. He retired from membership in the House on January 3, 1935.

Prior to becoming a member of the Congress of the United States, Mr. Prall served as a member of the Board of Taxes and Assessments of the City of New York, and for three times was elected President of the Board of Education of New York City.

Mr. Prall was of Dutch ancestry. His progenitors settled on Staten Island (now the Borough of Richmond, New York City), in 1653, being the fourth family of Dutch immigrants to settle there. He was married and the father of two sons, Anning Mortimer and Bryan William. He was a member of the Holland Society in New York; a governor of the Downtown Athletic Club; a member of the Fox Hills Golf Club; Columbia Country Club of Chevy Chase, Maryland, Chamber of Commerce, Board of Trade Transportation, and other fraternal, social and civic organizations.

The Communications Commission adopted the following resolution:

WHEREAS, The Federal Communications Commission has in the death of its Chairman, Anning S. Prall, lost a wise and valuable public servant, devoted to the interest of the people of the United States, an indefatigable worker, and a courteous comrade, be it therefore resolved:

That the Federal Communications Commission hereby places on its permanent records this memorial:

"In memory of Anning S. Prall, Chairman of the Federal Communications Commission from March 11, 1935, to the time of his death, July 23, 1937. He made valuable contributions to the work of this Commission and to the art of communication in all its phases."

**IN THIS ISSUE**

	Page
Florida Broadcasters Meet.....	2229
Florida Meeting Attended by Baldwin.....	2229
FCC Chairman Prall Dead.....	2229
Baldwin at A. F. of M. Meeting.....	2230
Changes Recommended for WBOW.....	2230
Federal Trade Commission Action.....	2230
FTC Closes Case.....	2231
Federal Communications Commission Action.....	2231

## BALDWIN AT A. F. OF M. MEETING

James W. Baldwin, Managing Director of the NAB, is attending the meetings of the American Federation of Musicians being held in New York this week.

## CHANGES RECOMMENDED FOR WBOW

Broadcasting station WBOW, Terre Haute, Ind., operating unlimited time on 1310 kilocycles, 100 watts and 250 watts LS, applied to the Federal Communications Commission to change its frequency to 1290 kilocycles, with 500 watts and 1,000 watts LS. At the same time Glenn E. Webster applied to the Commission for a construction permit for a new station at Decatur, Ill., to use 1290 kilocycles, 250 watts and daytime operation.

Examiner Melvin H. Dalberg in Report No. I-465 recommended that the application of WBOW be granted and that of Glenn E. Webster be denied. He states that there appears to be a definite need for additional service of WBOW while the need for the other application is in a much lesser degree. The Examiner stated also that "the financial showing of the applicant, Glenn E. Webster, is extremely meagre and obviously insufficient to operate the station he proposed over any substantial period of time."

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Nos. 3182-3184.** Two Chicago dealers in merchandise are charged with use of unfair competitive methods through promotion of sales by means of lotteries or gift enterprises, in complaints against **Joseph W. Graff**, 4224 Lincoln Ave., trading as **The Sylvan Co.**, and **Theodore H. Koolish**, 538 South Dearborn St., trading as **Universal Specialties Co.**

The respondent companies sell various items of merchandise, including clocks, radios, pen and pencil sets, food mixers and cameras.

Customers of the two dealers were furnished with pushcard devices, permitting the drawing of prizes by chance through selection of certain feminine names, according to the complaint, and such devices were allegedly used in the sale of products to ultimate consumers.

**No. 3183.** Alleging the use of false and misleading representations in the sale of soap, in violation of Section 5 of the Federal Trade Commission Act, a complaint has been issued against **Richard I. Stewart**, Anaheim, Calif., trading as **Avocado Soap Products Co.**

Stewart's advertising literature is alleged to have contained representations tending to create the impression that the soap he makes and sells contains a substantial amount of avocado oil; that this soap is nature's aid to beauty and is highly recommended by beauty specialists.

**No. 3185.** Charging false and misleading representations in the sale of **Cal-A-Mo Reducing Bath**, a complaint has been issued against **Guy J. Banta**, 706 South Hill St., Los Angeles, trading as **Cal-A-Mo Laboratories**.

In newspaper and periodical advertising and radio announcements, the respondent is alleged to have made representations tending to deceive buyers into believing that he is a manufacturer of a reducing preparation, maintaining a laboratory for that purpose, and that his product, **Cal-A-Mo Reducing Bath**, is in fact a safe,

efficient and harmless preparation for effectively reducing weight and excess fat.

**No. 3186.** An unlawful conspiracy to fix and maintain uniform minimum prices and uniform maximum discounts is alleged in a complaint issued against **Covered Button and Buckle Creators, Inc.**, its officers and directors, and approximately 150 member companies engaged in manufacturing and selling upwards of 90 per cent of all the covered buttons, buckles and novelties produced in the United States.

The complaint charges that the respondents falsely represented, in a widely-circulated advertisement, that their uniform price and discount policy was initiated and enforced by and through the means of trade practice rules approved by the Federal Trade Commission for the covered button and buckle manufacturing industry promulgated April 9, 1937.

The respondents are located principally in New York City, and their acts and practices as set out in the complaint are said to constitute unfair methods of competition, in violation of Section 5 of the Federal Trade Commission Act.

**No. 3187.** Alleging the use of unfair methods of competition in the sale of women's leather purses and gloves, a complaint has been served upon the **Elite Glove Company, Inc.**, **Gloversville, New York**.

Imprinted upon certain of the respondent company's purses and gloves and the containers thereof, according to the complaint, are the words, in Old English type, "Lady Daphne—A British Doeskin" or "Lady Daphne—A British Suede," together with the words "Made in U. S. A." in much smaller type. These words, purporting to be descriptive of the respondent company's products, also are said to appear in newspaper and magazine advertisements and in catalogs.

The complaint alleges that use of the name "Lady Daphne" said to be indicative of British royalty, in connection with the words "A British Doeskin" or "A British Suede," and the disparity of the size of the letters used therein as compared with the size of the type in the phrase "Made in U.S.A.," serve as representations and lead customers into the belief that the leather used in the manufacture of the respondent company's products is processed into a finished leather in England and imported into the United States, where it is made into gloves and purses.

**No. 3188.** Misrepresentation of the properties and therapeutic value of **Lavoptik Eye Wash** is alleged in a complaint issued against **Lavoptik Company, Inc.**, Michigan Ave. and 7th St., **St. Paul, Minnesota**.

Advertising in newspapers, magazines, booklets, and by radio, the respondent company is alleged to have falsely represented that its preparation has been endorsed by 6,000 medical doctor eyesight specialists, and falsely implied that it is a cure for diseases of the eye or impaired vision; that it strengthens the nerves of the eye, relieves eye strain, and makes the eyes healthier and more efficient.

### Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

**No. 01752.** **Ann J. MacHale, Inc.**, 101 Fifth Ave., will discontinue advertising that **MacHale's Hair Color Restorer** is not a dye and has been used by men and women for many years with excellent results in bringing back color to faded, gray hair. The respondent corporation agreed not to designate its product as "Hair Color Restorer."

**No. 01757.** **H. E. Curtiss**, trading as **C. E. Curtiss and as The Enterprise Press**, 41 Alleghany St., Corfu, N. Y., in his stipulation, agrees to cease representing that his book, the **Showman's Guide**, exposes and lays bare the black art and that any of his books provides insight into a mystic secret writing system, or constitutes a rare collection of golden secrets or is a gypsy oracle fortune teller.

**No. 01763.** **The R. L. Watkins Company**, 170 Varick St., will cease representing that its **Mulsified Coconut Oil Shampoo** cannot possibly injure the most tender scalp; that scientists say it is the safe and best preparation to use for healthy, beautiful hair, and that it restores to the hair natural oils and youthful beauty.

**No. 01767.** **Segal Safety Razor Corporation**, 270 Broadway, selling shaving sets consisting of a case, a Segal unitary razor, a brush, and blades, will desist from advertising that the brush is germ-proof and the razor rust or tarnish-proof.

**No. 01771.** **Arthur Abrihams Navello**, trading as **Navello System**, 105 W. Madison St., Chicago, selling a correspondence course in singing and crooning, agrees to cease advertising that his



booklet of instructions will enable one to learn to sing or croon and to have a trained singing voice or become an accomplished singer or crooner in 10 easy home lessons. He will also stop asserting that his course enables one to acquire the secrets of easy, natural singing without learning musical terms or engaging in tedious study.

**No. 01772.** Winslow W. Chase, trading as **The Taxley Co.**, 450 Randolph St., N. W., Washington, D. C., selling a device designated "Don't Snore", agrees to stop representing that use of the device prevents or overcomes snoring, mouth-breathing or attendant ills, unless this is properly qualified. The respondent admits in his stipulation that, according to reliable medical authority, there are many pathological and anatomical causes of snoring which could not be remotely affected by such a device as he sells. He also will not assert that the product is invaluable in cases of asthma, catarrh, hay fever, common colds and insomnia, and that benefits may be derived from its use by singers, public speakers and athletes.

**No. 01776.** Mrs. J. G. Morris, trading as **Morris Orthopedic Institute**, 7th St. and Broadway, Los Angeles, sells a device designated **Morris Limb Straightener**, and agrees to stop representing it as such unless the reference is limited to the limbs of children or young people. In her stipulation, the respondent admits that, according to reliable scientific opinion, the value of her product is limited in its use to aiding in straightening the limbs of children or young people.

**No. 01780.** Chester Miller, trading as **Goldentone Radio Co.**, 8780 Grand River Ave., Dearborn, Mich., agrees to abandon the assertion in advertising that any of the radio receiving sets he sells will afford world-wide reception and that this can be guaranteed. In his stipulation, he admits that while radios are being sold which will afford reception of programs emanating from foreign stations, consistent world-wide reception is still unaccomplished in radio development. Miller also agrees to stop asserting that his sets are used by the United States Forestry Service.

**No. 01809.** Certain false and misleading advertising practices in connection with the sale of a hair tonic and a shampoo will be discontinued by **Wildroot Company, Inc.**, 1490 Jefferson Ave., Buffalo, under a stipulation entered into.

The company will cease representing that **Wildroot Hair Tonic** cleans up dandruff completely, unless qualified by the explanation that repeated and continued use is necessary to obtain this result; that it is an effective treatment for falling hair, unless limited to those cases of falling hair due to seborrheal eczema, and that it regulates the flow of oil, thereby stimulating the growth of hair.

**No. 2017.** **New Method File Grinders, Inc.**, 609 Fulton St., Chicago, has entered into a stipulation to discontinue unfair methods of competition in the sale of files.

According to the stipulation, the company purchased old, worn files from large manufacturing concerns, resharpened and reconditioned them, and sold them in interstate commerce without disclosing that they were not new or that they were second-hand files which had been reconditioned.

**Nos. 2447-2454.** **Fairfield Distilling Company** and **Byrd Distilling Company**, both of Louisville, Ky., have been ordered to cease and desist from representing that they are distillers of alcoholic beverages, when such is not a fact.

The respondent companies are ordered to discontinue representing through use of the word "Distilling" in their corporate names, in advertising matter, on labels, or otherwise, that they distill whiskies, gins or other spirituous beverages; that they manufacture such products through the process of distillation, or that they own or operate distilleries, unless they do own or operate such places.

**No. 2948.** **Eastern Pharmaceutical Company, Inc.**, 1 Herriot St., Yonkers, N. Y., selling a liquid pharmaceutical product under the name "Aspiral," has been ordered to discontinue using that name or any word containing the letters "Aspir" as a trade name or designation, unless at the time of its sale the product is acetyl salicylic acid, commonly known to the public as aspirin.

The respondent company also is directed to cease and desist from representing that Aspiral is aspirin and that Elixir Aspiral offers the better way of prescribing aspirin.

**No. 3121.** **Joe Anderson, New Bern, North Carolina**, trading as **The A. & O. Co.**, has been ordered to cease and desist from making certain deceptive, misleading and exaggerated representations in connection with the sale of a pharmaceutical preparation designated "A. & O.", advertised in newspapers, magazines, catalogs and by radio as an adequate treatment for colds.

Among the representations ordered discontinued are that the preparation relieves and cures the most stubborn colds when other treatments fail, and gives instant, guaranteed or effective relief from the first dose; that it protects one from influenza, pneumonia or serious lung trouble, clears the digestive tract, restores the system to normal, and is quicker and safer than pills and salve.

**Nos. 3177-3178-3179-3180-3181.** Five dealers in merchandise are charged with use of unfair competitive methods through promotion of sales by means of lotteries or gift enterprises under complaints. Four of the respondents have headquarters in Chicago and one in Jersey City, N. J.

Complaints have been served against the following Chicago dealers: **Frieda Wolchin**, 418 South Wells St., trading as **Wright Manufacturers Distributing Co.**, and **J. C. Robertson**, 117 West Harrison St., trading as **Novelty Distributing Co.**, both dealers in clocks; **E. I. Donahue**, 407 South Dearborn St., trading as **Donahue Advertising Co.**, dealing in electric clocks, kitchen cutlery sets and other articles; and **Carlton, Inc.**, 17 North Wabash Ave., trading as **Carlton Sales Co.**, dealer in men's and women's wearing apparel. The Jersey City dealer named as respondent is **Hyman Mendels**, 113 Hudson St., a clock dealer trading as **J. J. Henderson**.

Customers of the five dealers were furnished with pushcard devices, permitting the drawing of prizes by chance through selection of certain feminine names, according to the complaints, and such devices were allegedly used in the sale of products to ultimate consumers.

#### FTC CLOSES CASE

**No. 2965.** The Federal Trade Commission has closed its case against **Shuford Hosiery Mills, Inc.**, Hickory, N. C., for the reason that the objectionable practices complained of have been discontinued and it does not appear that the respondent company will resume them.

The company was charged with labeling certain hosiery in a manner tending to cause purchasers to believe it was composed substantially of silk when such was not a fact.

The Commission reserved its right to reopen the case, should the facts warrant, and resume prosecution of the complaint in accordance with its regular procedure.

#### FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled at the Commission in broadcast cases during the week beginning August 2.

The Broadcast Division took the following actions subject to ratification at the next regular meeting of the Division:

#### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDKA and alternate, Pittsburgh, Pa.; KEX, Portland, Ore.; KFAB, Lincoln, Nebr.; KFEQ, St. Joseph, Mo.; KFI and auxiliary, Los Angeles; KFVD, Los Angeles; KGDM, Stockton, Calif.; KGO and auxiliary, San Francisco; KIEV, Glendale, Calif.; KIRO, Seattle, Wash.; KJBS, San Francisco; KJR and auxiliary, Seattle, Wash.; KMMJ, Clay Center, Nebr.; KNX, Los Angeles, Calif.; KOA, Denver; KOB, Albuquerque, N. M.; KPO, San Francisco; KRLD, Dallas, Tex.; KTHS, Hot Springs National Park, Ark.; KVOO, Tulsa, Okla.; KWKH, Shreveport, La.; KXA, Seattle, Wash.; KYW, Philadelphia; WAAW, Omaha, Nebr.; WBAL, Baltimore, Md.; WBAP, Fort Worth, Tex.; WBBM and auxiliary, Chicago; WBIL, New York City; WBT, Charlotte, N. C.; WBZ, Boston, Mass.; WBZA, Boston; WCAU and auxiliary, Philadelphia; WCAZ, Carthage, Ill.; WCBD, Chicago; WCCO, Minneapolis; WCFL, Chicago, Ill., and auxiliary; WDGY, Minneapolis; WDZ, Tuscola, Ill.; WEEU, Reading, Pa.; WENR and auxiliary, Chicago; WEW, St. Louis, Mo.; WFAA, Dallas, Tex.; WGN, Chicago; WGY and auxiliary, Schenectady; WHAM and auxiliary, Rochester, N. Y.; WHAS, Louisville, Ky.; WHB, Kansas City, Mo.; WHDH and auxiliary, Boston; WHEB, Portsmouth, N. H.; WHKC, Columbus, Ohio; WHO, Des Moines, Iowa; WIBG, Glenside, Pa.; WINS, New York City; WJR and auxiliary, Detroit, Mich.; WJZ and auxiliary, New York City; WKAR, East Lansing, Mich.; WLS and auxiliary, Chicago; WMAQ, Chicago; WMAZ, Macon, Ga., and auxiliary; WMBI, Chicago; WOAI, San Antonio, and auxiliary; WOI, Ames, Iowa; WOV, New York City; WOWO, Fort Wayne, Ind.; WPG, Atlantic City, N. J.; WRVA, Richmond, Va.; WSAZ, Huntington, W. Va.; WSB and auxiliary, Atlanta, Ga.; WSPR, Springfield, Mass.; WTAM, Cleveland, Ohio; WTIC, Hartford, Conn.; WWVA and auxiliary, Wheeling, W. Va.; WJJD,

Chicago; WLW, Cincinnati; WSM, Nashville, Tenn.; WPTF and auxiliary, Raleigh, N. C.; KMOX, St. Louis, Mo.; KSL, Salt Lake City; KTRB, Modesto, Calif.; KYOS, Merced, Calif.; WABC-WBOQ, New York City; WATR, Waterbury, Conn.; WEA and auxiliary, New York City; WNYC, New York City, and auxiliary; WOR and auxiliary, Newark, N. J.; WTBO, Cumberland, Md.; WWL, New Orleans, La.

The following stations were granted renewal of licenses for the period ending January 1, 1938:

KRMC, Jamestown, N. Dak.; WMFJ, Daytona Beach, Fla.; KNET, Palestine, Tex.; WJBK, Detroit, Mich.

#### APPLICATIONS GRANTED

WAPO—Broadcast Station WAPO, Chattanooga, Tenn.—Granted authority to remain silent for a period not to exceed 10 days in accordance with Rule 151.

WAPY—Broadcast Station WPAY, Portsmouth, Ohio.—Granted authority to remain silent period not to exceed 10 days in accordance with Rule 151, provided licensed operator cannot be obtained.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension program test period 30 days from July 21, 1937.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted extension equipment test period 10 days from July 20, 1937.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted extension program test period 30 days from July 24, 1937.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension program test period 30 days from July 23.

WIBX—WIBX, Inc., Utica, N. Y.—Granted extension equipment test period 10 days from July 23, 1937.

W9XVP-W9XVQ—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to operate two mobile high frequency relaybroadcast transmitters, RCA Model ATR, on 31100, 34600, 37600, 40600 kc., 1 watt, for period of 30 days, for relaybroadcast from State Amateur Golf Tournament and St. Paul Open Tournament for rebroadcast over WTCN.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted extension special temporary authority to operate with two 350-foot towers spaced five-eighths of a wave for the period beginning July 21 and ending no later than July 30, while the 250-foot tower is taken down and moved to the proper location in the new three element array as authorized by C. P. granted 3-9-37.

W3XPF—Farnsworth Television, Inc., of Pennsylvania, Philadelphia.—Granted special temporary authority to conduct equipment tests of a 250-watt exciter unit, for the period July 21 to August 19, 1937.

KPRC—Houston Printing Corp., Houston, Tex.—Granted extension special temporary authority to operate with power of 5 KW night for the period beginning July 23, 1937, and ending no later than August 21, 1937.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 5 to 7:30 p. m., EDST, July 27, August 4, 12, 17, 19, 1937; 2 to 3:30 p. m. and 5 to 6 p. m., EDST, July 31, August 7, 14, and from 2 to 6 p. m., EDST, August 1, 22, 1937, in order to broadcast sponsored baseball games.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted extension special temporary authority to operate from 8:30 to 9 a. m., EST, Morning News Roundup; 9 to 9:30 a. m., EST, Morning Musicale; 9:30 to 9:45 a. m., EST, Band Music; 9:45 to 10 a. m., EST, Organ Program; 2 to 2:15 p. m., EST, Transradio Newscast; 2:15 to 2:30 p. m., EST, Organ Recital; 2:30 to 2:45 p. m., EST, five familiar tunes; and 2:45 to 3 p. m., EST, Sons of the Pioneers musical program, for the period beginning July 31 and ending no later than August 29, 1937, provided WSVS remains silent.

WSAY—Brown Radio Service Lab., Rochester, N. Y.—Granted special temporary authority to operate between hours of 1 a. m. and sunrise, EST, for the period July 22 and ending no later than August 30, 1937, for the purpose of taking graphic records of the sky wave of WSAY at Jamestown, N. Y., Wilkes-Barre, Pa., and Sunbury, Pa. However, no operation permitted during hours prescribed for monitor schedule.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted extension special temporary authority to operate simultaneously with WKBO from 10 to 11 a. m. and from 5 to 6 p. m., EST, for the period July 23 to August 22, 1937, inclusive, due to adoption of Daylight Saving Time in Easton.

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted special temporary authority to rebroadcast over station KNX a short wave pickup from California National Guard plane operating on frequency 3485 kc., for period of 8 consecutive Sundays beginning July 25, between hours of 4:15 and 4:30 p. m., PST.

W10XAB—C. J. MacGregor, Mobile (Ellesmere Island Area).—Granted C. P. and license, frequencies 2398, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 31100, 34600, 37600, 40600, 86000 to 400000 kc., 40 watts; to communicate as an experimental broadcast station in accordance with Rules 1070, 1072, 1074 and 1076; hours of operation unlimited in accordance with Rule 983.

W9XSN—The Champaign News-Gazette, Inc., Mobile, Champaign, Ill.—Granted license to cover C. P., frequencies 39700, 39900, 40800 and 41400 kc., on experimental basis, and these frequencies subject to change without prior notice or hearing; 2 watts; to communicate as relaybroadcast station in accordance with Rules 1000, 1001 (b) and 1003 (e); hours of operation in accordance with Rules 983 and 1004. Location: Mobile.

W4XES—C. G. Hill, George D. Walker, Susan H. Walker, Winston-Salem, N. C., Mobile.—Same as above, except 5 watts.

W3XGM—Reading Broadcasting Co., Reading, Pa., Mobile.—Same as above, except 1 watt power.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted license to cover C. P. and modifications thereof, 610 kc., 1 KW night, 5 KW day, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

KAGM—Hirsch Battery & Radio Co., Cape Girardeau, Mo., Mobile.—Granted license to cover C. P., frequencies 1622, 2058, 2150, 2790 kc., 50 watts, to communicate as relaybroadcast station.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted modification of C. P. for extension of completion date from July 10 to September 10.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted license to cover C. P. and modifications thereof, 1330 kc., 250 watts night, 500 watts day, unlimited.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted license to cover modification of C. P., 1330 kc., 500 watts, unlimited time.

KOKO—The Southwest Broadcasting Co., La Junta, Colo.—Granted license to cover C. P., 1370 kc., 100 watts, unlimited time.

KOBH—Black Hills Broadcasting Co., Rapid City, S. Dak.—Granted license to cover C. P., 1370 kc., 100 watts night, 250 watts day, unlimited time.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Granted license to cover C. P., 1370 kc., 100 watts night, 250 watts day, unlimited.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Granted authority to install automatic frequency control.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted special temporary authority to operate a Collins, Tyle 300-F, 250-watt transmitter, using only 100 watts power and daytime hours for period not to exceed 30 days from July 24, pending action on application for modification of C. P.; also authorized to test transmitter on morning of July 24. Station to operate without approved frequency monitor and modulating monitor for period not to exceed 5 days from July 24.

The Broadcast Division extended the effective date of its order denying the application of South Bend Tribune (WSBT), South Bend, for C. P., until such date as the Division may take action on the petition of South Bend Tribune for reconsideration and grant of the application or in alternative for further hearing before examiner.

#### APPLICATIONS DENIED

W9XPW—WDZ Broadcasting Co., Tuscola, Ill.—Denied extension special temporary authority to operate relaybroadcast transmitter of W9XPW on frequencies 31100, 34600, 37600, 40600 kc., 30 watts, for period of 30 days beginning July 22 to August 20, 1937.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Denied special temporary authority to operate with 1 KW at night pending completion of construction authorized in permit and the regular licensing of increased daytime and night-time powers, for period not to exceed 30 days.

## APPLICATIONS RECEIVED

### First Zone

- WMAS—WMAS, Inc., Springfield, Mass.—Construction permit to 1420 install a new transmitter; erect a vertical antenna; move transmitter from 70 Chestnut St. to West St., Springfield, Mass., and studio from 70 Chestnut St. to 1757 Main, Springfield, Mass.
- WOKO—WOKO, Inc., Albany, N. Y.—Construction permit to 1430 install new transmitting equipment.
- W2XE—Columbia Broadcasting System, Inc., Wayne, N. J.—License to use old RCA Victor Type ET-3656A transmitter as an auxiliary transmitter (5 KW).
- W1XNU—City Broadcasting Corp., New Haven, Conn.—License to cover construction permit (B1-PRE-110) for a new relay-broadcast station.
- NEW—Connecticut State College, Storrs, Conn.—Construction permit for a new relaybroadcast (experimental) station to be operated on 100000, 110000, 200000, 300000 kc., 250 watts.

### Second Zone

- WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Authority 1210 to transfer control of corporation from The Sunbury Item, Inc., to George W. Beck, Basse A. Beck and Harry H. Haddon, 73 shares common stock.
- NEW—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit for a new relaybroadcast station to be operated on 1622, 2058, 2150, 2790 kc., 40 watts.

### Third Zone

- KGVL—Hunt Broadcasting Assn., Fred Horton, President, Greenville, Tex.—Modification of construction permit (B3-P-723)

for a new station, requesting changes in automatic frequency control equipment and move of transmitter from 2610 Washington Street to Wesley College Campus, Greenville, Tex.

- NEW—Northwestern Broadcasting Co., R. H. Nichols, President, 1500 Vernon, Tex.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.

### Fourth Zone

- KMMJ—KMMJ, Inc., Clay Center, Nebr.—Authority to install 740 automatic frequency control.
- KFBI—The Farmers & Bankers Broadcasting Corporation, Abilene, 1050 Kans.—Construction permit to install a new transmitter and vertical antenna; move transmitter from corner 5th and Barry Streets, Milford, Kans., to site to be determined, Wichita, Kans., and studio from 410 Northwest Third Street, Abilene, Kans., to Wichita, Kans.

### Fifth Zone

- KTKC—Tulare-Kings Counties Radio Associates, Charles A. Whitmore, President, Visalia, Calif.—License to cover construction permit (B5-P-816) as modified for new station.
- W7XCX—Oregonian Publishing Co., Portland, Ore.—License to cover construction permit (B5-PRE-102) for a new relay-broadcast (experimental) station.
- W7XCY—Oregonian Publishing Co., Portland, Ore.—License to cover construction permit (B5-PRE-103) for a new relay-broadcast (experimental) station.
- W7XBD—Oregonian Publishing Co., Portland, Ore.—Modification of construction permit to extend commencement date from 2-15-37 to 8-15-37 and completion date from 8-15-37 to 2-15-38.



**NAB REPORTS**

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**ASKS FUNDS FOR HAVANA RADIO CONFERENCE**

On Tuesday, President Roosevelt sent a communication to the Speaker of the House of Representatives in which he asked for favorable action on a request of the Secretary of State for an appropriation of \$15,000 to defray the expenses of the United States in its participation in the Inter-American Radio Conference to convene at Havana, Cuba, November 1. The communication was referred to the House Committee on Foreign Affairs.

**P. J. LEROY**

Members are advised to communicate with NAB Headquarters before contracting with P. J. LeRoy who furnishes fifteen minute transcriptions advertising piano lessons by mail.

**DENIAL OF NEW STATION RECOMMENDED**

John C. Hughes filed an application with the Federal Communications Commission asking for a construction permit for a new station to be erected at Phenix City, Ala., to use 1310 kilocycles, 100 watts and daytime operation.

Examiner Robert L. Irwin, in Report No. I-469, recommended that the application be denied. The Examiner states that the applicant "has not shown that he is financially able to operate it (the proposed station)." The granting of the application, he states, will not be in the public interest.

**OFFICIAL ANNOUNCEMENT ON CCIR CONFERENCE**

The State Department has made an official announcement concerning the return of the American delegation from the CCIR conference at Bucharest, the subjects discussed, and recommendations adopted at the meeting. This information was previously covered in the report of Mr. McNary, NAB delegate, in NAB REPORTS for July 15, 1937.

**RECOMMENDS DENYING CHARGES FOR WSPA**

Broadcasting station WSPA applied to the Federal Communications Commission to change its frequency

from 920 to 880 kilocycles, and to increase its power from 1,000 to 5,000 watts. It operates daytime and did not ask for any change of time.

Examiner Melvin H. Dalberg, in Report No. I-468, recommended that the application be denied. He found that "it is highly questionable whether there is any need for additional service in the area sought to be served." The Examiner states also that most of the territory the station wishes to serve is already served satisfactorily by radio and "the result of the granting of this application would cause overlapping of much of the present service now available to listeners."

**DENIAL RECOMMENDED FOR OHIO STATION**

WRBC, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Cleveland, Ohio, to use 880 kilocycles, 1,000 watts and unlimited operation.

Examiner Melvin H. Dalberg, in Report No. I-470, recommended that the application be denied. He states that the financial showing of the applicant "from a strictly legal standpoint, is somewhat indefinite and confusing and not sufficiently substantial in view of the proposed expense of construction involved herein and the estimated operating costs disclosed by the evidence. This is especially manifest because of the obvious inadequacy of the proof with respect to financial support."

**FEDERAL TRADE COMMISSION ACTION**

**Complaints**

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause

**IN THIS ISSUE**

	<i>Page</i>
Asks Funds for Havana Radio Conference.....	2235
P. J. LeRoy.....	2235
Denial of New Station Recommended.....	2235
Official Announcement on CCIR Conference.....	2235
Recommends Denying Charges for WSPA.....	2235
Denial Recommended for Ohio Station.....	2235
Federal Trade Commission Action.....	2235
Case Closed by FTC.....	2237
Federal Communications Commission Action.....	2237

why cease and desist orders should not be issued against them.

**No. 3189.** A chewing gum dealer is charged with use of unfair competitive methods through promotion of sales by means of lotteries or gift enterprises, in a complaint issued against **Dietz Gum Company of Chicago**, 1734 West Hubbard St., Chicago, trading also under the names **Novelty Gum Company**, **Specialty Gum Company**, and **Yankee Doodle Gum Company**. The complaint also names as respondents, **Sol S. Leaf**, president and treasurer, and **Harry Leaf**, secretary of the Dietz company.

Dealer customers of the respondents are furnished with assortments of gum so arranged that purchasers procuring a stick bearing a certain wrapper may receive a prize, or purchasers saving a sufficient number of certain wrappers may send them in to the company and receive a prize such as a baseball suit or gymnasium outfit, according to the complaint.

**No. 3190.** **Abraham Starr**, 16-20 East 12th St., New York, trading as **Superior Textile Mill**, is charged in a complaint with using certain unfair methods of competition in the sale of haberdashery direct to consumer-purchasers.

Price lists and other printed matter circulated by the respondent allegedly advertised a specified date as the last day for a "free merchandise sale" and contained such offers as four shirts for the price of three, seven pairs of hose for the price of six, and three sweaters for the price of two.

These representations, the complaint charges, serve to lead purchasers into the mistaken belief that for the price they pay for the stated number of articles of haberdashery, they will receive an additional article free. According to the complaint, they do not receive an article of merchandise absolutely free, and the price purportedly charged for the stated number of articles actually covers the total sale price for the entire number.

**No. 3191.** Alleging use of unfair methods of competition in the sale of salve and miscellaneous merchandise a complaint has been issued against **Morris R., Charles, Mary and Mrs. Robert Shapiro**, having a place of business at 836 West Roosevelt Road, Chicago. The respondents are co-partners and trade as **Uca Manufacturing Company**, **Uca Mentho Company**, **Uca-Mentho Laboratories**, and **Robert More Company**.

The respondents are said to advertise in newspapers, magazines and form letters that their salves constitute effective and reliable remedies or treatments for colds, cuts, burns, catarrh, eczema, and various other ailments and diseases. According to the complaint, such representations are false and tend to lead purchasers into the erroneous belief that they can diagnose and determine the cause of and the remedy or treatment for the ailments and diseases from which they are suffering.

None of the respondents is a physician, nor is a physician connected with their business, the complaint charges, and purchasers of the respondents' salves are not being given a medical examination for the purpose of determining the particular ailment or disease from which they are suffering and the cure, if any, therefor.

**No. 3192.** **Croxonol Sales Corporation**, 142 West 24th Street, New York, and its president, **Alfred W. Lublin**, are named respondents in a complaint alleging use of certain unfair competitive practices in advertising and selling Croxon Method, a preparation for the treatment of superfluous hair.

The complaint charges that the respondents falsely represented in advertising that their preparation will remove superfluous hair when first applied; will keep the user well groomed and free from hair; will completely stop the growth of superfluous hair; is guaranteed to remove it, and that no odor will result from use of the product. According to the complaint, these representations are misleading and exaggerated, and the preparation will not accomplish the results claimed for it.

## Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

**No. 2018.** Trading as **Lincoln Lace & Braid Mfg. Co.**, **Benjamin Gittleman**, Ponagansett Ave. and Barbara St., Providence, R. I., has entered into a stipulation to discontinue certain unfair methods of competition in connection with the sale of shoe laces.

Gittleman agreed to cease using the abbreviation "Mfg." in his trade name and to discontinue employing that abbreviation or the word "Manufacturers" on his stationery, in printed matter, or otherwise, so as to imply that he makes the shoe laces he sells or

that he owns or operates a factory in which such products are manufactured, when such is not a fact.

**No. 2020.** Agreeing to cease certain false and misleading assertions in the advertisement and sale of correspondence courses in civil service subjects, **Civilian Preparatory Service, Inc.**, and **Homer Bruce Crone**, formerly trading as **Economic Research Bureau**, both of **Huntington, W. Va.**, have entered into a stipulation.

Among representations to be discontinued are assertions to the effect that jobs are offered, that men and women are wanted to fill such jobs and that such positions are to be filled through the respondents.

The respondents agree no longer to advertise that the school as operated is representative of or connected with the United States Government or that civil service examinations are held or will be held at frequent intervals in the classifications for which the respondents offer training, or that government positions in such classifications are or will be available and that appointments therein will be made.

**No. 2021.** Certain unfair methods of competition in the sale of books will be abandoned by **Garden City Publishing Co., Inc.**, **Garden City, N. Y.**, under a stipulation.

The company will stop advertising or selling any book under a name or title different from that under which it previously had been published and sold. The stipulation provides that if the company sells a book under a title other than the original, proper notice of the name previously used shall be printed on the title page and jacket in type as equally conspicuous as that in which the new name appears.

**No. 2022.** **Samuel A. Roth**, 328 West Superior Ave., Cleveland, trading as **Samuel A. Roth & Co.**, has entered into a stipulation to discontinue representing, without proper qualification, that certain wearing apparel for women is composed of silk.

In his advertising matter, the respondent agrees to stop using the word "silk," either alone or in connection with the word "pure," without qualification, to designate products not made entirely of silk but containing substantial quantities of mineral salts or substances other than silk, such articles being known as weighted silks.

The stipulation provides that if these articles are in fact composed of silk but are weighted to an amount exceeding 15 per cent in black goods or to an amount exceeding 10 per cent in goods other than black, the word "silk," if used to designate them, shall be immediately accompanied by the word "weighted" or other words printed in equally conspicuous type to indicate clearly that the articles are weighted with mineral salts or other weighting substances.

**No. 2353.** An order has been issued directing discontinuance of certain false and misleading representations in the sale of **Kelpe'Koe**, an alleged medicinal preparation mined from what are claimed to be crystallized deposits of kelp or seaweed. The order was issued against **Kelpe'Koe, Inc.**, of **Seattle, Wash.**, and **C. C. Hanson**, agent of the **Seattle** firm, with headquarters in **Memphis, Tenn.**

Under the order, the respondents are directed to cease and desist from asserting that the use of their preparation will cure, or will be of substantial benefit in the treatment of nervous disorders, undue fatigue, asthma, neuritis and other ailments, and that the preparation provides the elements required to harmonize glandular activity during childhood or will supply vital elements required in the formation of bone, tissue and cell structures.

**No. 2840.** An order has been entered directing **NoDoz Laboratories, Inc.**, 307 Mitau Building, **Sacramento, Calif.**, to discontinue representing in advertisements or radio broadcasts that **NoDoz Awakeners** will counteract or overcome the effect of drinking alcoholic beverages or have any beneficial effects on persons using alcoholic liquors.

The respondent company also is ordered to cease and desist from advertising that its product is manufactured under a formula approved by the United States Pure Food and Drug Administration, and that more than a million automobile drivers, or any other number not established by competent evidence, take the preparation to keep awake during long hours of driving, or approve it as the safe, sure way to stay awake while driving.

Findings are that caffeine, which is the active ingredient in the product, will not counteract or overcome the effects of alcoholism, as represented by the respondent company, nor will it sober an intoxicated person.

**No. 3115.** Certain false and misleading representations made in advertising and selling **Lechler 569 Instantaneous Hair Lightener** are prohibited under an order to cease and desist entered against **Lechler Laboratories, Inc.**, 334 Audubon Ave., **New York**.

The order directs the respondent company to discontinue representing through price lists, circulars, labels, or any other form of printed matter, or in radio broadcasts, that its preparation does not require or contain peroxide, is superior to products containing peroxide, and that the bleaching agent of the preparation is not similar to peroxide. Findings are that the product contains peroxide and its bleaching action is not chemically different from preparations which include peroxide of like strength as an ingredient.

#### CASE CLOSED BY FTC

No. 2698. An order has been entered by the Federal Trade Commission closing, without prejudice, its case against **Avalon Candy Corporation, Los Angeles**, which was charged with use of a lottery scheme in connection with the sale of candy.

The case was closed for the reason that the respondent company has neither manufactured nor sold candy since March, 1936; its physical assets have been dismantled and sold, its corporate charter surrendered for non-payment of California State taxes, and it appears that the company is not likely to resume the violations of law alleged in the Commission's complaint.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled at the Commission in broadcast cases during the week beginning August 9.

The Broadcast Division has taken the following action:

#### APPLICATIONS GRANTED

KGU—Marion A. Mulrony & Advertiser Publisher Co., Ltd., Honolulu, T. H.—Granted license to cover C. P. as modified, **750 kc.**, 2½ KW night and day, unlimited.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted license to cover C. P. as modified, **1350 kc.**, 500 watts, unlimited time, using directional antenna system for both day and night-time operation.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted license to cover C. P., **1500 kc.**, 100 watts night, 250 watts day, unlimited.

KROC—Southern Minn. Broadcasting Co., Rochester, Minn.—Granted license to cover C. P., **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

WMBS—Fayette Broadcasting Corp., Uniontown, Pa.—Granted license to cover C. P. as modified, **1420 kc.**, 250 watts, day-time only.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Granted extension of present license for a period of 60 days.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted extension of present license for a period of 60 days.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted extension of present license for a period of 60 days.

WWSW—Walker & Dowling Radio Corp., Pittsburgh, Pa.—Granted extension of present license for a period of 60 days.

KGKY—Hilliard Company, Inc., Scottsbluff, Nebr.—Granted extension of present license for a period of 60 days.

WSJS—Winston-Salem Journal Co., Winston-Salem, N. C.—Granted voluntary assignment of license Piedmont Publishing Co.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special experimental authority to operate on **1060 kc.**, 10 KW, simultaneously with KTHS from 6 a. m. to sunset at Hot Springs, Ark., and from sunset at KTHS to 9 p. m., EST, unlimited, synchronously with WJZ on **760 kc.**, with 2½ KW, from 9 p. m., EST, to midnight, with directional antenna, for period August 1, 1937, to February 1, 1938.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted extension of special experimental authority for period August 1, 1937, to February 1, 1938, to operate on **1060 kc.**, 10 KW, simultaneously with WBAL from 6 a. m. to local sunset, sharing after sunset (KTHS operates unlimited 8 p. m. to midnight).

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special experimental authority for period August 1, 1937, to February 1, 1938, to operate simultaneously with WTIC, Hartford, Conn., **1040 kc.**, 10 KW, share KTHS.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special experimental authority for period August 1, 1937, to February 1, 1938, to operate simultaneously with KRLD, Dallas, frequency **1040 kc.**, 50 KW.

WESG—Cornell University, Ithaca, N. Y.—Granted extension of special experimental authority for period August 1, 1937, to February 1, 1938, to operate on **850 kc.**, daylight to sunset at New Orleans, La., 1 KW power.

NEW—Central States Broadcasting Co., Omaha, Nebr.—Granted C. P. for new high frequency broadcast station, frequencies **31600, 35600, 38600 and 41000 kc.**, 100 watts.

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of license to use frequency **21520 kc.** in addition to the frequencies authorized in the existing license.

NEW—KQV Broadcasting Co., Mobile (Pittsburgh, Pa.)—Granted C. P. and license for new station, frequencies **31100, 34600, 37600 and 40300 kc.**, on experimental basis, 5 watts.

NEW—Lamar Life Ins. Co., Jackson, Miss. (Mobile)—Granted C. P. for new experimental relay broadcast station, frequencies **31100, 34600, 37600 and 40600 kc.**, 2 watts.

NEW—Head of the Lakes Broadcasting Co., Mobile—Granted C. P. for new experimental relay broadcast station, frequencies **31100, 34600, 37600, 40600 kc.**, on experimental basis, 2 watts.

NEW—Columbia Broadcasting System, Inc., Mobile (vicinity of Los Angeles)—Granted C. P. for new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.**, 50 watts.

NEW—Columbia Broadcasting System, Inc., Mobile (vicinity of Washington, D. C.)—Granted C. P. for new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.**, 50 watts.

NEW—Columbia Broadcasting System, Inc., Boston, Mass.—Granted C. P. for new high frequency broadcast station, frequencies **88000, 123000, 164000, 205000 kc.**, on experimental basis, 100 watts.

WFOI—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Granted C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted C. P. to change transmitter and studio sites locally, make changes in composite equipment, and increase day power from 100 to 250 watts.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted voluntary assignment of license to W. O. Pape, d/b as Pape Broadcasting Co.; **1380 kc.**, 500 watts night, 1 KW day, unlimited.

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Granted C. P. to install new equipment and increase power from 5 to 10 KW.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authority to operate with 5 KW from sunset at KPO to 11 p. m., EST, using directional antenna system, for the period ending February 1, 1938.

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Granted extension of special experimental authority to operate with 500 KW day and night, using directional antenna at night, for the period August 1, 1937, to February 1, 1938.

KFBB—Buttery Broadcast, Inc., Great Falls, Mont.—Granted modification of license to change power to 1 KW night, 5 KW day.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted modification of license to change hours of operation to: Daily except Sunday, 9:30 a. m. to 1:30 p. m.; 4:30 to 7:30 p. m.; Sundays, 9 a. m. to 1:30 p. m.; all CST.

WWL—Loyola University, New Orleans, La.—Granted extension of special experimental authority to operate unlimited time on **850 kc.**, with 10 KW power, for period August 1, 1937, to February 1, 1938.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authority to operate on **1100 kc.**, with 10 KW power, unlimited time, employing directional antenna at night, period August 1, 1937, to February 1, 1938.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special experimental authority to operate synchronously with WBBM, Chicago, from local sunset at Lincoln, Nebr., to 12 midnight, CST, for period August 1, 1937, to February 1, 1938.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special experimental authority to operate synchronously with KFAB, Lincoln, Nebr., from local sunset at Lincoln, Nebr., to 12 midnight, CST, for period August 1, 1937, to February 1, 1938.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted amended modification of license authorizing change in time of operation from specified hours to daytime only.

WWJ—The Evening News Assn., Detroit, Mich.—Granted C. P. to use former main transmitter as auxiliary at same location, 1 KW, 920 kc., for auxiliary purposes only.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Granted C. P. to move former licensed main transmitter to present transmitter site at Bayview Park, San Francisco, for auxiliary purposes, power 1 KW.

WLBL—State of Wisconsin, Department of Agriculture and Markets, Auburndale, Wis.—Granted modification of C. P. to move transmitter locally.

WIBX—WIBX, Inc., Utica, N. Y.—Granted modification of C. P. to extend completion date from 7-10-37 to 9-10-37.

KOAM—Graham & Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—Granted modification of C. P. approving transmitter near Pittsburg, Kans., studio at 404 Commerce Building. Changes in authorized equipment and vertical radiator.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Granted authority to install automatic frequency control equipment; 1270 kc., 1 KW night, 5 KW day, unlimited time. Also granted license to cover C. P., 1270 kc., 1 KW night, 5 KW day, unlimited.

WRTD—The Times Dispatch Publishing Co., Inc., Richmond, Va.—Granted license to cover C. P. as modified covering new station, 1500 kc., 100 watts, unlimited time.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted extension of special experimental authority for period ending February 1, 1938, to operate unlimited time on 710 kc., with 1 KW.

NEW—WHEC, Inc., Mobile.—Granted C. P. for new high frequency relay broadcast station, frequencies 31100, 34600, 37600, 40600 kc., on experimental basis, 2 watts.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted C. P. to move station locally and make changes in equipment.

W9XJL—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted modification of license to delete frequencies 31600, 35500, 38600, 41000 kc. and add 26100 kc.

WAXD—The Birmingham News Co., Birmingham, Ala. (Mobile).—Granted modification of license to delete frequencies 31600, station, frequencies 1646, 2090, 2190, 2830 kc., 20 watts.

W4XKB—Station WIS, Inc., Columbia, S. C. (Mobile).—Granted license to cover C. P. for new experimental relay broadcast station, frequencies 31000, 34600, 37600 and 40600 kc., 2 watts.

### SET FOR HEARING

NEW—WAVE, Inc., Louisville, Ky.—C. P. for new station to operate on 610 kc., 250 watts, 500 watts day, unlimited time, transmitter site to be determined in Louisville; approval of studio site at 675 S. Fourth St. at Broadway, Louisville.

NEW—Roberts-MacNab Co., Livingston, Mont.—C. P. for new station, 1310 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WGNV—Peter Goelet, Newburg, N. Y.—C. P. to install new equipment and increase day power from 100 watts to 250 watts.

WPHR—WLBG, Inc., Richmond, Va.—C. P. to install new equipment and directional antenna system for day and night-time operation, and increase in power and time of operation from 500 watts, daytime only, to 1 KW, unlimited time.

WNEL—Juan Piza, San Juan, P. R.—C. P. to make changes in the antenna system and change frequency from 1290 kc. to 590 kc.

NEW—S. L. Slover Corp., Norfolk, Va.—C. P. for new station, 100 watts night, 250 watts day, 1370 kc., exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Harwell V. Shepard, Denton, Tex.—C. P. to erect a new station to operate on 1420 kc., 100 watts, daytime only.

NEW—W. C. Irvin, Amarillo, Tex.—C. P. for new station, 1500 kc., 100 watts night, 250 watts day, unlimited time. Approval of transmitter and studio sites at Adams and NW 2nd Ave., Amarillo.

NEW—Larry Rhine, San Francisco, Calif.—C. P. for new station to operate on 980 kc., 250 watts, daytime only, exact trans-

mitter and studio sites and type of antenna to be determined with Commission's approval.

KXBY—First National Television, Inc., Kansas City, Mo.—C. P. to make changes in equipment and experiment with several types of directional antenna, and increase in power from 1 to 5 KW. To be heard before the Broadcast Division.

NEW—Fred M. Weil, Grand Coulee, Wash.—C. P. for new station, 1420 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter site to be determined with Commission's approval.

NEW—Carl Latenser, Atchison, Kans.—C. P. for new station, 1420 kc., 100 watts, daytime only, exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Four Lakes Broadcasting Co., Madison, Wis.—C. P. for new station to operate on 830 kc., 100 watts, daytime only, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Modification of license requesting 15150 kc. in addition to frequencies authorized in existing licenses, i.e., 6060 kc and 9590 kc. Also modification of license requesting frequency 25750 kc. in addition to frequencies authorized in existing license.

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—C. P., already in hearing docket, amended so as to request authority to operate on 1020 kc.; make changes in equipment; change in directional antenna system; and increase in power from 10 to 50 KW.

W1XEH—Travelers Broadcasting Service Corp., Avon, Conn., W1XLU—Mobile, W1XO—Mobile, W1XT—Mobile, WTIC—Hartford, Conn.—Voluntary assignment of license and special experimental authorization to the Travelers Broadcasting Company.

NEW—W. Va. Broadcasting Corp., Charleston, W. Va.—C. P. for new station to operate on 1500 kc., 250 watts day, 100 watts night, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.

NEW—W. Va. Broadcasting Corp., Wheeling, W. Va.—C. P. for new station to operate on 1310 kc., 100 watts, unlimited time; exact transmitter and studio sites to be determined with Commission's approval.

NEW—Y. W. Scarborough and J. W. Orvin, Charleston, S. C.—C. P. for new station; 1210 kc., 100 watts night, 250 watts day, unlimited time.

KSEI—Radio Service Corp., Pocatello, Idaho.—Modification of license to increase night power to 500 watts.

Walter Biddick Company, Los Angeles, Cal.—Authority to supply electrical transcriptions to Station XEMO, Tia Juana, Mexico, to be delivered by express.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—C. P. to move transmitter to 6 miles n. of Tulsa, 1½ mi. e. of Turley (locally); install new equipment and directional antenna system for nighttime use; increase power to 1 KW night, 5 KW day.

NEW—Martin R. O'Brien, Aurora, Ill.—C. P. already in hearing docket amended to request 1250 kc., 250 watts, daytime only, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—George B. Storer, Pontiac, Mich.—C. P. already in hearing docket, amended to request 800 kc., 1 KW, daytime only; exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WAAB—The Yankee Network, Inc., Boston, Mass.—Modification of license to increase night power from 500 watts to 1 KW.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—C. P. to install new equipment, change frequency from 1500 to 1510 kc., increase power from 100 watts night, 250 watts day, to 1 KW, unlimited time, and move transmitter site locally; exact transmitter site and type of antenna to be determined. To be heard by Broadcast Division.

NEW—John P. Harris, Hutchinson, Kans.—C. P. for new station; 710 kc., 1 KW, daytime only. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Pacific Radio Corp., Grants Pass, Ore.—Denied petition to grant without hearing, application for new station to operate on 1320 kc., 500 watts, daytime only. Exact transmitter and studio sites to be determined with Commission's approval.

NEW—Sam Houston Broadcasting Assn., Huntsville, Tex.—C. P. for new station to operate on 1500 kc., 100 watts, daytime only. Exact transmitter and studio sites to be determined with Commission's approval.



NEW—O. C. Burke, Dickinson, Tex.—C. P. to erect new station to operate on 1500 kc., 100 watts, unlimited time.

NEW—Sims Broadcasting Co., Globe, Ariz.—C. P. to erect a new station to operate on 1210 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Louisa B. Thornton & M. E. Thornton, d/b as Port Angeles Broadcasters, Port Angeles, Wash.—C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts day, time of operation, unlimited. Exact transmitter and studio sites to be determined.

NEW—Brenau College, Gainesville, Ga.—C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time.

NEW—National Life and Accident Ins. Co., Inc., Nashville, Tenn.—C. P. for new station; frequency 1370 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Tri-City Broadcasting Co., Inc., Schenectady, N. Y.—C. P. for new station; 950 kc., 1 KW, unlimited time, using directional antenna day and night; transmitter location and studio to be approved.

NEW—Ward Optical Co., Fayetteville, Ark.—C. P. for new station; 1310 kc., 100 watts, unlimited time.

NEW—Panama City Broadcasting Co., Panama City, Fla.—C. P. for new station; 1420 kc., 100 watts daytime only; exact transmitter and studio sites to be determined.

WBAA—Purdue University, W. Lafayette, Ind.—C. P. to change transmitter site locally; install new equipment and vertical radiator; change power from 500 watts night, 1 KW day, specified hours, to 5 KW daytime only.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—C. P. to move transmitter site locally; install vertical radiator; change frequency from 1370 to 1340 kc., and increase night power from 100 watts to 250 watts.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Modification of license to change frequency from 1320 to 580 kc.; also install new vertical radiator.

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Modification of license to increase night power from 1 to 5 KW (1010 kc., unlimited time). To be heard before Broadcast Division.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa—Modification of license to increase night power from 1 KW to 5 KW using present directional antenna system for nighttime operation. To be heard before Broadcast Division.

First Baptist Church, Pontiac, Mich.—Authority to transmit religious programs to CKLW, Windsor, Ontario, through facilities Michigan Bell Telephone Co.

KFJZ—R. S. Bishop, Fort Worth, Tex.—Authority to transfer control of corporation to Ruth G. Roosevelt. Station operates on 1370 kc., 100 watts night, 250 watts LS, unlimited time.

WACO—KTSA Broadcasting Co., Waco, Tex.—Voluntary assignment of license to Hearst Radio, Inc., 1420 kc., 100 watts, unlimited time.

KTSA—KTSA Broadcasting Co., San Antonio, Tex.—Voluntary assignment of license to Hearst Radio, Inc., 550 kc., 1 KW night, 5 KW day, unlimited time.

KNOW—KUT Broadcasting Co., Austin, Tex.—Voluntary assignment of license to Hearst Radio, Inc., 1500 kc., 100 watts, unlimited time.

## RENEWAL OF LICENSES

KWJJ—KWJJ Broadcast Company, Inc., Portland, Ore.—Granted renewal of license on a temporary basis only subject to the right of the Commission to make effective any changes or modifications herein which may be necessary in order to comply with any decision of the Commission which may be entered after hearing in any proceeding of which licensee was duly notified or in which licensee participated.

WESG—Cornell University, Elmira, N. Y.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on pending application for renewal.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on pending application for renewal.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted renewal of license for the period ending January 1, 1938.

KFBI—The Farmers & Bankers Broadcasting Corp., Abilene, Kans.—Granted extension of present license on a temporary basis for the period ending September 1, 1937, pending receipt and/or action on renewal application.

KGPI—Eagle Broadcasting Co., Inc., Corpus Christi, Texas—Granted extension of present license on a temporary basis for the period ending September 1, 1937, pending receipt and/or action on renewal application.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Granted extension of present license on a temporary basis for the period ending September 1, 1937, pending receipt and/or action on renewal application.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted extension of present license on a temporary basis for the period ending September 1, 1937, pending receipt and/or action on renewal application.

The following stations were granted renewal of licenses on the regular basis:

KGU, Honolulu, T. H.; KSOO, Sioux Falls, S. Dak.; WRUF, Gainesville, Fla., and WSN (auxiliary), Nashville, Tenn.

## SPECIAL AUTHORIZATIONS

WMBQ—Joseph Husid, Receiver for Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Granted extension of special temporary authority for Joseph Husid, Receiver for Metropolitan Broadcasting Corporation to operate radio station WMBQ, for the period August 1 to 31, 1937.

WRUF—University of Florida, Gainesville, Fla.—Granted extension of special temporary authority to rebroadcast the Navy time signals from Arlington for the period August 1 to 30, 1937.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted extension of special temporary authority to operate on 1040 kc., limited time, and resume operation from 9 p. m. to 3 a. m., PST, for the period August 1, 1937, to February 1, 1938.

KWLC—Luther College, Decorah, Iowa—Granted special temporary authority to remain silent for the period beginning August 1 and ending August 31, 1937.

WJAG—The Norfolk Daily News, Norfolk, Neb.—Granted extension of special temporary authority to operate on 1060 kc. with power of 1 KW and limited time for the period beginning 3 a. m., EST, August 1, and ending no later than 3 a. m., February 1, 1938.

WAXB-WAXC—Alford J. Williams, Pittsburgh, Pa.—Granted extension of special temporary authority to operate RCA Type H aircraft transmitter, 5 watts, on board plane NR-1050, by A. J. Williams and RCA Type AVT-7 transmitter portable on ground on frequencies of 1646, 2090, 2190, 2330 kc., for the period beginning August 2 to August 31, 1937.

WWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate for the period August 2 to 31, 1937, with increased night power to 5 KW to overcome interference.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset (August sunset, 7:15 p. m.) to 11 p. m., EST, Tuesdays, Thursdays, Saturdays and Sundays, for the period August 3 (Tuesday) and ending no later than August 31 (Tuesday) pending compliance with Rule 131 on modification of license.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to operate from 7 to 7:30 p. m., CST, on Fridays only, from August 20 to September 17, 1937, inclusive (provided WLB remains silent), in order to permit WTCN to schedule the NBC program "Robert Ripley and Henry Busse's Orchestra!"

WLB—University of Minnesota, Minneapolis, Minn.—Same as above except to operate from 8 p. m. to 8:30 p. m., CST, (provided WTCN remains silent).

KGGF—Powell & Platz, Coffeyville, Kans.—Granted extension of special temporary authority to operate from 7:15 to 9:15 p. m., CST, August 3, 5, 10, 12, 17, 19, 24, 26 and 31; and from 8:15 to 9:15 p. m., CST, August 4, 11, 18 and 25, 1937 (provided WNAD remains silent), in order that KGGF may broadcast during time WNAD is silent for summer vacation of Oklahoma University.

WNAD—University of Oklahoma, Norman, Okla.—To remain silent on above dates in order to observe summer vacation.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special temporary authority to operate from 7:30 to 10 p. m. CST, August 9, 10, 11, 12, 21, 26 and 27, 1937, in order to broadcast out of town baseball games played by local team at night.

WGNV—Peter Goelet, Newburg, N. Y.—Granted special temporary authority to operate simultaneously with WFAS

from 3 to 4:30 p. m., EDST, Saturday, July 31, in order to broadcast program of The Dutchess County Women's Organization in honor of Mrs. Franklin D. Roosevelt, during which time Mrs. Roosevelt will speak.

WFAA—A. H. Belo Corp., Dallas, Tex.—Granted extension of special temporary authority to use joint call letters WFAA-WBAP and waive requirements of Rule 156 for the period August 1, 1937 to February 1, 1938, or until close of Central Exposition of the Texas Centennial Celebration in Dallas.

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted extension of special temporary authority to use joint call letters WFAA-WBAP and waive requirements of Rule 156 for the period August 1, 1937, to February 1, 1938, or until close of Central Exposition of the Texas Centennial Celebration in Dallas.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (August sunset 7 p. m.) to 9 p. m., CST, using power of 100 watts, on Sundays, August 1, 8, 15, 22 and 29, in order to broadcast Church services of the Kelly Memorial Methodist Church.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc. with power of 1 KW at night for the period August 1 to August 31, 1937, inclusive, pending filing of and action on license to cover C. P. for this authority.

WNYC—City of New York, Dept. of Plant and Structures, New York City—Granted extension of special temporary authority to use auxiliary transmitter located in Brooklyn as main transmitter, while moving in accordance with modification of C. P., for period August 1 to October 1, 1937.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, for the period August 1 to August 30, 1937, in order to reach the farmers in the territory surrounding station WDZ who are in their fields during summer months by 5 a. m.

Henry C. Ross, Columbus, Ohio.—Granted special temporary authority to operate a relay broadcast transmitter on frequencies of 39700, 39900, 40000, 41400 kc., 1 watt, for relaying the progress of Inter Lake Regatta from a boat to a public address system on the shore, for the period beginning August 9, 10, and 11th.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted extension of special temporary authority to operate daily except Sunday, 1 to 4:30 p. m., EST, and daily except Friday, Saturday, Sunday, 7 to 9 p. m., EST, for the period August 1 to 31, 1937, in order to broadcast sponsored northern league baseball games.

WSUI—State University of Iowa, Iowa City, Iowa—Granted extension of special temporary authority to operate a minimum of six hours daily, instead of unlimited time, for the period August 1 to 31, 1937, in order to observe the summer vacation period at the State University.

WCBD—WCBD, Inc., Chicago, Ill.—Granted extension of special temporary authority to use transmitter of station WMBI for the period August 1 to August 31, 1937, pending repair to WCBD's transmitter which was destroyed by fire.

WGNV—Peter Goelet, Newburg, N. Y.—Granted special temporary authority to operate simultaneously with WGBB from 1:30 to 3 p. m., EDST; simultaneously with WFAS 3 to 5 p. m., EDST and simultaneously with WBRB 5 to 7 p. m., EDST, Wednesday, August 11, 1937, or to operate simultaneously with WFAS 1:30 to 5 p. m., EDST and with WBRB 5 to 7 p. m., EDST, Thursday, August 12, in order to broadcast the Hambletonian Races direct from "Good Time Track" at Goshen, N. Y.

#### APPLICATIONS DENIED

WTFI—J. K. Patrick & Co., Athens, Ga.—Denied authority to operate former transmitter of WTFI, Athens, Ga., unlimited time on 1310 kc., 100 watts night, 250 watts day, pending action of the Commission on application for that authority.

NEW—Meno Schoenbach, Woodward, Okla.—Application for C. P. for 1500 kc., 100 watts, 100 watts LS, unlimited time, heretofore set for hearing, was denied as in cases of default for failure of applicant to file an appearance, in accordance with Rule 104.6(c).

#### APPLICATIONS DISMISSED

WGCM—WGCM, Inc., Mississippi City, Miss.—Application for extension of permit for 1120 kc., 500 watts, 500 watts LS, unlimited time except 8 to 9 p. m., CST, Monday and Fri-

day, heretofore set for hearing was dismissed, inasmuch as the permit itself was retired to the closed files, March 16, 1937.

The following applications, heretofore set for hearing, were dismissed at request of applicants:

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Cal.—Application B5-SA-114, for 710 kc., 500 watts, 500 watts LS, unlimited time.

NEW—State Broadcasting Corp., New Orleans, La.—Application B3-P-1656, for 1500 kc., 100 watts, 100 watts LS, unlimited.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Application B2-P-1729, for 1190 kc., 1 KW, 5 KW LS, limited time.

#### APPLICATIONS RETIRED TO CLOSED FILES

Radio Service Corp. of Utah.—Application for C. P. for authority to construct a new relay broadcast experimental station, granted November 10, 1936, and expired July 10, 1937, was retired to closed files as no application for a further extension of time or for a license has been filed.

Stuart Broadcasting Corp.—Application for C. P. for authority to construct a new relay broadcast experimental station, granted November 17, 1936, and expired July 17, 1937, was retired to closed files as no application for further extension of time or for license has been filed.

KGVO—Mosby's Inc., Missoula, Mont.—Application for C. P. requesting changes in equipment was granted September 22, 1936. The required date of commencement was November 22, 1936 and completion May 22, 1937. Inasmuch as no application for extension of time and no application for license has been filed, the application is retired to closed files.

WASH-WOOD—Kunsky-Trendle Broadcasting Corp.—Applications for C. P.'s authorizing increase in daytime power to 1 KW., granted July 2, 1936, contingent upon selection of a satisfactory transmitter site and upon compliance with Rules 131, 132 and 139, was relinquished by applicants, and applications are, therefore, retired to closed files.

#### MISCELLANEOUS

WJBW—Chas. C. Carlson, New Orleans, La.—Granted petition for leave to file appearance in matter of application for renewal of license, appearance was accepted and motion of Southern Broadcasting Corp. to deny that application for renewal as in default was denied. (Docket 4330); Motion of Southern Broadcasting Corp. to deny as in default application of Chas. C. Carlson for C. P. (Docket 4204) granted and the reply thereto for Carlson dismissed.

WBAA—Purdue University, Lafayette, Ind.—Granted extension of time within which to comply with Rule 131 until such time as action may be had on application requesting change in transmitter site, installation of new antenna and transmitter and increase in power from 1 KW to 5 KW daytime only.

KFYR—Station KFYR, Bismarck, N. Dak.—Granted authority to suspend issuance of C. P. covering local move of station and changes in equipment, until agreement can be reached with Bureau of Air Commerce and Engineering Department as to satisfactory site.

The Broadcast Division denied the petition of Continental Radio Co., Toledo, Ohio, to reopen the hearing upon the application of WALR Broadcasting Corp. (WALR), Zanesville, Ohio, for C. P. to move studio and transmitter to Toledo, Ohio, (Docket 2486), and denied the motion of Continental Radio Co., to reconsider and grant its application for C. P. for new station at Toledo, Ohio, 1200 kilocycles, 100 watts, daytime, Docket 3301.

The Broadcast Division, upon consideration of a petition by South Bend Tribune Co. (WSBT), South Bend, Ind., for reconsideration and grant or in alternative, for further hearing upon its application for C. P. to change operating assignment from 1360 kilocycles, 500 watts, sharing time, to 1010 kilocycles, 1 KW, limited time, using directional antenna (Docket No. 3763), vacated its order of February 23, 1937, in denying the foregoing application, and remanded it to the hearing docket for further hearing.

W2XAL—General Electric Company, Schenectady, N. Y.—Application for C. P. granted September 29, 1936, covering authority to erect a new experimental broadcast station at Schenectady, N. Y., was retired to closed files inasmuch as no extension of time or application for license has been filed.

NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—Granted petition to accept its answer in the matter of the application of the United Broadcasting Co. Docket 4606.

WABY—Adirondack Broadcasting Co., Albany, N. Y.—Granted petition to intervene in the proceedings upon the application of Citizens Broadcasting Corp. Docket 4508.

WOKO—WOKO, Inc., Albany, N. Y.—Granted petition to intervene in the proceedings upon the application of the Citizens Broadcasting Corp. Docket 4508.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted petition to intervene in the proceedings upon the application of Curtis Radiocasting Corp. Docket 4607.

WRVA—Larus and Brother Co., Inc., Richmond, Va.—Granted petition to reopen hearing upon its application for C. P. to increase power from 5 KW to 50 KW, using directional antenna, for the purpose of introducing testimony upon the modified directive antenna array.

NEW—World Publishing Co., Tulsa, Okla.—Granted petition to intervene in the proceedings upon the application of Harry Schwarts for a new station at Tulsa, Okla., to use 1310 kc., 250 watts, daytime.

NEW—City of Jacksonville, Fla.—Granted petition to accept answer in the matter of the application of Illinois Broadcasting Corp. (WTAD), Quincy, Ill., for modification of license to use 900 kc., 1 KW, unlimited time. Docket 4599.

WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted petition to intervene in the application of Attala Broadcasting Corp. (WHEF), for C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time, to move to Jackson, Miss. Docket 4651.

NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—Granted petition to accept answer in the matter of the application of Decatur Newspapers, Inc., for a new station at Decatur, Ill., to use 1550 kc., 1 KW, unlimited time. Docket 4605.

WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted petition for continuance of hearing upon the applications of Decatur Newspapers, Inc., Docket 4605, and United Broadcasting Co., Docket 4606, and the hearing scheduled for Oct. 14, 1937.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted petition to intervene in the proceedings upon the application of the Decatur Newspapers, Inc., Docket 4605.

KGB—Don Lee Broadcasting System, San Diego, Cal.—Granted petition to intervene in the proceedings upon the application of Airfan Radio Corp., Ltd., for a new station at San Diego, Cal., to use 1420 kc., 100 watts, unlimited time.

NEW—Warren B. Worcester—Granted petition to accept answer in re docket 4601 involving application for C. P. of Airfan Radio Corp., Ltd., for new station at San Diego, Cal.

NEW—Radiotel Corp., San Diego, Cal.—Granted motion for continuance of hearing for a period of approximately 90 days from September 21, new hearing date to be fixed by dockets, upon application for new station to use 920 kc., 500 watts, unlimited time.

KFPI—Symons Broadcasting Co., Inc., Spokane, Wash.—Granted petition to intervene in the proceedings upon the application of C. P. Sudweeks for a new station at Spokane, Wash., to use 950 kc., 500 watts, 1 KW day, unlimited time. Docket 4461.

Honolulu Star-Bulletin, Ltd., and Zion Securities Corp.—Granted petition to intervene in the proceedings upon the application of the Honolulu Broadcasting Co., Ltd., for transfer of control, Docket 3873.

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted petition to extend time for filing exceptions to Examiner's Report 1-453 involving application of Food Terminal Broadcasting Co., for new station at Cleveland, to use 1500 kc., 100 watts daytime, for a period of three weeks.

NEW—W. H. Hartman Co., Waterloo, Iowa.—Granted motion to accept appearance in re application for new station to use 1400 kc., 500 watts daytime, Docket 4340, and denied application of The Waterloo Times-Tribune Publishing Co., to deny Hartman application as in cases of default.

WCLS—WCLS, Inc., Joliet, Ill.—The Commission, upon its own motion, continued the hearing upon the application of WCLS, Inc., Docket 4517, from September 7 to September 27, 1937.

WSAU—Northern Broadcasting Co., Wausau, Wis.—Cancelled oral argument scheduled for October 7, 1937, since WMIN, only respondent in hearing, withdrew its request.

WMEX—Northern Corporation, Boston, Mass.—Denied protest and petition to reconsider Commission's action of February 2, 1937, in granting consent to transfer of control in the application of WCOP, Massachusetts Broadcasting Corp.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Denied motion to dismiss application without prejudice, for C. P. for 1450 kc., 250 watts, 1 KW LS, unlimited time.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Denied petition to reconsider and grant application for authority to move transmitter site locally, install vertical radiator and increase day power from 1 to 5 KW, without hearing.

WEDC—Emil Denmark, Inc., Chicago, Ill.—The Broadcast Division directed that a modification of license be issued covering change in specified hours (deleting hours of operation after midnight) and installation of new antenna, in conformity with its action of January 19, 1937, inasmuch as applicant has now complied with Rule 131.

## RATIFICATIONS

The Broadcast Division ratified the following actions authorized on the dates shown:

WIBW—Radio Station WIBW, Topeka, Kans.—Granted authority to operate with reduced power 1 KW daytime period not to exceed 5 days, pending repair.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate the antenna system of WMCA in a non-directional manner with power input determined by indirect method of 1 KW, between hours of 1 and 6 a. m., EDST, during week of July 25 to July 31, 1937, in order to determine efficiency of individual radiators and to secure data on the self and mutual impedance of the radiators, provided schedule is so arranged that no interference is caused to stations maintaining regular programs.

W6XKK—Don Lee Broadcasting System, Los Angeles, Cal.—Granted special temporary authority to operate a composite crystal control 50 watts transmitter in lieu of 100 watts composite equipment covered by license of W6XKK, on frequencies 31100 or 34600 kes., for tests on July 25 and program transmission on August 1, to relay broadcast description of Aquaplane Race from Santa Catalina Island to Hermosa Beach, Cal., for rebroadcast over KHJ and Mutual Broadcasting System.

W3XJ—McNary & Chambers, Washington, D. C.—Granted special temporary authority to extend period of experimental broadcast station W3XJ by the additional time 6 to 10 a. m., EST, on the mornings beginning July 27 and ending no later than July 31, incl. Station to operate simultaneously with WBAL for purposes of making measurements.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted special temporary authority to operate unlimited time, using 250 watts day, 100 watts night, for the period beginning July 27, 1937, and ending no later than August 25, 1937.

Granted petition of Glenn Van Auken for extension of time within which to file application for approval of transmitter site and antenna system which was authorized to be determined by C. P. until September 18, 1937.

## EXAMINERS' REPORTS RELEASED SINCE JULY 20, 1937

WIOD-WMBF—Ex. Rep. 1-464: Isle of Dreams Broadcasting Corp., Miami, Fla.—Examiner R. H. Hyde recommended grant of modification of license to change frequency from 1300 kc. to 610 kc.

WBOW—Ex. Rep. 1-465: Banks of Wabash, Inc., Terre Haute, Ind.—Examiner Melvin H. Dalberg recommended grant of C. P. to change frequency from 1310 kc. to 1290 kc., and power from 100 watts, 250 watts LS, to 500 watts, 1 KW LS; move transmitter and install new equipment.

NEW—Glenn E. Webster, Decatur, Ill.—Examiner Dalberg recommended denial of C. P. for new station to operate on 1290 kc., 250 watts, daytime hours.

NEW—Ex. Rep. 1-466: Robert E. Clements, Huntington Park, Calif.—Examiner R. H. Hyde recommended dismissal with prejudice of application for C. P. for new station to operate on 1160 kc., 250 watts, daytime.

NEW—Ex. Rep. 1-467: Young People's Assn. for the Propagation of the Gospel, Shark River Bay, N. J.—Examiner Tyler Berry recommended dismissal with prejudice of application for C. P. for new station to operate on 640 kc., 5 KW, daytime to local sunset at KFI.

WSPA—Ex. Rep. 1-468: Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Examiner Melvin H. Dalberg recommended denial of C. P. to change frequency from 920 kc. to 880 kc., and increase power from 1 KW to 5 KW.

NEW—Ex. Rep. 1-469: John C. Hughes, Phenix City, Ala.—Examiner R. L. Irwin recommended denial of C. P. for new station to operate on 1310 kc., 100 watts, daytime hours.

## APPLICATIONS RECEIVED

### First Zone

- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit to install a new transmitter; increase power from 500 watts, 1 KW day, to 1 KW night, 5 KW day; install directional antenna for day and night use; and move transmitter from 5801 Radio Ave., Baltimore, Md., to Reedbird Avenue and Seamon Avenue, Baltimore, Md.
- NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—Construction permit for a new station to be operated on 1390 kc., 1 KW, unlimited time. To use directional antenna day and night.
- NEW—C. M. Jansky, Jr., and Stuart L. Bailey, d/b as Jansky & Bailey, vicinity District of Columbia.—Construction permit for a new high frequency broadcast station (frequency modulation) on the frequencies 40300, 87000, 112000, 174000 224000 kc., power up to 5 KW.
- NEW—WDRG, Inc., Hartford, Conn.—Construction permit for a new high frequency broadcast station (frequency modulated) on the frequencies 40300, 38500, 109000, 177000, 218000 kc., power of 1 KW.

### Second Zone

- WTAR—WTAR Radio Corporation, Norfolk, Va.—License to 780 cover construction permit (B2-MP-437) for changes in auxiliary equipment, increase in power, use of directional antenna, and move of auxiliary transmitter.
- WHAS—The Louisville Times Co., Louisville, Ky.—Modification of construction permit (B2-P-1126) for new antenna and move of transmitter, requesting extension of completion date from 9-5-37 to 12-5-37.
- WEST—Associated Broadcasters, Inc., Easton, Pa.—Modification of license to change hours of operation from share with WKBO to simultaneous day and share with WKBO at night.
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Modification of license to change hours of operation from share with WEST to unlimited day and share with WEST night.
- WJIM—Harold F. Gross, Lansing, Mich.—License to cover construction permit (B2-P-1854) for a new transmitter.
- WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—1310 Special experimental authorization to operate a facsimile station from 12 p. m. to 6 a. m., using 100 watts.
- WCKY—L. B. Wilson, Inc., Covington, Ky.—License to cover 1490 construction permit (B2-P-1084) for changes in equipment and increase in power.
- King-Trendle Broadcasting Corp., Detroit, Mich.—Extension of authority to transmit programs from Station WXYZ to stations of the Canadian Broadcasting Corporation.
- W8XNU—The Crosley Radio Corp., Cincinnati, Ohio.—Modification of construction permit (B2-PHB-22) for a new high frequency broadcast station, requesting changes in equipment and increase in power from 200 watts to 1 KW, and extend commencement and completion dates.

### Third Zone

- NEW—Times Printing Co., Chattanooga, Tenn.—Construction permit for a new station to be operated on 1120 kc., 500 watts night, 1 KW, unlimited time. To use directional antenna day and night.
- KTSM—Tri-State Broadcasting Company, Inc., El Paso, Tex.—1310 Construction permit to change frequency from 1310 kc. to 1350 kc.; install a new transmitter; make changes in antenna; increase power from 100 watts, 250 watts day, to 500 watts; change hours of operation from share with WDAH to unlimited; and move transmitter from corner Mills and Oregon Streets, El Paso, Tex., to site to be determined, El Paso, Tex.
- KVOL—Evangeline Broadcasting Co., Inc., Lafayette, La.—Construction permit to make changes in equipment; install vertical antenna; increase power from 100 watts to 100 watts night, 250 watts day; and move transmitter from 300 Jefferson Street, Lafayette, La., to 1 mile from city on Scott Road, Lafayette, La.
- WDAH—Tri-State Broadcasting Company, Inc., El Paso, Tex.—1310 Modification of license to change frequency from 1310 kc. to 1200 kc., hours of operation from share with KTSM to unlimited, contingent upon KTSM being granted 1350 kc.
- WCOA—Pensacola Broadcasting Company, Pensacola, Fla.—Modification of construction permit (B3-P-1422) for approval of vertical antenna, and transmitter site at Pensacola, Fla. (no street address). Amended re antenna.

- NEW—W. A. Barhette, Greenwood, S. C.—Construction permit 1370 for a new station to be operated on 1370 kc., 250 watts power, daytime operation.
- WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Authority 1430 to transfer control of corporation from Memphis Commercial Appeal Company to Memphis Press-Scimitar Company, 200 shares common stock.
- WKEU—Radio Station WKEU, Griffin, Ga.—Construction permit 1500 to make changes in equipment; install vertical antenna; change frequency from 1500 kc. to 1310 kc., hours of operation from daytime to unlimited time, power from 100 watts to 100 watts night, 250 watts day; and move transmitter and studio from Griffin Hotel, W. Solomon Street, Griffin, Ga., to Cherry Street and Cotton Avenue, Macon, Ga.
- WRGA—Rome Broadcasting Corporation, Rome, Ga.—Construction permit for changes in transmitting equipment.
- WRDW—Augusta Broadcasting Co., Augusta, Ga.—License to 1500 cover construction permit (B3-P-1301) as modified for changes in equipment, move of transmitter, and increase in power.
- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 5 watts.
- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new relay broadcast station to be operated on 39700, 39900, 41400, 40800 kc., 55 watts.
- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new relay broadcast station to be operated on 39700, 39900, 40800, 41400 kc., 55 watts.

### Fourth Zone

- KWNO—Harry Dahl, Otto M. Schlabach, Maxwell H. White, and 1200 Herman R. Wiecking, d/b as Winona Radio Service, Winona, Minn.—Modification of construction permit (B4-P-983) as modified to change authorized transmitter and studio sites from 110 Main St., Winona, Minn., to 216 Center St., Winona, Minn., and extend commencement and completion dates from 8-15-37 to 2-15-38 to 45 days and 180 days, respectively. Amended to change requested transmitter site from 216 Center St. to 831 W. Sarnia St., Winona, Minn.
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Construction permit to install vertical antenna and move transmitter from 102 18th Street, Rock Island, Ill., to SE¼ of Section 2, Twp. 17 N, Range 1 W, near Rock Island, Ill.
- KVOX—Robert K. Herbst, Moorhead, Minn.—Modification of 1310 construction permit (B4-P-324) for a new station, requesting changes in authorized equipment; increase power from 100 watts to 100 watts night, 250 watts day; change hours of operation from simultaneous day, share night equally with KRMC, to unlimited time; for approval of vertical antenna; approval of transmitter site at 14th Street and 12th Avenue, South, Moorhead, Minn., and studio at Comstock Hotel, 722 Center Avenue, Moorhead, Minn.
- WHLB—Head of the Lakes Broadcasting Company, Virginia, 1370 Minn.—License to cover construction permit (B4-P-1789) for changes in equipment and increase in power.
- KSTP—National Battery Broadcasting Company, St. Paul, Minn. 1460 —License to cover construction permit (B4-P-1586) for equipment changes.

### Fifth Zone

- NEW—W. H. Kindig, Hollywood, Calif.—Construction permit 710 new station to be operated on 710 kc., 500 watts power, limited time; fac. of KMPC.
- NEW—Hollenbeck Heights Christian Church, Los Angeles, Calif.—1170 Construction permit for new station to be operated on 1170 kc., 100 watts power, limited time.
- KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., San 1200 Luis Obispo, Calif.—Modification of license to change hours of operation from daytime to unlimited and power from 250 watts to 100 watts, 250 watts day.
- KXRO—KXRO, Inc., Aberdeen, Wash.—License to cover construction permit (B5-P-1533) for changes in equipment, increase in day power, and move of transmitter.
- KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to 1370 make changes in equipment and increase power from 100 watts to 100 watts night and 250 watts daytime.
- NEW—Ben S. McGlashan, Los Angeles, Calif.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 10 watts.
- NEW—Ben S. McGlashan, Los Angeles, Calif.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 75 watts.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### WARNING NOT TO SELL OR RENT FAN MAIL

Members are urged not to sell or rent letters received from radio fans. The uses which might be made of the addresses in fan mail are too many and too unethical. The results can be injurious to radio broadcasting. Once released the broadcaster cannot control the use made of such lists but he must be prepared nevertheless to accept his share of the responsibility for uses made of his mail. Of particular significance are the following words appearing in a letter received a few days ago by one of our members—

“Right now, for example, we are trying to get hold of over a million juvenile names—of the type who respond to broadcasts appealing to the ten and fifteen year old group.”

We must not allow this type of business in radio broadcasting.

JAMES W. BALDWIN.

### TO NAME FCC MEMBERS SOON

In answer to an inquiry at his press conference on Tuesday, President Roosevelt said that he hoped to be able to send his nominations for the two existing vacancies on the Federal Communications Commission to the Senate before adjournment.

### WHITE RADIO RESOLUTION REPORTED

The Senate Committee on Interstate Commerce on Wednesday made a favorable report on the White radio resolution (S. Res. 149), which was introduced on July 6.

Complete copy of the resolution was contained in Vol. 5, No. 29, of NAB REPORTS. It calls for a full investigation of radio and broadcasting by the Senate Committee on Interstate Commerce, headed by Senator Wheeler, of Montana.

Members of the committee feel that if the Senate should pass the Resolution at the present session, which appears doubtful, that no actual hearings will be called until the January session of Congress. It is possible, if

the resolution should be passed, one of the members of the committee stated, that some “spadework” might be done, by which he meant that an investigator might start work for the committee.

### POWER INCREASE RECOMMENDED FOR WEAN

Broadcasting station WEAN, Providence, R. I., operating unlimited time on 780 kilocycles applied to the Federal Communications Commission to increase its power from 1,000 watts to 1,000 watts night and 5,000 watts LS.

Examiner John P. Bramhall in Report No. I-472 recommended that the application be granted. He states that “a need for additional daytime service in the area proposed to be served has been established.” The Examiner states further that the interests of Stations WGY, WJZ and WHEB will not be adversely affected by reason of interference. He says that granting of the application will be in the public interest.

### ASKS APPROPRIATION FOR RADIO CONFERENCE

Representative McReynolds, of Tennessee, has introduced a joint resolution in the House (H. J. Res. 476) “authorizing participation by the United States in the Inter-American Radio Conference to convene at Habana, Cuba, November 1, 1937.” It calls for an appropriation of \$15,000 for expenses as suggested by the Secretary of State. The resolution, which has been referred to the House Committee on Foreign Affairs, is as follows:

“That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, or so much thereof as may be necessary, for the expenses of participation by the United States in the Inter-American Radio Conference

### IN THIS ISSUE

	Page
Warning Not To Sell or Rent Fan Mail	2243
To Name FCC Members Soon	2243
White Radio Resolution Reported	2243
Power Increase Recommended for WEAN	2243
Asks Appropriation for Radio Conference	2243
Status of Radio Litigation	2244
Federal Trade Commission Action	2244
Federal Communications Commission Action	2246

to be held in 1937 at Habana, Cuba, including personal services in the District of Columbia and elsewhere without reference to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers and periodicals; stationery; official cards; printing and binding; entertainment; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified."

An identical resolution (S. J. Res. 197) has been introduced in the Senate by Senator Pittman, of Nevada, which has been referred to the Senate Committee on Foreign Relations.

A favorable report has been made on the House resolution.

## STATUS OF RADIO LITIGATION

The following radio cases are now pending in the United States Court of Appeals for the District of Columbia:

No. 6762—Paul R. Heitmeyer, Cheyenne, Wyo., vs. FCC.

No. 6772—Eastland Company vs. FCC.

No. 6773—Congress Square Hotel Company vs. FCC.

No. 6852—Great Western Broadcasting Association, Logan, Utah, vs. FCC.

No. 6853—Great Western Broadcasting Association, Provo, Utah, vs. FCC.

No. 6854—Intermountain Broadcasting Corporation vs. FCC.

No. 6866—Pulitzer Publishing Company vs. FCC.

No. 6869—Missouri Broadcasting Company vs. FCC.

No. 6906—Red River Broadcasting Company vs. FCC.

No. 6911—Continental Radio Company vs. FCC.

No. 6931—Tri State Broadcasting Company vs. FCC.

No. 6990—Saginaw Broadcasting Company vs. FCC.

No. 6994—Woodmen of the World Life Insurance Assn. vs. FCC.

No. 7008—Ventura County Star, Inc., vs. FCC.

No. 7010—Voice of Brooklyn, Inc., vs. FCC.

No. 7011—United States Broadcasting Corporation vs. FCC.

No. 7016—Pottsville Broadcasting Company vs. FCC.

No. 7017—Power City Broadcasting Corporation vs. FCC.

No. 7018—Southland Industries, Inc., vs. FCC.

In the District Court of the United States for the District of Columbia:

No. 64232—Black River Valley Broadcasts, Inc., vs. Anning S. Prall et al.

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**No. 3193.** Alleging use of unfair methods of competition in the sale of men's ready-made suits, overcoats and top coats, a complaint has been issued against **Joseph Cominsky**, 678 Broadway, **New York City**, trading as **Waverley Tailors**, **Mayfair Clothing Company**, and **Barclay Clothing Company**.

The respondent is said to sell direct to customers through sales agents whom he furnishes with order blanks which contain directions for taking measurements usually regarded as essential to the tailoring of a garment.

In soliciting customers through his agents, the complaint charges that the respondent represents that he is a tailor or manufacturer; that the ready-made wearing apparel sold and distributed by him is tailored to fit, made to measure, custom-made, or made to order, and that such garments are made in accordance with measurements submitted by his agents and of a cloth having the same grade and texture as the samples displayed and as selected by customers.

**No. 3194.** A complaint has been issued charging **Franklin Knitting Mills, Inc.**, 180 Madison Ave., **New York**, with use of certain unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

Through use of the words "knitting mills" in its corporate name which appears in advertising matter and on letterheads and invoices, the respondent company allegedly represents itself to be the manufacturer of the knitted-wear products it sells in interstate commerce. According to the complaint, the company does not manufacture the knitted-wear merchandise it sells, and does not own, operate or control a mill in which such products are made.

**No. 3195.** **Confectioners Trading Corporation**, 380 Throop Ave., **Brooklyn**, is named respondent in a complaint alleging use of certain unfair methods of competition in the interstate sale of candy.

It is charged that the respondent company represents, through its salesmen and on its business stationery and in other printed matter, that it is the direct agent of the concerns manufacturing the candy it sells and also the agent for certain customers and as such manufactures candy to their order.

The complaint avers that the respondent company neither owns nor operates a factory, does not make candy, is not a manufacturer's agent, but only purchases and repacks the candy it sells.

**No. 3196.** Alleging a combination and conspiracy tending to suppress competition and create monopoly in the sale of paper fasteners, a complaint has been issued against **Daniel A. Brennan**, 10 South LaSalle St., **Chicago**, an inventor, and **Acco Products, Inc.**, 39th Ave. and 24th St., **Long Island City, N. Y.**, said to be the principal paper fastener manufacturer in the United States.

Brennan is said to have invented and obtained patents for certain paper fasteners and to have licensed Acco Products, Inc., to manufacture and sell them, although, according to the complaint, the company has not manufactured any of the fasteners patented by Brennan.

Under an agreement alleged to have been entered into by Brennan and Acco Products, Inc., other paper fastener manufacturers and retailers of these products generally were allegedly circularized by means of letters in Brennan's name threatening suit for infringement of patents owned by Brennan. Such letters were not mailed in good faith, it is charged, and the respondents allegedly had no intention of bringing nor did they institute any such infringement suits. The purpose of the letters, according to the complaint, was to enhance the sale of the Acco company's products and to harass Acco's competitors.

**No. 3197.** Alleging use of unfair methods of competition in the sale of a bookkeeping system designed primarily for the use of farmers, a complaint has been issued against **Waldo W. Townsley**, P. O. Box 3005, **Kansas City, Mo.**, trading as **Serval-System**.

As an inducement to prospects to enter into contracts to become territorial sales supervisors and to purchase a specified number of Serval-System sets for resale, the respondent allegedly represents that the systems are easy to sell and that he has sold a large number in a community. In support of these representations, the re-

spondent is said to display the signed orders of a number of farmers with whom the prospect is acquainted.

The complaint charges that the systems are not easy to sell, and that sales to local farmers have been made at prices substantially lower than the regular or special prices marked on the sets, a fact which is not made known to the prospective supervisor.

## Cease and Desist Orders

The Commission has issued the following cease and desist orders:

**No. 2479. Sunnyland Distilling Co.,** 2119 West Main St., Louisville, Ky., has been ordered to cease and desist from representing that it is a distiller of alcoholic beverages, when such is not a fact.

The respondent company is ordered to discontinue representing through use of the word "Distilling" in its corporate name, in advertising matter, on labels, or otherwise, that it distills whiskies, gins or other spirituous beverages; that it manufactures such products through the process of distillation, or that it owns or operates a distillery, unless it does own or operate such a place.

**No. 2740.** Under an order to cease and desist, **W. H. Bonifield, Warren, Ind.,** trading as **Chicopee Medicine Co.,** is directed to cease and desist from misrepresenting the therapeutic properties and effects of a medicinal preparation sold in interstate commerce as **Chicopee Native Indian Herbs.**

The respondent is directed to discontinue advertising that the medicine is composed of native Indian herbs, or entirely of herbs or other vegetable products; that it will relieve any ailment at once, and is the oldest and most reliable medicine known.

**Nos. 2814-2815-2816.** Three corporations have been ordered to cease and desist from representing as containing gold certain tableware and other articles which are made from an alloy of metals containing no gold and sold in interstate commerce under the designation of "Dirigold."

The respondent corporations, found to have engaged in such unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act, are **The American Dirigold Corporation, 1142 South Main St., Kokomo, Ind.; Dirigold Metals Corporation, Barrington, Ill., and Dirigold Distributors, Inc., 70 East Jackson Blvd., Chicago.**

Dirigold and the products made therefrom, according to the findings, do not contain gold, but are composed chiefly of aluminum and copper, such products being highly polished and so finished that they are of the color, luster and appearance of 14-karat or 18-karat gold. The name "Dirigold," it is said, is stamped on the respondents' ware, forms a prominent part of their trademarks, and is used on their letterheads and in other printed matter as a general descriptive term for such ware.

Findings are that advertising matter used in promoting the sale of the ware contained, in connection with the word "Dirigold", such descriptive phrases as "Solid not plated"; "Like the precious metals—Dirigold is solid clear through", and "No home need be denied the rare luxury and beauty of gold on the table and in the home."

**No. 2955.** Prohibiting certain unfair methods of competition in the sale of aspirin, an order to cease and desist has been issued against **Silver Rod Stores Supply Co., Inc., 60 Broadway, Brooklyn, N. Y.,** and its subsidiary, **Dale Drug Co., Inc.,** of the same address. Both companies sell Dale's Aspirin.

The respondents are directed to stop representing that they are, or that either of them was, the first or original manufacturer of or dealer in aspirin. They are also ordered to desist from the assertion that prices marked or stamped on their products or on the containers thereof, are the regular or customary retail prices, when in fact such amounts as marked are fictitious and greatly in excess of the regular prices at which the products are sold at retail.

The respondents' product was sold as the Original Dale's Aspirin, when, according to findings, the respondents were not the first or original manufacturers of or dealers in aspirin, this product having been introduced in the United States in 1899 by a German company.

**No. 3110. Reliable Typewriter & Adding Machine Co., Chicago,** has been ordered to cease and desist from using certain unfair trade practices in connection with the interstate sale of a so-called vest pocket type of adding machine designated "Ve-Po-Ad".

The respondent company is ordered to discontinue representing in advertising matter, or otherwise, that its products will perform the same work as adding machines possessing features which its

machines lack; that they have many of the features of more expensive adding machines, such as permanent records, sub-totals, or release devices for the correction of errors, or that they are to be considered the equal of machines possessing such features.

**No. 3117.** An order to cease and desist has been issued against **Adolph Wein, 41 East 11th St., New York,** trading as **American Toy Works.**

The order directs the respondent to cease representing through price lists, labels, circulars, containers or other printed matter, or by radio broadcasting, that any of the toys he sells which are made in Japan or another foreign country are manufactured in the United States.

**No. 3147.** An order has been issued to cease and desist against **H. E. Wagley,** trading as **National Sales** and as **Paramount Sales, 508 South Dearborn St., Chicago.** The order prohibits certain unfair competitive methods in the sale of clocks and other merchandise by means of lottery schemes.

Wagley is directed to cease supplying dealers or others with pushcards or similar devices for use in the sale of clocks or other merchandise, and to cease selling or otherwise disposing of clocks and other merchandise by use of such devices.

## Stipulations

The Commission has entered into the following stipulations:

**No. 01825. Joseph Breyer, P. O. Box 39, Grand Central Annex, New York,** trading as **Nanta Company,** agrees that in the sale of Nanta, a reducing preparation, he will cease representing that the product is an effective remedy for obesity, unless such claim is qualified by a statement to the effect that it is recommended only in cases of excess weight due to overeating, drinking, indiscretion in diet, or toxic condition. The respondent also will stop representing that users of Nanta may expect to reduce weight in any specific amount within a definite period of time. The respondent is not to be prevented from using truthful testimonials properly verified before publication.

**No. 01826. James McCreery & Co., 5th Ave. at 34th St., New York,** stipulated that in advertising a perfume designated **Parfum de Toilette,** it will discontinue using the phrase "of France" in connection with the name of the product, so as to imply that the perfume is manufactured or compounded in France.

**No. 01827. Prosperity Publishers, Inc., 697 East 219th St., New York,** and its president, **Albert G. Illich,** trading as **Prosperity Institute** and engaged in the sale of books designated **Library of Business Opportunities,** will cease representing that their books enable one to operate immediately a producing mail order business without previous experience in such business and to increase his income to \$100,000, or any definite or fabulous sum. The respondents will stop advertising that their books contain any scheme or plan whereby one may start making money within a week, or any other definite specified time. They also stipulated that they will desist from using any trade name containing the word "Institute".

**No. 01828. G. Knewitz, 1509 Broadway, East St. Louis, Ill.,** selling medicinal preparations, will discontinue representing that **Stopake** is a competent treatment for pain, irrespective of its cause, and enables one to avoid misery, suffering or distress. He also will cease using the name **Oilax** for a laxative remedy he sells, and will stop advertising that such product will prevent constipation and relieve rheumatism, high blood pressure or stomach, kidney or liver disorders.

**No. 01829.** A stipulation to stop certain false and misleading representations in advertising cosmetics and skin preparations has been entered into by **Muriel Maxwell Harvey, 233 Grant Ave., San Francisco,** trading as **Vahrah Beverly.**

The respondent will cease representing that any of her preparations, sold under various designations, will free the neck of double chin or heavy lines or restore its youthful contour; banish wrinkles, crows' feet or sagging muscles; rid the skin of blackheads, or revitalize or rebuild the tissues.

**No. 01830. Frank L. Miller and Alfred C. Schmidt,** trading as **Artists and Models Studio, Manhattan Bank Building, Memphis, Tenn.,** have entered into a stipulation to discontinue using false and misleading advertising in connection with the sale of art studies and a correspondence course of instruction in art.

The respondents agreed to cease representing that their so-called sight-correcting art course enables the student instantly to correct mistakes in drawing and to make "big money"; that all necessary

materials are included with the course, and that the price charged for the course is a limited offer, unless a definite time limit for the expiration of such offer is determined.

**No. 01831. H. Birnbaum, 154 Nassau St., New York, trading as Fashion Jewelry Company,** agrees to cease advertising that certain rings and watches sold by him are hand-engraved or chased, unless such is a fact. According to the stipulation, Birnbaum advertised that he would give a watch free to persons purchasing a ring on an installment plan. Admitting that the initial payment entitles the purchaser to the ring only and that the watch is not delivered until the total purchase price is received, the respondent agreed to stop representing that any article or group of articles is sold on an installment plan, unless at the time of the initial payment he delivers to the purchaser such article or group of articles.

**No. 01832. Youthful Face & Figure, Inc., 853 Seventh Ave., New York,** will discontinue advertising that through use of Dr. Hatch's Formula Massage Cream excess weight can be removed, unless it is clearly shown that the cream is to be used with massage for the removal of superficial fat, and will cease representing that users may lose weight without limiting their diets or while eating what they like.

**No. 01833. Louis Tillery, M. D., 4546 South State St., Chicago,** selling Vitality Tablets, Laxative Pills, and Diuretic Pills, will stop advertising that these preparations constitute a competent treatment for lost vitality, or will overcome fatigue, eliminate poison from the system, or stimulate all glands. He also agreed to cease representing that any goods are given free, so long as they are given only to reimburse agents for shipping costs on merchandise purchased, or on any other condition whereby the recipient is expected to make any payment or perform any service before qualifying to receive the goods.

**No. 01834. Solomon Michelson, 74 Bowery, New York City, trading as The New York Jobbers,** will cease representing that the rebuilt watches he sells are new, and, in advertising such watches, will publish in conspicuous type a statement to the effect that they are not new, but are rebuilt. The respondent also will stop asserting that any of the watches he offers for sale are engraved, unless such is a fact.

**No. 2023. Samuel Friedman, 121 East 24th St., New York, trading as Brite Specialty Company,** will cease stamping or branding wrist watch buckles with the words "gold filled," when such products do not contain a coating of gold of such substantial thickness as to be properly and accurately designated or referred to as gold filled.

**No. 2024. Roselux Chemical Company, Inc., 1100 Rockaway Ave., Brooklyn,** selling Rose-X, a cleaning compound, agrees to stop using on labels or in any other manner the words "removes stains" so as to imply that the product will remove stains of all types, when such is not a fact. The company also will refrain from using the words "excellent for the hands," as descriptive of Rose-X, so as to imply that the product possesses properties or value of special merit or benefit to the hands, when such is not a fact.

**No. 2025. Peter J. Bough, 268 14th Ave., North, Clinton, Iowa,** in his stipulation, agrees to stop using in advertising matter or in any other way the phrase "water-proof cement burial vault that endures forever." He will stop employing these or any other words of similar meaning implying that the products to which they refer will remain water-proof for all time, or any fixed period of time, regardless of varying climatic conditions and of chemical and other conditions of the soil in which the products are placed for burial.

**No. 2026. A. E. Halperin Company, Inc., 267 Atlantic Ave., Boston,** will discontinue representing or advertising that certain bandages it sells are sterilized or sanitary, unless they are sterilized and free from bacteria after they have been packaged and while contained in their original package.

**No. 2027. National Plywood Co., Inc., 441 East 19th St., New York,** agrees to cease using the words "white pine," either independently or in connection with "California" or other words, as descriptive of products not made of wood derived from trees of the botanical species from which white pine is known to be derived. The respondent company also stipulates that it will similarly stop using the word "walnut" alone or in connection with the word "Oriental," or with other words, as descriptive of products not made of wood derived from trees of the walnut tree family.

**No. 2028. Saks & Co.,** operating two department stores in New York and one in Chicago, agrees to stop certain misrepresentations in the sale of merchandise. The respondent company will no longer use the expression "custom-made" to designate clothing not made to order or to the measure of an individual

customer; will cease representations to the effect that certain shirts have a regular or customary retail selling price of a designated amount, when in fact such designated amount is in excess of the prices for which the shirts are regularly sold, and will cease using the word "silk" without qualification to describe products not made entirely of silk, but containing substantial quantities of mineral salts or substances other than silk, such articles being known as "weighted" silks. The stipulation provides for certain qualifications if the products advertised are composed of silk weighted to an amount exceeding 15 per cent in black goods, or to an amount exceeding 10 per cent in goods other than black. The words "silk", "satin", and "crepe", according to the stipulation, will not be used either alone or in connection with other words so as to imply that the products to which they refer are made of silk, when such is not a fact.

**No. 2029. Under a stipulation entered into, Alfred Rugeti, 606 Maple Ave., Los Angeles, trading as Mission Manufacturing Company,** will discontinue misbranding certain shoe laces he manufactures and sells in interstate commerce.

According to the stipulation, Rugeti used the designation "Art Silk" on shoe laces which were not composed of silk. He agrees to cease using the word "silk" either alone or in connection with the letters "Art," or with any words, so as to imply that the products so branded are composed of silk.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled at the Commission in broadcast cases during the week beginning August 16.

The Broadcast Division has taken the following action subject to ratification at its next regular meeting:

### APPLICATIONS GRANTED

WMBO—WMBO, Inc., Auburn, N. Y.—Granted extension of program test period 30 days from August 10, 1937.

KMLB—Radio Station KMLB, Monroe, La.—Granted authority to use general radio 547A automatic temperature control chamber with Bliley A cut crystal for period not to exceed 30 days, pending repair to regular authorized chamber.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted extension special temporary authority to remain silent for the period August 1 to 31, 1937, for the purpose of rebuilding transmitter to comply with Rule 132.

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted special temporary authority to waive regularly required sign-off and sign-on announcements during concerts only sponsored by Mayor Kelly of City of Chicago and James C. Petrillo, head of Chicago Union of American Federation of Musicians, commencing at 8 p. m. and for a period not to exceed 30 days, provided proper announcement is made immediately before and after concert.

WENR—National Broadcasting Co., Inc., Chicago, Ill.—Granted special temporary authority to waive regularly required sign-off and sign-on announcements during concerts only sponsored by Mayor Kelly of City of Chicago and James C. Petrillo, head of Chicago Union of American Federation of Musicians, commencing at 8 p. m. and for a period not to exceed 30 days, provided proper announcement is made immediately before and after concert.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 7 to 9 a. m., CST, the following Sundays: August 8, 15, 22 and 29, in order to broadcast programs now heard Sunday afternoons, due to belief that audience is larger during mornings than afternoons.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to increase power to 1 KW nights in order to counteract interference caused by station CMX, Havana, Cuba, and stations WWJ, Detroit, and KPRC, Houston, for period August 5 to September 1, 1937.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to increase power to 1 KW nights in order to counteract interference caused by station CMX, Havana, Cuba, and stations WWJ, Detroit and KPRC, Houston, for period August 5 to September 1, 1935.



WALA—Pape Broadcasting Corp., Mobile, Ala.—Granted special temporary authority to rebroadcast program U. S. Coast Guard Station NROB, 2698 kc., giving description of Alabama Deep Sea Fishing Rodeo, period August 9, 10, 11, 1937.

WCBS—WCBS, Inc., Springfield, Ill.—Granted extension special temporary authority to operate from 10 p. m. to 12 midnight CST, Mondays, Tuesdays, Wednesday, Thursdays, Fridays, for period August 5 to September 3, 1937, in order to broadcast Municipal League baseball games only.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from local sunset (August sunset 6:45 p. m.) to 7 p. m., CST, August 8 to September 6, 1937, inclusive, in order to broadcast baseball scores and play by play description of games in the Cotton States League.

W7XBD—Oregonian Publishing Co., Portland, Ore.—Granted modification of C. P. to extend commencement date from February 15 to August 15, 1937, and completion date from August 15, 1937, to February 15, 1938.

W7XCY—Oregonian Publishing Co., Mobile, Ore.—Granted license to cover C. P.; frequencies 31100, 34600, 37600, 40600 kc. on experimental basis; 2 watts, to communicate as relay-broadcast station.

W7XCX—Oregonian Publishing Co., Mobile, Ore.—Granted license to cover C. P.; frequencies 31100, 34600, 37600, 40600 kc. on experimental basis; 2 watts, to communicate as relay-broadcast station.

W1XNU—City Broadcasting Corp., Mobile.—Granted license to cover C. P. same as above except 10 watts power.

KSTP—Natl. Battery Broadcasting Co., St. Paul, Minn.—Granted license to cover C. P.; 1460 kc., 10 KW night, 25 KW day, unlimited time.

WJIM—Harold F. Gross, Lansing, Mich.—Granted license to cover C. P.; 1210 kc., 100 watts night, 250 watts day, unlimited time.

WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted license to cover C. P.; 1370 kc., 100 watts night, 250 watts day, unlimited time.

W2XE—Columbia Broadcasting System, Inc., Wayne, N. J.—Granted license to cover old transmitter formerly used in International Broadcast Station W2XE as an auxiliary, 5 KW transmitter as follows: (a) power 10 KW; (b) auxiliary transmitter 5 KW.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted license to cover C. P.; 780 kc., 1 KW, unlimited time, using directional antenna system for nighttime use.

KMMJ—KMMJ, Inc., Clay Center, Neb.—Granted authority to install automatic frequency control equipment.

WBLK—The Exponent Co., Clarksburg, W. Va.—Granted authority to install automatic frequency control equipment.

KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Granted authority to install automatic frequency control equipment.

KIT—Carl E. Haymond, Yakima, Wash.—Granted modification of C. P. for approval of transmitter site at Intersection Washington Ave. and Northern Pacific Right of Way, 1 mi. south of city limits of Yakima, Wash.

WOKO—WOKO, Inc., Albany, N. Y.—Granted C. P. to install new equipment.

KFEQ—KFEW, Inc., St. Joseph, Mo.—Granted modification of C. P. extending commencement date to 5 days after grant and completion date to 150 days thereafter, and change transmitter site to 5¾ mi. SE of St. Joseph, Mo.

Granted motion of the Head-of-the-Lakes Broadcasting Company for extension of time within which to file exceptions to Examiner's Report No. 1-465 until August 27, 1937.

## APPLICATIONS RECEIVED

### First Zone

NEW—Platt & Platt, Inc., Poughkeepsie, N. Y.—Construction permit for a new broadcast station on 1310 kc., 100 watts, 250 watts day, and unlimited hours of operation. Amended: Changes in equipment, change frequency from 1310 kc. to 1000 kc., change power from 100 watts, 250 watts day, to 1 KW, hours of operation from unlimited to limited to local sunset at WHO.

WOV—International Broadcasting Corporation, New York, N. Y., 1130 —Modification of construction permit (B1-P-1223) for

changes in equipment, requesting extension of completion date from 8-15-37 to 1-15-38.

WTHT—The Hartford Times, Inc., Hartford, Conn.—License to 1200 cover construction permit (B1-MP-306) for change in hours of operation.

NEW—Auburn Publishing Co., Auburn, N. Y.—Construction permit for a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time. Requests facilities of Station WMBO.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new experimental broadcast station to be operated on 83500 kc., 1 KW.

NEW—National Broadcasting Co., Inc., New York, N. Y.—License to cover above.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit for a new experimental broadcast station to be operated on 150000 kc., 500 watts.

NEW—National Broadcasting Co., Inc., New York, N. Y.—License to cover above.

WASJ—City of New York, Department of Plant and Structures, New York, N. Y.—License to cover construction permit (B1-PRY-37) for a new relay broadcast station.

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station on 31100, 34600, 37600, 40600 kc., 15 watts, unlimited time.

W2XMN—Edwin H. Armstrong, North of Alpine, New Jersey.—Modification of construction permit to extend commencement date from 2-15-37 to 12-15-37 and completion date from 8-15-37 to six months after date of commencement.

### Second Zone

WCHS—Charleston Broadcasting Company, Charleston, W. Va.—580 Construction permit to install vertical antenna; increase night power from 500 watts to 1 KW. Amended to install directional antenna for night use, install a new transmitter, and move transmitter from 4 miles southwest of Charleston, W. Va., to Huntington Highway, 5 miles west of Charleston, Jefferson District, W. Va.

WCHS—Charleston Broadcasting Company, Charleston, W. Va.—580 Construction permit to install a new transmitter and vertical antenna and move transmitter from 4 miles southwest of Charleston, W. Va., to Huntington Highway, 5 miles west of Charleston, Jefferson District, W. Va.

WIP—Pennsylvania Broadcasting Company, Philadelphia, Pa.—610 License to cover construction permit (B2-P-1484) for new transmitter and antenna, and move of transmitter.

NEW—Cadillac Broadcasting Corp., Detroit, Mich.—Construction permit for a new broadcast station to be operated on 1140 kc., 500 watts power, daytime hours of operation.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to make changes in equipment.

NEW—Cuyahoga Valley Broadcasting Company, Cleveland, Ohio. 1500 —Construction permit for a new station on 1500 kc., 100 watts power, daytime hours of operation (Section 17(j), (k), 18(o), (p), 20 and site).

W3XPF—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Modification of construction permit (B2-PF-12) for visual broadcast station, to extend completion date from 9-5-37 to 11-5-37.

W8XOA—WJW, Inc., Akron, Ohio.—Construction permit to make changes in equipment and increase power from 20 to 40 watts.

W8XOA—WJW, Inc., Akron, Ohio.—License to cover above.

NEW—Thumb Broadcasting Co., Inc., by Fred B. Fitch, Sandusky, Mich.—Construction permit for a new broadcast station to be operated on 500 watts night and 1 KW day power, unlimited time, no frequency specified (incomplete).

W8XJV—WJR, The Goodwill Station, Detroit, Mich.—License to cover construction permit (B2-PE-196) as modified, for a new relay broadcast station.

### Third Zone

NEW—J. T. Griffin, Fort Smith, Ark.—Construction permit for a 880 new broadcast station to be operated on 880 kc., 1 KW power, daytime hours of operation.

NEW—Santo Sottile, Charleston, S. C.—Construction permit to 1200 erect a new station to be operated on 1200 kc., 100 watts night, 250 watts daytime power, unlimited hours of operation.

NEW—Valley Publishing Co., Harlingen, Tex.—Construction permit for a new broadcast station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time.

KOCA—Oil Capital Broadcasting Association, James G. Ulmer, President, Kilgore, Tex.—License to cover construction permit (B3-P-1807) for equipment changes and increase in power.

NEW—Colonial Broadcasters, Inc., Savannah, Ga.—Construction permit to erect a new station to be operated on 1310 kc., 100 watts power, unlimited time. Amended to make changes in equipment and antenna.

KFRO—Voice of Longview, Longview, Tex.—Authority to transfer control of corporation from Rogers Lacy to James R. Curtis, 5000 shares of common stock.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—License to cover construction permit (B3-P-975) as modified for changes in frequency, power, hours of operation and equipment.

WAGA—Liberty Broadcasting Co., Atlanta, Ga.—License to cover construction permit (B3-P-745) as modified for new equipment, increase in power and move of transmitter and studio.

W4XB—Isle of Dreams Broadcasting Corp., Laurence E. Dutton, Miami Beach, Fla.—Modification of construction permit (B3-PA-15) to move transmitter from Collins Island, Miami Beach, Fla., to N. W. 18th Ave. and 32nd St., Miami, Fla., and extend commencement date from 3-19-37 to 60 days after grant and completion date from 9-19-37 to 180 days after date of commencement.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Authority to install new automatic frequency control equipment.

NEW—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 3 watts.

#### Fourth Zone

WIND—Johnson Kennedy Radio Corp., Gary, Ind.—License to cover construction permit (B4-P-1620) for changes in directional antenna.

WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Modification of license to change power from 2½ KW to 1 KW night and 5 KW day, and specified hours from 8 a. m. to local sunset to 8 a. m. to 10 p. m., CST. Amended: Change requested power from 1 KW night, 5 KW day, to 1 KW night and 2½ KW day, time from 8 a. m. to local sunset to from 6 a. m. to 10 p. m., CST.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to move old W.E. Type 6-B transmitter from 533 East Wells St., Milwaukee, Wis., to 231 West Michigan Street, Milwaukee, Wis., to be used as an auxiliary transmitter.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—License to cover construction permit (B4-P-1569) as modified for changes in equipment and increase in power.

KSTP—National Battery Broadcasting Company, St. Paul, Minn.—Special experimental authorization to operate a facsimile station from 1 a. m. to 6 a. m., using 10 KW power.

WAAR—Rockford Broadcasters, Inc., Rockford, Ill.—License to cover construction permit (B4-PRY-22) as modified for a new relay broadcast station.

KIGA—National Battery Broadcasting Company, Mobile.—License to cover above (frequency).

NEW—Woodman of the World Life Insurance Asso., Omaha, Nebr.—Construction permit for a new low frequency relay broadcast station on 1622, 2058, 2150 and 2790 kc., 100 watts power (Section 7(d) and 11(b)).

KIGA—National Battery Broadcasting Co., Mobile.—Construction permit for a new transmitter, increase power from 7.5 watts to 16 watts (frequency and equipment).

#### Fifth Zone

KGW—Oregonian Publishing Company, Portland, Ore.—Authority to determine operating power by direct measurement of antenna power.

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Construction permit to install a new transmitter, make changes in antenna, move transmitter from 5049 Gloria St., Los Angeles, Calif., to site to be determined. Amended to give transmitter site as 190th St. and Hawthorne Ave., El Nido, Calif.

KGDM—E. F. Peffer, Stockton, Calif.—Construction permit to install new transmitter; changes in antenna; increase power from 1 to 5 KW; change frequency from 1100 kc. to 1150 kc.; change hours of operation from day to limited; and move transmitter from Lots 4 and 5, Clarkadota Subdivision No. 3, Stockton, Calif., to site to be determined, Stockton, Calif.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Modification of license to change frequency from 1270 kc. to 1040 kc. and increase power from 1 KW night, 5 KW day, to 5 KW day and night. Amended to change requested frequency from 1040 kc. to 1020 kc.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Construction permit for increase in power from 250 watts to 1 KW, and install new transmitter (geographic location).

KALO—Intermountain Broadcasting Corporation, Salt Lake City, Utah.—Reinstatement of construction permit (B5-PY-48) for new relay broadcast station on 1606, 2022, 2102, 2758 kc., 75 watts, unlimited time.

KALO—Intermountain Broadcasting Corporation, Salt Lake City, Utah.—License to cover the above.

NEW—KLZ Broadcasting Co., Denver, Colo.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 1 watt.

W6XUC—Intermountain Broadcasting Corporation, Salt Lake City, Utah.—Construction permit for new high frequency relay broadcast stations on 150000, 200000, 250000 and 300000 kc., 5 watts, unlimited time.

# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### McNinch, Craven Appointed To FCC Vacancies

On Tuesday, President Roosevelt sent the names of Frank R. McNinch and T. A. M. Craven to the Senate to fill the vacancies on the Federal Communications Commission created by the death of Anning S. Prall, chairman of the Commission, and Irvin Stewart, who resigned to enter private work.

At the time of the appointment Mr. McNinch was chairman of the Federal Power Commission and Mr. Craven was chief engineer of the Commission. Up to this time the chairman had not been appointed by the President but it is understood that it will be Mr. McNinch.

While nothing official has been made public, the general impression is that McNinch will only remain on the Communications Commission long enough to get some of the present difficulties straightened out.

Mr. McNinch, who was born at Charlotte, N. C., April 27, 1873, was originally appointed to the Power Commission in 1930 by President Hoover and has been chairman since 1933.

He was educated in the high schools of Charlotte and the Barriers Military Institute of the same place and began the practice of law in Charlotte in 1900. He was a member of the House of Representatives of North Carolina in 1905 and was mayor and commissioner of finance of Charlotte for two terms from 1917-1921.

Mr. Craven, who is a retired Lieutenant-Commander in the Navy, was appointed chief engineer of the Commission in November, 1935. He was born January 31, 1893, in Philadelphia and after completing his academic training, he was appointed to the U. S. Naval Academy, where he graduated with the class of 1913.

His first assignment after graduation was as Radio Officer on the U. S. S. *Delaware*, 1913-1915 during the Mexican Campaign. His professional duties since then follow:

Fleet Radio Officer, U. S. Asiatic Fleet, 1915-1917.

In charge U. S. Naval Coastal and Transoceanic Radio Operations, 1917-1920.

U. S. Naval Representative at Provisional Inter-allied Communication Conference at Paris, France, 1919.

Naval Representative on U. S. Government Inter-Departmental Board to arrange for collection and distribution of meteorological data in 1919.

U. S. Naval Radio Technical Adviser at International Conference on electrical communication at Washington, 1920.

Chairman of sub-committee on wave-length allocation at International Conference at Washington, D. C., in 1920.  
Battleship Force Radio Officer, 1921.

U. S. Naval Representative at conference of Radio Technical Committee on International Radio Communication at Paris, France, in 1921.

Fleet Radio Officer, U. S. Atlantic Fleet, 1921-1922.

Fleet Radio Officer, United States Fleet, 1922-1923.

In charge of Radio Research and Design Section, Bureau of Engineering, 1923-1926.

Member of Inter-Departmental Radio Advisory Committee.

Radio Technical Adviser for radio frequency allocation at International Radio Conference, Washington, D. C., 1927.

Represented Navy Department on various national conferences (frequency allocation).

He resigned from the Navy in 1930 to engage in private radio practice as a consulting engineer.

His work as an author:

Commander Craven has made notable contributions to radio development in his writings. Among other things he collaborated with Captain Hooper in writing Robinson's Manual of Radio Telegraphy and Radio Telephony.

#### IN THIS ISSUE

	<i>Page</i>
McNinch, Craven Appointed to FCC Vacancies.....	2249
SESAC Report .....	2250
Working Date of Rule 981 Extended.....	2250
New Wigglesworth Resolution.....	2250
Radio Conference Appropriation.....	2251
Formal White Report.....	2251
McFarlane Radio Resolution.....	2251
Billy Truehart .....	2252
Jersey Station Recommended.....	2252
G. Richard Higham—Mark Tyme—Bob White.....	2252
Recommends Georgia Station.....	2252
New Montana Station Recommended.....	2252
Recommends on South Dakota Stations.....	2253
New Ohio Station Recommended.....	2253
Broadcast Advertising for First Half of 1937 and for June... ..	2253
Federal Trade Commission Action.....	2260
Federal Communications Commission Action.....	2262

Various technical essays on Naval Radio Communications.

He is a member of the following clubs and societies: U. S. Naval Institute. Ends of the Earth. Military Order of the Loyal Legion of the U. S. Army, Navy and Marine Corps Country Club. Kilocycle-Wave Length Club.

### SESAC REPORT

The report on the Society of European Stage Authors and Composers (SESAC) is being mailed to members this week.

### WORKING DATE OF RULE 981 EXTENDED

The Broadcast Division of the Federal Communications Commission has further extended the working date of Rule 981 for six months from September 15, 1937. This rule requires all relay, international, television, facsimile high frequency and experimental broadcast stations to have a frequency monitor in operation by September 15, 1936. This monitor does not have to be approved by the Commission but must have an accuracy of one half the allowed tolerance of the class of station with which it is to be used. The unavailability of commercial monitors on the market has necessitated this the third extension of the effective date of Rule 981.

### NEW WIGGLESWORTH RESOLUTION

Representative Wigglesworth of Massachusetts, who has had so much to say recently on the floor of the House concerning radio and broadcasting, on Wednesday introduced a resolution (H. Res. 321) which has been referred to the House Committee on Interstate and Foreign Commerce, calling on the Federal Communications Commission for information in connection with possible holdings of its employees in any radio company. The resolution is as follows:

Whereas "no member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act. Such commissioners shall not engage in any other business, vocation or employment. Not more than four

commissioners shall be members of the same political party" (the Federal Communications Act of 1934, sec. 4b); and

Whereas addresses have recently been made by members of Congress in both the House and the Senate emphasizing the apparent failure to eliminate the evils of monopoly in the field of communications and more particularly in the radio-broadcasting field despite the intent of Congress manifest in the Communications Act of 1934; and

Whereas it appears possible that television may be added to the virtual monopoly apparently existing in this field; and

Whereas the apparent existence of trafficking in licenses, capitalization of Federal licenses at the expense of the public and other matters referred to, suggest the lack of proper administration, raising squarely the question of whether or not the Federal Communications Commission or the Broadcasting Division of the Commission is being conducted or is in a position to be conducted in accordance with the intent of Congress under the Communications Act of 1934; and

Whereas resolutions are now pending before both the House and the Senate with a view to a thorough-going investigation into the apparent monopoly in the radio-broadcasting field: Therefore be it

*Resolved*, That the Federal Communications Commission be required to furnish under oath the following information:

1. The name or names, if any, of any member, agent, or employee of the Commission financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any other company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio or in any company owning stocks, bonds, or in any other securities of such company.

2. The name or names, if any, of any member, agent, or employee of the Commission in the employ of or holding any official relation to any person subject to any provision of the Communications Act of 1934.

3. The name or names, if any, of any member, agent, or employee of the Commission holding, directly or indirectly, stocks, bonds, or other securities of any corporation subject to any provisions of the Communications Act of 1934; or having other interests profiting such member, agent, or employee, if any, through the action of the Commission in the field of communications; be it further

*Resolved*, That the above information be furnished the House of Representatives immediately.

## RADIO CONFERENCE APPROPRIATION

The Senate has passed the resolution (S. Jt. Res. 197) providing an appropriation of \$15,000 for the use of American delegates to the Inter-American Radio Conference to be held at Habana, Cuba, in November.

## FORMAL WHITE REPORT

The Senate Committee on Interstate Commerce in making its formal report on the White radio resolution calling for a full survey of the broadcasting and radio situation had the following to say:

"Your committee, having had under consideration Senate Resolution 149, report the same to the Senate with the recommendation that the resolution do pass with an amendment fixing a limit of \$25,000 on the expenditures of the committee.

"This resolution contemplates and authorizes a serious study of wireless communication problems with a view to recommendations to the Congress as to the principles and policies to be observed in the regulation of the industry and of radio communications. It directs such fact-finding investigation as is necessary if there is to be an intelligent consideration of these problems.

"In 1912, when the first act to regulate radio communications was enacted, by the Congress, the only practical use of radio was for communication between ships and between ship and shore. At that time on the oceans of the world there were about 600 vessels equipped with radio. Transoceanic communication was in its very infancy. Broadcasting was unborn. Amazing developments have come in the intervening years. Wave lengths unknown in 1912 have become of common use. Power undreamed of when Congress first legislated is now projecting energy across the oceans and over continents. We now have facsimile transmission of writing, of printing, and of pictures. Beacon signals and the radio compass are new aids to navigation. Radiotelephony, television, and transmission of power are knocking at our doors.

"In the air hundreds of planes are signaling to and talking with each other and with the earth. Upon the oceans many thousands of ships are warned of ice, storms, and of other dangers. In the United States alone we have 666 broadcasting stations, 47,500 amateur stations, and 6,704 commercial stations. These commercial stations include some 26 different uses to which radio is put. No man knows of other refinements and uses soon to be here.

"This amazing growth has brought problems for the industry and for the Government of the greatest complexity and difficulty. The resolution suggests many of them, and it is unnecessary here to restate them. Except for such study as was given when the 1927 act was passed, there has been no serious study of radio communication by any committee of the Congress in the 25 years which elapsed since the act of 1912 became law. Your commit-

tee feel that the situation demands thorough study and that it should be immediately undertaken. The committee express the earnest hope that the resolution may have speedy passage to the end that this important work may be undertaken at the earliest possible moment."

The resolution has been referred to the Senate Committee on Audit and Control because of the provision for a \$25,000 appropriation to carry on the investigation.

## McFARLANE RADIO RESOLUTION

Representative McFarlane of Texas has introduced a resolution in the House (H. Res. 313) calling for an investigation of radio and broadcasting. It has been referred to the House Committee on Rules and is as follows:

Whereas the Congress, in creating the Federal Radio Commission and in enacting the Communications Act of 1934, expressly reserves to the people of the United States control of all radio frequencies; and

Whereas despite the restriction through the leasing of, the purchase of, the affiliating of, the operation of, or through the possession of contracts giving to a select few the exclusive right to use the more desirable time of these radio-broadcasting stations, there is reason to believe that, contrary to the intent and the spirit, as well as the language, of laws in force, one or more monopolies exist in radio broadcasting, which radio-broadcasting monopolies are believed to be profiting illegally at the expense and to the detriment of the people through the monopolistic control and operation of all clear-channel and other highly desirable radio-broadcasting stations, such as the Columbia Broadcasting System, the National Broadcasting Company, and the Mutual Broadcasting System, or other existing groups; and

Whereas it is believed that neither public interest, convenience, nor necessity is served by permitting virtual radio-broadcasting monopolies to control this property which has been reserved to the control of the American people; and

Whereas it is contrary to public policy, convenience, or necessity to allow any private groups to monopolize the use of a property reserved to and for the people; and

Whereas it has just become publicly known that stock racketeering exists in the sale of radio securities to the possible detriment of the innocent investing public, and wide-open trafficking in the sale and lease of radio licensing is and has taken place contrary to law; and

Whereas it has just become known that the three large radio chains above-mentioned and their lessees own and control 93 per centum of the broadcasting power of the Nation and that some two hundred of the largest radio stations are owned and operated in this chain system by the large daily newspapers of the communities in which said stations are located, thereby forming a combine of

radio, motion picture, and press through cross-licensing and patent pooling, which largely control the molding of public opinion in this country; and

Whereas, under a consent decree approved by the Hoover administration and entered as an order of the Federal court in Wilmington, Delaware, November 21, 1932, a monopoly in radio manufacturing, sale, and distribution of all radio equipment was illegally authorized and the said consent decree also is credited with defrauding the stockholders of one corporation of more than \$200,000,000: Therefore be it

*Resolved*, That a committee of seven Members of the House of Representatives shall be appointed by the Speaker, which committee is hereby directed to inquire into and investigate the allegations and charges that a monopoly or monopolies exist in radio broadcasting alleged to be held by the Columbia Broadcasting System, National Broadcasting Company, Mutual Broadcasting System, or others; be it further

*Resolved*, That the said committee shall make a thorough and exhaustive investigation of all charges and allegations of the existence of a monopoly or monopolies in radio broadcasting, sound motion-picture industry, and radio-newspaper broadcasting combinations and rates charged advertisers, and generally the effect of such monopoly or monopolies on the public, and said committee shall report in whole or in part at any time to the House of Representatives during the Seventy-fifth Congress, together with such recommendations for legislation or otherwise as it deems advisable; and be it further

*Resolved*, That said committee or any subcommittee thereof is authorized to sit and act during the present Congress at such times and places within the United States whether or not the House is sitting, has recessed, or adjourned; to hold such hearings; to require the attendance of such witnesses and the production of such books, papers, and documents by subpoena or otherwise; and to take such testimony as it deems necessary with respect to such monopoly or monopolies and the management and operation of any company or companies being so investigated. Subpenas shall be issued under the signature of the chairman of said committee or any member designated by him and shall be served by any person designated by them or either of them. The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, or subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the matter herein authorized to be investigated, shall be held to the penalties provided in sections 102, 103, and 104 of the Revised Statutes of the United States, as amended (U. S. C., title 2, secs. 192, 193, and 194).

## BILLY TRUEHART

A number of members have forwarded to NAB headquarters copies of a form letter from Billy Truehart requesting time on broadcasting stations on a per inquiry or percentage basis. Mr. Truehart has been advised that such a proposition is in violation of paragraph 6 of the NAB Code of Ethics and he has been requested to cease and desist from further attempts to obtain radio advertising on this basis.

## JERSEY STATION RECOMMENDED

The Press-Union Publishing Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Atlantic City, N. J., to use 1200 kilocycles, 100 watts and 250 watts LS, and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-475, recommended that the application be granted. He found that a need for additional service in the area proposed to be served "has been clearly established." The proposed station, the Examiner found, would not cause objectionable interference with Stations WEST, WKBO, WCAU or WSNJ. He states that the granting of the application would be in the public interest.

## G. RICHARD HIGHAM—MARK TYME—BOB WHITE

Anyone knowing the whereabouts of G. Richard Higham, often known as Mark Tyme and also as Bob White, please communicate with NAB Headquarters.

## RECOMMENDS GEORGIA STATION

Several persons operating as J. K. Patrick & Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Athens, Ga., to use 1310 kilocycles, 100 watts and 250 watts LS, with unlimited time.

Examiner George H. Hill, in Report No. I-474, recommended that the application be granted, "subject to the selection of an approved transmitter site." He states that "there will be a definite need for radio services such as proposed, in the Athens area, when Station WRFI is removed to Atlanta, Ga., and adequate talent is available to supply the needs of the proposed station." The Examiner states further that the granting of the application would not result in any substantial interference with any existing station "but such interference as would be caused would be only slight."

## NEW MONTANA STATION RECOMMENDED

The Roberts-McNab Company and the Gallatin Radio Forum both applied to the Federal Communications Com-

mission for a construction permit for the erection of new stations at Bozeman, Mont., both asking for 1420 kilocycles. The first applicant asked for unlimited time to use 100 watts and 250 watts LS, while the second applicant asked for daytime operation, 250 watts.

Examiner Melvin H. Dalberg, in Report No. 473, recommended that the application of the first named be granted but that of the Gallatin Radio Forum be denied. There is an obvious need for a station at Bozeman, the Examiner states, there being no radio station at that place. He says that the Roberts-McNab Company "by reason of its business interests, is apparently more closely allied and familiar with the broadcasting needs of the population of Bozeman and its surrounding area. These matters, in conjunction with the unlimited hours of operation proposed by the latter applicant, lead the Examiner to the conclusion that it is better qualified to operate such a station in the public interest, convenience and necessity."

### RECOMMENDS ON SOUTH DAKOTA STATIONS

Broadcasting station KWTN, Watertown, N. Dak., applied to the Federal Communications Commission to change its frequency from 1210 to 1340 kilocycles, and to increase its power from 100 to 250 watts and 500 watts LS. Also KGDY, Huron, S. Dak., asked the Commission to change its frequency from 1340 to 1210 kilocycles, and to change its power from 250 watts to 100 watts and 250 watts LS. Also station KGDY applied to the Commission for authority to transfer its control.

Examiner Tyler Berry, in Report No. I-471, made the following recommendations:

1. That the application of the Greater Kampeska Radio Corporation (KWTN) for renewal of license be granted subject to compliance, as a condition precedent, with Rules 131, 132, and 139;
2. That the application of the Greater Kampeska Radio Corporation (KWTN) for construction permit be denied;
3. That the application of the Voice of South Dakota for a renewal of license be granted subject to compliance with Rules 131, 132, and 139;
4. That the application of Voice of South Dakota for construction permit be denied; and
5. That the application of Dr. Finn Koren, Robert J. Dean, and M. W. Plowman, Transferors, for authority to transfer control of the Voice of South Dakota, licensee of Radio Station KGDY at Huron, S. Dak., to Greater Kampeska Radio Corporation, Transferee, be granted,

### NEW OHIO STATION RECOMMENDED

The Summit Radio Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new station at Akron, Ohio, to use 1530 kilocycles, 1,000 watts, and unlimited time.

Examiner John P. Bramhall, in Report No. I-476, recommended that the application be granted. He states that the need for additional service was established at the hearing and he stated further that the interests of stations WBRY and KXBY "will not be adversely affected by reason of interference should this application be granted." The Examiner states further that the granting of the application will serve the public interest.

## BROADCAST ADVERTISING FOR THE FIRST HALF OF 1937 AND FOR JUNE

### BROADCAST ADVERTISING FOR THE FIRST HALF OF 1937 PRINCIPAL DEVELOPMENTS

Broadcast advertising for the first six months of the current year amounted to \$65,426,432, as compared to \$50,802,179 for the corresponding period of 1936, a gain of 28.7%. All portions of the medium showed gains in gross time sales. National non-network volume increased to the greatest extent, rising 43.3% over the level recorded for the first half of 1936.

Radio broadcasting for the first half of this year showed the greatest relative increase of any major medium. Compared to the 28.7% rise on the part of radio broadcasting, national magazine advertising increased 16.2% in volume, national farm paper volume 13.6%, and newspaper lineage 2.9%.

Total non-network advertising exceeded the gross time sales for the first half of last year by 32.8%. The regional station group showed the greatest gain by rising 45.6%. Non-network advertising in the New England-Middle Atlantic Area increased to a greater extent than that in other portions of the country.

Live talent programs enjoyed the principal increase among the types of rendition. Live talent programs increased 37.1%, transcriptions 24.4%, records 25.1%, and announcements 34.0%.

Gross time sales for the first half of the year showed an increase in tobacco and foodstuff advertising in all portions of the medium. National network automotive advertising enjoyed a marked increase, as did regional and national non-network clothing advertising. The other principal gains were in the following groups: National non-network cosmetics and beverages, national network and local household equipment, national network and national non-network soap and kitchen supplies, national and regional network financial, national network and local radio set, and local department store advertising.

### TOTAL BROADCAST ADVERTISING

Total broadcast advertising over various portions of the radio broadcasting medium for the first half of the current

year as compared to the corresponding period of the preceding year is set forth in Table I.

**TABLE I**  
**TOTAL BROADCAST ADVERTISING**

Class of Business	Gross Time Sales First Half	
	1936	1937
National networks.....	\$28,181,976	\$35,564,039
Regional networks.....	644,473	669,293
National non-network.....	11,527,860	16,528,100
Local.....	10,447,870	12,665,000
Total.....	\$50,802,179	\$65,426,432

National non-network advertising for the first half of the current year showed the greatest gain in volume as compared to the first six months of 1936, rising 43.3%. National network and local advertising also recorded marked gains over last year, rising 26.1% and 21.2%, respectively. Regional network advertising rose 3.8% in volume as compared to the first half of 1936. Total broadcast advertising increased 28.7% in volume.

### COMPARISON WITH OTHER MEDIA

Radio broadcast advertising for the six-month period showed the greatest rate of increase of any major medium as compared to the corresponding period of last year. Compared to the 28.7% rise on the part of radio broadcasting, national magazine advertising increased 16.2% in volume, national farm paper volume 13.6%, and newspaper lineage 2.9%.

Advertising volume by major media during the first half of 1937 as against the corresponding period of 1936 is set forth in Table II.

**TABLE II**  
**ADVERTISING BY MAJOR MEDIA**

Advertising Medium	Gross Time and Space Sales First Half	
	1936	1937
Radio broadcasting.....	\$50,802,179	\$65,426,432
National magazines <sup>1</sup> .....	74,756,884	86,922,900
National farm papers <sup>1</sup> .....	3,730,765	4,238,891
Newspapers <sup>2</sup> .....	275,706,000	283,725,000
Total.....	\$404,995,828	\$440,313,223

<sup>1</sup> Publishers' Information Bureau.  
<sup>2</sup> Established.

### NON-NETWORK ADVERTISING

As a whole, non-network advertising rose 32.8% in volume over the level recorded for the first half of last year. The greatest relative increase in the non-network field was experienced in the regional station group, advertising on this class of stations rising 45.6%. However, advertising volume in the clear channel and high-powered regional station group rose 26.1% and in the local station

group 18.9%. Non-network advertising by power of station is found in Table III.

**TABLE III**  
**NON-NETWORK ADVERTISING BY POWER OF STATION**

Power of Station	Gross Time Sales First Half	
	1936	1937
Over 1,000 watts.....	\$9,864,340	\$12,437,300
250-1,000 watts.....	8,798,750	12,815,800
100 watts.....	3,312,640	3,940,000
Total.....	\$21,975,730	\$29,193,100

Of the major geographical districts, non-network advertising in the New England-Middle Atlantic Area showed the greatest rate of increase as compared to the first half of the preceding year, rising 56.4% in volume. Advertising in the South Atlantic and South Central Area during the first half of 1937 exceeded that of the previous year by 30.3%. The North Central and Pacific and Mountain Areas also recorded good gains in rising 25.5% and 23.3% in volume, respectively. Non-network advertising by major geographical districts is found in Table IV.

**TABLE IV**  
**NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS**

Geographical District	Gross Time Sales First Half	
	1936	1937
New England-Middle Atlantic Area	\$4,802,650	\$7,516,100
South Atlantic-South Central Area	4,304,570	5,612,600
North Central Area.....	8,676,930	10,892,800
Pacific and Mountain Area.....	4,191,580	5,171,600
Total.....	\$21,975,730	\$29,193,100

### NON-NETWORK ADVERTISING BY TYPE OF RENDITION

Live talent exhibited the greatest rate of increase among the various types of rendition by rising 37.1% in volume over the first half of 1936. Live talent programs in the national non-network field rose 47.0% in volume and 27.4% in the local field.

Total transcription volume during the first half of 1937 exceeded that of the previous year by 24.4%. This type of rendition increased 27.5% in the national non-network field and 12.3% in the local field.

Records in the national field more than doubled the volume recorded for the first half of 1936 while increasing 15.7% in the local field. Total record volume rose 25.1%. Announcements in the national field rose 72.4% and in the local field 15.2%, the total volume rising 34.0% over the level recorded for the first six months of last year.

Non-network advertising by type of rendition is shown in Table V.



**TABLE V**  
**NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION**

Type of Rendition	National Non-network		Gross Time Sales First Half		Total	
	1936	1937	Local		1936	1937
			1936	1937		
Electrical transcriptions.....	\$4,542,695	\$5,794,250	\$1,181,255	\$1,327,130	\$5,723,950	\$7,121,380
Live talent programs.....	5,244,910	7,714,950	5,398,860	6,878,940	10,643,770	14,593,890
Records.....	39,340	85,110	383,780	444,300	423,120	529,410
Announcements.....	1,700,915	2,933,790	3,483,975	4,014,630	5,184,890	6,948,420
<b>Total.....</b>	<b>\$11,527,860</b>	<b>\$16,528,100</b>	<b>\$10,447,870</b>	<b>\$12,665,000</b>	<b>\$21,975,730</b>	<b>\$29,193,100</b>

**BROADCAST ADVERTISING SPONSORSHIP**

Increases were general in all portions of the medium as compared to the first six months of last year with but a few declines in each field. Outstanding developments have been the marked increases in tobacco and foodstuff advertising, these products having gained in all portions of the medium.

National network automotive advertising increased 51.2% and regional network and national non-network clothing volume 218.3% and 47.4%, respectively. National non-network automotive volume declined 35.9%.

National non-network cosmetic and beverage volume increased 46.8% and 177.8%, respectively. Other important gains were registered in the following fields: national network and local household equipment, national network and national non-network soap and kitchen supplies, national and regional network financial advertising, national network and local radio set volume, and local department store advertising.

Broadcast advertising by various product and service classes for the first half of the current year is set forth in Table VI.

**TABLE VI**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**

Type of Sponsoring Business	National Networks	Regional Networks	1937 Gross Time Sales First Half		Total
			National Non-network	Local	
1a. Amusements.....	—	\$1,312	\$26,730	\$253,340	\$281,382
1-2. Automobiles and accessories:					
(1) Automobiles.....	\$3,255,257	4,191	921,850	678,030	4,859,328
(2) Accessories, gas and oil.....	2,879,033	76,713	1,010,750	452,950	4,419,446
3. Clothing and apparel.....	147,927	7,374	342,950	1,620,310	2,118,561
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	3,192,912	72,422	2,408,390	327,570	6,001,294
(5) Toilet goods.....	6,332,522	20,396	771,190	126,650	7,250,758
6-8. Food products:					
(6) Foodstuffs.....	7,415,609	208,282	4,184,870	1,879,440	13,688,201
(7) Beverages.....	1,871,602	49,993	838,280	688,810	3,448,685
(8) Confections.....	708,920	8,932	267,960	61,540	1,047,352
9-10. Household goods:					
(9) Household equipment and furnishings.....	773,869	15,439	579,380	1,343,770	2,712,458
(10) Soap and kitchen supplies.....	2,972,053	23,994	1,204,980	51,700	4,252,727
11. Insurance and financial.....	423,898	27,443	121,600	556,700	1,129,641
12. Radios.....	1,126,755	—	31,530	117,150	1,275,435
13. Retail establishments.....	—	800	70,490	1,097,640	1,168,930
14. Tobacco products.....	3,198,131	86,968	993,680	67,410	4,346,189
15. Miscellaneous.....	1,265,551	65,034	2,753,470	3,341,990	7,426,045
<b>Total.....</b>	<b>\$35,564,039</b>	<b>\$669,293</b>	<b>\$16,528,100</b>	<b>\$12,665,000</b>	<b>\$65,426,432</b>

Details as to broadcast advertising trends in various fields of business for the first six months of 1937 as compared to the corresponding period of last year are as follows:

1a. **Amusements.** Advertising on regional networks increased from \$325 to \$1,312. National non-network volume decreased 52.4%, while local volume increased 16.6%.

1. **Automotive.** National network volume rose 51.2%. Advertising on regional networks amounted to \$4,191 as against no advertising in 1936. National non-network volume declined 35.9% and local volume 7.4%.

2. **Gasoline and accessories.** National network volume rose 22.1% and national non-network business 14.0%. Advertising on regional networks declined 14.7% in volume, while local advertising dropped 3.6%.

3. **Clothing.** While national network volume declined 22.7%, regional network volume more than tripled, national non-network volume rose 47.4%, and local advertising increased 15.6%.

4. **Drugs and pharmaceuticals.** National network volume rose 26.9%, regional network volume 15.1%, and national non-network business 2.7%. Local business declined 15.2%.

5. **Toilet goods.** National network advertising rose 9.3%, regional network volume 3.1%, and national non-network business 46.8%. Local advertising volume remained at approximately the same level.

6. **Foodstuffs.** Advertising increased in volume in all portions of the medium as follows: national networks 40.0%, regional networks 13.5%, national non-network 76.6%, and local 34.9%.

7. **Beverages.** Volume declined 11.5% in both the national and regional network fields. National non-network volume rose 177.8% and local volume 16.2%.

8. **Confectionery.** National network volume rose 6.5%, national non-network business 32.6%, and local advertising 18.4%. Regional network business alone showed a decrease, declining 54.4%.

9. **Household equipment.** Advertising in the national network field rose 236.2%. Regional network volume declined 48.0%. National non-network and local advertising rose 16.9% and 21.5%, respectively.

10. **Soaps and kitchen supplies.** National network volume rose 64.2% and national non-network volume 141.3%. Regional network business declined 37.7% and local business 2.1%.

11. **Insurance and financial.** National network business rose 71.9%, while regional network business increased more than sixfold. Local business increased 22.1%. National non-network volume declined 7.4%.

12. **Radios.** National network volume rose 76.7%. Regional network business amounted to \$1,328 in 1936, while there was not any business in 1937. National non-network business decreased 61.9%. Local volume rose 44.6%.

13. **Department and general stores.** In the regional network field, advertising amounted to \$800 as against \$2,730 in 1936. National non-network business rose 10.2% and local business 34.5%.

14. **Tobacco products.** Marked increases in all portions of the medium as follows: national networks 41.3%, regional networks 55.6%, national non-network 191.4%, and local 51.3%.

15. **Miscellaneous.** National network and regional network volume declined 33.7% and 15.8%, respectively. National non-network business rose 76.5% and local advertising 32.5%.

## RETAIL BROADCAST ADVERTISING

Total retail broadcast advertising over individual stations increased 21.4% over the level registered for the first half of last year. All groups registered increases with the exception of the automotive, gasoline and accessories, beauty parlor and grocery store advertising groups. Beauty parlor advertising declined 19.5%, grocery store advertising 35.6%, automotive advertising 10.3%, and gasoline station and accessory store advertising less than 1.0%.

The most significant increases were as follows: clothing and apparel shops 18.4%, drug stores 15.6%, restaurants 40.0%, household equipment dealers 49.4%, furniture stores 24.1%, hardware stores 58.8%, radio retailers 54.3%, and department stores 32.0%.

Broadcast advertising by retail establishments is set forth in Table VII.

TABLE VII  
RETAIL BROADCAST ADVERTISING OVER  
INDIVIDUAL STATIONS

Type of Sponsoring Business	Gross Time Sales First Half	
	1936	1937
Automobiles and accessories:		
Automobile agencies and used car dealers.....	\$760,600	\$682,020
Gasoline stations, garages, etc.....	259,000	256,450
Clothing and apparel shops.....	1,475,040	1,747,240
Drugs and toilet goods:		
Drug stores.....	104,645	121,030
Beauty parlors.....	55,500	44,630
Food products:		
Grocery stores, meat markets, etc..	398,610	256,570
Restaurants and eating places.....	127,080	177,920
Beverage retailers.....	22,810	27,520
Confectionery stores.....	17,430	44,150
Household goods:		
Household equipment dealers.....	325,530	486,460
Furniture stores.....	575,360	714,250
Hardware stores.....	110,190	175,050
Radio retailers.....	69,990	108,000
Department and general stores.....	881,881	1,164,430
Tobacco shops.....	3,090	
Miscellaneous.....	555,140	967,280
Total.....	\$5,741,896	\$6,973,000

## BROADCAST ADVERTISING IN JUNE HIGHLIGHTS OF THE MONTH

Total broadcast advertising during the month of June amounted to \$10,611,913, a decline of 6.2% from the volume recorded for last month. This decline, a usual seasonal tendency, was much less than the usual downward summer trend. Declines were general throughout the broadcast field, all portions of the medium declining at approximately the same rate. Gross time sales for the month were 34.0% ahead of the level of last June. National non-network volume showed the greatest gain of any portion of the medium, rising 44.2%. National network volume rose 39.5%, regional network volume 21.0%, and local advertising 13.5%.

Although all major media declined in advertising volume as against May, radio broadcasting declined to the least extent. Radio gross time sales declined 6.2%, while national magazine volume dropped 18.0%, national farm papers 13.1%, and newspaper lineage 6.9%. Radio also showed the greatest increase in advertising volume as compared to last June.

Non-network advertising for the month declined 7.2% compared to May but showed a 28.6% gain in volume over last June. Local station volume showed the only gain over last month. While all sizes of stations increased

their gross time sales over June 1936, the greatest gain occurred in the clear channel and high-powered regional station group. Among the geographical districts of the country the Pacific and Mountain Area alone showed a gain as compared to last month, while the New England-Middle Atlantic Area continued to show the greatest gains in volume as compared to corresponding periods of last year.

All types of rendition, with the exception of records, showed declines in volume in both the national non-network and local fields as compared to last month. Live talent registered the most important gains in both the national non-network and local fields as compared to last June.

The principal gains over last month occurred in the following groups: national network clothing and financial, regional network beverage and toilet goods, national non-network automotive and financial, and local toilet goods and soap and kitchen supplies. Retail broadcast advertising over individual stations amounted to \$1,260,370, a decline of 5.4% from the volume recorded in May but 20.0% greater than that of June 1936.

### TOTAL BROADCAST ADVERTISING

Total broadcast advertising for the month of June is found in Table I.

TABLE I

#### TOTAL BROADCAST ADVERTISING

Class of Business	1937 Gross Time Sales		
	May	June	Cumulative Jan.-June
National networks . . .	\$5,875,531	\$5,554,987	\$35,564,039
Regional networks . . .	137,734	128,126	669,293
National non-network . . .	2,962,200	2,716,000	16,528,100
Local . . . . .	2,349,700	2,212,800	12,665,000
Total . . . . .	\$11,325,165	\$10,611,913	\$65,426,432

Total broadcast advertising volume declined 6.2% from the level of last month. Declines were general over the entire medium, national network volume declining 5.4%, regional network volume 6.9%, national non-network business 8.3%, and local advertising 5.8%.

Broadcast advertising for the month showed a 34.0% gain over the volume recorded for last June. National non-network volume continued to show the greatest gains over corresponding periods of last year, rising 44.2% in volume. National network volume rose 39.5%, regional network volume 21.0%, and local business 13.5%.

### COMPARISON WITH OTHER MEDIA

All major media showed declines in advertising volume as compared to last month. Radio broadcasting, however, declined only 6.2%, while national magazine volume dropped 18.0%, national farm paper volume 13.1%, and newspaper lineage 6.9%.

Compared to June of last year, all major media showed increases in advertising volume, with radio again leading the field. National magazine volume increased 18.7%, national farm paper volume 13.7%, and newspaper lineage less than 1.0%.

Advertising volume by major media is shown in Table II.

TABLE II  
ADVERTISING BY MAJOR MEDIA

Advertising Medium	1937 Gross Time and Space Sales		
	May	June	Cumulative Jan.-June
Radio broadcasting . . .	\$11,325,165	\$10,611,913	\$65,426,432
National magazines <sup>1</sup> . . .	17,863,997	14,640,608	86,922,900
National farm papers <sup>1</sup> . . .	686,534	596,243	4,238,891
Newspapers <sup>2</sup> . . . . .	52,138,000	48,531,000	283,725,000
Total . . . . .	\$82,013,696	\$74,379,764	\$440,313,223

<sup>1</sup> Publishers' Information Bureau.

<sup>2</sup> Estimated.

### NON-NETWORK ADVERTISING

Total non-network advertising declined 7.2% as compared to May. Local station volume alone showed an increase in advertising volume, rising 3.7%. Non-network advertising over clear channel and high-powered regional stations declined 8.9%, while non-network gross time sales over regional stations decreased 8.8% in volume.

All sizes of stations experienced marked gains when compared to June of the preceding year. Non-network advertising over clear channel and high-powered regional stations showed a gain of 33.3%. Regional station volume rose 24.6% and local station volume 27.6%. Total non-network advertising rose 28.6% in volume over last June.

Non-network advertising by power of station is found in Table III.

TABLE III  
NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1937 Gross Time Sales		
	May	June	Cumulative Jan.-June
Over 1,000 watts . . . . .	\$2,261,000	\$2,058,200	\$12,437,300
250-1,000 watts . . . . .	2,335,500	2,128,500	12,815,800
100 watts . . . . .	715,400	742,100	3,940,000
Total . . . . .	\$5,311,900	\$4,928,800	\$29,193,100

Non-network advertising in the Pacific and Mountain Area alone showed an increase in volume as against last month, rising 3.5%. Advertising volume in the New England-Middle Atlantic Area declined 6.4%, in the South Atlantic-South Central Area 5.7%, and in the North Central Area 13.1%.

The New England-Middle Atlantic Area continued to show the greatest gains in volume as compared to corresponding periods of last year. Non-network advertising increased 54.1% in this region as compared to last June. South Atlantic-South Central non-network advertising

rose 30.6%, North Central non-network advertising 19.9%, and Pacific and Mountain advertising 15.7%.

Non-network advertising by geographical districts is found in Table IV.

**TABLE IV**  
**NON-NETWORK ADVERTISING BY**  
**GEOGRAPHICAL DISTRICTS**

Geographical District	1937 Gross Time Sales		Cumulative Jan.-June
	May	June	
New England-Middle Atlantic Area.....	\$1,382,800	\$1,293,400	\$7,516,100
South Atlantic-South Central Area.....	1,010,500	952,800	5,612,600
North Central Area...	2,035,200	1,767,900	10,892,800
Pacific and Mountain Area.....	883,400	914,700	5,171,600
Total.....	\$5,311,900	\$4,928,800	\$29,193,100

**NON-NETWORK ADVERTISING BY TYPE**  
**OF RENDITION**

Among the various types of rendition, only records showed a gain in volume compared to last month. Total

record volume increased 16.2% over May, while total transcription volume declined 8.9%, live talent 5.7%, and announcements 10.1%. However, as against last June all types showed increases in volume. Total transcriptions rose 23.4%, live talent 38.8%, records 20.4%, and announcements 15.6%.

In the local field, transcriptions declined 1.7%, live talent 7.7%, and announcements 4.8% compared to May. Record volume increased 2.4%. As compared to last June, transcriptions rose 3.9%, live talent 20.8%, records 12.3%, and announcements 6.5%.

In the national non-network field, transcription volume declined 10.6%, live talent volume 3.8%, and announcements 17.9% as against last month. Records tripled in volume. Live talent showed the most important gain in the national non-network field as compared to last June in rising 59.9% in volume. Transcriptions rose 29.8%, records 81.1%, and announcements 35.1%.

Non-network broadcast advertising by type of rendition is found in Table V.

**TABLE V**  
**NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION**

Type of Rendition	1937 Gross Time Sales						Cumulative Jan.-June
	National Non-network		Local		Total		
	May	June	May	June	May	June	
Electrical transcriptions.....	\$1,075,100	\$960,900	\$256,900	\$252,500	\$1,332,000	\$1,213,400	\$7,121,380
Live talent programs.....	1,376,400	1,323,000	1,272,800	1,174,000	2,649,200	2,497,000	14,593,890
Records.....	5,800	17,800	80,200	82,200	86,000	100,000	529,410
Announcements.....	504,900	414,300	739,800	704,100	1,244,700	1,118,400	6,948,420
Total.....	\$2,962,200	\$2,716,000	\$2,349,700	\$2,212,800	\$5,311,900	\$4,928,800	\$29,193,100

**SPONSOR TRENDS IN JUNE**

Declines were general in the national network field as compared with last month. Clothing and financial advertising showed the only gains of importance, while automotive and household equipment advertising showed the most marked declines. In the other portions of the medium, national non-network automotive, regional network and local toilet goods, regional network beverage volume, local soap and kitchen supplies, and national non-network financial advertising showed the most pronounced increases. Regional network household goods, national non-network and local confectionery volume, and national non-network and local radio set advertising declined to the greatest extent.

Compared to the preceding June, increases were fairly general, with the following outstanding gains: national network household equipment, financial and tobacco advertising; regional network toilet goods, soap and kitchen supplies and financial advertising; national non-network clothing, foodstuffs and tobacco advertising; and local tobacco and department store advertising.

Broadcast advertising by major sponsor groups is found in Table VI.

Details as to trends in the various product and service groups sponsoring radio advertising are as follows:

1a. **Amusements.** National non-network business two and one-half times as great as last month. Local volume up 6.2%. Compared to last June, national non-network down 49.1% and local business up 17.1%.

1. **Automotive.** National network volume declined 19.6% from May. Regional network volume amounted to \$3,651. National non-network and local advertising rose 18.6% and 11.8%, respectively. Compared to last June, national network volume up 41.7%, while national non-network and local advertising declined 9.2% and 11.5%, respectively.

2. **Gasoline and accessories.** National network volume declined 11.3% from the May level. Regional network volume rose 6.7%, national non-network business 10.3%, and local advertising 15.7%. As against last June, national network volume rose 47.1%, national non-network business 41.3%, and local advertising 8.4%. Regional network advertising declined 40.5%.

3. **Clothing.** National network advertising 23.9% over May and national non-network advertising up 6.2%. Regional network and local volume declined 22.0% and

**TABLE VI**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
**(JUNE, 1937)**

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales</i>				<i>Total</i>
	<i>National Networks</i>	<i>Regional Networks</i>	<i>National Non-network</i>	<i>Local</i>	
1a. Amusements.....			\$6,360	\$59,260	\$65,620
1-2. Automobiles and accessories:					
(1) Automobiles.....	428,208	\$3,651	209,860	143,540	785,259
(2) Accessories, gas and oil.....	476,180	11,961	208,870	96,880	793,891
3. Clothing and apparel.....	32,268	712	82,070	243,820	358,870
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	462,065	11,371	263,110	48,220	784,766
(5) Toilet goods.....	1,029,554	5,868	122,270	27,560	1,185,252
6-8. Food products:					
(6) Foodstuffs.....	1,115,717	34,156	697,870	362,660	2,210,403
(7) Beverages.....	287,288	10,568	158,670	124,600	581,126
(8) Confections.....	105,228	250	25,130	4,820	135,428
9-10. Household goods:					
(9) Household equipment and furnishings.....	118,244	2,022	62,680	250,260	433,206
(10) Soap and kitchen supplies.....	560,084	8,554	203,330	9,110	781,078
11. Insurance and financial.....	71,450	7,509	26,910	93,760	199,629
12. Radios.....	111,197		1,990	19,020	132,207
13. Retail establishments.....			4,340	191,710	196,050
14. Tobacco products.....	615,807	20,800	209,300	15,700	861,607
15. Miscellaneous.....	141,697	10,704	433,240	521,880	1,107,521
<b>Total.....</b>	<b>\$5,554,987</b>	<b>\$128,126</b>	<b>\$2,716,000</b>	<b>\$2,212,800</b>	<b>\$10,611,913</b>

14.5%, respectively. Gains over last June as follows: national networks 24.5%, national non-network 114.8%, and local 1.9%.

4. *Drugs and pharmaceuticals.* Decreases from May level as follows: national networks 1.0%, regional networks 19.8%, national non-network 12.5%, and local 20.0%. As against last June, national network volume increased 43.3% and regional network volume 38.1%. National non-network volume declined 9.4% and local advertising dropped 10.7%.

5. *Toilet goods.* Gains over May as follows: national networks 1.2%, national non-network 6.2%, and local 31.2%. Regional network volume more than tripled. Increases over last June as follows: national networks 38.4%, national non-network 57.6%, and local 33.3%. Regional network volume more than tripled.

6. *Foodstuffs.* Compared to last month, national network volume declined 8.4%, regional network volume 17.6%, and national non-network business 11.3%. Local advertising rose 11.0%. Gains over June 1936 as follows: national networks 41.4%, regional networks 25.4%, national non-network 72.4%, and local 28.3%.

7. *Beverages.* Regional network volume 35.9% ahead of last month. National network volume declined 4.3%, national non-network 2.3%, and local advertising 12.6%. Compared to last June, national non-network volume tripled. National network volume declined 8.3%, regional network volume 32.8%, and local advertising 17.5%.

8. *Confectionery.* Compared to May, national network volume declined 4.7%, national non-network business 40.3%, and local volume 64.2%. Regional network volume increased 25.0%. As against last June, national network volume rose 46.1% and national non-network

volume 41.4%. Local advertising declined 14.9% from the level of June 1936.

9. *Household equipment.* Declines from preceding month as follows: national networks 30.9%, regional networks 43.4%, national non-network 54.4%, and local 12.7%. Compared to the preceding June, national network volume tripled. Regional network volume dropped 50.9%, and national non-network business 2.7%. Local advertising rose 14.4%.

10. *Soaps and kitchen supplies.* National network volume 6.1% greater than during May. Regional network and national non-network business down 30.9% and 15.7%, respectively. Local advertising rose 29.0%. As against the preceding June, national network volume rose 67.4% and regional network volume more than tripled. National non-network business rose 7.7% and local advertising remained the same.

11. *Insurance and financial.* National network volume rose 17.0% over May. Regional network volume declined 6.3% and local advertising 10.3%. National non-network volume increased 34.1%. Gains over last June as follows: national networks 82.9%, national non-network 61.1%, and local 11.6%. Regional network advertising increased materially.

12. *Radios.* Declines from May levels as follows: national networks 8.2%, national non-network 63.8%, and local 24.1%. Compared to last June, national network volume increased 7.5% and local volume 57.1%. National non-network business declined 79.3%.

13. *Department and general stores.* Compared to May, national non-network and local advertising declined 36.1% and 2.9%, respectively. As against last June, national non-network volume rose 53.9% and local advertising 16.4%.

14. *Tobacco products.* National network volume dropped 0.8% and regional network volume 2.8% as compared to May. National non-network volume rose 11.6% and local advertising 10.8%. Gains over last June as follows: national networks 56.5% and local 42.8%. Both regional network and national non-network volume more than doubled.

15. *Miscellaneous.* Declines from preceding month as follows: national networks 13.3%, regional networks 23.1%, national non-network 14.9%, and local 12.6%. Compared to last June, national network volume and regional network volume declined 22.1% and 25.4%, respectively. National non-network advertising rose 77.6% and local advertising 32.7%.

## RETAIL BROADCAST ADVERTISING

Retail broadcast advertising over individual stations during the month of June declined 5.4% from the volume recorded for May but remained 20.0% ahead of June 1936. All groups, except the automotive, gasoline and accessory, beauty parlor and the miscellaneous groups, showed declines as against last month. Only the automotive and grocery store groups failed to show a gain as compared to the preceding June.

Broadcast advertising by various types of retail establishments is set forth in Table VII.

TABLE VII

### RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

Type of Sponsoring Business	1937 Gross Time Sales	
	May	June
<b>Automobiles and accessories:</b>		
Automobile agencies and used car dealers.....	\$131,890	\$145,720
Gasoline stations, garages, etc....	46,060	76,070
Clothing and apparel shops.....	302,950	258,120
<b>Drugs and toilet goods:</b>		
Drug stores.....	32,950	23,230
Beauty parlors.....	7,000	9,900
<b>Food products:</b>		
Grocery stores, meat markets, etc..	39,260	38,720
Restaurants and eating places....	36,090	34,260
Beverage retailers.....	7,620	2,830
Confectionery stores.....	12,270	3,350
<b>Household goods:</b>		
Household equipment dealers.....	123,530	94,840
Furniture stores.....	133,380	121,530
Hardware stores.....	43,910	37,750
Radio retailers.....	25,450	19,420
Department and general stores....	204,400	196,040
Tobacco shops.....		
Miscellaneous.....	186,420	198,590
<b>Total.....</b>	<b>\$1,333,180</b>	<b>\$1,260,370</b>

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show

cause why cease and desist orders should not be issued against them.

**No. 3198.** Unfair methods of competition in connection with the sale of silverware and earthenware or chinaware are alleged in a complaint issued against **Matthew A. Willis**, 419-427 Lumber Exchange Building, **Minneapolis**, trading as **Rogers Redemption Bureau**.

Willis is said to market his silverware by selling to merchants gift cards, in minimum lots of 10,000, which he redeems in such wares when they are returned by customers of the merchants distributing the cards.

In certain contracts which merchants sign, the complaint alleges, appear the words "Wm. A. Rogers Silverware" and "Wm. A. Rogers, Ltd.", while the gift cards bear the advertisement of the merchant and the words "Wm. A. Rogers silverware to our customers".

It is charged that use of these words is false and misleading in that prospective purchasers are led into the erroneous belief that Rogers Redemption Bureau is connected with Oneida Ltd., manufacturer of the genuine Wm. A. Rogers silverware. According to the complaint, no such connection exists, except that the respondent purchases Oneida, Ltd., products through a jobber.

Among other representations which the respondent allegedly makes, and which the complaint charges are false, are that a 26-piece set of silverware is furnished free to every merchant purchasing the minimum quantity of cards; that merchants will be refunded the money paid for gift cards when a certain number has been redeemed, and that customers of such merchants will receive articles of silverware without any additional cost upon sending to the respondent a designated number of cards for redemption.

**No. 3199.** Use of unfair methods of competition in the sale of mattresses is alleged in a complaint issued against **Abraham and Benjamin Solm**, trading as **Solm Bros.**, 1320 Roosevelt Road, **Chicago**.

It is charged that the respondents manufacture mattresses from materials obtained from old, second-hand, and discarded mattresses, and from other sources. Such mattresses, the complaint alleges, are covered by the respondents with new material and have the appearance of being new, but are not labeled or marked to indicate that they are made from old, used, and secondhand materials.

**No. 3200.** Misrepresentation of the character and quality of wrist watch buckles is alleged in a complaint issued against **Algren Manufacturing Company, Inc.**, 8 Washington Place, **New York**.

Buckles sold by the respondent company to jobbers and retailers, and resold to the purchasing public, allegedly are branded "Gold-Filled", when, the complaint charges, they do not contain a layer or coating of gold of such substantial thickness as to be properly and accurately represented or designated as "Gold-Filled".

**No. 3201.** **Chenille Corporation of America**, 3945 North Western Ave., **Chicago**, is named respondent in a complaint charging use of unfair methods of competition in connection with the interstate sale of rugs.

The respondent company allegedly represents to retail store customers that its rugs are hand-hooked or hand-made, and pursuant to such representations certain stores also advertise the rugs as being hand-hooked and hand-made, using such assertions as "Every rug is a work of art, hand-hooked, requiring hours and hours to produce."

According to the complaint, the respondent company's rugs are not made by hand so as to be properly represented and designated as hand-hooked, hand-made, or as hooked rugs, but are produced by machine and are of lower cost than rugs which actually are hand-made or hand-hooked.

**No. 3202.** In a complaint, **Fee & Stemwedel, Inc.**, 4949 Pulaski Road, **Chicago**, is charged with representing that certain weather-indicating instruments it sells in interstate commerce are manufactured in the United States, when such is not a fact.

The respondent company, it is alleged, assembles various models of weather-indicating instruments, some being a combination of thermometer, hygrometer and barometer, and others being merely barometers. According to the complaint, the complete barometer mechanism, to which the respondent company adds a dial and indicator, is enclosed in a case bearing the words "Made in U. S. A. by Fee & Stemwedel, Inc., Chi."

**No. 3203.** A complaint alleging use of certain unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act has been issued against **Joy Package Company, Inc.**, 37 East 12th St., **New York**, engaged in the sale and distribution of candy.

Representations made by the respondent company in advertising literature and by its agents allegedly are to the effect that it con-

trols and operates factories and manufactures the merchandise in which it deals. According to the complaint, the respondent company is not a manufacturer but only purchases and repacks the candy and other merchandise which it sells.

**No. 3204.** Misrepresentation of the merit of certain life preservers is alleged in a complaint issued against **Acme Products Company, 152 Brewery St., New Haven, Conn.**

Certain of the respondent company's life preservers, of the cushion type, allegedly are branded as follows: "Guaranteed to comply with the rules and regulations of the Steamboat Inspection Service; allowing cushions as life preservers on pleasure boats."

Rules and regulations of the United States Steamboat Inspection Service are that a life preserver must be capable of sustaining afloat for a continuous period of 24 hours a weight so arranged as to provide a continuous downward gravitation pull of 20 pounds.

### Stipulations

The Commission has entered in the following stipulations:

**No. 01835.** **D. Borovitz, 1612 Summit Lake Blvd., Akron, Ohio, trading as Puritan Laboratories,** will stop representing that **Kwik-Silver** is a preparation which will plate pure silver on silver articles, that it contains no injurious ingredients, and that the plating is permanent. The respondent also will eliminate the word "Laboratories" from his trade name, and cease making unmodified representations of earnings in excess of the average earnings achieved by his active, full-time salesmen or dealers under normal business conditions.

**No. 01836.** **The House of Gurney, Inc., Yankton, S. Dak.,** engaged in selling baby chickens, agreed to discontinue advertising that it owns or controls a hatchery, incubators, a chick nursery, or laying flocks which supply eggs for hatching purposes.

**No. 01837.** **Howard D. and Robert B. Blackburn, 316 College St., Dayton, Ohio,** operating under the firm name of **The Sulfex Company,** stipulated that they will cease advertising that **Sulfex,** said to contain sulphur as one of its ingredients, is a competent treatment or an effective remedy for pimples, acne, or any other skin condition, unless such representation is limited to those conditions which actually are relieved by the use of the preparation. The respondent also will cease representing that every physician approves **Sulfex,** and that lack of sulphur in the diet will "wreck" a complexion and cause certain skin ailments.

**No. 01838.** False and misleading representations in advertising **Silvercote Insulation Fabric** will be discontinued by **Silvercote Products, Inc., 161 East Erie St., Chicago,** under a stipulation.

The respondent company will refrain from advertising that its product represents 100 per cent more insulation value than other insulating materials and that one layer of **Silvercote Fabric** equals the efficiency of two commercial thicknesses of ordinary insulation board.

**No. 01839.** **Sego Milk Products Company, 159 West First South St., Salt Lake City,** stipulated that it will cease advertising that **Sego milk** will prevent rickets, unless this representation is limited to indicate that it will prevent rickets only when the product is used by normal babies; that it will insure alertness, vigor, or physical fitness in infants, and that its vitamin D content is "the same as sun's rays".

**No. 01840.** **Quisenberry-Hobbs Company, Third and Washington Streets, Kansas City, Kans.,** selling **Gold Bond Chick Starter Feed,** agreed to stop representing that such product will cause chicks to grow quicker and make chickens lay earlier than any other feed; that it supplies every need for bones, body, health or quick maturity; that through use of the feed the egg yield will be doubled, and that no other feed will produce equal results.

**No. 01841.** **Pictorial Statues of America, Inc., Janesville, Wis.,** has entered into a stipulation to discontinue false and misleading advertising in connection with the sale of photographs which it designates as statues.

The respondent corporation will cease representing that its photographs are statues or statuettes unless qualified by the word "pictorial" or other words of like import, or that they are fade-proof and everlasting.

**No. 01842.** Trading as **The Nu Lac Yeaston Company, Mrs. W. J. Johnson and M. J. Maystadt, Jefferson, Iowa,** have entered into a stipulation to cease making false and misleading representations in advertising certain poultry and livestock feeds which they sell in interstate commerce. Their feeds are known as **Nu Lac for Cattle, Horses and Sheep, Special Necro Treatment, and Nu Lac Poultry Mixture.**

**No. 2030.** **Charles Mostow, 2333 Chicago Ave., Chicago,** trading as **Majestic Electric Supply Company,** has entered into a stipulation to discontinue certain unfair methods of competition in the interstate sale of radio sets branded with the name "Majesco".

The respondent agreed to stop using as a trade name or brand for radio sets the word "Majesco", or any other simulation of the name "Majestic", so as to imply that such sets are made by **Grigsby-Grunow Company,** the original manufacturer of **Majestic sets,** or by its successor in business, **Majestic Radio and Television Corporation of Chicago,** when such is not a fact.

**No. 2032.** **City of Paris, Ltd., 878 Broadway, New York City,** selling toilet powders and perfumes, will discontinue the use in its corporate name of the word "City" printed in script so as to simulate the word "Coty," thus tending to cause customers to believe that its products are those of a competitor, **Les Parfums Coty.** The company also stipulated that it will desist from use of the words "London," "Sydney," and "Paris" in any manner so as to imply that it has offices or business connections in those foreign cities named, and from use of the word "Paris" in its corporate name, or otherwise, implying that its products are of French origin, when such are not the facts.

### Cease and Desist Orders

The Commission has issued the following cease and desist orders:

**Nos. 2417-2446.** Orders to cease and desist from representing that they are distillers of spirituous beverages, when such is not a fact, have been entered against two **Chicago** corporations, **Lionel Distilled Products, Inc., 1919-1927 West Pershing Road,** and **Paramount Distilling Corporation, 512 South Peoria St.**

The respondent companies are ordered to discontinue representing, through use of some form of the word "distilling" in their corporate names, in advertising matter, on labels, or otherwise, that they distill whiskies, gins or other spirituous beverages; that they manufacture such products through the process of distillation, or that they own or operate distilleries, unless and until they do own or operate such places.

**No. 2667.** An order to cease and desist from the use of certain methods of unfair competition in the interstate sale of radio sets, pen and pencil sets, cameras and similar merchandise has been entered against **J. K. Levy, alias J. K. Lee and David Levy,** both of 130 North Wells St., **Chicago,** trading as **Levore Company,** or otherwise.

Selling or otherwise disposing of merchandise by the use of punch, push or pull cards, or by means of any device involving the use of a lottery scheme or game of chance, is ordered discontinued. The respondents are prohibited from shipping to their agents or to members of the public lottery devices, through the use of which such persons are enabled to sell the respondent's merchandise.

**No. 2748.** **Arpaul Company, Inc., 333 West 52nd St., New York,** has been ordered to cease and desist from certain unfair methods of competition in connection with the sale of **Ortosan,** recommended as a facial treatment preparation.

Prohibited by the order are representations that the product is five creams in one and the most highly praised skin cream in the world, having the endorsements of leading medical authorities and beauty specialists; and that its use will restore youthful contours to the face, chin and neck, erase wrinkles and blemishes, banish large pores and fine lines, and immediately produce a fresh, healthy skin.

**No. 2887.** Trading as **Everlast Suit Case & Bag Co., 130 West Bleeker St., New York, Israel Zaveloff and Harry Bernstein** have been ordered to cease and desist from misbranding certain leather luggage they sell in interstate commerce.

The respondents are ordered to discontinue representing, through use of the words "Genuine Leather" or "Leather," or any other words of similar import and effect, stamped on labels or on the luggage itself, that luggage manufactured in whole or in part from the underlayers or flesh side of the hide, known as split leather, is made from the outside layer of the hide.

**No. 2889.** Misbranding of certain leather luggage sold in interstate commerce is prohibited under an order entered against **Mutual Brief Case Company, 133-135 Kossuth St., Newark, N. J.**

Findings are that the two general types of leather employed in the manufacture of luggage are top grain leather and split leather, and that the purchasing public generally has a pronounced preference for leather goods manufactured from the former type.

Nos. 3180-3181. Orders to cease and desist from the use of lottery schemes to promote the sale of merchandise have been entered against two Chicago dealers, **E. I. Donahue**, trading as **Donahue Advertising Company**, 407 South Dearborn St., and **Carlton, Inc.**, trading as **Carlton Sales Company**, 17 North Wabash Ave., Chicago.

The orders direct the respondents to discontinue selling or otherwise disposing of merchandise by the use of push cards or similar devices, and to stop shipping such devices so prepared and printed as to enable others to sell merchandise by the use thereof. The respondents are further prohibited from disposing of merchandise free of charge or at varying prices, depending upon lot or chance.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled at the Commission in broadcast cases during the week beginning August 23.

The Broadcast Division has taken the following action:

### APPLICATIONS GRANTED

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted C. P. to move former main transmitter to the present location of the main transmitter and operate as an auxiliary transmitter.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted C. P. to make changes in equipment.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted C. P. to make changes in antenna, install new equipment and increase day power from 1 KW to 5 KW; 1260 kc., unlimited time.

KVOX—Robert K. Herbst, Moorhead, Minn.—Granted modification of C. P., approving transmitter site at 14th St. and 12th Ave. So., Moorhead; studio at 722 Center Ave., Moorhead; change type of equipment; increase daytime power to 250 watts, and increase hours of operation to unlimited time.

WHAS—The Louisville Times Co., Louisville, Ky.—Granted modification of C. P. to extend completion date from September 5 to December 5, 1937.

National Broadcasting Co., Inc., New York City—Granted extension of authority to transmit programs to Canadian stations CFCF and CRCT and the Canadian Radio Broadcasting Commission.

Columbia Broadcasting System, Inc., New York City—Granted extension of authority to transmit programs to Canadian Stations CFRB and CKAC and to stations of Canadian Broadcasting Corp.

National Broadcasting Co., Inc., New York City—Granted extension of authority to transmit recorded programs to all broadcast stations in Canada licensed to operate by the Canadian Government, which may be heard consistently in the United States.

WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate with 1 KW power for the period, September 1, 1937 to March 1, 1938.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted authority to install new automatic frequency control equipment.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted authority to determine operating power by direct measurement of antenna power.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted license to cover C. P.; 1120 kc., 500 watts, unlimited time except from 8 to 9 p. m., CST, Mondays.

KGLO—Mason City Globe Gazette Co., Mason City, Ia.—Granted license to cover C. P. as modified; 1210 kc., 100 watts night, 250 watts day, unlimited time.

WIND—Johnson Kennedy Radio Corp., Gary, Ind.—Granted license to cover C. P.; 560 kc., 1 KW night, 5 KW day, unlimited time, employing directional antenna.

WPRA—Puerto Rico Advertising Co., Mayaguez, P. R.—Granted license to cover C. P. as modified; 1370 kc., 100 watts night, 250 watts day, specified hours.

KSUB—Harold Johnson & Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—Granted license to cover C. P.; 1310 kc., 100 watts, unlimited time.

WASJ—City of New York, Dept. of Plant & Structures—Mobile—Granted license to cover C. P.; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

WCKY—L. B. Wilson, Covington, Ky.—Granted license to cover C. P.; 1490 kc., 10 KW, unlimited time.

WGTM—H. W. Wilson & Ben Farmer, Wilson, N. C.—Granted license to cover C. P. as modified; 1310 kc., 100 watts, daytime only.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted license to cover C. P. as modified; 780 kc., 1 KW, employing directional antenna nighttime for emergency purposes only.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted license to cover C. P. as modified; 1500 kc., 100 watts night, 250 watts day, unlimited.

KOCA—Oil Capital Broadcasting Assn., James G. Ulmer, Pres., Kilgore, Tex.—Granted license to cover C. P.; 1210 kc., 100 watts night, 250 watts day, unlimited.

KTKC—Tulare-Kings Counties Radio Assn., Visalia, Cal.—Granted license to cover C. P. as modified; 1190 kc., 250 watts, daytime only.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted license to cover C. P. as modified; 1200 kc., 100 watts, unlimited time.

WFLA-WSUN—Clearwater Chamber of Commerce, Clearwater, Fla.—Granted modification of license to sever the license new issued to joint licensees in order to form two separate stations under the call letters WFLA and WSUN to operate specified hours as follows: WFLA—Unlimited Monday, Wednesday and Friday, share with WSUN Sunday. WSUN—Unlimited Tuesday, Thursday and Saturday, share with WFLA Sunday; 620 kc., 1 KW night, using directional antenna, 5 KW day. Also granted voluntary assignment of license of WFLA to Florida West Coast Broadcasting Co., Inc.

NEW—Charleston Broadcasting Co., Mobile—Granted C. P. for low frequency relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

NEW—Columbia Broadcastng System, Inc., Portable-Mobile—Granted C. P. for new relay high frequency broadcast station; frequencies 39700, 39900, 40800 and 41400 kc., on experimental basis, 5 watts.

NEW—Columbia Broadcasting System, Inc., Portable-Mobile—Granted C. P. for new relay high frequency broadcast station; frequencies 39700, 39900, 40800 and 41400 kc., on experimental basis, 55 watts.

NEW—Columbia Broadcasting System, Inc., Portable-Mobile—Granted C. P. for new high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 15 watts.

NEW—KLZ Broadcasting Co., Mobile—Granted C. P. for new high frequency relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 1 watt.

NEW—Tri-State Broadcasting Co., Inc., Portable-Mobile—Same except 3 watts power.

NEW—The Yankee Network, Inc., Vicinity of Boston—Granted C. P. for high frequency broadcast experimental station; frequency 41200 kc.; 50 KW, unlimited time. Special emission.

NEW—The Yankee Network, Inc., Boston—Granted C. P. for experimental relay broadcast station; frequencies 130000, 135000, 140000 and 145000 kc., 250 watts.

W8XOA—WJW, Inc., Mobile—Granted C. P. to make changes in equipment and increase power from 20 to 40 watts; also granted license to cover same.

W3XPF—Farnsworth Television, Inc., Springfield, Pa.—Granted modification of C. P., extending completion date from September 5 to November 5, 1937.

W2XMN—Edwin H. Armstrong, New York City—Granted modification of C. P., extending commencement date to December 15, 1937 and completion date to 6 months thereafter.

W8XNU—The Crosley Radio Corp., Cincinnati, Ohio—Granted modification of C. P., authorizing changes in equipment; increase in power from 200 watts to 1 KW; extend commencement date to within 30 days after granting and completion date to 120 days thereafter.

NEW—National Broadcasting Co., Inc., Portable (New York vicinity).—Granted C. P. and license for new station, frequency 83500 kc., on experimental basis, 1 KW night-day, unlimited, according Rule 983(a).

NEW—National Broadcasting Co., Inc., Portable (New York vicinity).—Granted C. P. and license for new station, frequency 150000 kc., on experimental basis, 500 watts night-day, unlimited, according Rule 983(a).

### SET FOR HEARING

NEW—Hollenbeck Heights Christian Church, Los Angeles.—C. P. for new station, 1170 kc., 100 watts night and day, limited time.



NEW—Shirley D. Parker, Yakima, Wash.—C. P. for new station, 1310 kc., 100 watts night, 250 watts day, unlimited time, transmitter and studio sites and type of antenna to be determined.

NEW—Times Printing Co., Chattanooga, Tenn.—C. P. for new station, 1120 kc., 500 watts night, 1 KW day, unlimited time, employing directional antenna system day and night.

NEW—Gila Broadcasting Co., Safford, Ariz.—C. P. for new station, 1420 kc., 100 watts night, 250 watts day, unlimited.

NEW—WWPO, Inc., Pittsburgh, Pa.—C. P. for new station, 1120 kc., 250 watts, unlimited time, employing directional antenna system for day and night use.

NEW—Chas. F. Engle, Natchez, Miss.—C. P. for new station, 1210 kc., 100 watts night, 250 watts day, unlimited time, transmitter and studio sites to be approved.

NEW—Burl Vance Hedrick, Salisbury, N. C.—C. P. for new station, 1340 kc., 1 KW, daytime only.

NEW—Northwestern Broadcasting Co., Vernon, Tex.—C. P. for new station, 1500 kc., 100 watts, unlimited.

NEW—J. F. Rodgers, Harlingen, Tex.—C. P. for new station, 1370 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Floyd A. Parton, San Jose, Calif.—C. P. (already in hearing docket) amended to request 1170 kc., 250 watts, daytime only, exact transmitter site to be determined with Commission's approval.

NEW—Richland Broadcasting Co., Mansfield, Ohio.—C. P. (already in hearing docket) amended to request 1370 kc., 100 watts, daytime only, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—C. P. to change transmitter site approximately 14.7 miles, from Mt. Vernon Highway near Potomac Yards, 1½ miles north of center of Alexandria, to 0.4 of a mile due east of Wheaton Four Corners, Wheaton, Md., install new equipment and directional antenna system for day and nighttime use, and increase power from 10 to 50 KW.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—C. P. to install new equipment and directional antenna system for day and nighttime operation, and increase power from 10 KW night, 25 KW day, to 50 KW unlimited time.

KFBI—The Farmers & Bankers Broadcasting Corp., Abilene, Kans.—C. P. to move station to Wichita, Kans., and install new equipment and vertical radiator. Exact transmitter and studio sites to be determined with Commission approval.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio—C. P. (already in hearing docket), amended to request installation of new equipment and directional antenna for nighttime use and increase in power from 500 watts night, 1 KW day to 1 KW night, 5 KW day, using directional antenna for nighttime use.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Modification of C. P. to change transmitter site to N. Ridgewood Ave., Fort Grange, Fla., install new equipment and vertical radiator, change frequency from 1420 kc. to 1240 kc., and increase power from 100 watts to 1 KW.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—C. P. to install new equipment, change frequency from 1310 kc. to 1450 kc., and increase power and time of operation from 250 watts, daytime only, to 500 watts, unlimited time; request contingent upon granting of KTBS's application for change in frequency.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—C. P. to change frequency from 1450 kc. to 620 kc. and install directional antenna system for day and night operation.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Modification of license to change frequency from 1500 kc. to 1200 kc.

KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., San Luis Obispo, Calif.—Modification of license to change power from 100 watts night, 250 watts day and time of operation to unlimited.

KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Voluntary assignment of license to Beaumont Broadcasting Corp.; 560 kc., 500 watts night, 1 KW day, unlimited time.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFDY, Brookings, S. Dak.; KFEL, Denver, Colo.; KFKA, Greeley, Colo.; KFNF, Shenandoah, Iowa; KFPY, Spokane, Wash.; KFRC, San Francisco and auxiliary; KFRU, Columbia, Mo.; KFSD, San Diego; KFYP, Bismarck, N. Dak.; KGFX, Pierre, S. Dak.; KGHL, Billings, Mont.; KGKO, Wichita Falls, Texas; KGW, Portland, Ore.; KHJ and auxiliary, Los Angeles; KLX, Oakland, Calif.; KOAC, Corvallis, Ore.; KPOF, Nr. Denver; KPRC, Houston, Texas; KSAC, Manhattan, Kans.; KSFD, San Francisco; KTAR, Phoenix, Ariz.; K TSA, San Antonio, Texas; KWTO, Springfield, Mo.; WAAF, Chicago; WBAA, W. Lafayette, Ind.; WBEN, Buffalo, N. Y., and auxiliary; WCAO and auxiliary, Baltimore, Md.; WCOC, Meridian, Miss.; WDBO, Orlando, Fla.; WEAN, Providence, R. I.; WEEL, Boston; WFIL, Philadelphia and auxiliary; WGBF, Evansville, Ind.; WGR, Buffalo, N. Y.; WGST, Atlanta, Ga.; WHJB, Greensburg, Pa.; WIBW, Topeka, Kans.; WICC, Bridgeport, Conn.; WILL, Urbana, Ill.; WIND, Gary, Ind.; WIS, Columbia, S. C.; WJAY, Cleveland; WKBN, Youngstown, Ohio; WKRC, Cincinnati; WKZO, Kalamazoo, Mich.; WLBZ, Bangor, Maine; WMAL and auxiliary, Washington, D. C.; WMCA, New York City and auxiliary; WNAX, Yankton, S. Dak.; WOSU, Columbus, Ohio; WOW, Omaha; WPHR, Petersburg, Va.; WPRO, Providence, R. I.; WQAN and auxiliary, Scranton, Pa.; WSPA, Spartanburg, S. C.; WSUI, Iowa City, Iowa; WSYR-WSYU, Syracuse, N. Y.; WWNC, Asheville, N. C.

KARK—Ark. Radio & Eqpt. Co., Little Rock, Ark.—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon pending application for renewal.

KFUO—Evangelical Lutheran Synod of Mo., Etc., Clayton, Mo.—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon pending application for renewal.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted renewal of license on a temporary basis subject to whatever action may be taken upon application for renewal and upon application of station KFUO.

WDEV—Chas. B. Adams, Adm. of Harry C. Whitehill Estate and Executor of Mary M. Whitehill Estate, Waterbury, Vermont.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon application for renewal of license and upon application of WBZA.

## ORAL ARGUMENTS GRANTED

The Commission granted oral arguments in the following cases: Ex. Rep. 1-405, Monterey Peninsula Broadcasting Co., Del Monte, Cal., and Salinas Newspapers, Inc., Salinas, Cal., to be held October 21, 1937.

On October 28, 1937, the following: Ex. Rep. 1-432, The Bend Bulletin, Bend, Ore.; Ex. Rep. 1-435, West Texas Broadcasting Co., Wichita Broadcasting Co. and Faith Broadcasting Co., Wichita Falls, Tex.; KFPL, Dublin, Tex., and WFTX Inc., Wichita Falls.

Ex. Rep. 1-439, Chase S. Osborn, Jr., Fresno, Cal.; Ex. Rep. 1-441, Waterloo Times-Tribune Publishing Co., Waterloo, Iowa.

On November 4, 1937, the following: Ex. Rep. 1-442, Schuylkill Broadcasting Co., Pottsville, Pa., and Pottsville News & Radio Corp.; Ex. Rep. 1-444, William W. Ottaway, Port Huron, Mich.; Ex. Rep. 1-449, W. E. Whitmore, Hobbs, N. Mex.; Ex. Rep. 1-451, Royal Miller (KROY), Sacramento, Cal.

On November 18, 1937, the following: Ex. Rep. 1-452, The Pulitzer Publishing Co. (KSD), St. Louis, Mo., and KFUO, Clayton, Mo.; Ex. Rep. 1-453, Pacific Radio Corp. (KOOS), Marshfield, Ore.; Ex. Rep. 1-454, T. E. Kirksey, Waco, Tex.; Ex. Rep. 1-460, Broadcasting Service Organization, Inc., Boston (WORL).

## SPECIAL AUTHORIZATIONS

W2XDG—National Broadcasting Co., Inc., New York City—Granted special temporary authority to operate on 38.65 megacycles until definite allocations are made in ultra-high frequency bands, for a period not to exceed 30 days.

W9XVP-W9XVQ—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted extension of special temporary authority to operate two mobile high frequency relay broadcast transmitters, RCA Model ATR, on frequencies 31100, 34600, 37600, 40600 kes., power of 1 watt, for period August 1 to September 16, for relay broadcast of Minn. State Fair, for rebroadcast over WTCN.

WEST—Asso. Broadcasters, Inc., Easton, Pa.—Granted extension of special temporary authority to operate simultaneously with WKBO from 10 to 11 a. m. and from 5 to 6 p. m., EST, for period, August 23 to September 21, inclusive, due to adoption of Daylight Saving Time in Easton,

KFOX—Nichols & Warriner, Inc., Long Beach, Cal.—Granted special temporary authority to operate a 200 watt test transmitter between the hours of 12 midnight and 6 a. m., PST, in order to make filed strength tests from new transmitter site, on 1250 kc., for period not exceeding 30 days.

KMO—KMO, Inc., Tacoma, Wash.—Granted special temporary authority to rebroadcast program descriptive of an anti-aircraft bombardment from a U. S. Army plane at Fort Lewis, Wash., between 9 and 10:30 p. m., on August 22, 1937.

KPRC—Houston Printing Corp., Houston, Texas—Granted extension of special temporary authority to operate with power of 5 KW night, for period, August 22 to September 20, 1937.

KUSD—Univ. of So. Dak., Vermillion, S. Dak.—Granted special temporary authority to remain silent from 3 a. m., EST, September 1 to September 13, 1937, inclusive, during summer vacation.

WAXB-WAXC—Alford J. Williams, Pittsburgh, Pa.—Granted extension of special temporary authority to operate RCA Type H., aircraft transmitter, 5 watts power on board NR-1050 on frequencies 1646, 2090, 2190 and 2820 kc., as a relay broadcast station, for period September 1 to September 30, 1937, for testing and transmission of program communication service between plane and portable unit RCA Type AVT-7 on ground in connection with flight demonstrations and Jr. Aviator activities at various locations over the United States.

KFRO—Voice of Longview, Texas, Longview, Texas—Granted special temporary authority to operate from local sunset (6:30 p. m.) to 9 p. m., CST, using power of 100 watts on Sundays, September 5, 12, 19 and 26, 1937, in order to broadcast church services of the Kelly Memorial Methodist Church, Longview, Texas.

KGEK—Elmer C. Boehler, Sterling, Colo.—Granted special temporary authority to operate from 2 p. m. to 2:30 p. m., MST, Sunday, September 19, and from 12:15 to 1 p. m., MST, September 26, in order to broadcast Special Religious programs.

WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to operate from 7 to 7:30 p. m., CST, Friday, September 24, 1937 (provided WLB remains silent) in order to permit WTCN to schedule the NBC Robert Ripley program.

WLB—Univ. of Minnesota, Minneapolis, Minn.—Granted special temporary authority to operate from 8 to 8:30 p. m., CST, (Provided WTCN remains silent).

KGGF—Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 8:15 to 9:15 p. m., CST, September 1, 8, 15, 22, 29 and from 7:15 to 9:15 p. m., CST, September 2, 7, 9, 14, 16, 21, 23, 28 and 30, 1937 (provided WNAD remains silent), in order that KGGF may broadcast during time WNAD is silent for summer vacation of Okla. Univ.)

WNAD—Univ. of Oklahoma, Norman, Okla.—To remain silent on the above dates in order to observe summer vacation.

WCAL—St. Olaf College, Northfield, Minn.—Granted extension of special temporary authority to operate from 2 to 3 p. m., CST, the following Sundays, September 5, 12 and 19 (provided WTCN remains silent), in order to continue to schedule NBC programs with the commencement of daylight saving time in New York.

WTCN—Minnesota Broadcasting Corp. Minneapolis, Minn.—Granted extension of special temporary authority to operate from 3 to 4 p. m., CST, the following Sundays, September 5, 12 and 19, in order to continue to schedule NBC programs with the commencement of daylight saving time in New York (provided WCAL remains silent).

Out West Broadcasting Co., Colorado Springs, Colo.—Granted special temporary authority to operate a relay broadcast transmitter on frequencies 1622, 2058, 2150 and 2790 kc.; 40 watts, for relaying programs of Pike's Peak Auto Races and the Will Rogers Rodeo from Polo Field, Broadmoor, Colo., September 6, to be rebroadcast over station KVOR.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Granted special temporary authority to remain silent on Monday, September 6, in order to give staff benefits of holiday.

#### APPLICATIONS RETIRED TO FILES

Frank Ryan, Detroit, Mich.—Special temporary authority to transmit to KKLW program of ceremonies in connection with the arrival of Archbishop Mooney in Detroit, Monday, Evening, August 2, at 7:10 p. m. for approximately 45 minutes.

Dr. A. H. Schermann.—Application for C. P. to construct a new relay station retired to closed files inasmuch as further extension of time or for a license has not been filed.

Radio Service Corp. of Utah.—Application for C. P. requesting authority to construct a new relay broadcast station was retired to closed files for want of prosecution.

Intermountain Broadcasting Corp.—Application for authority to construct a new relay broadcast experimental station was retired to the closed files for want of prosecution.

#### APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WKEU—Radio Station WKEU, Griffin, Ga.—1310 kc., 100 watts, 100 watts LS, unlimited time.

NEW—WDSU, Inc., New Orleans, La.—1500 kc., 100 watts, 250 watts LS, unlimited time.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—1270 kc., 5 KW, 5 KW LS, unlimited time.

NEW—Hearst Radio, Inc., Albany, N. Y.—1240 kc., 1 KW, 1 KW LS, unlimited time.

KGA—Louis Wasmer, Spokane, Wash.—950 kc., 1 KW, 5 KW LS, unlimited time.

NEW—WKY Radiophone Co., Oklahoma City, Okla.—C. P. for experimental relay broadcast station.

WBNO—The Coliseum Place Baptist Church, New Orleans—Voluntary assignment of license to WBNO, Inc.

NEW—Carolinas Radio, Inc., Charlotte, N. C.—C. P.; 880 kc., 1 KW, unlimited time.

WCMI—Ashland Broadcasting Co., Inc., Ashland, Ky.—C. P.; 1120 kc., 250 watts night, 1 KW LS, unlimited time, install new transmitter and make antenna changes.

NEW—Evening News Press, Inc., Port Angeles, Wash.—C. P.; 1400 kc., 250 watts, unlimited time.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—C. P. to move to Decatur, Ill.

The following application, heretofore set for hearing, was denied as in cases of default, for failure of applicant to file an appearance in accordance with Rule 104.6 (c):

NEW—A. I. Beard, Jasper, Ala.—1500 kc., 100 watts, 100 watts LS, unlimited time.

#### MISCELLANEOUS

W. E. Whitmore, Hobbs, N. Mex.—Denied motion to strike exceptions to Ex. Rept. 1-449 involving application for new station to operate on 1500 kc., 100 watts, daytime only. Docket 4174.

NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—Granted motion for extension of time within which to file exceptions to Ex. Rept. 1-461.

NEW—Old Colony Broadcasting Corp., Lawrence, Mass.—Denied petition requesting extension of effective date of Commission's decision on the applications of Hildreth & Rogers Co. (Docket 3940) and Old Colony Broadcasting Corp. (Docket 4056.)

WAVE—WAVE, Inc., Louisville, Ky.—Granted petition to intervene in the hearing of application of WCRC, New Albany, Ind., for C. P. to change frequency from 1370 to 880 kc., and increase hours from daytime to unlimited. (Docket 4654.)

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted petition to intervene in the hearing on the application of G. Bruce McConnell for C. P. to erect a new station at Indianapolis, to operate on frequency 1500 with 100 watts night, 250 watt-LS, specified hours. (Docket 4618.)

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted petition to intervene in the hearing on the application of G. Bruce McConnell for C. P. to erect a new station at Indianapolis, to operate on frequency 1500 with 100 watts night, 250 watt-LS, specified hours. (Docket 4618.)

WSBT—South Bend Tribune, South Bend, Ind.—Granted petition to intervene in the hearing on application of Walker & Chapin, Oshkosh, Wis., for C. P. to operate a new station on 1010 kc., with power of 250 watts, unlimited time. (Docket 4588.)

WTCC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted petition to intervene in the hearing on the application of Seaboard Broadcasting Corp. for C. P., to erect a new station at Savannah, to operate on frequency 1310 kc., 100 watts night, 250 watts LS, unlimited time. (Docket 4625.)

- WOW—Woodman of the World Life Ins. Co., Omaha, Neb.—Granted petition to intervene in the hearing of the application of The Great Western Broadcasting Co. for C. P. to erect a new station at Omaha, to operate on frequency of 1420 kc., with 100 watts, unlimited time. (Docket 4641)
- WTAQ—WHBY, Inc., Green Bay, Wis.—Granted petition to intervene in the hearing on the application of Walker & Chapin for C. P. to erect a new station at Oshkosh, Wis., 1010 kc., 250 watts, unlimited time. (Docket 4588)
- NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—Granted motion for extension of time within which to file exceptions to Ex. Rept. 1-461.
- NEW—Old Colony Broadcasting Corp., Lawrence, Mass.—Denied petition requesting extension of effective date of Commission's decision on the applications of Hildreth & Rogers Co. (Docket 3940) and Old Colony Broadcasting Corp. (Docket 4056).
- WAVE—WAVE, Inc., Louisville, Ky.—Granted petition to intervene in the hearing of application of WCRC, New Albany, Ind., for C. P. to change frequency from 1370 to 880 kc., and increase hours from daytime to unlimited. (Docket 4654)
- WIRE—Indianapolis Broadcasting Inc., Indianapolis, Ind.—Granted petition to intervene in the hearing on the application of G. Bruce McConnell for C. P. to erect a new station at Indianapolis, to operate on frequency 1500 kc., with 100 watts night, 250 watts LS, specified hours. (Docket 4618)
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted petition to intervene same as above.
- WSBT—South Bend Tribune, South Bend, Ind.—Granted petition to intervene in the hearing on application of Walker & Chapin, Oshkosh, Wis., for C. P. to operate a new station on 1010 kc., with power of 250 watts, unlimited time. (Docket 4588)
- WTCC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted petition to intervene in the hearing on the application of Seaboard Broadcasting Corp. for C. P. to erect a new station at Savannah, to operate on frequency of 1310 kc., 100 watts night, 250 watts LS, unlimited time. (Docket 4625)
- WOW—Woodman of the World Life Ins. Co., Omaha, Neb.—Granted petition to intervene in the hearing of the application of The Great Western Broadcasting Co. for C. P. to erect a new station at Omaha, to operate on frequency of 1420 kc., with 100 watts, unlimited time. (Docket 4641)
- WTAQ—WHBY, Inc., Green Bay, Wis.—Granted petition to intervene in the hearing on the application of Walker & Chapin for C. P. to erect a new station at Oshkosh, Wis., 1010 kc., 250 watts unlimited time. (Docket 4588)
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Denied petition to reconsider and grant without a hearing application to install vertical antenna transmitter and increase power from 100 watts daytime to 5 KW-LS at Chicago.
- KGBW—Black Hills Broadcast Co., Rapid City, S. Dak.—Denied petition of applicant to reconsider and grant without a hearing application for voluntary assignment of license.
- NEW—T. E. Kirksey, Waco, Tex.—Denied applicant's petition to remand for further hearing application for C. P. to use 930 kc., 250 watts, 500 watts LS, unlimited time.
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Denied request for authority to use the following station identification announcement: "This is WHBF, Rock Island, Moline, and Davenport".
- NEW—United Theatres, Inc., San Juan, P. R.—Granted petition to postpone hearing on application for C. P. to operate on 570 kc., with 1 KW power, unlimited, from September 17 to September 24, 1937.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted petition to accept answer in the matter of the hearing on application of Arkansas Broadcasting Co., Little Rock, Arkansas, for C. P. to install directional antenna and increase power from 2½ KW-LS to 5 KW-LS, in which case applicant is respondent.
- NEW—Jules J. Rubens.—Granted petition to waive Rule 104.6(b) and accept respondent's answer in the matter of the proceeding on application of Evanston Broadcasting Co. for C. P. to erect a new station at Evanston, Ill., to operate on 1020 kc., 250 watts, daytime only (Docket 4509).
- KRKD—Radio Broadcasters, Inc., Los Angeles, Cal.—Denied petition of Frank P. Doherty, transferer, for dismissal without prejudice of application of Radio Broadcasters, Inc. (KRKD) for authority to transfer control; and, the Commission, on the basis of the sworn statements in the petition, acted on its own motion and dismissed the application with prejudice.
- WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Denied request to furnish applicants with certain documents submitted by Examining, Engineering and Law Departments relative to application of Telegraph-Herald, Dubuque, Iowa, for C. P. to use frequency 1340 kc., 500 watts, daytime hours.
- Gross & Shields, Saginaw, Mich.—Granted extension of time within which to file application for approval of transmitter site from July 18, 1937, to 60 days after disposition of the Saginaw Broadcasting Company's appeal now pending in U. S. Court of Appeals.
- WBNO—Coliseum Place Baptist Church, New Orleans, La.—Granted in part petition for authority to move transmitter and studio sites locally, install new antenna and equipment (authority to change frequency from 1200 kc. to 1420 kc. and increase power and hours of operation to 100 watts night, 200 watts day, unlimited time, to remain in Dockets for hearing).
- NEW—Chase Osborn, Jr., Fresno, Calif.—Denied petition for rehearing under Sec. 405, before the full Commission, upon application of George Harm for a new station at Fresno, Calif. (Docket 3944) to operate on 1310 kc., 100 watts, unlimited time, which was granted by the Commission July 2, 1937.
- WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Denied petition for extension of effective date of Commission's decision upon the application of Telegraph-Herald for a new station at Dubuque, Iowa, to operate on 1340 kc., 500 watts, daytime only, which was granted July 2, 1937.
- NEW—E. Anthony & Sons, Inc., Pawtucket, R. I.—Denied petition for rehearing on application for C. P. to erect a new station to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited.
- NEW—Garrett Telephone Co., Garrett, Ind.—Denied petition of Company for rehearing before the Commission, and entered its order in re Docket 3344, effective October 1, 1937.
- NEW—Voice of Greenville, Greenville, Tex.—Dismissed petition of Voice of Greenville and the Southland Industries, Inc., for rehearing in the matter of the application of Hunt Broadcasting Assn. for new station at Greenville, Tex., to use 1200 kc., 100 watts, daytime only (Docket 3242), which was granted by the Commission on May 18, 1937, and was carried to the Court of Appeals of D. C. by the Southland Industries, Inc., on August 2, 1937.

#### EXAMINERS' REPORTS RELEASED SINCE JULY 30, 1937

- NEW—Ex. Rep. 1-470: WRBC, Inc., Cleveland, Ohio.—Examiner M. H. Dalberg recommended denial of application for new station to operate on 880 kc., 1 KW, unlimited time.
- KWTN—Ex. Rep. 1-471: Greater Kampska Radio Corp., Watertown, S. Dak.—Examiner Tyler Berry recommended grant of renewal of license for KWTN but denial of C. P. to change frequency from 1210 kc. to 1340 kc., 100 watts, unlimited time to 250 watts night, 500 watts day, unlimited time.
- KGDY—Voice of So. Dakota, Huron, S. Dak.—Examiner Berry recommended grant of renewal of license but denial of C. P. to change frequency from 1340 to 1210 kc., 250 watts, daytime operation to 100 watts night, 250 watts day, unlimited, make changes in equipment, install a vertical antenna and move transmitter and studios.
- KGDY—Dr. Finn Koren, Robert J. Dean and M. W. Plowman, Transferers; Greater Kampska Radio Corp., Transferee, Huron, S. Dak.—Examiner Berry recommended grant of application for authority to transfer control of KGDY to the Greater Kampska Radio Corp.
- WEAN—Ex. Rep. 1-472: The Yankee Network, Inc., Providence, R. I.—Examiner John P. Bramhall recommended grant of C. P. to increase power from 1 KW night and day, to 1 KW night, 5 KW-LS.
- NEW—Ex. Rep. 1-473: Roberts McNab Co., Bozeman, Mont.—Examiner M. H. Dalberg recommended grant of C. P. to operate a station on 1420 kc., 100 watts night, 250 watts LS, unlimited time.
- NEW—Gallatin Radio Forum, Bozeman, Mont.—Examiner Dalberg recommended denial of C. P. to erect a new station to operate on 1420 kc., 250 watts, daytime.
- NEW—Ex. Rep. 1-474: J. K. Patrick & Co., Athens, Ga.—Examiner Geo. H. Hill recommended grant of C. P. for new

station to operate on 1310 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Ex. Rep. 1-475: Press-Union Publ. Co., Atlantic City, N. J.—Examiner John P. Bramhall recommended grant of C. P. to erect a new station to operate on 1200 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Ex. Rep. 1-476: Summit Radio Corp., Akron, Ohio.—Examiner John P. Bramhall recommended grant of application for C. P. for new station to operate on 1530 kc., 1 KW, unlimited time.

## RATIFICATIONS

The Commission ratified the following actions taken on the dates shown:

KTKC—Tulare Kings Counties Radio Assn., Visalia, Calif.—Granted extension program test period 30 days from August 16, 1937.

WGTM—H. W. Wilson & Ben Farmer, Wilson, N. C.—Granted same as above except from August 18.

WPRA—Puerto Rico Adv. Co., Mayaguez, P. R.—Granted same as above except from August 18.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Same except 30 days from August 10.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Same except 30 days from August 18.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate a crystal controlled 100 watt transmitter on 680 kc., in vicinity of Lawrence, during daytime hours, for period August 15 to September 13, 1937.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate a 40 watt C. W. test transmitter, master oscillator control, between 1 and 6 a. m. EST for period August 16 to September 14, 1937, in order to determine transmitter site.

W9XXC—Rock Island Broadcasting Co., Rock Island, Ill.—Granted special temporary authority to operate a Barr transceiver, as relay broadcast station on frequency 49800 kc., for the period August 16 to Aug. 21, to relay broadcast program from Miss. Valley Fair Grounds to be rebroadcast over WHBF.

WIRE—Ind. Broadcasting Inc., Indianapolis, Ind.—Granted special temporary authority to operate a 75 watt test transmitter on 1400 kc., between hours 1 and 6 a. m., for period not to exceed 2 weeks.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted special temporary authority to rebroadcast over KFNF the Naval Observatory Arlington Time Signals at 11 a. m. CST daily, except Sunday, for period ending no later than August 31, 1937.

KGW—Oregonian Publishing Co., Portland, Ore.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 to 12 p. m. CST, for period August 14 to August 20, 1937, in order to broadcast Illinois State Fair.

KUMA—Albert H. Scherman, Yuma, Ariz.—Granted special temporary authority to remain silent for period not to exceed 10 days pending filing and action on C. P. to move transmitter.

Denied motion of Continental Radio Co., for a 30-day extension of the effective date of decision upon application of Continental Radio Co. Docket 3301; Community Broadcasting Co., Docket 2667, and WALR Broadcasting Corp., Docket 2486.

## APPLICATIONS RECEIVED

### First Zone

WGAN—Portland Broadcasting System, Inc., Portland, Ore.—Authority to transfer control of corporation from Estate of George W. Martin to Lloyd C. Greene and Wm. N. Campbell, 251 shares common stock (84 shares to L. C. Greene, 167 shares to W. N. Campbell).

WESG—Cornell University, Ithaca, N. Y.—Modification of license 1040 to change frequency from 1040 kc. to 850 kc. and hours of operation from 6 a. m. to sunset at Hot Springs to 6 a. m. to sunset at New Orleans, La.

WIBX—WIBX, Inc., Utica, N. Y.—License to cover construction 1200 permit (B1-P-1426) as modified for new equipment, change in power, and move of transmitter.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—License 1210 to cover construction permit (B1-P-1570) for new antenna and move of transmitter.

WFAB—Fifth Avenue Broadcasting Corp., New York, N. Y.—1300 Voluntary assignment of license from Fifth Avenue Broadcasting Corp. to Debs Memorial Radio Fund, Inc.

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Construction permit to install a new transmitter and directional antenna for day and night use, increase power from 1 KW to 5 KW, and move transmitter from 138 Pine St., Cliffside Park, N. J., to near Secaucus, N. J. Amended to change requested power from 5 KW to 1 KW night, 5 KW day.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—1420 Authority to make changes in automatic frequency control apparatus.

NEW—World Wide Broadcasting Corp., New York, N. Y.—Construction permit for a new international station to be operated on 6040, 11790, 15250 kc., 10,000 watts.

### Second Zone

NEW—Kentucky Broadcasting Corp., Louisville, Ky.—Construction permit for a new station to be operated on 1210 kc., 100 watts night, 250 watts day, unlimited time. Amended to change name of applicant from D. E. Kendrick (individual) to Kentucky Broadcasting Corp. (a corporation).

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Modification of construction permit (B2-P-1013) for a new station, requesting changes in authorized equipment, increase power from 100 watts to 100 watts night, 250 watts day, approval of vertical antenna, approval of transmitter site and change of studio site. Amended to omit request for increase in power.

W8XXD—The Fort Industry Co., Toledo, Ohio.—Modification of construction permit (B2-PRE-21) for changes in equipment.

W8XXD—The Fort Industry Co., Toledo, Ohio.—License to cover above.

WAAJ—The Fort Industry Co., Toledo, Ohio.—Modification of construction permit (B2-PRY-46) for changes in equipment

WAAJ—The Fort Industry Co., Toledo, Ohio.—License to cover above.

NEW—Ashland Broadcasting Co., Ashland, Ky.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

### Third Zone

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—880 Modification of construction permit (B3-P-1434) as modified for changes in equipment, requesting extension of completion date from 9-10-37 to 11-10-37.

WGST—Georgia School of Technology, Atlanta, Ga.—Construction permit to use old composite (1 KW) transmitter as an auxiliary transmitter. Amended to make changes in and move transmitter from Third and Cherry Streets to Cheshire Bridge Road and Seaboard Railway, Atlanta, Ga.

KRLD—KRLD Radio Corp., Dallas, Tex.—License to cover construction permit (B3-P-1520) for changes in equipment.

WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Voluntary assignment of construction permit (B3-P-1682) and license from E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., to Jack Williams.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power.

WSIX—WSIX, Inc., Nashville, Tenn.—Construction permit to 1210 install a new transmitter and increase power from 100 watts to 100 watts night, 250 watts day.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authority to determine operating power by direct measurement of antenna.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Construction permit to install new transmitter and directional antenna for night use; change frequency from 1310 kc. to 900 kc.; increase power from 100 watts to 1 KW night, 5 KW day; move transmitter from 416-420 N. Marshall Street, Winston-Salem, N. C., to 1/8 mile west of O. E. Holder homeplace, Oldtown Township, North Carolina.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

- NEW—Broward Broadcasting Co., Fort Lauderdale, Fla.—Construction permit for a new station to be operated on **1370** kc., 100 watts night, 250 watts day, unlimited time.
- KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Authority to transfer control of corporation from Ethel Bowen Barrett, Thurman Barrett, R. E. Willson, Louise Hillje Taylor, Henry Lee Taylor and Harvis H. Hillje to Elliott Roosevelt, 1,000 shares common stock.
- KOMA—Hearst Radio, Inc., Oklahoma City, Okla.—Construction permit to install a new transmitter, make changes in antenna and increase power from 5 KW to 10 KW.
- WKEU—Radio Station WKEU, Griffin, Ga.—Construction permit to make changes in equipment; install vertical antenna; change frequency from **1500** kc. to **1310** kc., hours of operation from daytime to unlimited, power from 100 watts to 100 watts night, 250 watts day; and move transmitter and studio from Griffin Hotel, W. Solomon St., Griffin, Ga., to Cherry Street and Cotton Avenue, Macon, Ga. Amended to change transmitter site to site to be determined, Macon, Ga.
- NEW—James F. Hurley, Jr., Salisbury, N. C.—Construction permit for a new station to be operated on **1500** kc., 100 watts, daytime.
- W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—License to cover construction permit (B3-PHB-17) for move of transmitter.

#### Fourth Zone

- NEW—Wm. F. Huffman, Wisconsin Rapids, Wis.—Construction permit for a new station to be operated on **580** kc., 250 watts, unlimited time. To use directional antenna at night.
- WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Construction permit to install a vertical antenna; change frequency from **1200** kc. to **1310** kc., hours of operation from S-WJBC to unlimited; move transmitter from 301 N. Water Street, Decatur, Ill., to Route 48, Decatur, Ill. Requests facilities of WBOW, contingent upon the granting of WBOW's application for change of frequency.
- WDWS—The Champaign News-Gazette, Inc., Champaign, Ill.—Construction permit to make changes in equipment; increase power from 100 watts to 100 watts night, 250 watts day; change hours of operation from daytime to unlimited.
- NEW—Madison Broadcasting Co., Madison, Wis.—Construction permit for a new station to be operated on **1450** kc., 250 watts, unlimited time. To use directional antenna day and night.
- KSAL—R. J. Laubengayer, Salina, Kans.—Authority to determine **1500** operating power by direct measurement of antenna.
- KIGA—National Battery Broadcasting Co., Minneapolis, Minn.—Construction permit to install a new transmitter and increase power from 7.5 watts to 16 watts.
- KIGA—National Battery Broadcasting Co., Minneapolis, Minn.—License to cover above.
- NEW—Indianapolis Power & Light Co., Indianapolis, Ind.—Construction permit for a new relay broadcast station to be operated on **31100, 24600, 37600, 40600** kc., 40 watts.
- W9XQV—Rockford Broadcasters, Inc., Rockford, Ill.—License to cover construction permit (B4-PRE-77) as modified for a new relay broadcast station.
- NEW—National Battery Broadcasting Co., St. Paul, Minn.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790** kc., 2 watts.

- NEW—National Battery Broadcasting Co., St. Paul, Minn.—License to cover above.
- NEW—Everett L. Dillard, d/b as Commercial Radio Equipment Co., Kansas City, Mo.—Construction permit for a new high frequency broadcast station to be operated on **31600, 35300, 38600, 41000** kc., 250 watts.
- NEW—The Champaign News-Gazette, Inc., Champaign, Ill.—Construction permit for a new relay broadcast station to be operated on **1606, 2022, 2102, 2758** kc., 100 watts.

#### Fifth Zone

- NEW—C. P. Sudweeks, Spokane, Wash.—Construction permit for a new station to be operated on **950** kc., 500 watts night, 1 KW day, unlimited time. Amended to change requested transmitter site from Pleasant Prairie, Wash., to southeast quarter of Sec. 34, Twp. 26, Range 42 East, near Spokane, Wash.
- KLAH—Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller, d/b as Carlsbad Broadcasting Co., Carlsbad, N. Mex.—Voluntary assignment of license from Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller, d/b as Carlsbad Broadcasting Co., a partnership, to Jack W. Hawkins and Barney Hubbs.
- KHUB—Anna Atkinson, Executrix, Watsonville, Calif.—Voluntary assignment of license from Anna Atkinson, Executrix, to John P. Scripps.
- KAST—Astoria Broadcasting Co., Astoria, Ore.—Construction permit to make changes in equipment; install vertical antenna; increase power from 100 watts to 100 watts night, 250 watts day; change frequency from **1370** kc. to **1200** kc.; change hours of operation from daytime to unlimited time; and move transmitter from 611 Commercial Street, Astoria, Ore., to site to be determined, Astoria, Ore.
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Construction permit to increase power from 250 watts to 1 KW and install new transmitter.
- KLBM—Harold M. Finlay and Mrs. Eloise Finlay, La Grande, Ore.—Modification of construction permit (B5-P-1078) for a new station, requesting changes in transmitting equipment, approval of antenna, approval of studio site at 1402 Adams Avenue, La Grande, Ore., and transmitter at State Highway, 1.3 miles from town, La Grande, Ore.
- KELA—Central Broadcasting Corp., Centralia-Chehalis, Wash.—Modification of construction permit (B5-P-1477) for a new station, requesting changes in equipment, approval of vertical antenna, and approval of transmitter site between Centralia and Chehalis, Wash., and studio site at Pacific Highway, between Centralia and Chehalis, Wash.
- NEW—Tom Olsen, Port Angeles, Wash.—Construction permit for a new station to be operated on **1500** kc., 250 watts, daytime. Amended to make changes in requested equipment.
- NEW—Church of Jesus Christ of Latter Day Saints, near Salt Lake City, Utah.—Construction permit for a new international broadcast station to be operated on **15250, 21460** kc., 50 KW. Amended to add frequency **6020** kc. (daytime but remaining silent at night when interference might be caused to service of DJC, Zeesen, Germany); **9510** kc. (subject to operation only at such times when interference is not caused to service of GSB, Daventry, England), and **11710** kc.



# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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### NEW FCC COMMISSIONERS CONFIRMED

The Senate before adjournment confirmed Frank R. McNinch and T. A. M. Craven as members of the Federal Communications Commission to fill the vacancies left by the death of Chairman Anning S. Prall, and Dr. Irvin Stewart, resigned.

Mr. Craven was sworn in as a member of the Commission on Wednesday. It is reported that Mr. McNinch will not take the oath of office for a short time owing to the fact that he has some matters at the Federal Power Commission which he wishes to clear up first.

### NEBRASKA BROADCASTERS ELECT OFFICERS

The Nebraska Broadcasters Association held its annual meeting at Grand Island on August 9. The officers and directors elected for the ensuing year are: John M. Henry, KFAB-KFOR-KOIL, President; Clark Standiford, KGFV, Vice-President; Art Thomas, WJAG, Secretary-Treasurer; Frank Manchester, WAAW, and L. L. Hilliard, KGKY, Directors.

### CHANGE IN POWER AND FREQUENCY RECOMMENDED

Broadcasting Station KABR, Aberdeen, S. Dak., applied to the Federal Communications Commission for a construction permit to change its frequency from 1420 kilocycles to 1390 kilocycles and to increase its power from 100 watts, unlimited hours to 500 watts night-time and 1,000 watts LS, with unlimited hours of operation.

Examiner R. H. Hyde, in Report No. I-481, recommended that the application be granted. He stated that due to the unusually large geographical area and the long distances between larger communities, the additional facilities applied for are needed to improve the service now available in Aberdeen and to extend it to a greater area and he added that the proposed changes would not cause interference to other stations on the same or adjacent frequencies.

### STATUS OF FEDERAL RADIO LEGISLATION

The resolution of Senator White of Maine calling for an investigation of the radio industry was not passed

A Special Bulletin concerning the A. F. of M. situation will be issued later this week following a meeting of the NAB Executive Committee.

during the closing hours of the first session of the Seventy-Fifth Congress which adjourned Saturday, August 21.

The White resolution was favorably reported by the Senate Committee on Interstate Commerce but an appropriation of \$25,000 was added to defray the expenses of the investigation which necessitated its reference to the Senate Audit and Control Committee. As the session ended the resolution had not been reported out by the latter committee.

All bills introduced during the present session will retain their status when Congress reconvenes for the second session of the Seventy-Fifth Congress.

There follows a tabulation of the status of all federal bills of importance to broadcasters, separated as to Senate and House of Representatives.

#### SENATE

S. 5: Copeland (N. Y.): Food, Drug and Cosmetics. Passed Senate and referred to House Interstate and Foreign Commerce Committee.

S. 7: Duffy (Wisc.): Copyrights. To Patents Committee, January 6. No action.

S. 1353: Walsh (Mass.): Radio operators. To Interstate Commerce Committee, February 1. No action.

S. 1369: Capper (Kans.): Prohibits radio liquor advertising. To Interstate Commerce Committee, February 5. No action.

S. 2031: Sheppard (Texas): Copyrights. To Patents Committee, March 29. No action.

S. 2240: Guffey (Pa.): Copyrights. To Patents Committee, April 22. No action.

S. 2407: Sheppard (Texas): Radio operators minimum age provision. Passed Senate and referred to House Interstate and Foreign Commerce Committee.

#### IN THIS ISSUE

	Page
New FCC Commissioners Confirmed.....	2269
Nebraska Broadcasters Elect Officers.....	2269
Change in Power and Frequency Recommended.....	2269
Status of Federal Radio Legislation.....	2269
Recommends Power Increase for WMMN.....	2270
Antenna Tower Marking.....	2270
WGL Power Increase Recommended.....	2271
Appropriation for Radio Conference.....	2271
Recommends Against New Illinois Station.....	2271
Denial Recommended on Illinois Application.....	2271
Federal Trade Commission Action.....	2271
FTC Cases Dismissed.....	2273
Federal Communications Commission Action.....	2273

S. 2755: Schwellenbach (Wash.): Requires periods for broadcasts on social and political matters. To Interstate Commerce Committee, July 8. No action.

S. 2756: Schwellenbach (Wash.): Requires broadcasters to keep records of applications for time and reasons for any rejections. To Interstate Commerce Committee, July 8. No action.

S. 2757: Schwellenbach (Wash.): Radio censorship. To Interstate Commerce Committee, July 8. No action.

S. 2758: Wheeler (Mont.): Prohibits transmission of gambling information by radio. To Interstate Commerce Committee, July 8. No action.

S. Res. 93: Pittman (Nev.): Provides for broadcasts of Congressional proceedings. To Interstate Commerce Committee, March 15. No action.

S. Res. 149: White (Me.): Investigation of radio broadcasting industry. Reported favorably by Interstate Commerce Committee. No action by Senate.

S. J. Res. 197: Pittman (Nev.): Appropriation for Habana radio conference. Passed by Senate.

## HOUSE

H. R. 13: Culkin (N. Y.): Prohibits liquor advertising by radio. To Interstate and Foreign Commerce Committee, January 5. No action.

H. R. 30: Dickstein (N. Y.): Alien actors. Hearings held by Immigration and Naturalization Committee. No action by House.

H. R. 300: Chapman (Ky.): Food, Drug and Cosmetic (Companion bill to S. 5). To Interstate and Foreign Commerce Committee, January 5. No action.

H. R. 2695: Moser (Pa.): Copyrights. To Patents Committee, January 12. No action.

H. R. 3004: Bloom (N. Y.): Copyrights. To Patents Committee, January 12. No action.

H. R. 3033: Scott (Calif.): Broadcast records (Companion bill to S. 2756). To Interstate and Foreign Commerce Committee, January 14. No action.

H. R. 3038: Scott (Calif.): Radio censorship (Companion bill to S. 2757). To Interstate and Foreign Commerce Committee, January 14. No action.

H. R. 3039: Scott (Calif.): Periods for social and political broadcasts (Companion bill to S. 2755). To Interstate and Foreign Commerce Committee, January 14. No action.

H. R. 3140: Culkin (N. Y.): Prohibits liquor advertising by radio. To Interstate and Foreign Commerce Committee, January 14. No action.

H. R. 3892: Wearin (Iowa): Prohibits radio monopoly. To Interstate and Foreign Commerce Committee, January 28. No action.

H. R. 3898: Lea (Calif.): Requires all radio operators to be licensed by FCC. Became Law.

H. R. 4281: Celler (N. Y.): Provision for Government broadcasting station. To Naval Affairs Committee, February 3. No action.

H. R. 4738: Culkin (N. Y.): Prohibits liquor advertising by radio. To Interstate and Foreign Commerce Committee, February 15. No action.

H. R. 4960: Martin (Mass.): Broadcast advertising of foreign-made goods. To Interstate and Foreign Commerce Committee, February 19. No action.

H. R. 5038: Anderson (Mo.): Provision for five-year broadcasting licenses. To Interstate and Foreign Commerce Committee, February 24. No action.

H. R. 5275: Daly (Pa.): Copyrights. To Patents Committee, March 3. No action.

H. R. 5300: Maloney (La.): Personal endorsement of articles by radio. To Interstate and Foreign Commerce Committee, March 3. No action.

H. R. 5336: Welch (Calif.): Minimum age requirement for radio operators. To Interstate and Foreign Commerce Committee, March 4. No action.

H. R. 5376: Welch (Calif.): Minimum age requirement for radio operators. To Interstate and Foreign Commerce Committee, March 5. No action.

H. R. 5548: Dickstein (N. Y.): Alien actors. To Immigration and Naturalization Committee, March 11. No action.

H. R. 6072: Whelchel (Ga.): Copyrights. To Patents Committee, April 1. No action.

H. R. 6440: Boylan (N. Y.): Wattage tax on radio stations. To Ways and Means Committee, April 15. No action.

H. R. 8230: Bernard (Minn.): Radio freedom of speech. To Interstate and Foreign Commerce Committee, August 13. No action.

H. Res. 61: Connery (Mass.): Investigation of radio industry. To Rules Committee, January 13. No action.

H. Res. 92: Connery (Mass.): Investigation of radio industry. To Rules Committee, January 28. No action.

H. Res. 313: McFarlane (Texas): Investigation of radio industry. To Rules Committee, August 13. No action.

H. Res. 321: Wiggleworth (Mass.): Ownership of stocks of radio corporations by FCC employees. To Interstate and Foreign Commerce Committee, August 18. No action.

H. Res. 342: Bacon (N. Y.): Investigation of lobbying interests at FCC. To Rules Committee, August 21. No action.

H. J. Res.: McReynolds (Tenn.): Appropriation for Habana radio conference (same as S. J. Res. 197). Passed by House.

## RECOMMENDS POWER INCREASE FOR WMMN

Broadcasting station WMMN, Fairmont, W. Va., operating unlimited time on 890 kilocycles, applied to the Federal Communications Commission for an increase in power from 500 watts night, 1,000 watts LS, to 1,000 watts night, 5,000 watts LS.

Examiner Robert L. Irwin recommended that the application be granted. He stated that there is a need for additional service in the area, that the increase will not cause interference with any existing or proposed stations and that the granting of the application will be in the public interest, convenience and necessity.

## ANTENNA TOWER MARKING

The Federal Communications Commission has issued the following in connection with the marking of antenna towers.

It has come to the attention of the Commission that the effectiveness of the antenna marking of many radio stations is considerably below normal, due to employing improper lamps and covers, failure to keep covers clean and deterioration of the tower paint.

In order to increase the effectiveness of this marking, thereby reducing the hazard to air navigation, the following instructions are issued:

(a) All antenna marking fixtures now equipped with lamps of 100 watts or less shall be equipped with 100 watt traffic signal lamps, Type A-21 clear, medium screw base. All lamps must be enclosed in aviation red prismatic obstruction light globes.

(b) All 200 watt code beacons shall be equipped with 200 watt general lighting service lamps, Type PS-30, clear, mogul prefocus base (where mogul prefocus base sockets are not now installed, these shall be installed).

(c) All 500 watt code beacons shall be equipped with 500 watt general lighting service lamps, Type PS-40, clear, mogul prefocus base (where mogul prefocus base sockets are not now installed, these shall be installed).

(d) All 500 watt rotating beacons shall be equipped with 500 watt aviation lighting service lamps, Type T-24 clear, mogul bi-post base.

(e) All 1000 watt rotating beacons shall be equipped with 1000 watt aviation lighting service lamps, Type T-20 clear, mogul bi-post base.



Attention is invited to the fact that these lamps which are particularly designed for the services specified, having considerably longer life than ordinary lamps of similar wattage, and in addition are much more efficient for these services. The use of the proper lamps as above stated, should materially increase the effectiveness and reduce the cost and inconvenience of maintenance.

(f) The tower paint shall be kept in good condition and repainted as often as necessary to maintain this condition. Towers now painted black and yellow shall when repainting is necessary, be painted in accordance with the present standards as follows:

"Each tower shall be painted throughout its height with alternate bands of international orange (orange yellow No. 5 of Color Card Supplement to the United States Army Quartermaster Corps Specifications No. 3-1) (see color card attached) and white, terminating with international orange bands at both top and bottom. The width of the international orange bands shall be one-seventh the height of the structure (if towers are over 250 feet, bands should be from 30 to 40 feet). The white bands shall be one-half the width of the international orange bands."

These instructions are effective immediately and the licensees of all stations where antenna marking is required shall proceed immediately to comply therewith.

#### WGL POWER INCREASE RECOMMENDED

Radio station WGL, Fort Wayne, Ind., operating unlimited time on 1370 kilocycles applied to the Federal Communications Commission to increase its power from 100 watts to 100 watts night and 250 L. S.

Examiner Tyler Berry, in Report I-477, recommended that the application be granted. He states that there is a need for additional service in that area and that no objectionable interference will be caused by the proposed increase in day power.

#### APPROPRIATION FOR RADIO CONFERENCE

Just before adjournment the House of Representatives passed S. J. Res. 197, providing for an appropriation of \$15,000 for the use of the American delegation to the Inter-American Radio Conference to be held at Habana, Cuba, beginning in November. The resolution had already passed the Senate.

#### RECOMMENDS AGAINST NEW ILLINOIS STATION

Robert Raymond McCulla applied to the Federal Communications Commission for a construction permit for a new broadcasting station at Oak Park, Ill., to be operated on 1500 kilocycles, 100 watts power and daytime operation.

Examiner Tyler Berry, in Report No. I-480, recommended that the application be denied. He found that the applicant was not technically or financially qualified to construct and operate the proposed station, that the area is now receiving satisfactory primary service and that the site selected for the station was not satisfactory from an engineering standpoint.

#### DENIAL RECOMMENDED ON ILLINOIS APPLICATION

The Key City Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Kankakee, Ill., to operate on 1500 kilocycles, 100 watts power, unlimited time.

Examiner Tyler Berry, in Report No. I-479, recommended that the application be denied. He stated that the applicants were not financially and technically qualified to construct and operate the proposed station, that the area now receives primary service from a number of stations, and the proposed station would cause objectionable interference with Station WHIP.

#### FEDERAL TRADE COMMISSION ACTION

##### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**No. 3205.** A complaint has been issued against **S. C. Ross**, 64 West Randolph St., **Chicago**, trading as **Ideal Gift Company**, alleging unfair methods of competition in promoting the sale of rotary clocks, fountain pen and pencil sets, and other merchandise through use of lotteries or gift enterprises.

The complaint alleges that the respondent furnishes customers with pushcards, the use of which involves the distribution of merchandise to ultimate consumers wholly by lot or chance. The pushcard, it is alleged, permits the drawing of prizes by chance through selection of a certain name from among a number of feminine names appearing on the cards.

**No. 3206.** Misrepresentation of certain piece-goods as silk, when in fact they are composed of other materials, is alleged in a complaint issued against **H. Kluger, Inc.**, 180 Madison Ave., **New York**.

On labels and in advertising matter, the respondent allegedly describes and refers to products not composed of silk as "Pur'Di", "100% pure dye", "pure silk filled", "100% pure dye crepe" and "crepe".

Dress goods and other items of wearing apparel to which such descriptive words and phrases are applied, the complaint charges, have for a long time been associated in the public mind with a fabric commonly known as and understood generally to be silk.

**No. 3207.** Use of lotteries or gift enterprises to promote the sale of bed and table linen, silverware, wearing apparel and other merchandise is alleged in a complaint against **John C. Merritt**, 1321 South 22nd St., **Birmingham, Ala.**, trading as **Merco Sales Company**.

The respondent is charged with furnishing customers with pushcards, the use of which involves the distribution of merchandise to ultimate consumers wholly by lot or chance. The pushcard, it is alleged, permits the drawing of prizes by chance through selection of a certain name from among a number of feminine names appearing on the card.

**No. 3208.** **Corrugated Container Corporation**, 230 Third Ave., **Brooklyn**, is respondent in a complaint alleging use of unfair

methods of competition in the sale of corrugated paper fiber boxes.

The case involves the company's alleged improper stamping of its products in violation of rules on file with the Interstate Commerce Commission relating to the construction requirements of corrugated paper boxes used in shipments by rail.

**No. 3209. The William M. Hardie Company, 1584 East 19th St., Cleveland,** is charged in a complaint with unfair competition in the sale to dealers of candies so packed and assembled as to involve use of a lottery scheme when such products are resold to ultimate consumers.

**No. 3120.** Charging false and misleading representations in the sale of men's and women's wearing apparel, a complaint has been issued against **Samuel Stores, Incorporated, 460 Fourth Ave., New York.**

In advertisements and sales talks, the respondent company is alleged to have represented that with purchases amounting to \$25, certain gifts would be awarded, consisting of a choice of a \$6.95 dress, an all-weather sport coat, or a pair of men's shoes.

### Stipulations

The Commission has entered into the following stipulations:

**No. 2031. The Stetson Pants Company, 212 East 8th St., Cincinnati,** selling men's clothing, agreed to discontinue use of the word "free" as descriptive of garments which actually are not given free but are given as a consideration to persons for services performed by obtaining new customers. The company also will cease using the phrase "tailored-to-fit" or words of similar meaning so as to imply that the garments to which such words refer are made to the individual measure or order of customers, when this is not true. The Stetson Pants Company also trades as The Manhattan Neckwear Company, Gibson Sweater Company and The Burton Pants & Garment Co.

**No. 2033. Silverman & Grean, Inc., 231 West 29th St., New York,** selling fur coats, will stop using in advertising matter as a brand or label for its products, the word "seal" or the word "Bioseal" alone or in connection with the explanatory phrase "the aristocrat of dyed coney," so as to imply that such coats are made from seal. The company also will discontinue employing such descriptive words or phrase in any manner tending to confuse purchasers as to the kind of fur from which its coats are manufactured.

**No. 2034.** False and misleading advertising will be discontinued under a stipulation entered into by **Samuel T. and Dora Schwartz,** trading as **Chas. Schwartz & Son., 708 Seventh St., N. W., Washington, D. C.,** dealers in jewelry and other merchandise.

The firm agreed to desist from the use in advertising matter of the word "free" as descriptive of merchandise represented to be given away with the purchase of other merchandise, when, in fact, the so-called "free" article is included in the price asked for the goods sold.

**No. 2035. Les Parfums Marly, Inc., 525 Broadway, New York,** agreed to cease using the word "Paris" or "France" or the phrase "Made in France", alone or in connection with each other on its packaged perfume products, or otherwise, so as to directly assert or imply that such perfumes are of French origin and imported from France as finished perfumes. Use of the word "Paris" or of the address "Paris, 24 Rue Caumartin" on packaged products or in any manner implying that the company has an office at such place, when this is not a fact, will be discontinued. According to the stipulation, the company is engaged in compounding perfumes in this country from imported essential oil and essences, to which is added denatured alcohol as a diluting agent.

**No. 2036. Busch Jewelry Company, Inc., 35 West 14th St., New York,** stipulated that in advertising certain radio sets it sells it will stop employing the word "General" in connection with the statement "Headquarters for General Electric Radios", and will no longer use the word "General" as a trade name so as to imply that the sets so branded are manufactured by General Electric Company, Schenectady, N. Y., when such is not a fact.

**No. 2037. M. Milstone, trading as Aeme Liquor Store, 927 Pennsylvania Ave., N. W., Washington, D. C.,** will desist from representing in advertising matter of otherwise that rum produced in the Virgin Islands and which he sells under the name "Three Saints" is either distilled, aged or bottled under the supervision of the United States Government, when such is not a fact.

**No. 01843.** Under a stipulation entered into, **The R. L. Watkins Company, 170 Varick St., New York,** engaged in the interstate sale of Dr. Lyon's Tooth Powder, will discontinue certain

false and misleading representations in advertising such dentifrice.

The respondent company stipulated that it will stop advertising that Dr. Lyon's Tooth Powder has twice the cleansing properties of tooth paste, is doubly efficient, and costs only half as much to use; that there is nothing known that will clean, whiten or polish teeth so quickly or effectively as powder; that dentists everywhere recommend Dr. Lyon's, and that people by the thousands or millions are discarding other methods of teeth cleansing and are using powder instead.

**No. 01844.** A stipulation to cease the use of false and misleading advertising in the sale of bunion and arch appliances, medicated soaps and preparations for the relief of foot trouble, has been entered by **The Scholl Manufacturing Company, Inc., 211 West Schiller St., Chicago.**

Among the representations to be discontinued are that the respondent company's bunion appliances build up crippled structures and tissues, or are recognized by orthopedic surgeons as practical in every detail, and that by use of any of Dr. Scholl's products one may obtain permanent or immediate relief from whatever foot trouble one has, or that any or all of such products tone up the feet or enable one to wear smaller shoes.

**No. 01845. Desider Rosenberg, trading as Seboline Co., Post Office Box 2408, Kansas City, Mo.,** has entered into a stipulation to discontinue false and misleading advertising in connection with the sale of his New Improved Seboline Treatment, a preparation for the skin consisting of a facial cleanser, an over-night application and a soothing powder.

### Cease and Desist Orders

The Commission has issued the following cease and desist orders:

**No. 2293.** Prohibiting unfair competition through certain misrepresentations in the sale of cigars, an order has been issued to cease and desist against **John F. Bolon, 89½ South Summit St., Bethesda, Ohio,** trading as **John F. Bolon Cigar Co.**

Bolon is directed to discontinue representing, through use of the words "Vuelta Abajo" or other words of similar meaning, as descriptive of cigars, that they are made from tobacco grown in and imported from Cuba and the Cuban Province of Pinar Del Rio, unless this is a fact. Vuelta Abajo is the name of a district in Pinar Del Rio Province, Cuba.

Use of the phrase "cured in rum", or other words of similar meaning to represent that cigars have been cured, flavored or sweetened with rum, unless such is a fact, is also barred by the order.

**No. 2998.** An order to cease and desist from certain false representations concerning Birconjel, a feminine hygiene preparation sold with a patented appliance, has been entered against **Birconjel Corporation, Inc.,** having places of business at 420 Lexington Ave. and 37 East 28th St., **New York.**

The representations ordered discontinued are that use of the preparation will prevent conception; that it is a scientific prophylactic and a protection against disease, and that it may be used with safety and without deleterious effects in all cases.

**No. 2390.** An order to cease and desist from representing that it is a distiller of spirituous beverages, when such is not a fact, has been entered against **Distillers Brands, Inc.,** formerly of **Cincinnati** but now of **Jacksonville, Fla.**

The respondent company is ordered to discontinue representing, through use of the word "distillers" in its corporate name, in advertising matter, on labels, or otherwise, that it distills whiskies, gins or other spirituous beverages; that it manufactures such products through a process of distillation, or that it owns or operates a distillery, unless and until it does own or operate such a place.

**No. 3043.** Prohibiting certain misrepresentations in the sale of correspondence courses designed to prepare students for civil service examinations, an order to cease and desist has been entered against **Public Service Institute, Inc., 425 DeBaliviere Ave., St. Louis.**

Among representations prohibited by the order are those to the effect that enrollment for the respondent's courses constitutes enrollment for a civil service examination or position; that the respondent is connected with or represents the United States Government; that it conducts a residence school, and that the number of its students who have successfully passed civil service examinations or obtained government positions and the number of instructors on its staff are greater than the facts warrant.

**No. 3053.** An order to cease and desist has been issued against **Maryland Baking Co., 1200 South Eutaw St., Baltimore,** direct-

ing discontinuance of certain lottery methods in the sale of ice cream cones.

The respondent is ordered to stop selling to wholesalers and retailers cones so packed and assembled that their sale to ultimate purchasers may be made by means of a gaming device.

Packages or assortments of ice cream cones are not to be supplied dealers when, without alternation or rearrangement of their contents, they may be used to conduct a game of chance in the sale of cones to the public.

**No. 3082.** The Solvotone Co., 4303 Cottage Grove Ave., Chicago, and its president, Jessie Rogers, have been ordered to cease and desist from misrepresenting the therapeutic effects and properties of Solvotone, a medicine consisting of three preparations which users are directed to take together in the treatment of conditions for which they are recommended.

Prohibited by the order are representations that the preparations constitute a cure, remedy or competent and adequate treatment for gall-stones, ailments of the gall-bladder, or for diseases of the stomach or liver; that they are useful or effective in the treatment of gall-stones, ulcers or cancer of the stomach, or any other serious pathological condition, or will prevent an operation when any such condition exists; and that their use will end suffering and relieve tightness around the waist or pain in the right side, regardless of the cause thereof, or when such symptoms are due to any serious pathological condition.

**No. 3097.** An order to cease and desist from certain unfair competitive practices has been entered against Wesleyan Diesel Service, Inc., 2906 Leavenworth St., Omaha, Nebr., engaged in selling correspondence courses of instruction in the installation, care and maintenance of Diesel engines.

The order prohibits the respondent from representing that students finishing the course are qualified to install, maintain and service Diesel engines and that a free employment service is operated for the benefit of such students; that a limited number of students are to be selected and trained in Diesel engine work and that the demand for such trained men is greater than it actually is; and that the tuition fee paid by a student will be refunded if he is not satisfied with the results obtained after completing the course.

**No. 3112.** Keeley's, Inc., 258 South State St., Salt Lake City, Utah, has been ordered to cease and desist from selling candy so packed and assembled that sales to ultimate purchasers may be made by means of a lottery, gaming device or gift enterprise.

The order prohibits the respondent company from packing in the same assortments for sale to the public at retail, boxes of candy together with punchboard devices which may be used in the retail sale of candy to the public.

**No. 3160.** Oppenheim, Collins & Co., Inc., 33 West 34th St., New York, has been ordered to discontinue using the words "silk", "crepe", "taffeta" or "satin", as descriptive of women's garments which are not composed of silk, but of other materials.

The respondent company, which operates department stores, was found to have falsely represented in newspaper advertisements, through use of the words mentioned, that certain articles of wearing apparel were made of silk, when such was not a fact.

**No. 3163.** F. B. Washburn Candy Corporation, Forest St., Brockton, Mass., has been ordered to cease and desist from selling and distributing to dealers candy so packed and assembled that sales of such candy to the general public are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

## FTC CASES DISMISSED

**Nos. 2592 and 2601.** Complaints against Harford Frocks, Inc., and Fashion Frocks, Inc., Cincinnati concerns selling women's wearing apparel, have been dismissed by the Federal Trade Commission.

Harford Frocks, Inc., was charged with misrepresenting the conditions of employment and the earnings of agents who sell its goods. The complaint in the other case also alleged misrepresentation of earnings, and that Fashion Frocks, Inc., contrary to its representations, did not give free dresses to sales persons, except when they had earned a certain commission.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled at the Commission in broadcast cases during the week beginning August 30.

The Broadcast Division has taken the following action subject to ratification at its next regular meeting:

### APPLICATIONS GRANTED

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted extension program test period for period of 30 days from August 16.

WIBX—WIBX, Inc., Utica, N. Y.—Granted extension program test period for period of 30 days from August 22.

KAAX—Columbia Broadcasting System, New York City.—Granted special temporary authority to operate a mobile low frequency pack relay broadcast transmitter on frequency 2830 kc., 5 watts, for the period August 20 to 28, to relay broadcast National Amateur Golf Tournament at Alderwood Country Club, Portland, Ore.

WJAR—The Outlet Company, Providence, R. I.—Granted extension special temporary authority to operate 1 KW auxiliary transmitter as regular transmitter for the period August 18 to September 16, pending installation of new 5 KW transmitting equipment as authorized under C. P.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted special temporary authority to rebroadcast over WMBD conversation carried on between experimental stations W5XAR and W5XAS of the Western Radio Telegraph Co., for a period of not more than 1 hour, between August 22 and August 27, flying weather permitting.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted extension special temporary authority to remain silent for period August 22 to September 20, 1937, pending action on application for C. P. to move transmitter.

### MISCELLANEOUS

Granted petition of Don Lee Broadcasting System (KGB), San Diego, Calif., to intervene in the proceedings upon the application of David G. Adams, d/b as Adams Recording Studio, for authority to make electrical transcriptions and manufacture records for stations XEBG and XEMO, at Tia Juana, Mexico.

Granted petition of William Penn Broadcasting Co. (WPEN) and WRAX Broadcasting Co. (WRAX) for waiver of Rule 104.6 (b) and accepted their answer to the appearance of Southern Minnesota Broadcasting Co., Rochester, Minn., in Docket No. 4642.

Granted motion of West Virginia Broadcasting Corp., Wheeling, W. Va., for continuance of the hearing upon its application for C. P., Docket 4716, now scheduled for September 15, until November 15, 1937.

Denied petition of Falls City Broadcasting Corp., Falls City, Neb., requesting reconsideration and grant in part for daytime hours of its application for C. P. for new station, Docket 4217, which was denied on July 6, 1937.

### EXAMINER REPORT RELEASED SINCE AUGUST 18

WGL—Ex. Rep. 1-477: Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Examiner Tyler Berry recommended grant of C. P. to increase power from 100 watts to 100 watts, 250 watts LS.

### APPLICATIONS RECEIVED First Zone

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction 550 permit to reinstate W.E. Type D-87737, 1-KW transmitter and use as an auxiliary transmitter.

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction 550 permit to make adjustments in WKBW's present licensed transmitter and use as WGR's main transmitter.

WJAR—The Outlet Co., Providence, R. I.—License to cover construction permit (B1-P-1285) for changes in equipment and increase in power.

WKBW—Buffalo Broadcasting Corp., Buffalo, N. Y.—Construction 1480 permit to make changes in equipment and increase power from 5 KW to 10 KW of the present licensed transmitter of WGR, to be used as the main transmitter of WKBW.

WCNW—Arthur Faske, Brooklyn, N. Y.—Construction permit to 1500 move transmitter from 1525 Pitkin Avenue, Brooklyn, N. Y., to 180 Morgan Avenue, Brooklyn, N. Y.

W1XAL—World Wide Broadcasting Corporation, Boston, Mass.—Modification of license to cancel frequencies 6040, 11790, 15250, 21460 kc. and add 9550, 11730, 15130 and 21500 kc., on a temporary provisional basis.

## Second Zone

- WIP—Pennsylvania Broadcasting Company, Philadelphia, Pa.—  
**610** Construction permit to use old W.E.106-B transmitter as an auxiliary, power of 1 KW, and move transmitter 200 feet (same address).
- NEW—Fred B. Fitch, tr/as Thumb Broadcasting Co., Sandusky, Mich.—  
**950** Construction permit for a new station on frequency not stated, 500 watts night and 1 KW day power, unlimited time. Amended: Specifying **950 kc.** frequency, and studio site as East Sanilac Ave., and transmitter site as Section 3, township of Watertown, Mich.; change name from Thumb Broadcasting Co., Inc., by Fred B. Fitch, to Fred B. Fitch, tr/as Thumb Broadcasting Company.
- NEW—Arlington Radio Service, Inc., Arlington, Va.—  
**1140** Construction permit for a new station to be operated on **1510 kc.**, 250 watts, unlimited time. Amended to make changes in requested equipment, change requested frequency from **1510 kc.** to **1140 kc.**, power from 250 watts to 1 KW, and hours of operation from unlimited time to daytime.
- NEW—Cuyahoga Valley Broadcasting Co., Warren, Ohio.—  
**1200** Construction permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time.
- WBLV—Herbert Lee Blye, Lima, Ohio.—Voluntary assignment of **1210** license from Herbert Lee Blye to The Fort Industry Co.
- WMBG—Havens & Martin, Inc., Richmond, Va.—  
**1210** Construction permit to make changes in equipment and increase power from 500 watts to 500 watts night, 1 KW day, using directional antenna.
- WMBG—Havens & Martin, Inc., Richmond, Va.—  
**1210** Construction permit to make changes in equipment and increase power from 500 watts to 500 watts, 1 KW day. Amended to change requested power from 500 watts, 1 KW day, to 1 KW.
- NEW—Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.—  
**1500** Construction permit for a new station to be operated on **1500 kc.**, 100 watts, daytime. Amended to change hours of operation from daytime to unlimited time, using 100 watts power.
- W3XIW—Reading Broadcasting Co., Reading, Pa.—License to cover construction permit (B2-PRE-122) for a new relay broadcast station.
- WAAH—West Virginia Broadcasting Corporation, Wheeling, W. Va.—  
License to cover construction permit (B2-PRY-8) for a new relay broadcast station.
- WAAH—West Virginia Broadcasting Corporation, Wheeling, W. Va.—  
Modification of construction permit (B2-PRY-8) to make changes in equipment.
- W8XKB—West Virginia Broadcasting Corp., Wheeling, W. Va.—  
Modification of construction permit (B2-PRE-22) as modified to make changes in transmitter.
- W8XKB—West Virginia Broadcasting Corp., Wheeling, W. Va.—  
License to cover construction permit (B2-PRE-22) for a new relay broadcast station.

## Third Zone

- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—  
**580** Modification of construction permit (B3-P-1717) for equipment changes and increase in power, further requesting changes in equipment.
- WOLS—O. Lee Stone, Florence, S. C.—  
**1200** Modification of construction permit (B3-P-1104) for a new station, requesting changes in equipment and move of transmitter from 121 Evans Street, Florence, S. C., to Charleston Highway, ½ mile south of Florence, S. C.
- KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—  
**1210** Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.
- WSMB—WSMB, Inc., New Orleans, La.—  
**1320** License to cover construction permit (B3-P-1446) as modified for a new transmitter and directional antenna and move of transmitter.
- WMFJ—W. Wright Esch, Daytona Beach, Fla.—  
**1420** Modification of construction permit (B3-P-1518) for a new transmitter, requesting extension of completion date from 9-19-37 to 3-19-38.
- WAPO—W. A. Patterson, Chattanooga, Tenn.—  
**1420** License to cover construction permit (B3-P-1509) for changes in equipment, increase in power, and change in hours of operation.
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—  
**1420** Construction permit to install a new transmitter and increase power from 100 watts to 100 watts night, 250 watts day.
- NEW—Amarillo Broadcasting Corp., Amarillo, Tex.—  
**1500** Construction permit for a new station to be operated on **1500 kc.**,

100 watts, unlimited time. Amended to change requested transmitter site from outside of city limits, Amarillo, Tex., to site to be determined, Amarillo, Tex.

- NEW—The National Life & Accident Insurance Co., Inc., Mobile in area of Nashville, Tenn.—  
Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.**, 2 watts.
- NEW—The Constitution Publishing Co., Atlanta, Ga.—  
**1240** Construction permit for new station to be operated on **1240 kc.**, 1 KW night and 5 KW day, unlimited time. Directional antenna night use.
- WACO—KTSA Broadcasting Co., Waco, Tex.—  
**1420** Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.
- KNOW—KUT Broadcasting Co., Austin, Tex.—  
**1500** Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night and 250 watts day; also make changes in antenna.

## Fourth Zone

- WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—  
**900** License to cover construction permit (B4-P-1220) as modified for new equipment, increase in power, and change in hours of operation.
- KSO—Iowa Broadcasting Co., Des Moines, Iowa.—  
**1430** Construction permit to make changes in transmitting equipment; install directional antenna for night use; increase power from 500 watts, 2½ KW day, to 1 KW night and 5 KW day.
- NEW—Sam Klaver and Nathan Belzer, d/b as The Great Western  
**1500** Broadcasting Co., Omaha, Nebr.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended to change frequency from **1420 kc.** to **1500 kc.**
- NEW—Woodmen of the World Life Insurance Assn., Omaha, Nebr.—  
Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 100 watts.
- W9XRS—WDAY, Inc., Fargo, N. Dak.—  
License to cover construction permit for a new relay broadcast station.
- W9XSO—WDAY, Inc., Fargo, N. Dak.—  
License to cover construction permit (B4-PRE-119) for a new relay broadcast station.
- WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—  
**1400** Construction permit to install new transmitter and move transmitter from Millersville Road and Groveland Avenue, Indianapolis, Ind., to Ralston Road, Indianapolis, Ind.
- NEW—South Bend Tribune, South Bend, Ind.—  
Construction permit for high frequency broadcast station, **25950 kc.**, 100 watts, unlimited time.
- NEW—South Bend Tribune, South Bend, Ind.—  
License to cover above.
- W9XPU—WDZ Broadcasting Co., Tuscola, Ill.—  
Construction permit for changes in equipment and increase in power from 10 watts to 30 watts.
- W9XPU—WDZ Broadcasting Co., Tuscola, Ill.—  
License to cover above.

## Fifth Zone

- KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—  
**1240** Construction permit changes in transmitter, install vertical antenna, increase power from 1 KW to 1 KW night, 5 KW day and move transmitter from 143 Second St., W. Twin Falls, Idaho, to on Highway 30, 4 miles W. of Twin Falls, Idaho. Amended: To omit request for changes in transmitter, and increase in day power, and change requested transmitter site from on Highway 30, 4 miles W. of Twin Falls, Idaho, to U. S. Highway 30, West of Twin Falls, Idaho.
- KCRJ—Charles C. Robinson, Jerome, Arizona.—  
**1310** License to cover construction permit (B5-P-1711) for changes in equipment, vertical antenna, increase in power, change in hours of operation and move of transmitter.
- KID—KID Broadcasting Co., Idaho Falls, Idaho.—  
**1320** Construction permit to make changes in equipment and increase power from 500 watts night, 1 KW day to 500 watts night, 5 KW day.
- KUMA—Albert H. Schermann, Yuma, Ariz.—  
**1420** Construction permit to install a vertical antenna and move transmitter from Fourth Avenue and Eighth Street, Yuma, Ariz., to 30 Fourth Street, Yuma, Ariz.
- KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—  
**1500** License to cover modification of construction permit (B5-MP-377) for changes in equipment.

**SITTIN' BULL**

Broadcasting stations are warned about a potential infringement suit contained in Brunswick Record No. 7378. One side of this record (LA 318) is entitled "Sittin' Bull" and "Shine" by Mack-Brown-Dabney.

The LA 318 side of the record begins with an eight bar introduction of "Indian Love Call" which is included under an ASCAP license, followed by "Sittin' Bull" which is not included under an ASCAP license, and ending with "Shine" which is included under an ASCAP license.

The NAB has been informed that suits for infringement have been instituted in connection with the playing of this record containing the musical selection "Sittin' Bull". The NAB has conducted an investigation into the copyrights involved and any member station now engaged in controversy concerning this composition may obtain the results of the investigation upon request.

**POWER INCREASE FOR KFNF RECOMMENDED**

Station KFNF, Shenandoah, Iowa, which shares time with Station KUSD on 890 kilocycles, applied to the Federal Communications Commission for an increase in power from 500 watts, 1000 watts LS to 1000 watts, 5000 watts LS.

Examiner John P. Bramhall in Report No. I-486 recommended that the application be granted. He stated that there was a definite need for additional service in the area and that the interests of other existing stations will not be adversely affected by reason of interference.

**POWER INCREASE RECOMMENDED FOR KGKO**

Broadcasting station KGKO, Wichita Falls, Texas, which had previously been granted authority by the Federal Communications Commission to move the station to a site near Fort Worth, Texas, applied to the Commission for a modification of the construction permit to allow them to change their operation from 570 kilocycles with 250 watts, 1000 watts LS, unlimited hours, to 570 kilocycles with 1000 watts, 5000 watts LS and unlimited hours.

Examiner George H. Hill in Report No. I-485 recommends that the application be granted. He points out

that the granting of the present request will be consistent with the prior decision, that the proposed increase in power will cause no interference in the daytime and that at night it will not be the predominant cause of interference to other existing stations. The examiner concludes that the added power will result in an increased service to the city of Dallas as well as Fort Worth without injury to any Dallas station as it is not proposed to solicit any local advertising in that city.

**50 KW FOR KGO RECOMMENDED**

Broadcasting Station KGO, San Francisco, Calif., operating on 790 kilocycles, unlimited time applied to the Federal Communications Commission for an increase from its present power of 7500 watts to 50,000 watts.

Examiner John P. Bramhall, in Report No. I-488, recommended that the application be granted. He found that there is a need for additional service proposed to be rendered and that although a slight increase in interference to Station KEHE will result, it is not sufficiently serious to warrant the denial of the application.

**WBNS POWER INCREASE RECOMMENDED**

Radio Station WBNS, Columbus, Ohio, operating on 1430 kilocycles, unlimited time, applied to the Federal Communications Commission for a construction permit for an increase in power from 500 watts, 1000 watts LS to 1000 watts, 5000 watts LS.

Examiner Robert L. Irwin, in Report No. I-489, recommended that the application be granted. He stated that there is a need for additional service in the area, that the increased power will not cause increased interference to existing stations nor result in objectionable

**IN THIS ISSUE**

	<i>Page</i>
Sittin' Bull .....	2275
Power Increase for KFNF Recommended.....	2275
Power Increase Recommended for KGKO.....	2275
50 KW for KGO Recommended.....	2275
WBNS Power Increase Recommended .....	2275
Recommends Against New West Virginia Station.....	2276
Recommends New Missouri Station.....	2276
New North Carolina Station Recommended.....	2276
New Massachusetts Station Recommended .....	2276
Appellate Court Upholds FCC.....	2276
Federal Trade Commission Action.....	2276
Federal Communications Commission Action.....	2277

interference to the facilities requested in pending applications.

### RECOMMENDS AGAINST NEW WEST VIRGINIA STATION

George W. Taylor Company, Inc., applied to the Federal Communications Commission for a construction permit for a new station at Williamson, W. Va., to operate on 1370 kilocycles, daytime, with 100 watts power.

Examiner Robert L. Irwin, in Report No. I-487, recommended that the application be denied. He based his adverse recommendation mainly on the ground that the record indicated that the application was filed with the intention of transferring control of any license or permit that might be acquired to parties who were not applicants and who did not appear at the hearing and he added that the granting of the application would not serve the public interest, convenience and necessity.

### RECOMMENDS NEW MISSOURI STATION

Don M. Lidenton and A. L. McCarthy applied to the Federal Communications Commission for a construction permit for a new station at Poplar Bluff, Missouri, to operate on 1310 kilocycles, 100 watts power and daytime operation.

Examiner Robert L. Irwin, in Report No. I-482, recommended that the application be granted. He found that the applicants were qualified to construct and operate the proposed station, that there is a need for daytime service in the area, that the site and equipment are satisfactory and that the granting of the application will serve the public interest, convenience and necessity.

### NEW NORTH CAROLINA STATION

The Hickory Broadcasting Company has applied to the Federal Communications Commission for a construction permit for a new station at Hickory, North Carolina, to be operated on 1370 kilocycles, with 100 watts power and daytime operation.

Examiner Robert L. Irwin, in Report No. I-483, recommended that the application be granted, subject to the approval by the Commission of a satisfactory transmitter site. He stated that there was need for daytime service in that area, that there would be no objectionable interference with existing stations during the greater part of the day, that the applicants are in all respects qualified to construct and operate the proposed station and that they have indicated their willingness to locate the transmitter at an approved site.

### NEW MASSACHUSETTS STATION RECOMMENDED

John W. Haigis applied to the Federal Communications Commission for a construction permit for a new

station at Greenfield, Mass., of 250 watts power to operate daytime on 1210 kilocycles.

Examiner Tyler Berry in Report No. I-484 recommended that the application be granted. He found that the applicant is qualified to construct and operate the proposed station, that there is need for daytime service in the area and that no objectionable interference is expected to the service of existing stations.

### APPELLATE COURT UPHOLDS FCC GRANT

The United States Court of Appeals for the District of Columbia affirmed the action of the Federal Communications Commission which had on May 1, 1936, granted a construction permit to the Portland Broadcasting System, Inc. for a new station at Portland, Maine, to operate on 640 kilocycles, with 500 watts, limited time, using directional antenna. Pursuant to the mandate of the Court, the Commission directed that the C. P. be issued to the Portland Broadcasting System, Inc.

### FEDERAL TRADE COMMISSION ACTION Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**Nos. 3211 and 3212.** Use of lottery methods in the sale of miscellaneous merchandise is alleged in two complaints, one against **Jack Rosenfeld**, 2316 Locust St., **St. Louis**, trading as **J. Rose & Co.**, and the other against **James I. Silver**, 2868 Elston Ave., **Chicago**, trading as **Silver Manufacturing Company**, **Silver Sales Company**, and **World-Wide Radio Company**.

Rosenfeld sells candy, radios, lamps, clocks and watches. Silver deals in the same articles, and also in silverware, fountain pen and pencil sets, bedding, luggage, dishes, electric fans and cameras.

The complaints allege that both respondents employ various merchandising plans, in accordance with which they furnish customers with pushcards, punchboards or pullcards which enable purchasers of chances to win prizes by selecting certain numbers or feminine names appearing on the devices. It is alleged that distribution of merchandise in this manner is made wholly by lot or chance, and constitutes a practice long deemed contrary to public policy.

The complaint against Silver charges that through use of his trade name, Silver Manufacturing Company, and by other means, he represents that he is a manufacturer, when, in fact, he neither owns nor operates a factory and does not make the merchandise sold by him.

In newspapers and magazines, Silver allegedly advertises that certain of his radios are free, that salesmen make money giving them away, and that persons purchasing them save 50 per cent, when according to the complaint, these representations are false.

**No. 3213.** A complaint has been issued charging **The Paradise Company**, 325 West Ohio St., **Chicago**, with certain unfair methods of competition in promoting the sale of cosmetics and toilet preparations by conducting prize contests.

Other respondents named in the complaint are Albert L. Bisson, president of the corporation; Sylvan B. Heininger, secretary-treasurer; Martha A. Boeing, a director, and Leta M. Clanton and G. G. Grant, stockholders.

The complaint alleges that the prize contests are not bona fide contests calculated to promote the taking of orders for the respondent company's merchandise and to reward those who have taken the most orders. The contests allegedly are merely sales

promotion schemes by which contestants are induced, through alleged misleading representations, to make outright purchases of merchandise, with the result that, in many cases, they have goods on hand which they cannot use or resell.

**No. 3215. Cherry Specialty Company**, 4722 Augusta Boulevard, Chicago, is charged in a complaint with selling to dealers assortments of candy so packed as to involve the use of a lottery scheme when resold to ultimate consumers.

According to the complaint, the assortments are composed of 24 one-pound boxes of candy, together with an electric lamp and a display circular.

It is alleged that the lamp is to be given as a prize to the purchaser of one of the boxes of candy, while the circular is for use of the retail dealer in disposing of boxes of candy by a sales plan involving a game of chance, lottery scheme or gift enterprise.

**No. 3216. J. W. Pincus and J. Dan Silver**, copartners trading as **The Novelcrafts Company**, 1534 Center Ave., Pittsburgh, are charged in a complaint with using lottery methods to promote the sale of candy and chewing gum. Lou Roth, manager of the business conducted by the partnership, also is named as a respondent.

The respondents allegedly sell to dealers for resale, assortments composed of a number of pieces of candy of uniform shape and size, together with other merchandise. According to the complaint, an ultimate purchaser who selects a piece of candy with a center colored differently from the centers of the majority of pieces wins an article of merchandise as a prize.

Substantially the same method is used in the sale of chewing gum, the complaint alleges, except that pennants are specified as the prizes to be awarded purchasers who select a stick of gum having a color different from that of the majority of sticks.

**No. 3217.** Use of certain false and misleading representations in connection with the sale of **Kondi Worm Specific and Conditioner**, a medicine for dogs, is alleged in a complaint issued against **J. E. Miller, Atlanta, Ga.**, trading as **Kondi Company**.

Advertising in newspapers and magazines, on labels, and otherwise, the respondent, the complaint alleges, falsely represents that his preparation is "doing wonders" as a conditioner for dogs and will positively expel or destroy all intestinal parasites, including hook, tape and round worms, in from 5 to 30 minutes; that it is an effective and safe treatment for distemper and is effective in treating dogs for barking or fright fits and a run-down state, which conditions, the respondent represents, are indicated by dull eyes, pale mouth membranes, rough coat, and other symptoms.

### Cease and Desist Orders

The Commission has issued the following cease and desist orders:

**No. 1772.** An order to cease and desist entered against **Heidelberg Confectionery Company**, 1720 North Second St., Philadelphia, has been vacated and set aside and an amended and supplemental complaint has been issued. The company is engaged in the manufacture and sale of candy.

The original complaint charged the respondent company with use of the so-called "break and take" lottery method in promoting the sale of candy, and the order, now vacated and set aside, prohibited such practice as constituting unfair competition in violation of Section 5 of the Federal Trade Commission Act.

The amended and supplemental complaint contains the same allegation, and, in addition, charges the respondent company with employing other lottery schemes in connection with the sale of its products, among which is the use of pushcards.

**No. 3101.** Certain unfair methods of competition in the sale of medicinal preparations are prohibited under an order to cease and desist against **Oliver L. Von Bachele**, 2148 North Halsted St., Chicago, trading as **H. Shade's Laboratories** and as **Bureau of Education, H. Shade's Laboratories**. The products sold by the respondent are Shade's Cones, Shade's Suppositories and Shade's Antiseptic Powder, represented by him to be preparations for use in the treatment of ailments peculiar to women.

The respondent is barred from representing that his products are safe for general use and efficacious in the treatment and cure of those diseases or ailments arising out of so-called problems of feminine hygiene.

**No. 3168. Clement A. DeGrace**, trading as **Social Security Counselors**, Davis Building, Portland, Ore., has been ordered to cease and desist from certain unfair methods of competition in the sale of correspondence courses of instruction designed to educate students for positions in the United States Government.

Representing, through use of the words "Social Security Counselors" or otherwise, that the respondent is connected with the United States Social Security Board or the United States Government, is ordered discontinued.

### Stipulations

The Commission has entered into the following stipulations:

**No. 01846.** Under a stipulation, **Eli Sperry Leffler**, 741 Walnut Ave., St. Louis, agreed to stop false and misleading advertising in selling **Bromo-Phos**, a medicinal preparation offered as a remedy for the ill-effects of over-indulgence in food and drink and for stomach disorders and other ailments. The respondent operates his business under the trade name **Bromo-Phos**.

Four dealers have entered into stipulations to discontinue false and misleading advertising in connection with the interstate sale of medicinal preparations.

**No. 01848. R. Schiffmann Company**, 1734-36 North Main St. at Gibbons St., Los Angeles; **Asthador**, Nasaldor and Expectoant for hay fever, asthma, nose colds, head colds, and nasal irritations.

**No. 01849. Walgreen Company**, 744 Bowen Ave., Chicago; **20-Minute Dandruff Treatment**, for dandruff and the scalp.

**No. 01850. Rex L. Jones, Tulsa, Okla.**, trading as **Zn-Bor Laboratories**; **Zn-Bor**, for hay fever, sinus trouble, colds, croup and asthma. This respondent agrees to discontinue using the word "laboratories" in his trade name until such time as he actually owns or operates a laboratory.

**No. 01851. Frank A. Urban**, 149 Metropolitan Ave., Brooklyn, trading as **Novogen Laboratories**; **Aidone Tablets**, for headaches, neuralgia, colds and muscular pains. The respondent stipulates that he will cease using the word "laboratories" in the trade name under which his product is marketed.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

The Broadcasting Division took the following actions subject to ratification at its next regular meeting:

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KEHE and auxiliary, Los Angeles; KHQ, Spokane, Wash.; KMJ, Fresno, Calif.; KMTR, Los Angeles; KOMO and auxiliary, Seattle; KSEI, Pocatello, Idaho; KUSD, Vermillion, S. Dak.; KVI, Tacoma, Wash.; KVOD, Denver, Colo.; WDAF, Kansas City, Mo.; WELI, New Haven, Conn.; WFMD, Frederick, Md.; WIP, Philadelphia; WJAR and auxiliary, Providence, R. I.; WKY, Oklahoma City, Okla. and auxiliary; WMMN, Fairmont, W. Va.; WMT, Cedar Rapids, Iowa; WORL, Boston; WQAM and auxiliary, Miami, Fla.; WREC, Memphis, Tenn.; WSWA, Harrisonburg, Va.; WTAD, Quincy, Ill.; WTAG, Worcester, Mass., and auxiliary; WTMJ, Milwaukee, Wis.; WWJ, Detroit, Mich.; WCHS, Charleston, W. Va.; WGBI and auxiliary, Scranton, Pa.; WMC, Memphis, Tenn.; WPEN, Philadelphia, Pa., and auxiliary; WTAR and auxiliary, Norfolk, Va.; KLZ, Denver.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Granted renewal of license for the period ending January 1, 1938.

KFBI—The Farmers & Bankers Broadcasting Corp., Abilene, Kans.—Granted renewal of license for the period ending February 1, 1938.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only for the period ending October 1, 1937.

The following station licenses were extended on a temporary basis only for the period ending October 1, 1937, pending receipt and/or action on applications for renewal:

WFLA, Clearwater, Fla.; WTAX, Jacksonville, Fla.; WLBL, Stevens Point, Wis.; WMC (auxiliary), Memphis, Tenn.; WSUN, St. Petersburg, Fla.

### MISCELLANEOUS

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 11 to 11:30 a. m., DST, August 28 to September 4, inclusive, excepting

Sunday; 2 to 4 p. m., DST, September 1 to September 11, daily except Sunday; 7 to 9 p. m., DST, September 1 to 11, daily except Friday, Saturday and Sunday, to broadcast events of Champlain Valley Fair, Essex Junction, Vt., and sponsored Northern League baseball games; and from 7 to 8 p. m., DST, September 11 to 30, inclusive, to broadcast sponsored sports review.

- W3XJ—McNary and Chambers, Washington, D. C.—Granted extension special temporary authority to extend testing period of experimental broadcast station by additional time 6 a. m. to 10 a. m., EST, on mornings beginning August 27 and ending September 4, 1937, inclusive. Station to operate simultaneously with broadcast station WBAL for the purpose of making measurements.
- WTOL—Community Broadcasting Co., Toledo, Ohio.—Granted special temporary authority to operate a 100-watt test transmitter on 1200 kc. between hours of 12 midnight and local sunset, for a period August 28 to September 7, 1937, incl., between 1 and 5:45 p. m., EST, provided power does not exceed 50 watts and no interference is caused to stations maintaining regular schedules.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted extension special temporary authority to operate from 8:30 to 9 a. m., EST, Morning News Roundup; 9 to 9:30 a. m., EST, Morning Musical; 9:30 to 9:45 a. m., EST, Band Music; 9:45 to 10 a. m., EST, Organ Program; 2 to 2:15 p. m., EST, Transradio Newscast; 2:15 to 2:30 p. m., EST, Organ Recital; 2:30 to 2:45 p. m., EST, Five Familiar Tunes; and 2:45 to 3 p. m., EST, Sons of the Pioneers Musical Program, for the period August 20 to September 6, 1937, inclusive, provided WSVS remains silent.
- KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Granted renewal of license for the period September 1, 1937, to March 1, 1938.
- KGIW—Leonard E. Wilson, La Junta, Colo.—Granted renewal of license for the period ending January 1, 1938.
- KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to operate a 100-watt portable test transmitter on 1290 kc. between hours of 1 and 6 a. m., MST, for period August 28 to September 11, 1937, in order to conduct location survey tests.
- KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted special temporary authority to rebroadcast over station KNX, program from U. S. Coast Guard ship *Aurora* from 4:30 to 4:45 p. m., PST, September 7 to 11, inclusive, in connection with Pacific Coast Championship Yachting Regatta.
- KGDY—Voice of So. Dakota, Huron, S. Dak.—Granted extension of special temporary authority to remain silent for the period, September 1 to September 30, 1937, inclusive for the purpose of rebuilding transmitter to comply with Rule 132.
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent September 6, in order to observe Labor Day Holiday.
- KSFO—The Asso. Broadcasters, Inc., San Francisco, Calif.—Granted special temporary authority to operate old transmitter as auxiliary without an approved frequency and modulation monitor, for period beginning August 28 to September 26, 1937, during program tests.
- WAHJ—The Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate a mobile low frequency relaybroadcast transmitter on frequencies 1606, 2022, 2102, 2758 kc., 100 watts, for period August 31 to September 3, 1937, to relaybroadcast program originating from Piatt County Fair in Monticello, Ill.
- WWJ—The Evening News Assn., Detroit, Mich.—Granted extension special temporary authority to operate for the period September 1 to 30, 1937, with increase in night power to 5 KW, to overcome interference.
- W4XFG—The National Life & Accident Ins. Co., Inc., Nashville, Tenn.—Granted special temporary authority to operate a mobile high frequency relaybroadcast transmitter on frequency 31100 kc., 2 watts, on September 1, to relaybroadcast opening day of football practice in Vanderbilt Stadium.
- KOAC—Oregon State Agr. College, Corvallis, Ore.—Granted extension special temporary authority to operate from 8 a. m. to 2:30 p. m. and from 6:30 to 8 p. m. PST, during month of September, 1937 (instead of unlimited time as licensed, in order to observe summer vacation).
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension special temporary authority to operate

with power of 50 watts from local sunset (September, 6:15 p. m. EST) to 11 p. m. EST, Tuesdays, Thursdays, Saturdays and Sundays, for period September 2 to September 30, 1937, pending compliance with Rule 131 on modification of license.

- WSUI—State Univ. of Iowa, Iowa City, Iowa.—Granted special temporary authority to operate a minimum of six hours daily instead of unlimited time, for the period September 1 to September 27, 1937, inclusive, in order to observe summer vacation at State University of Iowa.
- WCBD—WCBD, Inc., Chicago, Ill.—Granted extension of special temporary authority to use transmitter of Station WMBI for the period September 1 to September 30, 1937, inclusive, pending repair to WCBD's transmitter, which was destroyed by fire.
- W9XPU—WDZ Broadcasting Co., Tuscola, Ill.—Granted special temporary authority to operate relay broadcast station with 30 watts using equipment specified in C. P., for period August 30 to September 28, 1937, for relay broadcast description of a dance marathon to be rebroadcast over WDZ.
- WRUF—Univ. of Fla., Gainesville, Fla.—Granted extension of special temporary authority to rebroadcast the Navy time signals from Arlington for the period August 31, 1937 to February 1, 1938.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to increase power to 1 KW night in order to counteract interference caused by station CMX, Havana, Cuba, and WWJ, Detroit, and KPRC, Houston, for the period September 1 to 30, 1937.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to increase power to 1 KW night in order to counteract interference caused by station CMX, Havana, Cuba, and WWJ, Detroit, and KPRC, Houston, for the period September 1 to 30, 1937.
- KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted extension of special temporary authority to rebroadcast over KFNF the Naval Observatory Time signals, at 11 a. m. CST, daily, except Sunday, for period September 1, 1937, to February 1, 1938.
- WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted extension of special temporary authority to operate from 5 to 6 a. m. CST for the period August 31 to September 29, 1937, in order to reach the farmers in the territory surrounding station who are in their fields during summer months by 5 a. m.
- WMBQ—Joseph Husid, Receiver for Metropolitan Broadcasting Corporation, Brooklyn, N. Y.—Granted extension of special temporary authority for Joseph Husid, Receiver, to operate station for period September 1 to September 30, 1937, pending action on any applications affecting station WMBQ.
- WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted extension special temporary authority to operate from 5 to 6 a. m., CST, from September 1 to September 25, 1937, in order to conform with the adoption of Daylight Saving Time in Chicago.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension special temporary authority to operate on 560 kc., with 1 KW at night, for period September 1 to September 30, 1937, inclusive, pending filing of and action on license application to cover C. P. for this authority.
- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted modification of C. P. approving transmitter site and vertical radiator.
- KWNO—Winona Radio Service, Winona, Minn.—Granted modification of C. P. to move transmitter and studio locally, extend commencement date to 45 days after grant and completion date to 180 days thereafter.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon the application of WPEN.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for auxiliary transmitter on a temporary basis subject to whatever action may be taken by the Commission upon the application of WPEN.
- WGRC—Northside Broadcasting Corporation, New Albany, Ind.—Present license extended for a period of one month from September 1, 1937, on a temporary basis only, subject to such action as may be taken upon application for renewal pending before the Commission.



WRDO—WRDO, Inc., Augusta, Maine—Present license extended for a period of two months from September 1, upon a temporary basis only, subject to such action as may be taken upon application for renewal of license pending before the Commission.

WAPI—Alabama Polytechnic Institute, University of Alabama, and Alabama State College Board of Control of Radio Broadcasting, Birmingham, Ala.—Granted renewal of license for the period ending February 1, 1938, subject to the following condition: "In issuing this license the Commission takes notice of the pending applications of WOWO for Modification of Licenses and WWVA, KEX and KVOO for C. P., and petitions associated therewith. In lieu of issuing a temporary license and it appearing that the Commission will be unable to hear and determine the applications of WOWO, WWVA, KEX and KVOO during the period of time covered by this license, it is issued upon the express condition that its issuance will not be construed as a finding by the Commission upon any of the issues to be presented in said pending applications and petition, and operation hereunder by WAPI will be construed as an acceptance of the condition herein provided."

Granted petition of the Times Dispatch Publishing Co., Inc., to intervene in the proceedings upon the application of WLBG, Inc. (WRNL), Richmond, Va., for C. P., Docket 4681.

Granted petition of Havens and Martin, Inc., to intervene in the proceedings upon the application of WLBG, Inc., for C. P., Docket 4681.

Denied petition of Thomas J. Watson for continuance of the consolidated hearing upon the application of Thomas J. Watson for C. P., Docket 4550; the Citizens Broadcasting Corp. for C. P., Docket 4508; William Avera Wynne, Rocky Mount, N. C., for C. P., Docket No. 4598; and The Hampden-Hampshire Corp., Holyoke, Mass., for C. P., Docket 4564.

Dismissed the motion of The Hampden Hampshire Corp. to strike the petition of the Citizens Broadcasting Corp. for an order to take depositions in support of its application for C. P., Docket No. 4508.

Denied the motion of Thomas J. Watson, a respondent, to strike the petition of Citizens Broadcasting Corp. for an order to take depositions in support of its application for C. P., Docket No. 4508, or, in alternative, to quash said order if issued.

Granted petition of Colonial Broadcasting Co., Morristown, N. J., for an order to take depositions in support of its application for C. P., Docket No. 4639, and dismissed the opposition thereto by The Journal Company and the National Broadcasting Co., Inc., respondents.

Granted petition of Broadcasters, Inc., Gastonia, N. C., for a 30-day continuance of the hearing upon its application for C. P., Docket 4603, now scheduled for September 8, 1937.

Granted motion of West Virginia Broadcasting Corp. for a continuance of 60 days of the hearing on its application for C. P., Docket 4715, now scheduled for September 15, 1937.

Granted petition of Knox Radio Corp. (WKBV), Richmond, Ind., for leave to file late appearance and statement of facts to be proved in support of its application for renewal of license, Docket 4660, and accepted said appearance and statement of facts to be proved, and denied the motions of the Curtis Radiocasting Corp. and C. Bruce McConnell to declare a default upon and to dismiss the above application (Docket 4660).

Granted the joint petition of WJW, Inc., Akron, Ohio, and First National Television, Inc. (KXBY), Kansas City, Mo., for an extension of 15 days in which to file exceptions to Examiner's Report No. 1-476. (Action taken August 26, 1937.)

In connection with the Mandate from the U. S. Court of Appeals for the District of Columbia in Nos. 6772 and 6773, Portland Broadcasting System, Inc., v. Federal Communications Commission and Congress Square Hotel Co. v. Federal Communications Commission, the Broadcast Division directed that a C. P. be issued to the Portland Broadcasting System, Inc., pursuant to the action of the Commission of May 1, 1936, which action was affirmed by the U. S. Court of Appeals June 28, 1937.

#### EXAMINERS' REPORTS RELEASED SINCE AUGUST 24, 1937

WMMN—Ex. Rep. 1-478: Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Examiner R. L. Irwin recommended grant of C. P. to increase power from 500 watts night, 1 KW LS, to 1 KW night, 5 KW LS.

NEW—Ex. Rep. 1-479: Key City Broadcasting Co., Kankakee, Ill.—Examiner Tyler Berry recommended denial of C. P. for

new station to operate on 1500 kc., 100 watts, unlimited time.

NEW—Ex. Rep. 1-480: Robert Raymond McCulla, Oak Park, Ill.—Examiner Tyler Berry recommended denial of C. P. for new station to operate on 1500 kc., 100 watts, daytime.

KABR—Ex. Ren. 1-481: Aberdeen Broadcast Co., Aberdeen, S. Dak.—Examiner R. H. Hyde recommended grant of C. P. to change frequency from 1420 kc. to 1390 kc.; increase power from 100 watts to 500 watts night, 1 KW LS.

NEW—Ex. Rep. 1-482: Don M. Lidenton and A. L. McCarthy, Poplar Bluff, Mo.—Examiner Robert L. Irwin recommended grant of C. P. for new station to operate on 1310 kc., 100 watts, daytime.

NEW—Ex. Rep. 1-483: Hickory Broadcasting Co., Hickory, N. C.—Examiner Robert L. Irwin recommended grant of C. P. for new station to operate on 1370 kc., 100 watts, daytime.

NEW—Ex. Rep. 1-484: John W. Haigis, Greenfield, Mass.—Examiner Tyler Berry recommended grant of application for C. P. to operate new station on 1210 kc., 250 watts, daytime.

KGKO—Ex. Rep. 1-485—Wichita Falls Broadcasting Co., near Fort Worth, Tex.—Examiner Geo. H. Hill recommended grant of modification of C. P. to increase power from 250 watts night, 1 KW LS, to 1 KW night, 5 KW LS.

#### HEARING CALENDAR

Tuesday, September 7

#### HEARING BEFORE AN EXAMINER (Broadcast)

KFJZ—R. S. Bishop, Transferor and Mrs. Ruth G. Roosevelt, Transferee, Fort Worth, Texas—Authority to transfer control of corporation. 1370 kc., 100 watts, 250 watts LS, unlimited time.

KXA—American Radio Tel. Co., Seattle, Wash.—C. P., 760 kc., 1 KW, limited time. Present assignment: 760 kc., 250 watts, 500 watts LS, limited time.

NEW—Curtis Radiocasting Corp., Richmond, Ind.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

Wednesday, September 8

#### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—George H. Evans & Davis O. Vandivier, d/b as The Chickasha Daily Express, Chickasha, Okla.—C. P., 1500 kc., 250 watts, daytime.

Thursday, September 9

#### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-391:

NEW—Frontier Broadcasting Co., Cheyenne, Wyo.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. 1-395:

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—C. P., 1570 kc., 1 KW, unlimited time.

NEW—Mid-Atlantic Corp., Washington, D. C.—C. P., 1570 kc., 1 KW, unlimited time.

NEW—The Trenton Times, Trenton, N. J.—C. P., 1570 kc., 250 watts, unlimited time.

NEW—The Trenton Times, Trenton, N. J.—C. P., 1570 kc., 250 watts, unlimited time.

NEW—The Trenton Times, Trenton, N. J.—C. P., 1570 kc., 250 watts, unlimited time.

Examiner's Report No. 1-397:

NEW—The Metropolis Co., Jacksonville, Fla.—C. P., 1290 kc., 250 watts, unlimited time.

#### HEARING BEFORE AN EXAMINER (Broadcast)

KOBH—Black Hills Broadcast Co. (Robert Lee Dean, Pres.), Rapid City, S. Dak.—Voluntary assignment of license to Black Hills B/c Co. of Rapid City; 1370 kc., 100 watts, unlimited time.

Friday, September 10

HEARING BEFORE AN EXAMINER  
(Broadcast)

- NEW—Citizens Broadcasting Corp., Schenectady, N. Y.—C. P., 1240 kc., 1 KW, 5 KW-LS, unlimited time.  
NEW—Thomas J. Watson, Endicott, N. Y.—C. P., 1240 kc., 1 KW (day-night), unlimited time.  
WEED—William Avera Wynne, Rocky Mount, N. C.—C. P., 1240 kc., 500 watts, unlimited time.  
NEW—Radio Station WFNC, Fayetteville, N. C.—C. P., 1210 kc., 250 watts, daytime.  
NEW—The Hampden-Hampshire Corp., Holyoke, Mass.—C. P., 1240 kc., 500 watts, 1 KW LS, unlimited time.  
NEW—Capitol Broadcasting Co., Inc., Raleigh, N. C.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.  
WAIR—C. G. Hill, Geo. D. Walker & Susan H. Walker, Winston-Salem, N. C.—C. P., 1250 kc., 1 KW, daytime.  
WGNV—Peter Goelet, Newburgh, N. Y.—C. P., 1210 kc., 100 watts, 250 watts LS. Share WBRB, WFAS and WGBB.

APPLICATIONS RECEIVED

First Zone

- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—710 Special experimental authorization to operate a facsimile station from 2 a. m. to 6:30 a. m., using 5 KW power.  
WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—1210 License to cover construction permit (B1-P-529) as modified, for a new station.  
WNBZ—Earl J. Smith & Wm. Mace, d/b as Smith & Mace, 1290 Saranac Lake, N. Y.—License to cover construction permit (B1-P-1546) for equipment changes.  
NEW—Utica WUTK Incorporated, Utica, N. Y.—Construction 1420 permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended: To change requested power from 100 watts to 100 watts night, 250 watts day.  
W3XAL—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to add the frequencies 11790, 15250 and 21460 kc., contingent on W1XAL application releasing these frequencies.

Second Zone

- NEW—WAVE, Incorporated, Louisville, Ky.—Construction permit 610 for a new station to be operated on 610 kc., 250 watts night, 500 watts day, unlimited time. Amended: To make changes in transmitting equipment, install directional antenna for day and night use, change requested frequency from 610 kc. to 880 kc., and power from 250 watts night, 500 watts day to 500 watts night and day.

Third Zone

- WJDX—Lamar Life Insurance Co., Jackson, Miss.—Modification 1270 of construction permit (B3-P-1584) for changes in equipment, new antenna and increase in power, further requesting changes in equipment and extension of commencement and completion dates.

Fourth Zone

- KANS—The KANS Broadcasting Co., Wichita, Kans.—Authority 1210 to transfer control of corporation from Charles C. Theis to Herbert Hollister (48 shares common stock) and Don Searle (49 shares common stock).  
KDLR—KDLR, Incorporated, Devils Lake, N. Dak.—License to 1210 cover construction permit (B4-P-1790) for move of transmitter and installation of vertical antenna.  
KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—1310 Construction permit for a new station to be operated on 920 kc., 1 KW night, 5 KW day, unlimited time. Amended: To change the frequency of KROC from 1310 kc. to 920 kc., install a new transmitter, increase power from 100 watts night, 250 watts day to 500 watts night, 1 KW day, install directional antenna for night use and move transmitter locally.  
NEW—N. B. Egeland, Roland, Iowa.—Construction permit for a 1500 new station to be operated on 1500 kc., 100 watts night, 250 watts day, specified hours. Amended: To make changes in equipment, change power from 100 watts night, 250 watts day to 100 watts and change hours of operation from specified hours to daytime only.

Fifth Zone

- KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—550 Authority to determine operating power by direct measurement of antenna.  
KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—560 License to cover construction permit (B5-P-1512) as modified for a new transmitter, vertical antenna, and move of transmitter.  
NEW—Wyoming Broadcasting Co., Rock Springs, Wyo.—Construction 1370 permit for a new station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited time.  
NEW—Union-Tribune Broadcasting Co., San Diego, Calif.—Construction 1480 permit for a new station to be operated on 1480 kc., 5 KW, unlimited time.  
NEW—R. C. Atwood Port Angeles, Wash.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, unlimited time.

**NAB BOARD OF DIRECTORS MEETING**

The Board of Directors of the National Association of Broadcasters will meet at the Hotel St. Regis, New York City, Friday, September 10.

**NEW FCC RULE ON 550 KC.**

The Communications Commission and the Navy Department have conferred with respect to the use of 550 kilocycles to avoid interference with naval communication activities. In a press release dated September 7 (22835), it is reported that the Commission hereby announces the following policy with respect to licensing broadcast stations on this frequency:

"No station will be licensed with greater night power than 1 kilowatt, or day power greater than 5 kilowatts, on 550 kilocycles. No application for a new broadcast station or increase in power or time of operation of an existing station will be considered which is located at a distance less than 300 miles from the nearest coast of the United States, unless approval of the Navy Department is submitted in writing with the application. No new station or increase in power or time of operation of an existing station will be authorized which is located at a distance from 300 to 500 miles from the nearest coast, unless approved by the Navy Department.

"The above mileages may be decreased if it is shown that a signal intensity of not greater than 100 microvolts per meter will result at the nearest coast or point of naval communications activities. In case a directional antenna is used that increases the signal toward the coast, the mileage may be increased until not more than 100 microvolts per meter result at the nearest coast or point of naval communication activities."

**JACK RADCLIFFE—JACK GORDON**

Anyone knowing the present whereabouts of Jack Radcliffe, sometimes known as Jack Gordon, an announcer between 25 and 30 years of age with a slight Scotch burr, is requested to communicate immediately with Reginald B. Martin, Station Manager, KFAB-KFOR, Lincoln, Nebraska.

**FCC DENIES FIVE NEW APPLICATIONS**

The Broadcast Division of the Federal Communications Commission denied applications for five new stations effective August 31, 1937, as follows:

DENIED Loyal K. King, application for new station at Pasadena, California, 1480 kc., 250 watts, daytime.

DENIED Hannibal Broadcasting Company, application for new station at Hannibal, Mo., 1310 kc., 100 watts, unlimited time.

DENIED The Courier-Post Publishing Company, application for new station at Hannibal, Mo., 1310 kc., 100 watts, 250 watts LS, unlimited time.

DENIED Advertiser Publishing Company, Ltd., application for new station at Honolulu, T. H., 1370 kc., 100 watts, unlimited time.

DENIED Fred J. Hart, application for new station at Honolulu, T. H., 600 kc., 250 watts, unlimited time.

**SOCIAL SECURITY TAX RESPONSIBILITY**

The Bureau of Internal Revenue of the Treasury Department has issued the following ruling relative to the status of musicians under the Social Security Act:

"1. The status under Titles VIII and IX of the Social Security Act of musicians generally, and particularly with respect to musicians engaged under contract forms and procedure prescribed by the various local unions of the American Federation of Musicians, has been considered by the Bureau.

"2. The purpose of this mimeograph is to clarify the matter of the application of the Social Security taxes with respect to the relationship which exists between so-called "contractors," musicians, and "purchasers" of music, and to set forth certain distinctions between so-called "non-name" orchestras and "name" orchestras.

"3. The method of engaging union musicians to perform services for "purchasers" of music and the facts bearing upon the resulting relationship, appear to be sub-

**IN THIS ISSUE**

	<i>Page</i>
NAB Board of Directors Meeting.....	2281
New FCC Rule on 550 kc.....	2281
Jack Radcliffe-Jack Gordon.....	2281
FCC Denies Five New Applications.....	2281
Social Security Tax Responsibility.....	2281
FCC Dismisses New California Application.....	2283
Recommends Against New New Mexico Station.....	2283
Recommends Adversely on Ill. and Pa. Applications.....	2283
50 KW Recommended for WWL.....	2283
Recommends Against New California Station.....	2284
New Ohio Station Recommended.....	2284
WKBH Renewal and Transfer Recommended.....	2284
Federal Trade Commission Action.....	2284
Federal Communications Commission Action.....	2285

stantially as follows in the case of "nonname" orchestras or groups of musicians:

"Purchasers" of music, such as hotels, theatres, cafes, clubs, radio stations, radio sponsors, etc., desiring the services of musicians, usually contact these individuals through a member of the musicians' union. The member through whom such contact is made is called a "contractor."

The practice of engaging musicians exclusively through a so-called "contractor" has become general throughout the country. In fact, in an overwhelming majority of localities, this practice is by prescription of both the American Federation of Musicians and local union regulations. This practice has originated out of the assistance which it affords to a "purchaser" of music who is thus enabled to deal with only one out of the number of musicians required and also in the convenience which it furnishes to the union in enforcing its regulations. The term "contractor," as used in the musical vocation, designates that individual musicians through whom, in any particular case, the party wishing to purchase music (the "purchaser") and the parties wishing to supply such music (the musicians) conduct their reciprocal affairs, including the negotiation and performance of the contract by both parties. In a few localities there are no "contractors," as such, their place being taken by the local union which supplies the musicians to the "purchaser."

"The status of "contractor" is not fixed, either as to the occupancy or as to duties. Any musician who is a member of the American Federation of Musicians may serve as a "contractor." Having served as a "contractor" for a particular engagement, he may, upon his next engagement, perform only musical services under a contract negotiated by another musician serving as "contractor." It should be noticed that a "contractor" may or may not perform musical services under a contract which he has negotiated. In general, the "contractor" has the sole right of all the musicians to negotiate the contract for musical services, select the musicians upon the engagement (on behalf of the "purchaser"), and discharge the musicians (also on behalf of the "purchaser"). Other incidents of the status include the duty to pay the individual musicians (on behalf of the "purchaser"), the power to require conformance with the requirements of the contract on the part of the musicians, and primary responsibility to the union for the satisfactory performance of the engagement. In some cases the "contractor" directs the artistic quality of the musical services by serving as "leader." In other cases the duty to direct is vested entirely in another musician.

"The minimum compensation of both the "contractor" and the musicians is fixed in accordance with the union scale. In some cases, the contract to furnish musicians designates the exact amount to be received by the "contractor" and individual musician. In many cases, the

contract expresses only a lump sum consideration which may or may not be in excess of the union scale. In most such cases where payment is made in a lump sum, the "contractor" receives only his proportionate part in accordance with union regulations; in others, however, the "contractor" or even individual musicians may receive compensation in excess of the wages received by the remainder of the members of the orchestra. In these cases, the excess sums paid to the "contractor" or other musicians are based on superior ability. In every case where the "contractor" performs as a musician, the minimum rate of his compensation is set variously according to locality at from 10 per cent to 100 per cent higher than the minimum rate set for other musicians.

Under contracts in which "contractors" appear, the "purchaser" has the right to select specific musicians (although in certain localities this right does not exist), even though the "purchaser" may not always, or even usually, exercise this right. He further has the right to require that a certain type of music be played. He invariably furnishes the place where the contract shall be performed. He designates the hours of performance, and, in addition, even controls times for intermissions so as to coordinate the performance of music with his other activities; such as, the sale of food and drinks or the rendition of other artistic performances. In addition, he has the right to discharge individual musicians in the event of a material breach of their contract. In the case of the engagement of musicians and of their discharge, this right in the "purchaser" may be exercised through the "contractor" as the "purchaser's" agent.

The musicians performing under such a contract do not have any permanent organization or standing, nor is their personnel fixed beyond the particular engagement.

"4. In the light of its consideration of the foregoing circumstances attaching to the relationship existing between and among "contractors," musicians, and "purchasers" of music, it is the opinion of the Bureau that the "purchaser," under such or similar circumstances, retains a sufficient measure of the power to direct and control the performance of the contract as to render him the employer of the individual musicians, including the "leader," if any. Also on the basis of these considerations, it is the opinion of the Bureau that the "purchaser" has sufficient direction and control over the conduct of the "contractor" himself as to render the "purchaser" the employer of such "contractor" except in the case where the "contractor" performs no musical services. In a case where the "contractor" renders no musical services to the "purchaser," it is the opinion of the Bureau that the "purchaser" is the employer of the individual musicians, including the "leader," if any, but not of the "contractor."

"5. You are, therefore, advised that the ruling S. S. T. 47 published in C. B. XV-2, 409 (1936), should not be followed in the case of "contractors" and musicians per-

forming services under the circumstances set forth above. However, such ruling is generally applicable in cases where individuals are performing services in a so-called "name" orchestra, since it is the opinion of this office that normally individuals performing in so-called "name" orchestras are employees of the orchestra "leaders" within the meaning of Titles VIII and IX of the Social Security Act.

"6. It should be noticed, however, in this connection, that the determination of whether any particular group of musicians constitutes a so-called "name" orchestra will not rest upon the mere adoption of a name by such organization. The chief characteristic distinguishing a "name" orchestra from a "nonname" orchestra is the permanency of the organization and the personnel performing in the orchestra. In general, an orchestra will be considered a "name" orchestra when, in addition to being designated by a name, it has a fixed personnel extending from engagement to engagement and holds itself out to the public as a permanent business organization. "Name" orchestras may also be distinguished from other orchestras where the "leader" of the orchestra contracts with the members thereof for their services at a fixed salary, either by term or by engagement, and where the "leader" is liable for the payment of such salary without reference to the discharge of the "purchaser's" obligation. In the case of a "name" orchestra, the "leader" of the orchestra and not the "purchaser" can select and discharge the members of the orchestra and the "leader" alone controls and directs their conduct.

"7. No single factor should afford the basis of determining that an orchestra either is or is not a "name" orchestra. Whether or not a particular orchestra is a "name" orchestra may be difficult to determine in some cases. Accordingly, in any case upon which a ruling is desired, a request therefor should be accompanied by information sufficiently detailed and complete to enable this office to make a determination upon consideration of the above-mentioned factors and application of the foregoing tests."

GUY T. HELVERING,  
*Commissioner of Internal Revenue.*

### FCC DISMISSES NEW CALIFORNIA APPLICATION

The Broadcast Division of the Federal Communications Commission this week dismissed with prejudice the application of Salinas Newspapers, Inc., for a construction permit for a new station at Salinas, California, to operate daytime on 1390 kilocycles with 250 watts power.

### RECOMMENDS AGAINST NEW MEXICO STATION

Earle Yates applied to the Federal Communications Commission for a construction permit for a new station

at Las Cruces, New Mexico, to operate on 930 kilocycles with power of 500 watts, daytime only.

Examiner George H. Hill in Report No. I-494 recommends that the application be denied. He states that although the applicant is qualified to construct and operate the proposed station and no interference would be caused to any existing station, that objectionable interference would result if a pending application for a new station at El Paso, Texas, is granted, that it is doubtful if sufficient local talent is available and that the population of the area is too small to provide adequate commercial support for the operation of the proposed station.

### RECOMMENDS ADVERSELY ON ILLINOIS AND PENNSYLVANIA APPLICATIONS

Abraham Plotkin and the Philadelphia Radio Broadcasting Company each applied to the Federal Communications Commission for a construction permit for a special broadcasting station to operate in Chicago, Ill., and Philadelphia, Pa., respectively, on 1570 kilocycles, with 1000 watts and unlimited hours.

As both applicants wanted the same frequency, power and hours of operation, Examiner R. H. Hyde conducted a joint hearing and issued a joint report (No. I-493). Abraham Plotkin failed to appear for hearing and no evidence was submitted in support of his application so Examiner Hyde recommended that his application be dismissed with prejudice.

The Examiner also recommended that the application of the Philadelphia Radio Broadcasting Company be denied. He pointed out that the research objectives outlined by the applicant, one of the prerequisites for granting a special broadcast license, were too general and indefinite, that the project appeared to be essentially a business enterprise for profit and not an experimental undertaking, and that the provision for employment of an engineering staff was not such as would permit carrying out a program of research and experimentation.

### 50 KW RECOMMENDED FOR WWL

Broadcasting Station WWL, New Orleans, La., operating on 850 kilocycles with specified hours, applied to the Federal Communications Commission for a construction permit to increase its power from 10 kilowatts to 50 kilowatts.

Examiner George H. Hill in Report No. I-491 recommended that the application be granted. He stated that there is a need for additional service in the area proposed to be served, that the only interference will be with Station WKAR, East Lansing, Mich., and that this will occur only in the late afternoon hours and in the very outer portions of that station's useful service area. He also observed that the operation of WWL with the increased power would tend to further limit the service of Station XEFE, Nuevo Laredo, Mexico.

## RECOMMENDS AGAINST NEW CALIFORNIA STATION

Warren B. Worchester applied to the Federal Communications Commission for a permit to construct a new broadcasting station at San Diego, Calif., to operate on 1400 kilocycles with power of 250 watts night and 1 kilowatt until local sunset, unlimited time.

Examiner George H. Hill in Report No. I-490 recommends that the application be denied. He found that there are now two regional stations located in San Diego rendering primary service in that area and that there appears to be no substantial need for another regional station in that city. He pointed out also that the proposed station would cause and be subject to objectionable interference from Station KLO, Ogden, Utah, and that severe interference would result should the pending applications of Stations KDON and KLO be approved.

## NEW OHIO STATION RECOMMENDED

William F. Maag, Jr., applied to the Federal Communications Commission for a construction permit for a new broadcasting station at Youngstown, Ohio, to operate daytime on 1420 kilocycles, with 100 watts power.

Examiner John P. Bramhall in Report No. I-492 recommended that the application be granted. He stated that the applicant is fully qualified to construct and operate the proposed station, that a definite need for additional daytime service in the area has been shown and that interference will not be caused to existing stations. He added that the grant should be subject to selection of a transmitter site satisfactory to the Commission.

## WKBH RENEWAL AND TRANSFER RECOMMENDED

Broadcasting Station WKBH, La Crosse, Wisc., applied to the Federal Communications Commission for a renewal of its license and for authority to transfer control of the corporation, WKBH, Inc., to Harry Dahl.

Examiner George H. Hill in Report No. I-495 recommended that the application be granted. He found that while the failure of the applicants to report the sale of capital stock of WKBH, Inc., was irregular and may have been a technical violation of Section 310, that there was no evidence of concealment or lack of good faith, the larger sale having been between existing stockholders of the corporation and smaller sales having been made to three local business firms. He stated further that following the sale of stock and change in management, greatly improved service was rendered, new equipment installed, employees' salaries increased and programs improved; that WKBH is the only station licensed to operate in the La Crosse area and to refuse a renewal would deprive the locality of meritorious service now being rendered it.

## FEDERAL TRADE COMMISSION ACTION Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**No. 3219.** Unfair methods of competition, including the use of lotteries or gift enterprises, in connection with the sale of clocks are alleged in a complaint issued against **Irwin Seadron**, 416 West Erie St., Chicago, trading as **Metropolitan Distributing Company**.

The respondent is charged with supplying dealers and customers with pushcards, the use of which involves the distribution of clocks to ultimate purchasers wholly by lot or chance. The pushcard, it is alleged, permits the drawing of a clock through selection of a name from among a group of names.

**No. 3220.** **Gus Stephens**, 809 West Madison St., Chicago, trading as **Tested Specialties Company**, is charged with unfair methods of competition in connection with the sale of medicine for use in the treatment of dogs, cats and all fur-bearing animals. The medicine is designated "On the Nose" and is to be applied by rubbing on the noses or lips of animals.

In advertising this preparation in newspapers, magazines, on labels and otherwise, the respondent allegedly represents, contrary to the facts, that "On the Nose" is effective in the treatment of distemper and works miracles every day, saving thousands of dogs doomed by so-called incurable afflictions; cures coughs and colds and builds up resistance against infectious diseases; is a general conditioner and a preventive of diseases, and is efficacious as a dewormer.

**No. 3222.** False and misleading representation of a product advertised as a waterproofing material is alleged in a complaint issued against **The Lumino Company, Inc.**, 515 Madison Ave., New York, manufacturer of Lumino.

This product allegedly was advertised as being capable of waterproofing interior or exterior surfaces made of brick, concrete, cement or stucco. However, the complaint alleges, Lumino is not a true water-proofing material and will not cause brick and other surfaces to become impervious to water or dampness when applied as directed.

## Cease and Desist Orders

The Commission has issued the following cease and desist orders:

**No. 2513.** Trading as **Pigro Chamois Company**, **Harry Neivert**, **Gloversville, N. Y.**, has been ordered to cease and desist from representing that leather products sold by him are made from chamois when they are not manufactured from the skin of the Alpine antelope, commonly known as chamois, or from fleshers or under-splits of sheepskin straight oil-dressed or tanned without the use of alum, chrome or formaldehyde.

**No. 3064.** **Trade Laboratories, Inc.**, 412 Halsey St., Newark, N. J., and its officers have been ordered to cease and desist from certain unfair methods of competition in connection with the sale of dental, shaving and facial creams and similar commercial preparations and toilet articles.

Trade Laboratories, Inc., trades as **Redd Chemical Company**, **Modern Brands, Inc.**, **Perlox Laboratories, Inc.**, **Pearl-White Laboratories, Inc.**, and **Dr. Dally's Laboratories, Inc.** The respondent officers are J. C. Brush, president, C. R. Dickinson, vice-president, and C. V. Brush, secretary-treasurer.

The order directs the respondents to cease representing, by marking an exaggerated or fictitious price upon the cartons in which their articles are sold, that the prices so marked are the regular or customary retail prices at which such products are usually sold or offered for sale.

**Nos. 3023 and 3046.** Two Chicago concerns, **Illinois Baking Corporation**, 2230 South Union Avenue, and **Milko Cone & Baking Company, Inc.**, 431 North Lincoln St., have been ordered to cease and desist from selling and distributing to dealers ice cream cones so packed and assembled that sales of such cones to the general public are to be made, or may be made, by means of a lottery scheme.

The respondent companies are ordered to discontinue furnishing to dealers printed slips, either with assortments of ice cream cones

or separately, a small number of which slips bear legends informing the purchasing public that an article of merchandise will be awarded free as a prize.

**No. 3124.** Prohibiting certain misrepresentations in the sale of their medicinal products, an order to cease and desist has been issued against **Wolf Drug Co. and Henry Wolf Wholesale Druggist, Inc.**, 683 Broad St., Newark, N. J., **Charmley Drug Shop**, 164 Halsey St., Newark, **William Wolf Sales Co. Inc.**, 27 Park Place, New York, and **Henry and William Wolf and William Goldstein**, all of Newark and owners of a majority of the capital stock of the respondent companies.

The respondents are directed to cease representing, through use of the words "Health Institute, Battle Creek, Michigan," or "Health Institute," or "Battle Creek, Michigan," that they own or operate a health institute at Battle Creek or anywhere else, unless and until they do actually own or operate such a place.

### Stipulations

The Commission has entered into the following stipulations:

**No. 2038.** Under a stipulation, **Harold Tanner**, 202 Fuller Ave., St. Paul, Minn., trading as **Packard Pen Company**, will discontinue misrepresenting certain fountain pens he sells by mail order.

Tanner stipulated that he will cease advertising, when such are not the facts, that his pens are of a \$3 value or are sold or intended to be sold for such amount in the usual course of trade, and that the certificate referred to and appearing in his advertising matter is worth \$2.51 or any other specified amount. According to the stipulation, Tanner advertised that he would send a \$3 fountain pen to customers who remitted 49 cents with a certificate.

**No. 2039.** **Charm Silk Undergarments, Inc.**, 112 Madison Ave., New York, has entered into a stipulation in which they agree to discontinue misbranding women's undergarments.

The company stipulated that in selling its garments it will cease using on labels, or in any other manner, the words "Super Quality Silk" or the word "Silk," without qualification, as descriptive of products not composed wholly of silk but which contain substantial quantities of salts or substances other than silk, such articles being known as "weighted silks."

**No. 2040.** Entering into a stipulation, **Miracle Jel, Inc.**, 311 East Illinois St., Chicago, and its parent company, **Curtiss Candy Co.**, Chicago, agree to stop certain misbranding practices in the sale of a powder compound alleged to be capable of producing "a close rival to the finest, pure maple syrup," when used as directed.

In advertising this preparation, called Maple Maid, the respondents stipulate they will cease using the word maple, alone or in conjunction with the word maid or with other words, to imply that the product consists of a form of dehydrated maple sap syrup, when such is not a fact.

**No. 01847.** **Scientific Instruments, Inc.**, 3410 West 60th St., Chicago, has entered into a stipulation to discontinue false and misleading advertising in connection with the sale of a contraceptive device designated "The Rule of Life."

The company will cease representing, among other things, that its method of contraception is based on a proven natural law and is absolutely reliable, and that the American Medical Association endorses it and recommends it to physicians for use in their practice.

**No. 01852.** **Grace K. Davis**, Glendale, Calif., trading as **Hollywood Beautifier** and selling a skin cleansing device under the same name, has entered into a stipulation to cease representing in advertising matter that by use of her product one may remove cosmetics and dirt from the pores of the skin, keep the skin free from blackheads, blemishes and wrinkles, and beautify the face.

**No. 01853.** **Beauty Tea Corporation**, 565 Fifth Ave., New York, selling Beauty Tea, will stop representing that such product provides a sure, safe and reliable weight-reducing method; that it cleanses the system and prepares it for loss of weight, and that it enables one to reduce without resorting to strict diets or exercise. The company also will cease advertising that the blending of the herbs by a secret, scientific principle makes it possible for Beauty Tea to attack the excess fat cells and leave the rest of the body untouched.

**No. 01854.** **Dr. Rud Hoermann, Inc.**, 2200 North Third St., Milwaukee, engaged in the sale of a preparation called "Treatment for Eczema," stipulated that it will discontinue representing that modern medical science reveals that eczema does not originate in the skin, but is due to a constitutional disorder or an inadequacy

of an important glandular organ of the body, and that definite results in the treatment can only be obtained by counteracting the deficiency of such organ. The company will stop advertising that its treatment will banish eczema and produce astonishingly quick relief, or that Dr. Hoermann's personal attention is given to every case.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, September 13:

Monday, September 13

#### HEARING BEFORE AN EXAMINER

- NEW—Nathan N. Bauer, Miami, Fla.—C. P., 1420 kc., 100 watts, unlimited time.  
WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—C. P., 1210 kc., 100 watts, 250 watts LS. (Present assignment: 1210 kc., 100 watts, daytime.)  
NEW—Airfan Radio Corp. Ltd., San Diego, Calif.—C. P., 1420 kc., 100 watts, unlimited time.

Tuesday, September 14

#### HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Elwood Warwick Lippincott, Bend, Ore.—C. P., 1310 kc., 100 watts, unlimited.  
WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P. to install directional antenna system; 880 kc., 250 watts, unlimited. Present assignment: 1370 kc., 250 watts, daytime.  
WPHR—WLBG, Inc., Richmond, Va.—C. P., 880 kc., 1 KW, unlimited. Present assignment: 880 kc., 500 watts, daytime.

Wednesday, September 15

#### HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—Thomas F. Airth, Wythe Walker and Rex Schepp, d/b as Evanston Broadcasting Co., Evanston, Ill.—C. P., 1020 kc., 250 watts, daytime.  
KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—C. P., 1020 kc., 50 KW, unlimited time. Present assignment: 1020 kc., 10 KW, unlimited.

Thursday, September 16

#### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. 1-400:

- KLPM—John B. Cooley, Minot, N. Dak.—C. P., 1360 kc., 1 KW, unlimited time.

Examiner's Report No. 1-401:

- NEW—Walter H. McGenty, Rice Lake, Wis.—C. P., 1210 kc., 250 watts, daytime.

Examiner's Report No. 1-403:

- NEW—Lillian E. Kiefer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).

- WWRL—Long Island Broadcasting Corp., Woodside, Long Island, N. Y.—Modification of license, 1500 kc., 100 watts, 250 watts LS, specified hours (requests facilities of WMBQ). Present assignment: 1500 kc., 100 watts, 250 watts LS, specified hours.

- NEW—Paul J. Gollhofer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).

- WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1500 kc., 100 watts, 100 watts LS, specified hours.

- WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours.

**Examiner's Report No. 1-386:**

KINY—Edwin A. Kraft, Juneau, Alaska.—C. P., 1430 kc., 250 watts, unlimited time. Present assignment: 1310 kc., 100 watts, unlimited time.

**Examiner's Report No. 1-406:**

NEW—Leonard A. Versluis, Grand Rapids, Mich.—C. P., 830 kc., 500 watts, daytime.

**Examiner's Report No. 1-380:**

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of license, 1130 kc., 500 watts, limited time until LS at KSL, Salt Lake City.

**Examiner's Report No. 1-392:**

WMEX—The Northern Corp., Boston, Mass.—C. P., 1470 kc., 5 KW, unlimited time.

Friday, September 17

**HEARING BEFORE AN EXAMINER**

(Broadcast)

WNEL—Juan Piza, San Juan, P. R.—C. P., 590 kc., 1 KW, 2½ KW LS, unlimited time. (Present assignment: 1290 kc., 1 KW, 2½ KW LS, unlimited time.)

NEW—Fred M. Weil, Grand Coulee, Wash.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.

**APPLICATIONS GRANTED**

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted modification of C. P. to move station locally.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Granted modification of C. P. to move station locally.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted license to cover C. P. authorizing move of transmitter and installation of new equipment and antenna system; frequency 610 kc., 1 KW, unlimited.

KXRO—KXRO, Inc., Aberdeen, Wash.—Granted license to cover C. P. authorizing changes in equipment, move of transmitter, and increase in day power to 250 watts; 1310 kc., 100 watts night, unlimited.

WIBX—WIBX, Inc., Utica, N. Y.—Granted license to cover C. P., frequency 1200 kc., 100 watts night, 250 watts day, unlimited.

WOV—International Broadcasting Corp., New York City.—Granted modification of C. P. to extend completion date to January 15, 1938.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted modification of license to increase day power from 2½ KW to 5 KW; 1260 kc.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Granted special temporary authority to operate regular broadcast transmitter for the experimental transmission of facsimile from 12 midnight to 6 a. m., with 100 watts power.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted C. P. to move former main transmitter to location of present main transmitter, make changes in equipment, and employ same as an auxiliary transmitter with power of 1 KW.

WGCM—WGCM, Inc., Mississippi City, Miss.—Granted license to cover C. P. authorizing changes in equipment; 1210 kc., 100 watts night, 250 watts LS, unlimited.

WTFI (now WAGA)—Liberty Broadcasting Company, Atlanta, Ga.—Granted license to cover C. P. and modifications thereof authorizing installation of new equipment, increase in power, and move of transmitter and studio; 1450 kc., 500 watts night, 1 KW day, unlimited.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted modification of C. P. to extend completion date from 9-10-37 to 11-10-37.

WSIX—WSIX, Inc., Nashville, Tenn.—Granted C. P. to make changes in equipment and increase in day power to 250 watts; 1210 kc.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted C. P. to move transmitter location locally in Brooklyn.

KNX—Columbia Broadcasting System, Inc., Los Angeles, Calif.—Granted C. P. covering approval of transmitter site, installation of new equipment, and vertical radiator.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted C. P. to install new equipment and increase day power from 100 to 250 watts; 1210 kc., unlimited.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted modification of C. P. approving transmitter and studio sites, vertical radiator, and changes in equipment.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted modification of C. P. to extend completion date from 9-19-37 to 3-19-38.

KDNC—The Democrat-News Co., Inc., Lewistown, Mont.—Granted modification of C. P. approving equipment changes, antenna system, and transmitter and studio sites.

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment, and vertical radiator.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted modification of C. P. covering changes in equipment.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted license to cover C. P. authorizing installation of new equipment, increase in power and time of operation from daytime to unlimited, 1420 kc., 100 watts night, 250 watts day.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted license to cover C. P. authorizing move of transmitter and installation of new vertical radiator.

WLBI—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted license to cover C. P. and modifications thereof authorizing move of transmitter site, installation of new equipment, increase in power, and change in hours of operation; 900 kc., 5 KW, daytime only.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted authority to make changes in automatic frequency control apparatus.

KFRO—Rogers Lacy, Longview, Tex.—Granted authority to transfer control of corporation from Rogers Lacy to James R. Curtis; 1370 kc., 250 watts, daytime.

KVOX—Robert K. Herbst, Moorhead, Minn.—Granted voluntary assignment of C. P. from Robert K. Herbst to KVOX Broadcasting Co.; 1310 kc., 100 watts, simultaneous day, S-KRMO equally night.

WKOK—The Sunbury Item, Inc., Sunbury, Pa.—Granted authority to transfer control of Sunbury Broadcasting Corp. from The Sunbury Item, Inc., to George W. Beck, Basse A. Beck, and Harry H. Haddon; 1210 kc., 100 watts night-day, specified hours.

WMAS—WMAS, Inc., Springfield, Mass.—Granted C. P. to move station locally, install new equipment and antenna system.

NEW—Indianapolis Power & Light Co., Mobile.—Granted C. P. for new experimental relay broadcast station, frequencies 31100, 34500, 37600 and 40600 kc., 40 watts, unlimited.

W6XUC—Intermountain Broadcasting Corp. (3 mile radius of KDYL), Salt Lake City.—Granted C. P. for new high frequency relay broadcast station, frequencies 15000, 200000, 250000 and 300000 kc., 0.5 watts.

KALO—Intermountain Broadcasting Corp., Mobile, Salt Lake City.—Granted application for reinstatement of C. P. granted September 29, 1936, authorizing experimental relay station to use frequencies 1606, 2022, 2102 and 2758 kc., 75 watts. Also granted license covering same.

WAAJ—The Fort Industry Co., Mobile.—Granted modification of C. P. authorizing changes in equipment.

WAAJ—The Fort Industry Co., Mobile.—Granted license to cover C. P. above.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted license to cover C. P. authorizing new transmitter location and new antenna system.

NEW—Ashland Broadcasting Co., Mobile.—Granted C. P. for new high frequency experimental relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 10 watts.

NEW—National Battery Broadcasting Co., Mobile.—Granted C. P. for new low frequency experimental relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 2 watts. Also granted license covering same.

KIGA—National Battery Broadcasting Co., Mobile.—Granted C. P. to install new equipment and increase in power from 7.5 watts to 16 watts. Also granted license covering same.

W8XKD—The Ford Industry Co., Mobile.—Granted modification of C. P. and license to cover same, authorizing changes in transmitting equipment.

NEW—The National Life & Accident Ins. Co., Inc., Mobile.—Granted C. P. for new relay high frequency broadcast station, frequencies 3100, 34600, 37600 and 40600 kc., experimental, 2 watts, unlimited time.

W3XIW—Reading Broadcasting Co., Mobile.—Granted license to cover C. P. for new relay broadcast station to operate on



frequencies 31100, 34600, 37600 and 40600 kc., experimental, 10 watts.

NEW—The Champaign News-Gazette, Inc., Mobile, Champaign, Ill.—Granted C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., experimental 100 watts, unlimited.

NEW—Woodmen of the World Life Ins. Assn., Mobile (Omaha, Nebr.)—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150, 2790 kc., 100 watts, unlimited.

NEW—H. W. Wilson and Ben Farmer, Mobile (Wilson, N. C.)—Granted C. P. for new experimental relay broadcast station, frequencies 38900, 39100, 39300 and 39500 kc., 10 watts.

W9XPU—WDZ Broadcasting Co., Mobile (Tuscola, Ill.)—Granted C. P. to make changes in equipment and increase power from 10 to 30 watts. Also granted license to cover same.

WAAH—West Virginia Broadcasting Corp., Mobile (Wheeling, W. Va.)—Granted modification of C. P. covering changes in equipment; also granted license covering same.

W8XKB—West Virginia Broadcasting Corp., Mobile (Wheeling, W. Va.)—Granted modification of C. P. covering changes in equipment; also granted license covering same.

W9XRS—WDAY, Inc., Mobile (Fargo, N. Dak.)—Granted license to cover C. P. for experimental relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 7 watts.

W9XSO—WDAY, Inc., Mobile (Fargo, N. Dak.)—Granted license to cover C. P. for experimental relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.

### SET FOR HEARING

NEW—Cadillac Broadcasting Corp., Detroit, Mich.—C. P. for new station to operate on 1140 kc., 500 watts, daytime only. Exact transmitter site to be determined with Commission's approval.

NEW—Santo Sottile, Charleston, S. C.—C. P. for new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter site to be determined subject to Commission's approval.

NEW—Louis P. Thornton, Baker, Ore.—C. P. for new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time. Exact location to be determined subject to Commission approval.

NEW—Kanawha Valley Broadcasting Co., Charleston, W. Va.—C. P. for new station to operate on 1500 kc., 100 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Valley Publishing Co., Harlingen, Tex.—C. P. to erect a new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—C. P. to move station locally (site to be determined); install new equipment, and change assignment from 1310 kc. to 1350 kc., 100 watts night, 250 watts day, sharing with WDAH, to 500 watts, unlimited time.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Modification of license to change frequency from 1310 kc. to 1200 kc. and hours of operation from sharing with KTSM to unlimited.

NEW—J. T. Griffin, Fort Smith, Ark.—C. P. to erect a new station, exact location to be determined subject to Commission's approval, to operate on 880 kc., 1 KW, daytime only.

NEW—Broward Broadcasting Co., Fort Lauderdale, Fla.—C. P. to erect a new station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter site to be determined subject to Commission approval.

NEW—W. A. Barnette, Greenwood, S. C.—C. P. to erect a new station to operate on 1370 kc., 250 watts, daytime only, exact location to be determined subject to Commission's approval.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—C. P. to install directional antenna system for night-time use and increase night power from 1 KW to 5 KW. To be heard before the Broadcast Division.

NEW—Colonial Broadcasters, Inc., Savannah, Ga.—C. P. to erect a new station to operate on 1310 kc., 100 watts, unlimited time, exact location to be determined subject to Commission's approval.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Application for modification of license, already in hearing docket, amended to request change in frequency from 1270 kc. to 1020 kc.,

and increase night power from 1 KW to 5 KW. To be heard before the Broadcast Division.

NEW—Tom Olsen, Port Angeles, Wash.—C. P., already in hearing docket, amended to request 1500 kc., 250 watts, daytime only, exact transmitter site and antenna system to be determined subject to Commission's approval.

NEW—Platt & Platt, Inc., Poughkeepsie, N. Y.—C. P., already in hearing docket, amended to request frequency 1000 kc., 1 KW, limited to local sunset at WHO, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Kentucky Broadcasting Corp., Louisville, Ky.—C. P. amended to request 1210 kc., 100 watts night, 250 watts day, unlimited time.

WINS—Hearst Radio, Inc., New York City.—C. P. to move transmitter locally from Carlstadt, N. J., to 1 mile east of Kearny, N. J., install new equipment, and increase power and hours of operation to 5 KW, unlimited time, employing directional antenna system for both day and night use. To be heard by the Broadcast Division.

NEW—James F. Hurley, Jr., Salisbury, N. C.—C. P. to erect a new station to operate on 1500 kc., 100 watts, daytime only. Exact transmitter and studio sites to be determined with Commission's approval.

WLBL—State of Wisconsin, Department of Agriculture and Markets. Stevens Point, Wis.—Modification of license to increase hours of operation to specified—6 a. m. to 10 p. m., CST, with power of 1 KW night, 5 KW day, on 900 kc. (now has 2½ KW, specified hours, 8 a. m. to local sunset).

WBWS—The Champaign News-Gazette, Inc., Champaign, Ill.—C. P. to make changes in equipment, increase power and hours of operation from 100 watts, daytime only, to 100 watts night, 250 watts day, unlimited time.

KVOL—Evangeline Broadcasting Co., Inc., Lafayette, La.—C. P. to move station locally, make changes in equipment, and increase daytime power to 250 watts.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—C. P. to make changes in composite equipment and increase day power from 100 watts to 250 watts.

KMED—Mrs. W. J. Virgin, Medford, Ore.—C. P. to make changes in equipment and increase power from 250 watts to 1 KW.

KARK—John R. Frazer, Little Rock, Ark.—Voluntary transfer of control of Arkansas Radio & Equipment Co., licensee of KARK, from John R. Frazer to Radio, Inc.; 890 kc., 500 watts night, 1 KW day, unlimited.

KARK—Radio, Inc., Little Rock, Ark.—Transfer control of Arkansas Radio & Equipment Co. from Radio, Inc., to T. H. Barton; 890 kc., 500 watts night, 1 KW day unlimited.

WBNX—WBNX Broadcasting Co., Inc., New York City.—C. P. (already in hearing docket) amended to request move of transmitter locally; install new equipment and directional antenna system for day and night operation; increase day power from 1 KW to 5 KW.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—C. P. (already in hearing docket) amended to request local move of station; installation of new equipment; increase in power from 500 watts to 1 KW night, 5 KW day, employing directional antenna day and night (hearing de novo).

WNAX—Charles H. Gurney, Yankton, S. Dak.—Authority to transfer control of corporation to the South Dakota Broadcasting Corp.; 570 kc., 1 KW-5 KW, unlimited time.

### SPECIAL AUTHORIZATIONS

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted special temporary authority to operate a 75-watt test transmitter on 870 kc. between the hours of 12 midnight and 6 a. m., CST, for the purpose of determining effectiveness of various sites for station location in or near Cook County, for period not to exceed 30 days.

WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, for the period September 6 to October 5, 1935, in order to broadcast baseball games only.

KLPM—John P. Cooley, Minot, N. Dak.—Granted special temporary authority to operate from 3 to 4 p. m., CST, September 7, 8 and 9, 1937 (provided KGCU remains silent), in order to broadcast portion of annual cooking school program.

KCKN—The KCKN Broadcasting Co., Kansas City, Kans.—Granted special temporary authority to rebroadcast over

## APPLICATIONS DENIED

- station KCKN programs from police radio station W9XCA 10 minutes each day, 5:20 to 5:30 p. m., CST, September 7 to September 30, except Sundays and holidays.
- WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from local sunset (September sunset 6:15 p. m. and October sunset 5:30 p. m. CST), to 7 p. m. CST, for the period September 8 to October 7, 1937, inclusive in order to broadcast baseball and football scores and other late events.
- WPG—City of Atlantic City, Atlantic City, N. J.—Granted special temporary authority to operate from 12 midnight to 3 a. m. EDST, September 9, in order to broadcast Gershwin Memorial program from the Hollywood Bowl.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate (Saturday) September 11 from 2 to 3 p. m. EST; Sunday, September 12 from 8:30 to 10 a. m. and 2 to 3 p. m., EST; Saturday, September 18, 2 to 3 p. m.; Sunday, September 19, 8:30 to 10 a. m. and 2 to 3 p. m.; Saturday, September 25, 2 to 3 p. m., EST; Sunday, September 26, 8:30 to 10 a. m., and 2 to 3 p. m., EST; Saturday, October 2, 2 to 3 p. m., EST and Sunday, October 3, 8:30 to 10 a. m. and 2 to 3 p. m., EST, in order to broadcast (Saturdays) weekly safety talks, football and general news, and (Sunday, a. m.) various religious programs and Sunday p. m. Catholic Evidence Guild, provided WSVS remains silent.
- KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with station KICA from 7:30 to 10 p. m., MST, Fridays, September 17 and 24; October 1; and from 7:30 to 10:30 p. m., MST; Friday, October 8, 1937, in order to broadcast High School football games.
- WMT—Iowa Broadcasting Co., Cedar Rapids, Ia.—Granted special temporary authority to rebroadcast over station WMT, conversation carried on between experimental station W5XAR and W5XAS of the Western Radio Telegraph Co., for the period of not more than 1 hour between September 18 and 24, 1937, flying weather permitting.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with station WGBB between 12 noon and 1 p. m., EST, Sunday, September 19, in order to broadcast program of Watch Tower convention, originating in Columbus, Ohio.
- KGEK—Elmer C. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 10 to 11 a. m., MST, September 19, and from 8 to 9 a. m., MST, September 26 (instead of from 2 to 2:30 p. m., MST, September 19, and 12:15 to 1 p. m., MST, September 26, as granted August 18th) in order to broadcast special religious programs.
- WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate unlimited time on Monday, September 20, in order to carry the returns of the election of the city commission in Tuscaloosa, Ala.
- KGLO—Mason City Globe Gazette Co., Mason City, Ia.—Granted special temporary authority to rebroadcast over station KGLO conversation carried on between experimental stations W5XAR and W5XAS of the Western Radio Telegraph Co., for period not more than one hour between September 25 and 30, 1937, flying weather permitting.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WGBB on Sunday, September 26th, between the hours of 10 and 11 a. m., EST, in order to broadcast the program of the Watch Tower.
- WHO—Central Broadcasting Co., Des Moines, Ia.—Granted special temporary authority to rebroadcast over WHO the conversation carried on between W5XAR and W5XAS, for period of not more than 1 hour between September 12 and 16, flying weather permitting.
- KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Denied special temporary authority to operate unlimited time on frequency 1040 kc. for period not to exceed 30 days, in order to broadcast commercial programs.
- KQV—KWV Broadcasting Co., Pittsburgh, Pa.—Denied special temporary authority to operate simultaneously with station WSMK from 7 p. m. to 7:30 p. m., EST, for period beginning September 1, 1937, and ending in no event later than September 30, 1937, in order to carry commercial programs.
- WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Denied special authority to operate simultaneously with WEST (Easton, Pa.), from 11 a. m. to 12 noon for the period September 21 to October 20, 1937, daily except Sunday.
- David G. Adams, d/b as Adams Recording Studio, San Diego, Calif.—Denied as in default for failure to file an appearance and statement of facts in accordance with Rule 104.6 (c), application for authority to make electrical transcriptions and manufacture records for stations XEBG and XEMO at Tia Juna, Mexico.

## APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—C. P., 1390 kc., 1 KW, 5 KW LS, unlimited time. Directional antenna for night use.
- KSEL—Radio Service Corp., Pocatello, Idaho.—C. P., 900 kc., 500 watts, 1 KW LS unlimited.
- KRKO—Lee E. Mudgett, Everett, Wash.—C. P., 1420 kc., 100 watts night, 250 watts LS, unlimited.
- NEW—The Ohio Broadcasting Co., Canton, Ohio.—C. P. for new station, 1310 kc., 100 watts, day.
- NEW—The Enterprise Co., Beaumont, Tex.—C. P. for new station, 1350 kc., 250 watts night, 500 watts LS. unlimited.

## MISCELLANEOUS

- WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Directed that modification of license covering increase in power to 1 KW be issued to WHAZ, in conformity with action of November 17, 1936, inasmuch as applicant has now complied with proviso contained therein.
- WTAQ—WHBY, Inc., Green Bay, Wis.—Directed that modification of license covering changes in directional antenna be issued to WTAQ in conformity with action of June 15, 1937, inasmuch as applicant has now complied with proviso contained therein.
- WAXB-WZXC—Alford J. Williams, Pittsburgh, Pa.—Granted extension of special temporary authority to operate RCA Type H aircraft transmitter, 5 watts power, on board plane NC-1050, and RCA Type AVT-7 transmitter, portable on ground, on frequencies 1646, 2090, 2190, 2830 kc., as relay broadcast station, for the period October 1 to October 30, 1937, for testing and transmission of program communication service between plane and portable transmitter on ground in connection with flight demonstrations and Junior Aviator activities at various locations over U. S.
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Directed that modification of license to increase hours of operation from daytime to daytime and local sunset to 11 p. m., Tuesdays, Thursdays, Saturdays and Sundays, using 100 watts day and 50 watts night, be issued to WJEJ in conformity with action of September 29, 1936, inasmuch as applicant has complied with proviso contained therein.
- NEW—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.—Denied motion to remand for further hearing application for new special broadcast station to use 1550 kc., 1 KW, unlimited. Docket 4178.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted extension of 60 days from September 1, 1937, within which to comply with requirement contained in C. P. heretofore granted to build a vertical radiator.
- WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted extension of time to November 15, within which to comply with Rule 131 regarding construction of an antenna system.
- KVOD—Colorado Radio Corp., Denver, Colo.—Granted petition for continuance of common hearing date on applications of KVOD (Docket 4527), KFEL (Docket No. 4578), from September 21, 1937, to some future date subsequent to the

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

- KFWB, Hollywood, Calif.; KGVO, Missoula, Mont.; KGBX, Springfield, Mo.; KHSL, Chico, Calif.; KMA, Shenandoah, Iowa; KOIN, Portland, Ore.; KRKD, Los Angeles; KRSC, Seattle, Wash.; KTAT, Fort Worth, Tex.; KYA, San Francisco; WAAT, Jersey City; WAIR, Winston-Salem, N. C.; WCAP, Asbury Park, N. J.; WAVE, Louisville, Ky.; WCOP, Boston; WDBJ, Roanoke, Va.; WDOD, Chattanooga, Tenn.; WIBA, Madison, Wis.; WOOD, Grand Rapids, Mich.; WRC and auxiliary, Washington, D. C.; WREN, Lawrence, Kans.; WTAW, College Station, Tex.; WXYZ, Detroit, Mich.

- receipt of information from the Bureau of Air Commerce regarding the status of the respective sites proposed; and that these applications will be heard in consolidation with application of Scripps-Howard Radio, Inc. (Docket 4559), for new station at Denver to operate on **630 kc.**, 500 watts night, 1 KW LS, unlimited.
- WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted petition to intervene in the hearing of application of West Virginia Broadcasting Corp. for new station at Charleston to use **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Docket 4715.
- NEW—S. O. Ward and F. C. Ward, d/b as Louisville Broadcasting Co., Louisville, Ky.—Granted petition to intervene in the proceedings upon the application of WAVE, Inc., Docket 4679.
- KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted petition to intervene in the hearing on the application of Larry Rhine, San Francisco, for C. P. for new station to use **980 kc.**, 250 watts, daytime only. Docket 4667.
- WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted petition to intervene in the hearing on the application of Y. W. Scarborough and J. W. Orvin, Charleston, S. C., for C. P. to use **1210 kc.**, 100 watts night, 250 watts LS, unlimited time.
- KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted petition to intervene in the hearing on the application of W. C. Irvin for new station at Amarillo to use **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Docket 4686.
- NEW—Standard Life Insurance Co. of the South, Jackson, Miss.—Granted petition to intervene in the proceedings upon the application of Attala Broadcasting Corp. (WHEF), Kosciusko, Miss., to move station to Jackson, Miss.
- NEW—Edwin A. Kraft, Petersburg, Alaska—Denied petition to reconsider action of June 15, 1937, denying application of Edwin A. Kraft for authority to establish a new station at Petersburg, Alaska, and grant same.
- WOKO—WOKO, Inc., Albany, N. Y.—Granted petition to intervene in the hearing of the application of Tri-City Broadcasting Co., Inc., for C. P. to erect a station at Schenectady, N. Y., using frequency **950 kc.**, 1 KW, unlimited time.
- NEW—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted petition to intervene in the hearing of the application of Tri-City Broadcasting Co., Inc., for C. P. to erect a station at Schenectady, N. Y., using frequency **950 kc.**, 1 KW, unlimited time.
- NEW—Curtis Radiocasting Corp., Richmond, Ind.—Granted petition to intervene in the hearing on the application of Knox Radio Corp. for renewal of license for station WKBV, Richmond, Ind.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted motion for continuance of hearing on application for C. P. to change frequency from **1420 kc.** to **610 kc.** and power from 100 watts, 250 watts LS, to 500 watts, 1 KW, unlimited time, from October 1 to a date early in November.
- NEW—Associated Arkansas Newspapers, Inc., and Radio Enterprises, Inc., Hot Springs, Ark.—Granted in part, motion to continue hearing now scheduled for September 27 to a new date after October 15 to be fixed by the Docket Section. These applications involve applications for new stations at Hot Springs, Ark., to operate on **1310 kc.**, 100 watts, daytime only.
- WAIM—Wilton E. Hall, Anderson, S. C.—Granted petition to intervene in the proceedings upon the application of Athens Times, Inc., for new station at Athens, Ga., to use **1210 kc.**, 100 watts, 250 watts LS, unlimited.
- Travelers Broadcasting Service Corp., Hartford, Conn.—Denied petition to reconsider and grant without hearing applications for assignment of license for station WTIC and experimental stations WIXEH, WIXLU, WIXO, WIXT, from the Travelers Broadcasting Service Corp. to The Travelers Broadcasting Co., now scheduled for October 13, 1937.
- NEW—Walker & Chapin, Oshkosh, Wis.—Denied petition for continuance of hearing on application for C. P. for new station at Oshkosh, Wis., to operate on frequency **1010 kc.**, 250 watts, unlimited, now scheduled for September 24, 1937.
- KWOS—Tribune Printing Co., Jefferson City, Mo.—Granted petition for a 60-day continuance of hearing now scheduled for September 27, on application for CP to increase power from 100 watts day to 100 watts, 250 watts LS, unlimited time.
- NEW—Colonial Broadcasters, Inc., Savannah, Ga.—Granted petition to intervene in the hearing on the application of the Seaboard Broadcasting Corp. for a new station at Savannah, Ga., to use **1310 kc.**, 100 watts, 250 watts LS, unlimited time.
- NEW—Martin R. O'Brien, Aurora, Ill.—Granted petition to intervene in the hearing on the application of Jules J. Rubens for a new station at Aurora, Ill., to use **1040 kc.**, 250 watts, daytime only.
- KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Texas.—Denied petition requesting reconsideration and grant without a hearing the application for transfer of control of station to Mrs. Ruth G. Roosevelt.
- Travelers Broadcasting Service Corp., Hartford, Conn.—Granted petition to accept its Notice of Appearance and Statement of Facts to be proved in re application for voluntary assignment of license (Docket No. 4692).
- WSAY—Brown Radio Service & Lab., Rochester, N. Y.—Denied petition of WSAY to strike the issue regarding interference with Canadian stations CJCS and CKCH. WSAY has application for C. P. requesting increase in power and time of operation from 100 watts daytime only, to 100 watts night, 250 watts day, unlimited time.
- WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted petition to intervene in the hearing on the application of Burlington Broadcasting Co. for new station at Burlington, Iowa, using **1310 kc.**, 100 watts, unlimited time.
- NEW—Harold Thomas, Pittsfield, Mass.—Suspended action of July 2, 1937, granting application for C. P. for new station to operate on **1310 kc.**, 100 watts night, 250 watts LS, unlimited time, pending determination of the appeal filed by Lawrence K. Miller in the U. S. Court of Appeals for the District of Columbia, in which a Stay Order has been granted.
- NEW—Salinas Newspapers, Inc., Salinas, Calif.—Cancelled oral argument scheduled for September 23, 1937, and dismissed with prejudice application for C. P. to use **1390 kc.**, 250 watts, daytime; also cancelled oral argument in re Monterey Peninsula Broadcasting Co., scheduled for September 23.

#### EXAMINERS' REPORTS RELEASED SINCE AUGUST 31, 1937

- KFNF—Ex. Rep. 1-486: KFNF, Inc., Shenandoah, Ia.—Examiner John P. Bramhall recommended grant of C. P. to increase power from 500 watts, 1 KW-LS, to 1 KW, 5 KW-LS.
- NEW—Ex. Rep. 1-487: George W. Taylor Co., Inc., Williamson, W. Va.—Examiner Robert L. Irwin recommended denial of C. P. for new station to operate on **1370 kc.**, 100 watts, daytime.
- KGO—Ex. Rep. 1-488: National Broadcasting Co., Inc., San Francisco, Calif.—Examiner Bramhall recommended grant of C. P. to increase power of station from  $7\frac{1}{2}$  KW to 50 KW; **790 kc.**, unlimited time.
- WBNS—Ex. Rep. 1-489: WBNS, Inc., Columbus, Ohio.—Examiner Irwin recommended grant of C. P. to increase power from 500 watts, 1 KW-LS, to 1 KW, 5 KW-LS.
- NEW—Ex. Rep. 1-490: Warren B. Worcester, San Diego, Calif.—Examiner Geo. H. Hill recommended denial of C. P. for new station to operate on **1400 kc.**, 250 watts, 1 KW LS, unlimited.
- WWL—Ex. Rep. 1-491: Loyola University, New Orleans, La.—Examiner Hill recommended grant of C. P. to increase power from 10 KW to 50 KW.
- NEW—Ex. Rep. 1-492: William F. Maag, Jr., Youngstown, Ohio.—Examiner Bramhall recommended grant of C. P. for new station to operate on **1420 kc.**, 100 watts, daytime.
- NEW—Ex. Rep. 1-493: Abraham Plotkin, Chicago, Ill.—Examiner R. H. Hyde recommended dismissal with prejudice the application for C. P. to use **1570 kc.**, 1 KW, unlimited time; and
- NEW—Phila. Radio Broadcasting Co., Philadelphia, Pa.—Recommended denial of C. P. of the Phila. Radio Broadcasting Co., for the same facilities.

#### ACTION ON EXAMINER'S REPORT

(Taken August 18, 1937)

- KRKD—Ex. Rep. 1-457: Frank P. Doherty, Los Angeles, Cal.—Dismissed with prejudice application for authority to transfer central of corporation of Radio Broadcasters, Inc., from Frank P. Doherty to J. F. Burke, Sr., & Loyal K. King.

## RATIFICATIONS

The Broadcast Division ratified the following actions taken on the dates shown:

- KSFO—Radio Station KSFO, San Francisco, Cal.—Granted authority to determine power during program test period by direct method. Action taken, 8-28.
- WAGA—Liberty Broadcasting Co., Atlanta, Ga.—Granted extension program test period 30 days from August 29, 1937. Action taken, 8-30.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted extension program test period 30 days from September 4. Action taken 8-30.
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Same except 30 days from September 5. Action taken 9-2.
- WFLA—Florida West Coast Broadcast Co., Inc., Clearwater, Fla.—Granted extension special temporary authority to close Clearwater studios from September 1 to October 31 inclusive and use Tampa studios on account of summer vacation for employees and in order to continue WFLA during the summer period with reduced experienced personnel. Action taken 8-31.
- KROY—Royal Miller, Sacramento, Calif.—Granted special temporary authority to operate unlimited time from September 3 to 20, inclusive, in order to broadcast events of the California State Fair and Lodi, California, Grape Festival. Action taken 9-2.
- WAYX—Waycross Broadcast Co., Waycross, Ga.—Granted special temporary authority to conduct program tests in accordance with terms of application for modification of C. P., for period of 30 days, pending action on this application. Action taken 9-2.

Granted petition of Constitution Publishing Co to intervene in the proceedings upon the application of Thomas J. Watson for C. P. Action taken 9-1.

Granted petition of Constitution Publishing Co. to intervene in the proceedings upon the application of Citizens Broadcasting Corp., Schenectady, N. Y., for C. P. Action taken 9-1.

Granted petition of The Constitution Publishing Co. to intervene in the proceedings upon the application of William Avera Wynne (WEED), Rocky Mount, N. C., for C. P. Action taken 9-1.

Granted petition of Constitution Publishing Co. to intervene in the proceedings upon the application of The Hampden-Hampshire Corp. for new station at Holyoke, Mass. Action taken 9-1.

Granted petition of Connecticut Valley Broadcasting Co. (WSPR) to intervene in the proceedings upon the application of The Hampden-Hampshire Corp. for new station at Holyoke, Mass. Action taken 9-2.

Granted petition of WPTF Radio Co., Raleigh, N. C., to intervene in the proceedings upon the application of Capitol Broadcasting Co., Inc., Raleigh, N. C., for C. P. Action taken 9-1.

Granted petition of A. Frank Katzentine (WKAT) to intervene in the proceedings upon the application of Nathan N. Bauer, Miami, Fla., for C. P. Action taken 9-1.

Denied petition of George H. Evans & Davis O. Vandivier, d/b as The Chickasha Daily Express, Chickasha, Okla., to withdraw without prejudice their application for C. P. Action taken 9-1.

Denied petition of the Westinghouse E. and M. Co. (KYW) for continuance of the hearing upon its application for C. P., scheduled for September 15. Action taken 8-26.

Denied motion of Brown Radio Service Laboratory (WSAY) for continuance of hearing on its application for C. P. now scheduled for September 13. Action taken 9-2.

Granted petition of Peter Goelet (WGNY) for continuance of hearing on his application for C. P., now scheduled for September 10, until October 26. Action taken 9-2.

Granted petition of C. G. Hill, George D. Walker, and Susan H. Walker (WAIR) for a continuance of the hearing upon their application for C. P., now scheduled for September 10, until October 26, 1937. Action taken 9-2.

Denied petition of Hannibal Broadcasting Co. requesting Commission to extend effective date of decision on its application for C. P., and application of Courier-Post Publishing Co., both of which were denied July 2, 1937, effective August 31. Action taken 8-31.

Denied motion of Continental Radio Co. for postponement of effective date of Commission's decision in the matter of the applications of Continental Radio Co., WALR Broadcasting Corp., and Community Broadcasting Co. Action taken 8-3.

Granted petition of Illinois Broadcasting Corp. (WTAD) for continuance of the hearing on its application for modification of license from September 14 to November 29, 1937. Action taken 9-3.

Granted petition of Allen T. Simmons (WADC) for extension of time to file exceptions to Ex. Rept. 1-476, and directed that said time be extended 15 days. Action taken 9-2.

## APPLICATIONS RECEIVED

### First Zone

- WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Modification of special experimental authorization (B1-SA-192) for a satellite station, requesting approval of transmitter site at Cregg Building, Lawrence, Mass.
- W3XDD—Bell Telephone Laboratories, Inc., Whippany, N. J.—Construction permit to install a new transmitter, increase power from 5 KW to 50 KW, and add special emission for high quality transmission.
- NEW—National Broadcasting Co., Inc., Area of New York City and Camden, N. J.—Construction permit for a new television broadcast station on frequencies 175000-180000, 92000 kc., with power—visual 400 watts, aural 100 watts.
- W1XAL—World Wide Broadcasting Corporation, Boston, Mass.—Modification of license to cancel frequencies 6040, 11790, 15250, 21460 kc. and add frequencies 9550, 11730, 15130, 21500 kc., on a temporary provisional basis. Amended to retain the frequencies 6040, 11790, 15250 and 21460 kc.

### Second Zone

- WHK—Radio Air Service Corp., Cleveland, Ohio.—Construction permit to install directional antenna for night use. Amended to make changes in antenna.
- WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Voluntary assignment of license from James E. Davidson to Bay Broadcasting Co., Inc.
- WADA—Charleston Broadcasting Co., Charleston, W. Va.—License to cover construction permit (B2-PRY-59) for a new relay broadcast station.

### Third Zone

- WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Modification of construction permit (B3-P-1682) for new equipment and increase in power, further requesting changes in equipment.
- WBHP—Wilton Harvey Pollard, Huntsville, Ala.—License to cover construction permit (B3-P-840) as modified for a new station. Amended to make changes in antenna.
- NEW—Mittelle Franklin Noble, Anniston, Ala.—Construction permit for a new station to be operated on 1420 kc., 100 watts, daytime.
- KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—License to cover construction permit (B3-P-1056) as modified for new equipment, antenna and move of station.
- WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Construction permit to make changes in antenna; move of transmitter from one mile east of Kosciusko, Miss., to Terry Road, Jackson, Miss., and studio from 212 Washington St., Kosciusko, Miss., to corner of Griffith and Lamar Streets, Jackson, Miss. Amended to give studio site as 133 East Capitol Street, Hotel Heidelberg, Jackson, Miss.
- NEW—Miami Broadcasting Co., Miami, Fla.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 15 watts.
- KAXD—A. H. Belo Corporation, Dallas, Tex.—License to cover construction permit (B3-PRY-54) for a new relay broadcast station.
- W10XHF—Columbia Broadcasting System, Inc., Charlotte, N. C.—License to cover construction permit (B3-PRE-126) for a new relay broadcast station.

### Fourth Zone

- KATE—Albert Lea Broadcasting Corp., Albert Lea, Minn.—Modification of construction permit (B4-P-883) as modified for a new station, requesting changes in antenna and move of transmitter 20 feet.
- W9XF—National Broadcasting Co., Inc., Downer's Grove, Ill.—Construction permit to increase power from 10 to 50 KW and add frequencies 9550, 11730, 15130, 21500 kc.
- W9XUX—Head of the Lakes Broadcasting Co., Duluth, Minnesota—License to cover construction permit (B4-PRE-123) for a new relay broadcast station.

NEW—South Bend Tribune, South Bend, Ind.—Construction permit for a new high frequency broadcast station to be operated on 25950 kc., 100 watts. Amended to cancel the frequency 25950 kc. and add 26050 kc.

NEW—South Bend Tribune, South Bend, Indiana—License to cover construction permit above, as amended.

NEW—Minnesota Broadcasting Corp., Mobile-Minneapolis-St. Paul area.—Construction permit for a new relay broadcast station to be operated on 31100, 34500, 37600, 40600 kes., 1 watt.

NEW—Minnesota Broadcasting Corp., Mobile-Minneapolis-St. Paul area.—License to cover above.

NEW—Minnesota Broadcasting Corp., Mobile-Minneapolis-St. Paul area.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kes., 1 watt.

NEW—Minnesota Broadcasting Corp., Mobile-Minneapolis-St. Paul area.—License to cover above.

NEW—Minnesota Broadcasting Corp., Mobile-Minneapolis-St. Paul area.—Construction permit for a new relay broadcast

station to be operated on 1606, 2022, 2102, 2758 kes., 25 watts.

NEW—Minnesota Broadcasting Corp., Mobile-Minneapolis-St. Paul area.—Construction permit for a new relay broadcast station to be operated on 1606, 2022, 2102, 2758 kes., 7.5 watts.

#### Fifth Zone

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, California—Modification of license to change corporate name from Beverly Hills Broadcasting Corp. to KMPC—The Station of The Stars, Inc.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Extension of special experimental authorization to operate with 1 kilowatt power at night for period from 10-1-37 to 1-1-38, pending compliance with Rule 131.

W10XHI—Columbia Broadcasting System, Inc., Chicago, Ill.—License to cover construction permit (B1-PRE-131) for a new relay broadcast station.



# The National Association of Broadcasters

NATIONAL PRESS BUILDING \* \* \* \* \* WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

## NAB REPORTS

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SEPT. 16, 1937

### SPECIAL NAB CONVENTION OCTOBER 12

A meeting of the Board of Directors of the National Association of Broadcasters was convened in New York City on September 10 and adjourned September 12. The Board has called a special meeting of the NAB membership which will be held in New York City at the Waldorf-Astoria Hotel, October 12, 1937. Although the Board originally fixed October 4 as the latest date for the convention, the World Series Baseball Games and other meeting already scheduled made it impossible to obtain the necessary hotel accommodations before October 12. The call of the special membership meeting was predicated upon the following Resolution which was adopted by the Board:

"Whereas, an emergency exists in the broadcasting industry due to demands of the American Federation of Musicians, which demands directly or indirectly affect the interests of every member of the industry,

"BE IT RESOLVED: The Board of Directors of the National Association of Broadcasters hereby call a special meeting of its membership agreeably with the provisions contained in the By-Laws, in New York City at the earliest practicable date, and, in any event, not later than October 4, 1937."

### NAB TO BE REPRESENTED AT HAVANA AND CAIRO

The Board of Directors of the NAB this week authorized the President to cause the Association to be represented at the North American Radio Conference to be held at Havana, Cuba, in November, 1937, and at the World Radio Conference to be held in Cairo, Egypt, in February, 1938.

### TIME AND PLACE FOR 16TH ANNUAL CONVENTION

The Board of Directors at a meeting this week authorized and directed the Executive Committee to select the time and place for the sixteenth annual convention of the National Association of Broadcasters.

### FEDERAL TRADE COMMISSION ACTION Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

No. 3223. **Nannette, Inc.**, 560 West Randolph St., Chicago, and its officers, James E. Woodman, president, and William J. Larson, vice-president, are charged in a complaint with using unfair methods of competition in connection with the sale of cosmetics and toilet preparations. The respondents allegedly promote the sale of their products by conducting a picture puzzle contest which they advertise in newspapers, magazines, circulars, and sales promotional literature.

The complaint alleges that the respondents represent, contrary to the facts, that the contest is confined to a picture puzzle, involving only competition in skill and promptness in submitting solutions; that to win a specified prize the contestant is not required to do anything except to be prompt and to send in the best solution; that the prizes offered will be given free and without the expenditure of money or work on the part of contestants; that the conditions incident to the winning of prizes are easy and simple, and that the contest is conducted for the purpose of advertising the respondents' products.

No. 3224. Two companies said to dominate the raw and granulated chicory markets in the United States and to be under the control of one family, are named respondents in a complaint alleging violation of both the Federal Trade Commission Act and the Robinson-Patman Anti-Price Discrimination Act.

The respondent companies, engaged in the interstate sale of granulated chicory which they manufacture from the raw product, are **E. B. Muller & Co.**, 220 Quay St., Port Huron, Mich., and **Heinr. Franck Sons, Inc.**, 131 Avery Ave., Flushing, N. Y. They also maintain stocks of chicory other than in Michigan and New York, where their factories are located.

In violation of Section 5 of the Federal Trade Commission Act, the complaint alleges, the companies with the intent and purpose of destroying competition, sell granulated chicory in interstate commerce at prices below the cost of manufacturing, selling and distributing the product.

### Cease and Desist Orders

The Commission has issued the following cease and desist orders:

No. 1772. **Heidelberger Confectionery Company**, 1720 North Second St., Philadelphia, has been ordered to cease and desist from selling to dealers candy so packed and assembled that sales to the public are to be made or may be made by means of a lottery scheme.

The order prohibits use of pushcards, and so-called "break and take" lottery methods to promote the sale of candy, and bars the respondent company from supplying dealers with assortments of candy which are used or may be used without alteration or re-arrangement of the contents to conduct a lottery, gaming device or gift enterprise in the sale of such candy to the public.

No. 2945. An order to cease and desist from certain false and misleading representations concerning the therapeutic value and effect of **Breatheasy**, advertised as a preparation for use in the treatment of asthma, hay fever, and kindred diseases, has been entered against **Pascal Company, Inc.**, Second Street at Madison, Seattle, Wash. The product is sold with an atomizer for administering the preparation.

### IN THIS ISSUE

	Page
Special NAB Convention October 12.....	2293
NAB to Be Represented at Havana and Cairo.....	2293
Time and Place for 16th Annual Convention.....	2293
Federal Trade Commission Action.....	2293
Federal Communications Commission Action.....	2294

The order directs the respondent company to discontinue advertising in newspapers, over the radio, or by any other means that Breatheasy is a cure or remedy for asthma or hay fever, or that it has a therapeutic value or beneficial effect in the treatment of those diseases, as well as in the treatment of chronic bronchitis, heart trouble, gastric ulcer, certain skin ailments, neuralgia, neuritis, and inflammation of the nose, throat, tonsils, and lungs.

**No. 3153. Mutual Rosenbloom Corporation**, garment manufacturer, 498 Seventh Ave., New York City, has been ordered to cease and desist from use in advertising matter of the terms "Silk Jersey", "Satin Jersey" or "Silk Jersanese", or the word "Silk", to designate and describe dresses and other garments made from a material not composed entirely of silk.

It was found that the respondent company distributed to customers advertising matter wherein certain dresses offered for sale were described variously as "Silk Jersey" or "Satin Jersey", when, in fact, they were composed of materials other than silk.

**No. 3172. May Hosiery Mills, Inc., Burlington, N. C.**, has been ordered to cease and desist from misrepresenting the quality and composition of certain hosiery it sells in interstate commerce.

Findings in the case are that the respondent company, in advertising matter, described hosiery with such phrases as "pure thread silk and rayon" and "genuine wrap pure thread silk and rayon", the words "and rayon" in each phrase appearing in much smaller and less conspicuous type than the other words. It was found that use of these phrases in the manner described led purchasers into the erroneous belief that the major component of the hosiery was silk, when such was not a fact.

### Stipulations

The Commission has entered into the following stipulations:

**No. 2041. Berg & Markell, Inc.**, 44th Ave. and 9th St., Long Island City, New York, has entered into a stipulation to discontinue misbranding and misrepresenting certain paints it sells in interstate commerce.

The company will cease using on labels, or in any other manner, the phrase "The Original Titanium Paint" so as to imply that it was the first or original manufacturer of paints containing titanium as a pigment. Use of the word "titanium" as descriptive of paints so as to imply that they contain titanium in substantial quantities, when such is not a fact, will be stopped.

**No. 2042.** Under a stipulation, use in advertising matter of the word "Panama" so as to imply that hats so described are Panama hats, when such is not a fact, will be discontinued by **Herman Ackerman**, of New York. Ackerman, trading as Herman Ackerman Company, 640 Broadway, New York, is a jobber of hats and caps.

According to the stipulation, Ackerman advertised certain hats as "Toya Panamas." He agreed to stop using the word "Panama" alone or with other words as descriptive of a hat not made from the leaves of the jipijapa plant, or in accordance with the process used in the manufacture of Panama hats.

**No. 2043.** Under a stipulation, **Permanent Concrete Burial Vault Company**, Syndicate Trust Building, St. Louis, will cease using false and misleading advertising in connection with the interstate sale of concrete burial vaults.

The company agreed to stop using the word "Permanent" as part of its trade name and the words "everlasting protection" in advertising matter, as descriptive of its vaults, so as to create the impression that they will give permanent or everlasting protection to bodies encased therein, when such is not a fact.

**No. 2044.** The Federal Trade Commission has closed its case against **Corrugated Container Corporation**, 230 Third Ave., Brooklyn, engaged in the manufacture and sale of corrugated fiber boxes, for the reason that the company has entered into a stipulation to discontinue the unfair method of competition alleged in a complaint issued by the Commission.

The complaint charged the company with placing upon its boxes a stamp which was not the usual and official certification, required by rules adopted by the official classification committee of railroad companies, setting forth the bursting test, dimensions and gross weight of corrugated fiber boxes. According to the stipulation, the stamp used by the respondent company on its boxes so closely simulated the official stamp in shape and general appearance as to cause railroads and purchasers to accept such boxes in the belief that they bore the official certification and complied fully with construction requirements.

**No. 2045.** Under a stipulation, **V. Portnoy & Sons, Inc.**, 566 Roosevelt Road, Chicago, engaged in the sale of both new and old or second-hand wearing apparel, agrees to discontinue use of advertising matter which does not clearly indicate in conspicuous type, with reference to each particular garment or article that is not new, that such product is old, worn or second-hand.

The company also stipulates that it will cease using in advertising matter the word "silk", alone or with other words, to describe products not composed of silk, or to imply that the product to which the word refers is made of silk, when such is not a fact.

**No. 01855. N. Meyer, 1166 Diversey Parkway, Chicago**, trading as **Little Giant Radio Company**, agreed to stop advertising that his Midget Pocket Radio tunes in the broadcast band, will last for years, and is precisely assembled or rigidly tested.

**No. 01856. A. J. Krank, Inc., 1885 University Ave., St. Paul, Minn.**, in selling cosmetics and preparations for the hair and scalp, stipulated that he would discontinue the following representations: That Balm Argenta banishes skin age and is a competent treatment for skin imperfections; that Scalphealth Tonic stimulates circulation or frees the scalp of dandruff; that Lemon Cleansing Cream penetrates clogged pores and dissolves impurities; that Skin-Health Tissue Cream will cause enlarged facial muscles to respond to its restorative action; that Honey Rose Cream conditions and rejuvenates those deep lying tissues which surface creams cannot benefit; that Odo-Ban banishes perspiration odor; that Permanent Wavoil puts life into the hair or prevents falling hair; that Sporicide relieves all forms of itching and skin irritation instantly, and that Hair Root Oil invigorates the scalp, loosens dandruff or prevents falling hair.

**No. 01857. J. H. Oesterhaus, 1612 West 16th St., Kansas City, Mo.**, trading as **Farmers Serum & Supply Co.**, will cease representing in advertising matter that his Bovine Abortion Vaccine will provide permanent protection from abortion; that his combined treatment is a guaranteed method for preventing and treating blackhead in turkeys; that his remedies will prevent or control poultry diseases, and that his products are licensed by Government.

**No. 01858. Harold Warp, 1415 North Cicero Ave., Chicago**, trading as **Flex-O-Glass Manufacturing Company**, agreed to cease representing that Flex-O-Glass, a loosely woven cloth impregnated with paraffin and used for windows in chicken brooder houses, admits far more actual sunshine than glass and is essential to raising chickens; that it matures two-pound broilers in eight weeks and doubles winter egg production and is a preventive against disease. Warp also will cease advertising that Flex-O-Glass "gives hens June sunshine full of egg-making ultra-violet rays all winter long."

**No. 01862. Max Gordon, J. H. Levin and J. J. Becker**, trading as **Economy Tire and Rubber Company, 1615 Grand Ave., Kansas City, Mo.**, will stop advertising that their reconditioned tires are guaranteed unless in direct connection with such representation and in equally conspicuous type they list all the conditions imposed upon purchasers, including the requirement that purchasers who wish to avail themselves of the terms of the guarantee must pay the transportation costs on replaced tires. The respondents will cease representing that tires are offered at certain specified prices unless it also is made known in the advertising matter that such prices are F.O.B., or that the purchaser is required to pay transportation charges in addition to the prices quoted.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning Monday, September 20:

Monday, September 20

### HEARING BEFORE AN EXAMINER

(Broadcast)

WNBZ—Earl J. Smith and Wm. Mace, Saranac, N. Y.—Voluntary assignment of license to Upstate Broadcasting Corp.; 1290 kc., 100 watts, daytime.



Tuesday, September 21

### HEARING BEFORE AN EXAMINER

(Broadcast)

- KPOF—Pillar of Fire, Denver, Colo.—Modification of license, 880 kc., 1 KW, shares with KFKA; KPOF  $\frac{1}{3}$  time, KFKA  $\frac{2}{3}$  time. Present assignment: 880 kc., 500 watts, shares with KFKA; KPOF  $\frac{1}{3}$ , KFKA  $\frac{2}{3}$  time.
- WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license to WBNO, Inc.; 1200 kc., 100 watts, shares WJBW.
- WBNO—The Coliseum Place Baptist Church, New Orleans, La.—C. P., 1420 kc., 100 watts night, 250 watts LS, unlimited time. Present assignment: 1200 kc., 100 watts, shares WJBW.
- WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, share with WJBW.
- NEW—Southern Broadcasting Corp., New Orleans, La.—C. P., 1200 kc., 100 watts night, 250 watts LS, unlimited (requests facilities of WBNO and WJBW).
- WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, shares WBNO.

Wednesday, September 22

### HEARING BEFORE AN EXAMINER

(Broadcast)

- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—C. P., 970 kc., 5 KW, limited sunset Chicago.
- NEW—Havens & Martin, Inc., Petersburg, Va.—C. P., 1210 kc., 100 watts, 250 watts LS, specified hours (unlimited).
- NEW—Petersburg Newspaper Corp., Petersburg, Va.—C. P., 1210 kc., 100 watts, 250 watts LS, specified hours.
- NEW—John Stewart Bryan, Petersburg, Va.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited except Sunday nights.

Thursday, September 23

### HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—C. P., 1210 kc., 100 watts, daytime.
- WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license, 930 kc., 250 watts, 500 watts LS, unlimited. Present assignment: 900 kc., 500 watts, daytime.
- NEW—Lawrence K. Miller, Pittsfield, Mass.—C. P., 930 kc., 250 watts, daytime.

### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

#### Examiner's Report No. 1-405:

- KDON—Monterey Peninsula Broadcasting Co., Del Monte Calif.—C. P., 1400 kc., 250 watts, 1 KW LS, unlimited. Present assignment: 1210 kc., 250 watts, unlimited time.

#### Examiner's Report No. 1-410:

- WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—C. P., 1450 kc., 250 watts, 1 KW LS, unlimited time. Present assignment: 1450 kc., 250 watts, unlimited time.

#### Examiner's Report No. 1-411:

- NEW—Sharon Herald Broadcasting Co., Sharon, Pa.—C. P., 780 kc., 250 watts, daytime.
- NEW—Allen T. Simmons, Mansfield, Ohio.—C. P., 780 kc., 1 KW, daytime.

#### Examiner's Report No. 1-416:

- KADA—C. C. Morris, Ada, Okla.—Modification of license, 1200 kc., 100 watts, 100 watts LS, unlimited. Present assignment: 1200 kc., 100 watts, daytime.

Friday, September 24

### HEARING BEFORE AN EXAMINER

(Broadcast)

- NEW—L. L. Coryell, Sr., and L. L. Coryell, Jr., d/b as L. L. Coryell & Son, Lincoln, Nebr.—C. P., 1450 kc., 250 watts, 1 KW LS, unlimited.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—C. P., 1450 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1210 kc., 100 watts, 250 watts LS, unlimited.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—C. P., 1450 kc., 1 KW, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited.

NEW—Wm. E. Walker and Merrill F. Chapin, d/b as Walker and Chapin, Oshkosh, Wis.—C. P., 1010 kc., 250 watts, unlimited time.

NEW—Carl Latenser, Atchison, Kans.—C. P., 1420 kc., 100 watts, daytime.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., 570 kc., 1 KW, unlimited.

### APPLICATIONS GRANTED

WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted C. P. to install auxiliary transmitter at present transmitter location.

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Granted C. P. to make changes in composite equipment and increase in day power to 5 KW.

WCBS—WCBS, Inc., Springfield, Ill.—Granted C. P. to make changes in composite equipment and increase in day power from 100 to 250 watts, and time of operation from specified to unlimited.

WIP—Penna. Broadcasting Co., Philadelphia, Pa.—Granted C. P. to move old main transmitter locally and use same as auxiliary transmitter.

KDLR—KDLR, Inc., Devils Lake, N. Dak.—Granted license to cover C. P.; 1210 kc., 100 watts, unlimited time.

KVOE—The Voice of The Orange Empire, Inc., Ltd., Santa Ana, Cal.—Granted license to cover modification of C. P. authorizing changes in equipment.

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Granted license to cover C. P. and modifications thereof approving studio location; 1210 kc., 100 watts, daytime only.

KSFO—The Associated Broadcasters, Inc., San Francisco, Cal.—Granted license to cover C. P. and modifications thereof, authorizing changes in transmitter site, installation of new equipment, and vertical radiator and increase in day power from 1 KW to 5 KW. Also granted authority to determine operating power by direct measurement of antenna input.

WSMB—WSMB, Inc., New Orleans, La.—Granted license to cover C. P., authorizing installation of new equipment and directional antenna for day and nighttime operation and move of transmitter location.

WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted modification of C. P. for changes in equipment and extension of commencement date from 6-9-37 to 30 days after grant and completion date to 150 days thereafter.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted modification of license to change hours of operation to simultaneous day, share WKBO night.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted modification of license to change hours of operation to unlimited day, share WEST night.

KSAL—R. J. Laubengayer, Salina, Kans.—Granted authority to determine operating power by direct measurement of antenna input.

NEW—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted C. P. for new station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time; transmitter location to be determined with Commission's approval.

W2XE—Columbia Broadcasting System, Inc., Wayne, N. J.—Granted modification of license to additional frequency, 9590 kc.

NEW—Minnesota Broadcasting Corp., Mobile (Minneapolis, Minn.)—Granted C. P. for new relay station; frequencies 1606, 2022, 2102 and 2758 kc., 25 watts.

NEW—Minnesota Broadcasting Corp., Mobile (Minneapolis, Minn.)—Granted C. P. for new relay station; frequencies 1606, 2022, 2102 and 2758 kc., 7.5 watts.

W9XVP—Minnesota Broadcasting Corp., Mobile (Minneapolis, Minn.)—Granted C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 1 watt. Also granted license to cover same.

W9XVQ—Minnesota Broadcasting Corp., Mobile (Minneapolis, Minn.)—Granted C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 1 watt. Also granted license to cover same.

## SET FOR HEARING

- NEW—Union-Tribune Broadcasting Co., San Diego, Cal.—C. P. for new station to operate on 1480 kc., 5 KW, unlimited time; site to be determined; also transmitter location and type of antenna.
- NEW—N. B. Egeland, Roland, Iowa.—C. P. already in hearing docket, amended to request 1500 kc., 100 watts daytime only.
- KAST—Astoria Broadcasting Co., Astoria, Ore.—C. P. to install new equipment and vertical radiator; change assignment from 1370 to 1200 kc., 100 watts daytime only to 100 watts night, 250 watts day, unlimited time. Transmitter site to be determined.
- WESG—Cornell University, Ithaca, N. Y.—Modification of license to change frequency from 1040 kc. to 850 kc., and hours of operation from 6 a. m. to LS, Hot Springs, Ark., to 6 a. m. to LS, New Orleans, La.; 1 KW.
- WMFR—Radio Station WMFR, Inc., High Point, N. C.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

- KDYL, Salt Lake City; KFBB, Great Falls, Mont.; KFKU, Lawrence, Kans.; KFOX, Long Beach, Cal.; KFSG, Los Angeles; KCCA, Decorah, Ia.; KGGF, Coffeyville, Kans.; KLON, Blytheville, Ark.; KLPM, Minot, N. Dak.; KLS, Oakland, Cal.; KOIL, Omaha, Neb.; KOL, Seattle; KPAC, Port Arthur, Tex.; KRGV, Weslaco, Tex.; KROW, Oakland, Cal.; KTRH, Houston, Tex.; KTW, Seattle; KUOA, Siloam Springs, Ark.; KVOA, Tucson, Ariz.; KWLC, Decorah, Ia.; KWSC, Pullman, Wash.; WASH, Grand Rapids, Mich.; WCAD, Canton, N. Y.; WCAM, Camden, N. J.; WCSH, Portland, Me.; WDAY, Fargo, N. Dak.; WDEL, Wilmington, Del.; WDSU, New Orleans; WEBC and auxiliary, Duluth, Minn.; WHA, Madison, Wis.; WHBI, Newark, N. J.; WHN and auxiliary, New York; WISN, Milwaukee, Wis.; WJAS, Pittsburgh, Pa.; WJDX, Jackson, Miss.; WKAQ, San Juan, P. R.; WNAC, Boston; WNAD, Norman, Okla.; WNBX, Springfield, Vt.; WNEL, San Juan, P. R.; WNEW, New York City; WNOX, Knoxville, Tenn.; WORC, Worcester, Mass.; WRR and auxiliary, Dallas, Tex.; WTCN, Minneapolis; WTOC, Savannah, Ga.

The following stations were granted renewal of relay broadcast licenses for the regular period:

- WOEB, Agricultural Broadcasting Co.; KIEO, Airfan Radio Corp., Ltd.; WATA, Ashland Broadcasting Co.; WBAM and WBAN, Bamberger Broadcasting Service Inc.; KNED, Carter Publications, Inc.; WAAU, WIEK, WIEL, Columbia Broadcasting System, Inc.; WLWB, Crosley Radio Corp.; KABB, KABD, Don Lee Broadcasting System; WKFB, The Evening News, Assn.; KIEL, Fisher's Blend Station, Inc.; KAAD, Fort Worth Broadcasters, Inc.; WOEG, General Electric Co.; WQER, WQET, Georgia School of Tech.; WKEM, Hearst Radio, Inc.; KAGM, Hirsch Battery & Radio Co.; WATB, Indianapolis Broadcasting, Inc.; KILB, International Broadcasting Corp., WMFT, Isle of Dreams Broadcasting Corp.; WAHB, WJER, The Journal Company; WIEG, WIEH, Knickerbocker Broadcasting Co., Inc.; KABG, Ben S. McGlashan; WIEF, Miami Broadcasting Co.; KIFF, Missouri Broadcasting Corp.; KABE, National Battery Broadcasting Co.; KIGA, National Battery Broadcasting Co.; WIEO, WIEW, WIEK, WMEF, WMFL, WMFS, WOEH, National Broadcasting Co.; KADB, KIFO, Nichols & Warinner, Inc.; WLEZ, The Norfolk Daily News; WGBE, Onondaga Radio Corp.; KNEC, Puget Sound Broadcasting Co., Inc.; KIEG, Seattle Broadcasting Co.; WATD, South Bend Tribune; WAEB, Southeastern Broadcasting Co., Inc.; WJEN, Stromberg-Carlson Tel. Mfg. Co.; WJEP, Stromberg-Carlson Tel. Mfg. Co.; KABH, Tri-State Broadcasting System, Inc.; WATC-WAVE, Inc.; WMFZ, WCBS, Inc.; WNDB, WDSU, Inc.; WEMC, WENA, WNER, Westinghouse E. and M. Co.; WAAQ, The WGAR Broadcasting Co.; WABA, Wodaam Corp.; WLEB, WOKO, Inc.; WSMA, WSMB, Inc.; WSMC, WSMB, Inc.; WAAK, WSOC, Inc.; KIFI, Geo. W. Young.

## SPECIAL AUTHORIZATIONS

- WOC—The Tri-City Broadcasting Co., Davenport, Ia.—Granted special temporary authority to rebroadcast over station WOC conversations carried on between experimental stations W5XAR and W5XAS of the Western Radio Telegraph Co., for a period of not more than 1 hour between September 15 and 21, flying weather permitting.

- WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 4 to 5 p. m., CST, September 25, in order to broadcast home football games.
- WSPR—Conn. Valley Broadcasting Co., Springfield, Mass.—Granted special temporary authority to operate from 8 to 9:30 p. m., EST, Sunday, September 19, in order to broadcast program in connection with Eastern States Exposition.
- KFDY—So. Dak. State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 5 p. m., September 18 and October 2, in order to broadcast football games between So. Dak. State College and Mankato Teachers and Omaha University.
- KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate from local sunset (September sunset, 7 p. m.; October sunset, 6:15 p. m.), to 12 midnight, CST, September 17, 24; October 1, 8 and 15, in order to broadcast football games played by Pampa High School.
- KGFX—Ida A. McNeil, Administratrix of estate of Dana McNeil, deceased, Pierre, S. Dak.—Granted special temporary authority to operate from 9 to 9:30 a. m., CST, September 26, in order to broadcast Judge Rutherford's religious lecture Watchtower Bible Convention at Cleveland.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (October sunset, 5:45 p. m.) to 9 p. m., CST, using 100 watts power, on Sundays, October 3, 10, 17, 24 and 31, in order to broadcast church services of the Kelly Memorial Methodist Church.

## APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- NEW—Radiotel Corp., San Diego, Cal.—920 kc., 1 KW, 1 KW LS, unlimited time.
- NEW—United Broadcasting Co., Tulsa, Okla.—1550 kc., 1 KW, 1 KW LS, unlimited time.
- WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston-Salem, N. C.—1250 kc., 1 KW LS, daytime.
- NEW—Ward Optical Co., Fayetteville, Ark.—1310 kc., 100 watts, 100 watts LS, unlimited.

## EXAMINERS' REPORTS RELEASED SINCE SEPTEMBER 7, 1937

- NEW—Ex. Rep. 1-494: Earle Yates, Las Cruces, N. Mex.—Examiner George H. Hill recommended denial of C. P. for new station to operate on 930 kc., with 500 watts, daytime only.
- WKBH—Ex. Rep. 1-495: WKBH, Inc., La Crosse, Wis.—Examiner Geo. H. Hill recommended grant of renewal of license for 1380 kc., 1 KW, unlimited time, and Jos. C. Callaway, Transferor, and Harry Dahl, Transferee.—Recommended grant of authority to transfer control of WKBH, Inc., to Harry Dahl.

## ORAL ARGUMENTS GRANTED

- NEW—Ex. Rep. 1-458: Food Terminal Broadcasting Co., Cleveland, Ohio.—Oral argument to be held December 2, 1937.
- WBOW—Ex. Rep. 1-465: Banks of Wabash, Inc., Terre Haute, Ind.—Oral argument to be held December 2, 1937.
- Glenn E. Webster, Decatur, Ill.—Oral argument to be held December 2, 1937.
- WSPA—Ex. Rep. 1-468: Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Oral argument to be held December 2, 1937.
- NEW—Ex. Rep. 1-469: John C. Hughes, Phenix City, Ala.—Oral argument to be held December 2, 1937.
- NEW—Ex. Rep. 1-470: WRBC, Inc., Cleveland, Ohio.—Oral argument to be held December 9, 1937.
- KWTN—Ex. Rep. 1-471: Greater Kampeska Radio Corp., Watertown, S. C.—Oral argument to be held December 9, 1937.
- KGDY—Etc. Voice of South Dakota, Huron, S. D.—Oral argument to be held December 9, 1937.
- NEW—Ex. Rep. 1-473: Roberts-MacNab Co., Bozeman, Mont., and Gallatin Radio Forum, Bozeman, Mont.—Oral argument to be held December 9, 1937.
- NEW—Ex. Rep. 1-474: J. K. Patrick & Co., Athens, Ga.—Oral argument to be held December 9, 1937.
- NEW—Ex. Rep. 1-475: Press Union Publishing Co., Atlantic City, N. J.—Oral argument to be held December 16, 1937.

## ACTION TAKEN ON EXAMINERS' REPORTS

- NEW—Ex. Rep. 1-382: Peninsula Newspapers, Inc., Palo Alto, Calif.—Denied C. P. for new station to operate on **1160 kc.**, 250 watts, daytime (site to be determined). Order effective October 26, 1937. Examiner P. W. Seward sustained.
- WSAU—Ex. Rep. 1-420: Northern Broadcasting Co., Wausau, Wis.—Granted modification of license to change hours of operation from daytime to unlimited; **1370 kc.**, 100 watts. Order effective October 12, 1937. Examiner Seward sustained.
- KIEM—Ex. Rep. 1-429: Redwood Broadcasting Co., Inc., Eureka, Calif.—Granted C. P. to increase day power to 1 KW; denied 1 KW night; **1450 kc.**, unlimited time. Also to install new equipment. Order effective October 5, 1937. Examiner Seward sustained.
- NEW—Ex. Rep. 1-436: Clarence A. Berger and Saul S. Freeman, Coeur d'Alene, Idaho.—Granted C. P. for new station to operate on **1200 kc.**, 100 watts, daytime, site to be determined. Order effective October 12, 1937. Examiner Seward sustained.
- NEW—Ex. Rep. 1-443: Twin City Broadcasting Corp., Longview, Wash.—Granted C. P. for new station to operate on **780 kc.**, 250 watts, daytime, site to be determined. Order effective October 19, 1937. Examiner R. H. Hyde sustained.
- NEW—Ex. Rep. 1-445: Phillip Jackson, Brunswick, Ga.—Dismissed with prejudice application for C. P. for new station to operate on **1420 kc.**, 100 watts, daytime. Order effective September 14, 1937. Examiner John P. Bramhall sustained.
- WABY—Ex. Rep. 1-446: Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted modification of C. P. to make changes in authorized equipment and increase power from 100 watts to 100 watts night, 250 watts day; **1370 kc.**, unlimited time. Order effective October 19, 1937. Examiner R. L. Irwin sustained.
- NEW—Ex. Rep. 1-447: C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, Tex.—Dismissed without prejudice application for C. P. for new station to operate on **1500 kc.**, 100 watts, unlimited time. Order effective September 14, 1937. Examiner M. H. Dalberg sustained.
- NEW—Ex. Rep. 1-450: John D. Fields, Inc., Las Vegas, Nev.—Dismissed with prejudice application for C. P. for new station to operate on **1370 kc.**, 100 watts, unlimited time, site to be determined. Order effective September 14, 1937. Examiner Seward sustained.
- WSMB—Ex. Rep. 1-455: WSMB, Inc., New Orleans, La.—Granted C. P. to install new transmitter; install directional antenna for day and night-time use; and increase power from 1 KW to 1 KW night, 5 KW day; **1320 kc.**, unlimited time. Order effective October 5, 1937. Examiner Seward sustained.
- WBLK—Ex. Rep. 1-456: The Exponent Co., Clarksburg, W. Va.—Granted modification of C. P. to make changes in equipment; change hours of operation from daytime to unlimited, using 100 watts power, **1370 kc.** Order effective October 19, 1937. Examiner Seward sustained.
- WBCM—Ex. Rep. 1-459: James E. Davidson, Bay City, Mich.—Granted modification of license to change power from 500 watts to 500 watts night, 1 KW day; **1410 kc.**, unlimited time. Order effective October 12, 1937. Examiner R. L. Irwin sustained.
- WIOD-WMBF—Ex. Rep. 1-464: Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted modification of license to change frequency from **1300 kc.** to **610 kc.**, 1 KW, unlimited time. Order effective October 26, 1937. Examiner R. H. Hyde sustained.
- NEW—Ex. Rep. 1-466: Robert E. Clements, Huntington Park, Calif.—Dismissed with prejudice application for C. P. for new station to use **1160 kc.**, 250 watts, daytime, site to be determined. Order effective September 14, 1937. Examiner Hyde sustained.
- NEW—Ex. Rep. 1-467: Young People's Association for the Propagation of the Gospel, Shark River Bay, N. J.—Dismissed with prejudice application for C. P. for new station to operate on **640 kc.**, 5 KW, daytime to local sunset at KFI. Order effective September 14, 1937. Examiner Tyler Berry sustained.
- WEAN—Ex. Rep. 1-472: The Yankee Network, Inc., Providence, R. I.—Granted C. P. to make changes in equipment and increase power from 1 KW to 1 KW night, 5 KW day; **780 kc.**, unlimited time. Order effective October 26, 1937. Examiner John P. Bramhall sustained.

## MISCELLANEOUS

- NEW—World Publishing Co., Tulsa, Okla.—Granted petition to intervene in the hearing on the application of United Broadcasting Co. for new station at Tulsa, to use **1550 kc.**, 1 KW, unlimited.
- NEW—Beaumont Broadcasting Assn., Beaumont, Tex.—Granted petition to intervene in the proceedings upon the application of The Enterprise Co. for new station at Beaumont, Tex., to use **1350 kc.**, 250 watts night, 500 watts LS, unlimited.
- WNEL—Juan Piza, San Juan, P. R.—Granted petition for continuance of approximately 60 days of hearing now scheduled for September 17, 1937. New date to be fixed by Docket Section.
- St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted request for issuance of subpoena directing W. W. McEachern of St. Petersburg, Fla., to appear at the further hearing upon the application of Earl Wier, now scheduled for September 29, 1937.
- NEW—Paul J. Gollhofer, Brooklyn, N. Y.—Granted petition to continue oral argument now scheduled for September 16 to October 7 in re Examiner's Report No. 1-403, involving five Brooklyn cases requesting use of **1560 kc.**
- NEW—O. C. Burke, Dickinson, Tex.—Granted petition to accept appearance in the matter of his application for C. P. for new station to use **1500 kc.**, 100 watts, unlimited time.
- WTCN—Minnesota Broadcasting Co., Minneapolis, Minn., and WNEW—Wodaam Corp., New York City.—Granted petitions to accept answers of respondents (WTCN and WNEW) in the matter of the application of Martin R. O'Brien for new station at Aurora, Ill., to use **1250 kc.**, 250 watts, daytime only.

## RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

- WMBO—WMBO, Inc., Auburn, N. Y.—Granted extension program test period 30 days from September 9, 1937. Action taken 9-4.
- KTRI—Sioux City Broadcasting Co., Sioux City, Iowa.—Granted special temporary authority to operate a 50-watt portable transmitter on **1420 kc.** from 1 to 6 a. m. and from 7 to 5:45 p. m., CST, except from September 6 to 14, inclusive, when no operation shall occur before 7 a. m., CST, in the vicinity of Sioux City for the period beginning September 6 and ending no later than September 19, in order to determine new location. Action taken 9-7.
- KPAC—Port Arthur College, Port Arthur, Tex.—Denied request for special temporary authority to operate from 6:15 p. m. to 12 midnight on September 11 and 24, 1937, for the purpose of broadcasting the local high school football games. Action taken 9-10.
- NEW—W. W. Luce, Ft. Lauderdale, Fla.—Granted petition of applicant and dismissed application for C. P., **1050 kc.**, 1 KW, daytime only, without prejudice, and directed that an order be entered accordingly and forwarded to all interested parties. Action taken 9-4.

Granted petition of Smith, Keller & Cole to intervene in the proceedings upon the application of Airfan Radio Corp., Ltd., for new station at San Diego, Calif. Action taken 9-4.

Waived the requirements of Rules 101.1 and 105.20 and accepted and granted the petition of Euing and Lyman, d/b as Cumberland Broadcasting Co., to intervene in the proceedings upon the application of Radio Station WFNC for authority to establish a new station at Fayetteville, N. C. Action taken 9-9.

Granted petition of Attala Broadcasting Corp. (WHEF) for continuance of the hearing upon its application for C. P., now scheduled for September 28, until some future date subsequent to Commission action on pending application of the Attala Broadcasting Corp. for transfer of control. Action taken 9-4.

Granted motion of WSAW, Inc., and B. Bryan Musselman for continuance of hearing upon the applications of B. Bryan Musselman for renewal of license; WSAW, Inc., for renewal of license and voluntary assignment of license; and B. Bryan Musselman for voluntary assignment of license, until November 3, 1937. Action taken 9-4.

Granted petition of Westinghouse Electric and Manufacturing Co. (KYW), Philadelphia, Pa., for continuance of hearing upon its application for C. P. until November 15, 1937. Action taken 9-4.

Granted motion of William Avera Wynne (WEED) for continuance of the hearing upon his application for C. P., and directed

that said hearing be continued until October 7, 1937. Action taken 9-7.

Granted motion of Brown Radio Service & Lab. (WSAY) for continuance of hearing upon application for C. P. until October 14, 1937. Action taken 9-9.

Granted the petition of The Monocacy Broadcasting Co. for continuance of the hearing upon its application for C. P. for new station at Rockville, Md., until February 7, 1938. Action taken 9-8.

## APPLICATIONS RECEIVED

### First Zone

WNEW—Wodaam Corp., New York, N. Y.—Modification of 1250 license to increase power from 2½ KW to 5 KW.

WQDM—E. J. Regan & F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Special experimental authorization to operate unlimited time, using 1 KW power.

NEW—Utica WUTK Inc., Utica, N. Y.—Construction permit for 1420 a new station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited time. Amended: To change type of proposed equipment.

W1XER—The Yankee Network, Inc., Quincy, Mass.—Construction permit to move transmitter from Quincy, Massachusetts, to Sargents Purchase (Coos City), New Hampshire.

W1XER—The Yankee Network, Inc., Quincy, Mass.—License to cover above.

W8XNO—Charleston Broadcasting Co., Charleston, W. Va.—Modification of construction permit (B2-PHB-30) to extend commencement and completion dates to November 2, 1927 and May 2, 1938, respectively.

### Second Zone

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Modification of construction permit (B2-P-1412) for vertical antenna and move of transmitter requesting further the installation of a directional antenna, for day and night when WOSU is operating, change hours of operation from specified hours to unlimited time, extend commencement and completion dates 1 month and 6 months respectively. Amended: Changes in directional antenna.

WIP—Pennsylvania Broadcasting Co., Inc., Philadelphia, Pa.—610 Construction permit to install a new transmitter and antenna (antenna to be determined), increase power from 1 KW to 1 KW night, 5 KW day and move transmitter from 21 & Hamilton Streets, Philadelphia, Pennsylvania, to site to be determined, Philadelphia, Pennsylvania.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Modification 880 of license to increase night power from 500 watts to 1 KW.

WDBJ—Times-World Corp., Roanoke, Va.—Construction permit 930 to install auxiliary transmitter, using 1 KW power, for emergency purposes only.

WCPO—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Modification 1200 of license to increase night power from 100 watts to 250 watts.

WRTD—The Times Dispatch Publishing Co., Inc., Richmond, Va.—1500 Construction permit to change frequency from 1500 to 1050 kc., install a new transmitter and increase power from 100 watts to 500 watts.

### Third Zone

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Modification 1200 of construction permit (B3-P-1396) for a new transmitter and antenna, increase in power and move of transmitter and studio locally, requesting changes in transmitting equipment, change frequency from 1200 kc. to 1330 kc., change power from 100 watts night, 250 watts day to 1 KW, and make further changes in antenna. Amended: To install directional antenna for night use, change type of transmitting equipment and move transmitter to Roosevelt Highway, Columbus, Georgia.

WAYX—E. F. & S. F. Sapp, d/b as Waycross Broadcasting Co., 1200 Waycross, Ga.—License to cover construction permit (B3-P-1682) as modified for changes in equipment and increase in power.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—License to cover 1200 construction permit (B3-P-1817) for a new transmitter and increase in power.

NEW—Y. W. Scarborough, J. W. Orvin, Charleston, S. C.—Construction permit for a new station to be operated on 1210 1210 kc., 100 watts night, 250 watts daytime, unlimited time. Amended: Antenna and transmitter site to be determined.

WIOD—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—1300 License to cover construction permit (B3-P-1553) to install auxiliary transmitter at 600 Biscayne Blvd., Miami, Florida.

NEW—Jack W. Hawkins & Barney H. Hubbs, d/b as Odessa 1310 Broadcasting Co., Odessa, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

NEW—W. C. Ewing & Harry Layman, tr/as Cumberland Broad- 1340 casting Company, Fayetteville, N. C.—Construction permit to erect a new station on 1340 kc., 250 watts power, daytime hours of operation.

NEW—Spartanburg Herald-Journal Co., Spartanburg, S. C.—Construction permit to erect a new broadcast station to be 1420 operated on 1420 kc., 100 watts night and 250 watts day power, unlimited time.

NEW—Panama City Broadcasting Co., Panama City, Fla.—Construction permit for a new station to be operated on 1420 1420 kc., 100 watts, daytime. Amended: To change frequency from 1420 kc. to 1500 kc.

WAXG—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—License to cover construction permit (B3-PRY-50) for a new relay broadcast station.

### Fourth Zone

WBAA—Purdue University, W. Lafayette, Ind.—Construction permit 890 to install new transmitter; make antenna changes; change power from 500 watts, 1 KW day, to 5 KW; change hours of operation from specified hours to daytime only; and move transmitter to Northwestern Ave., W. Lafayette, Ind. Amended to change requested time from daytime only to unlimited time, requested power from 5 KW to 1 KW night, 5 KW day, and give transmitter and studio sites as site to be determined, Indianapolis, Marion County, Indiana.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Construction permit 1020 to install a new transmitter and increase power from 250 watts to 1 KW.

WGVA—Glenn Van Auken, Indianapolis, Ind.—Modification of 1050 construction permit (B4-P-1012) for a new station, requesting approval of vertical antenna, new transmitter and transmitter and studio sites at 307 N. Pennsylvania, Indianapolis, Ind.

WCBBD—WCBBD, Inc., Chicago, Ill.—License to cover construction 1080 permit (B4-P-1749) for new equipment and move of transmitter.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Modification 1180 of construction permit (B4-P-1420) as modified, for new transmitter, requesting extension of completion date from 10-1-37 to 12-1-37.

KOIL—Central States Broadcasting Co., Lincoln, Nebr.—License 1260 to cover construction permit (B4-P-1473) as modified for changes in transmitter, install vertical antenna, increase in power and move of transmitter.

NEW—Frank Ray, Dickinson, N. Dak.—Construction permit for 1310 a new station to be operated on 1310 kc., 100 watts night and 250 watts day power, unlimited time. Amended: Correct geographic site.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—1360 Authority to transfer control of corporation from H. J. Guyon, Thomas H. Guyon, Wm. F. Moss, Louis E. Moulds, and Gene T. Dyer, to WSBC, Inc., 50 shares of common stock.

NEW—Indianapolis Power & Light Co., Marion County, Indiana.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 40 watts.

### Fifth Zone

NEW—Roberts-MacNab Co. (Arthur L. Roberts, R. B. MacNab 1310 and A. J. Breitbach, Gen. Mgr.), Livingston, Mont.—Construction permit for a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time. Amended to change frequency from 1310 kc. to 1210 kc.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Authority 1500 to install automatic frequency control apparatus.

**NAB REPORTS**

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**NAB STATE COMMITTEE APPOINTED**

Following a poll of the membership, President John Elmer has appointed an NAB State Committee. There will be one member for each state and territory. In addition there will be twelve district chairmen, each of whom will represent four states. The personnel of the committees represented by acceptances to date are as follows:

**District Chairmen**

Clair McCollough, WGAL, representing Pennsylvania, Ohio, Maryland and Delaware; Edwin W. Craig, WSM, representing Virginia, West Virginia, Kentucky and Tennessee; Fred W. Borton, WQAM, representing North Carolina, South Carolina, Georgia and Florida; Glenn Snyder, WLS, representing Wisconsin, Michigan, Indiana and Illinois; W. C. Bridges, WEBC, representing North Dakota, South Dakota, Minnesota and Wyoming; Lester Cox, KGBX, representing Nebraska, Iowa, Missouri and Kansas; Eugene P. O'Fallon, KFEL, representing Colorado, New Mexico, Oklahoma and Texas; and Earl J. Glade, KSL, representing California, Nevada, Utah and Arizona.

**State Committee**

Arkansas, John A. England, KFPW; California, Harrison Holliway, KFI; Colorado, Eugene P. O'Fallon, KFEL; Connecticut, Franklin M. Doolittle, WDRC; District of Columbia, William B. Dolph, WOL; Florida, F. W. Borton, WQAM; Georgia, Maurice C. Coleman, WATL; Idaho, C. G. Phillips, KIDO; Illinois, Glenn Snyder, WLS; Indiana, Clarence Leich, WGBF; Iowa, Luther L. Hill, KRNT; Kansas, Don Searle, WIBW; Louisiana, John C. McCormack, KWKH; Maine, Thompson L. Guernsey, WLBZ; Maryland, Edwin M. Spence, WBAL; Michigan, John E. Fetzer, WKZO; Minnesota, W. C. Bridges, WEBC; Mississippi, W. P. Harris, WJDX; Missouri, Lester E. Cox, KGBX; Montana, Ed Craney, KGIR; Nebraska, John J. Gillin, Jr., WOW; New Jersey, Alfred J. McCosker, WOR; New York, Harold E. Smith, WOKO; North Carolina, Richard H. Mason, WPTF; North Dakota, Philip J. Meyer, KFYZ; Oklahoma, William C. Gillespie, KTUL; Pennsylvania, Clair McCollough, WGAL; Rhode Island, John J. Boyle, WJAR; South Carolina, C. Richard Shafto, WIS; South Dakota, Joseph Henkin, KSOO; Tennessee, Edwin W. Craig, WSM; Texas, O. L. Taylor, KGNC; Utah, Earle

**PLEASE RETURN DELEGATE CARDS**

Members are urged to return promptly the cards furnished them indicating the names of the delegate and alternate designated to represent the station at the special NAB Convention in New York, October 12, 1937.

**MAKE HOTEL RESERVATIONS NOW**

In view of the World Series Baseball games scheduled to begin in New York City October 6, it is suggested that hotel reservations for the convention be made in advance to insure proper accommodations.

J. Glade, KSL; Virginia, C. T. Lucy, WRVA; Washington, Louis Wasmer, KHQ; West Virginia, O. J. Kelchner, WMMN; Wyoming, R. E. Carroll, KWYO.

**PRESIDENT ANNOUNCES ENGINEERING COMMITTEE**

President Elmer this week announced the personnel of the Engineering Committee for the year 1937-1938 as follows: Paul Loyet, WHO, Des Moines, Iowa, Chairman; L. A. Benson, WIL, St. Louis, Missouri; L. S. Bookwalter, KOIN, Portland, Oregon; E. K. Cohan, Columbia Broadcasting System, New York, N. Y.; Gerald W. Cooke, WBAL, Baltimore, Maryland; J. H. DeWitt, Jr., WSM, Nashville, Tennessee; John E. Fetzer, WKZO, Kalamazoo, Michigan; E. L. Gove, WHK, Cleveland, Ohio; C. W. Horn, National Broadcasting Company, Inc., New York, N. Y.; Porter Houston, WCBM, Baltimore, Maryland; Carl Meyers, WGN, Chicago, Illinois; and John M. Sherman, WTCN, Minneapolis, Minnesota.

**IN THIS ISSUE**

	<i>Page</i>
NAB State Committee Appointed.....	2299
President Announces Engineering Committee.....	2299
Habana Group to Discuss Broadcasting.....	2300
Jett Named Acting Chief Engineer.....	2300
Michigan Broadcasters to Organize.....	2300
Columbian Music Publishers, Ltd.....	2300
FCC Appropriations.....	2300
Roscoe Riemenschneider.....	2300
Recommends Dismissing Request of WKOK.....	2300
Federal Trade Commission Action.....	2300
FTC Closes Case.....	2303
Federal Communications Commission Action.....	2303

## HABANA GROUP TO DISCUSS BROADCASTING

Philip F. Siling, acting secretary of the Habana Preparatory Group, announced this week that matters relating to broadcasting in connection with the Habana radio conference will be discussed on October 8. He issued the following statement on the conference.

A meeting will be held in Room 7355 of the New Post Office Building at 10.00 a. m., Friday, October 8, for the purpose of considering the broadcast phases of the Inter-American Radio Conference to be held at Habana, Cuba, beginning November 1, 1937. This meeting of the Habana Preparatory Group will be devoted to matters relating to broadcasting in the band 540-1600 kc.

All interested parties are invited to attend.

The NAB will be represented at this meeting by the Managing Director James W. Baldwin.

## JETT NAMED ACTING CHIEF ENGINEER

The Federal Communications Commission has designated E. K. Jett as Acting Chief Engineer until the position of Chief Engineer has been filled.

## MICHIGAN BROADCASTERS TO ORGANIZE

Michigan radio broadcasters will hold a meeting on October 4 at the Book-Cadillac Hotel, in Detroit, for the purpose of forming a State Association. James W. Baldwin, NAB Managing Director, will attend the meeting.

## COLUMBIAN MUSIC PUBLISHERS, LTD.

Broadcasting stations recently received notice from the Columbian Music Publishers, Ltd., 136 Simcoe Street, Toronto, Canada, giving permission "to broadcast occasionally, where suitable, the copyrighted or protected compositions controlled by Columbian Music Publishers Limited." This proposal should be considered by the broadcasters as an effort on the part of the Columbian Music Publishers to obtain free plugs for their music. This company, like many others, apparently recognizes that radio can do more to popularize music than any other medium in the world. Unfortunately, up to now the broadcasters have failed to appreciate this fact and have permitted their stations to be used to make "hits."

## FCC APPROPRIATIONS

Officials of the Federal Communications Commission have been before the Bureau of the Budget in connection with appropriations for the fiscal year 1939.

It is reported that the Budget Bureau was asked for the same appropriations which were allowed by Congress for the present fiscal year which includes: a general appropriation of \$1,717,000; \$25,000 for printing;

and \$20,000 for the Great Lakes survey work by Commissioner Thad Brown.

## ROSCOE RIEMENSCHNEIDER

Roscoe Riemenschneider of Des Moines, Iowa, has been requested to cooperate with the NAB in keeping radio advertising free from the objectionable practice of selling radio time on a percentage basis. Mr. Riemenschneider had queried stations about a plan for advertising perfumes and cosmetics on a percentage basis.

## RECOMMENDS DISMISSING REQUEST OF WKOK

Broadcasting station WKOK, Sunbury, Pa., operating specified hours, 100 watts on 1210 kilocycles, applied to the Federal Communications Commission to grant it unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-496, recommended that the application be dismissed with prejudice. On hearing counsel for the station asked for a continuance because certain engineering reports were not ready. In this connection the Examiner stated:

"The motion of the applicant was denied by the Examiner because the record shows that the Sunbury Broadcasting Corporation, the applicant herein, had not shown due diligence in the preparation of its case. Thereupon the attorney for the applicant, WKOK, stated, 'WKOK defaults.' It is a fair assumption that the respondents in this case, whose attorneys appeared for the purpose of participating in the hearing have incurred expense incident to this proceeding."

## FEDERAL TRADE COMMISSION ACTION

### Complaints

The Federal Trade Commission has alleged unfair competition in complaints against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

**No. 3225.** A complaint has been issued against **Askin's Retail Stores, Inc.**, 425 4th Ave., New York, charging false and misleading representations in the sale of men's and women's wearing apparel.

In advertisements and sales talks, the respondent company is alleged to have represented that with purchases of merchandise up to certain stated values, other articles would be given free.

The complaint charges that the cost of the articles offered as free was, in fact, included in the price paid by customers for wearing apparel in amounts up to a certain stated value, and that the so-called free goods were not in any sense a gift or gratuity to customers without cost to them.

**No. 3226.** A complaint has been issued against **Russeks Fifth Avenue, Incorporated**, and **Fashion Firsts, Incorporated**, both of 390 Fifth Ave., New York.

The complaint charges unfair competition in the sale of furs, coats and other wearing apparel for women, through use in advertising of the British Royal Coat of Arms, pictures of English scenes, and various English names to designate certain of its products not designed, made, or tailored in England.

**No. 3227.** Use of unfair methods of competition in the sale of Politis, a medicinal preparation, is alleged in a complaint served upon **Harry Politis**, 4504 North Vancouver Ave., Portland, Oreg.

Although Politis features his trade name, Politis Laboratory, in advertising matter and on business stationery, the complaint charges that use of the word "Laboratory" is misleading in that the respondent does not own or operate any place devoted to experimental study in any branch of natural science or to the application of scientific principles in testing and analyzing or in preparing medicines, drugs or chemicals.

**No. 3228.** A complaint has been issued against **Arthur R. Patterson, Albert C. Kehr, Arthur W. Edson, Eva O. Brown and Minetha Coe**, trading under the name of **Patterson School** at 82 St. Paul St., **Rochester, N. Y.**, charging unfair competition in the sale of a correspondence course intended to prepare students for civil service examinations.

Representations made by the respondents in published advertisements are alleged to have created the impression that the respondents control certain appointments under the United States Civil Service or have such positions to offer; that Arthur R. Patterson has had recent official connection with the Civil Service, and because of such connection, has special knowledge that enables him to successfully prepare students for examinations, and that money paid for the courses will be refunded if no Government position is obtained.

**No. 3229.** A complaint has been issued against **Louis H. Tabach**, 1060 Broad St., **Newark, N. J.**, charging unfair competition in the sale of women's hosiery. Tabach trades under the names **Longwear Hosiery Co., Certified Hosiery Co. and Canary Hosiery Co.**

Representations made by the respondent are alleged to have had a tendency to deceive buyers into believing that he is a manufacturer, and that the products he sells are made of a material corresponding to samples displayed by his representatives, when such are not the facts.

**No. 3230.** Alleging unfair competition in the sale of caps and hats manufactured from felts and other materials obtained from old and second-hand hats, a complaint has been issued against **Louis Goldberg, Morris Zipper and Harry Faerman**, 2000 South 9th St., **Philadelphia**, trading as **Diamond Cap Company**.

The respondents' methods of sale are alleged to have a tendency to induce many dealers and retail buyers to purchase their caps and hats in the mistaken belief that they are buying new and unused articles made from new and unused materials.

According to the complaint, the respondents, buying second-hand, old or used felt hats, put them through a process of cleaning, ironing and shaping, fit them with new trimmings, sweat bands and size labels, and in some cases supply peaks or visors. These articles are alleged to have the appearance of new caps and hats. They are allegedly sold to dealers without labels or designations to indicate that the products are in fact made from second-hand materials and renovated by the respondents. The complaint charges that the hats and caps are resold to the public without disclosure of the second-hand origin or of the renovation by the respondents, and under such circumstances as to indicate that they are new hats and caps.

### Cease and Desist Orders

The Commission has issued the following cease and desist orders:

**No. 2558.** **Parco Products, Inc.**, 19 West 44th St., **New York**, and its manager and sales executive, **Solomon L. Goldberg**, have been ordered to cease and desist from the use of certain unfair methods of competition in the distribution of casein paint which they sell under the brand names **Artwall and Partwall**.

The respondents are directed to discontinue representing verbally or in writing that surfaces painted with their casein paint are washable and do not develop "hot spots"; that their product is a one-coat paint, leaving no disagreeable odor; that it can be used by amateurs as successfully as by experienced painters, and that it will give a finish that can only be obtained by experienced painters with other paints.

**No. 2744.** Trading as **Bergo Laboratories, Berenice Colum**, 270 South Windsor Blvd., **Los Angeles**, has been ordered to cease and desist from false and misleading representations concerning a toilet preparation called **Nu-Nail**, which she sells in interstate commerce.

The order directs the respondent to discontinue representing that the preparation is a nail food and that its use will bring new life and vitality to the nails and eliminate brittleness, breaking, splitting and peeling of the nails, and ingrown toenails.

**No. 2910.** Certain false representations concerning the therapeutic value of **Kodicon**, a medicinal preparation, are prohibited

under an order to cease and desist entered against **Bernard M. Wolf**, 5 Bromfield St., **Boston**, trading as **Kodicon Products Company**.

Wolf is ordered to discontinue representing in advertising matter, or otherwise, that **Kodicon** will stop pain, is a competent treatment for the prevention of head colds, or is an effective and reliable remedy for arthritis, neuritis, neuralgia, gout, and various rheumatic ailments.

**No. 2932.** An order has been issued requiring **J. W. Gibson**, of **Indianapolis**, trading as **J. W. Gibson Co.**, to cease and desist from certain unfair methods of competition in the sale of food flavorings, spices, toilet articles and kindred merchandise to distributors and house-to-house canvassers.

The respondent is directed to stop representing or holding out as possible or maximum earnings for any fixed period any amount in excess of sums actually earned during such period by distributors of his products under normal business conditions.

**No. 3183.** **Richard I. Stewart, Flintridge, Pasadena, Calif.**, trading as **Avocado Soap Products Company**, has been ordered to cease and desist from representing in advertising matter or otherwise that the **Avocado Tissue Soap** he sells in interstate commerce contains a substantial amount of avocado oil, that it is nature's aid to beauty or has any beneficial effect different from other soap, that it is highly recommended by beauty specialists, and is a distinct aid to beauty.

### Stipulations

The Commission has entered into the following stipulations:

**No. 01801.** **B. C. Burden**, trading as **Electrical Salvage Co., Lincoln, Nebr.**, and selling electrical experimental kits, agrees to cease advertising that his **Detectophone** is used by secret service men, detectives or G-men, or that it is ultra sensitive, and that the generator and arc equipment furnished with his kit are equivalent to lamps costing \$50.

**No. 01802.** **H. Clay Glover Co., Inc., New York**; **Glover's Imperial Sarcoptic Mange Medicine and Glover's Medicated Soap**, for prevention of dandruff and promotion of hair growth.

**No. 01803.** **The House of Astro, Inc., trading as The House of Astro, Hollywood, Calif.**; **Astro Perfumes and Horoscopes**; horoscopes, allegedly given free with purchase of a perfume.

**No. 01804.** **Affiliated Products, Inc., Chicago**; **Angelus Rouge, Angelus Lipstick, Kissproof Lipstick, and Kissproof Rouge**, certain of which products were advertised as having been recommended by motion picture experts, as containing the costliest ingredients, and as producing a make-up devoid of artificiality.

**No. 01805.** **Philo Burt Manufacturing Co., Jamestown, N. Y.**; **Spinal Appliance**, for ailments and deformities of the spine and back.

**No. 01806.** **Edward J. Zimmer**, trading as **Bestever Products Co., Chicago**; **Uko Cleaning Compound**, advertised as a preparation that will not injure the most sensitive skin and as the most amazing product for washing or whitening clothes ever developed.

**No. 01807.** **Scientific Crime Detection Institute of America, Inc., Huntington, W. Va.**, selling a correspondence course, agrees to stop representing that law enforcement agencies are unable to obtain a sufficient number of experts; that scientifically trained men are in big demand, and that students, after pursuing the respondent's course of study, will be in a position to charge high fees for professional services, and will be in demand as crime detection experts. The respondent corporation also agrees to cease advertising that everyone who has studied its course will be mentally equipped to give the world expert professional advice, and will be prepared to qualify before high tribunals as authorities.

**No. 01808.** **G. S. McGill**, trading as **Publishers' Service Bureau, Chicago**, and selling a book of instructions called **Free Lance Corresponding for Newspapers and Magazines**, stipulates that he will stop representing that he issues or is authorized to issue a press card, or, by direct statement or reasonable inference, that the holder of such a card is entitled to receive benefits usually accruing to the possessor of a legitimate press card issued to members of the staff of a newspaper. McGill also agrees to cease asserting that the holder of credentials such as are supplied by him to each subscriber is thereby identified as an active press correspondent. He stipulates that he will not use the name "Publishers' Service Bureau" or any other terminology which would directly or by implication indicate that he operates a bureau of any character for,

or renders any service to, publishers, or has connection with publishers of magazines and newspapers.

**No. 01810.** William Harrison, trading as Ace Radio Laboratories, New York City, sells Ace Construction Kits, consisting of parts for radio receiving sets to be assembled by the purchaser. He will stop representing that his products are so easy to wire that the most inexperienced youth will have no difficulty in obtaining excellent results, and that radios made from the parts will afford world-wide reception. He also will discontinue advertising that the materials supplied at the prices advertised are sufficient to make a complete radio receiving set, or that every necessary part and accessory to complete an entire receiver is included, so long as it is necessary for the purchaser to obtain certain accessories in order to operate the radio.

**No. 01811.** Dr. Joseph S. Lippert, an individual, and Dr. Joseph S. Lippert, Dental Laboratory, Inc., Chicago; artificial teeth or roofless plates advertised as defying detection restoring the natural voice and facial expression, and as being held firmly by vacuum cup suction.

**No. 01812.** Rap-I-Dol Distributing Corporation, New York; Rap-I-Dol Conditioning Shampoo and Rap-I-Dol Hair Coloring, for preventing dandruff and banishing gray or faded hair.

**No. 01813.** Three Star Clothes, a Chicago corporation, has entered into a stipulation to cease using false and misleading advertising in connection with the sale of certain tailor-made clothes.

The company will discontinue representing that its suits are made of wool, unless they are made from all wool materials; that they are sold at wholesale prices, and that a suit is given free, unless it is given without the expenditure of time, money or effort on the part of the recipient.

**No. 01814.** Western Refining Company, trading as The Motex Company, Lowell, Mass.; Motex Pills, for feminine hygiene.

**No. 01815.** George D. Berdan, trading as Medical Arts Laboratories, Fort Worth, Tex.; Dixans Reliner Wax, advertised as being newer and different from other preparations intended to tighten artificial teeth and as being capable of refitting plates to the gums and of assuring mouth comfort and a sense of safety, regardless of the condition of the plates.

**No. 01816.** Rosa V. Thomas, operating as Ace Advertising Agency, Birmingham, Ala., in selling a mimeographed booklet of suggestions on how to earn money at home with a typewriter, agrees to cease asserting that anyone who can operate a typewriter can be assured a comfortable income by following the plan sold by her; that persons purchasing her instructions will earn \$30 a week, or that any of such purchasers have earned that amount, and that no experience is needed to put her plan into operation.

**No. 01817.** Owens & Minor Drug Co., Inc., Richmond, Va.; Dr. David's Sanative Wash, for mange, scabies, and itch.

**No. 01818.** Mahlon Norvell, trading as Norvell, Hollywood, Calif., and selling astrological and numerological readings, birth date analyses and booklets, will discontinue advertising that any of such services are furnished free when other purchases are required; that his forecasts are individual, complete, reliable or unusual; that he can forecast the future for any person who sends in a birth date, and is able to discern, from information submitted by purchasers, whether a person is subject to various diseases.

**No. 01819.** Larx Co., Inc., trading as Dietene Co., Minneapolis; Dietene, for obesity.

**No. 01820.** Wernet Dental Manufacturing Co., Inc., Brooklyn, N. Y.; Polident, advertised as being capable of removing tartar and of ridding the user of worry regarding his plates.

**No. 01821.** Woman's Mutual Benefit Co., Chicago; Primeda medicinal preparations, for ailments peculiar to women, for nervous disorders, headache, all kinds of pain, anemia, and nervousness.

**No. 01822.** McNeil Drug Co., Inc., Jacksonville, Fla.; McNeil's Magic Remedy, for rheumatism, neuritis, lumbago, gout, and glandular swellings.

**No. 01823.** International Vitamin Corporation, New York City; I. V. C. Vitamin Pearls, for colds.

**No. 01824.** The Knox Co., Los Angeles; Cystex, for disorders of the kidneys and blood.

**No. 01859.** Duart Manufacturing Company, Ltd., 984 Folsom St., and Duart Sales Company, Ltd., Humboldt Building, both of San Francisco, engaged in the sale of Creme of Milk, agreed to cease representing that the product will replace the natural oils of the skin and banish dryness, coarse pores, blackheads or any other skin ailments, or will do more than aid in modifying some superficial skin blemishes and disorders; that it

has beautifying qualities that never have been duplicated, and is endorsed by the Motion Picture Hairstylists Guild or any other group, unless such is a fact. The respondents will stop designating their product as Creme of Milk unless in close proximity thereto it is conspicuously stated that the product contains ingredients other than butterfat or milk oils.

**No. 01860.** M. J. and M. H. Baalman, 1263 Mission St., San Francisco, trading as Tysmol Company, will discontinue advertising that Tysmol Absorbent is a powerfully penetrating absorbent which quickly reaches burning, aching tissue, and that application of the preparation will rid one of aching rheumatic pains and should free one from soreness, swelling, stiffness, or tenderness of the muscles or ligaments, unless this latter claim is limited to such conditions when superficial and due to exposure.

**No. 01861.** Harold Wells Turner, 1133 Broadway, New York, trading as Health Supplies Company, is engaged in selling devices designated as Dr. Wright's Irrigation Outfit and as Wilhide Exhaler. Turner will stop representing that Dr. Wright's Irrigation Outfit, which he advertises as a new internal bath method, will keep the inside of the body clean, and that failure to do so necessarily causes numerous diseases and ailments; that use of his irrigation device will cure those suffering from tuberculosis, rheumatism, catarrh, obesity, biliousness, kidney trouble, headaches and nervousness; that its use usually will abort mental attacks in cases of incipient insanity, and that it constitutes a competent treatment for acute and chronic diseases.

As to the Wilhide Exhaler he sells, Turner agrees to cease representing that its use strengthens the lungs, promotes the power of resisting disease, improves the health, and that it is more effective for such purposes than any other device known to physical culture.

**No. 01863.** B. Gordon, 7811-68th Road, Brooklyn, selling Vital Herbs, agrees to stop representing that use of this preparation will give increased health or energy, and that it is a natural, quick or exclusive method of increasing vitality. Gordon stipulates that he will no longer advertise that his method is recommended by physicians, or has given excellent results in clinics.

**No. 01864.** Bristol-Myers Company, Rockefeller Center, New York, in the sale of Minit-Rub, agrees to stop asserting that this preparation affords double relief from chest colds, unless the assertion is limited to relief from the symptoms associated with or resulting from chest colds. This company will also stop asserting that Minit-Rub will penetrate to the muscles and deep into the pores, affording long-lasting relief, and that the product will relieve throbbing headaches, unless such claim is limited to indicate throbbing headaches due to nerve disturbances or nasal congestion.

**No. 01865.** Agreeing to discontinue certain unfair representations in advertising his products, Lester F. M. Storm, trading as Chicago Laboratory Products, whose address is Box 3690, Merchandise Mart, Chicago, has entered into a stipulation.

In the sale of Vitamin E Oil and other preparations advertised as aids in preserving vitality in men and women, Storm agrees to cease asserting that the presence of Vitamin E in the diet is necessary for certain functions of the body, and that Vitamin E Oil will correct Vitamin E deficiency.

**No. 01866.** Sherwood-Arthur Pharmacal Company, Inc., 306 Gloyd Building, Kansas City, Mo., trading as S. Arthur Company, will cease representing that their Glando Tablets will enable one to regain physical vigor, correct or prevent premature old age, and tend to revive the entire masculine system, or that use of the preparation is indicated for loss of vitality, low blood pressure, mental depression, sluggish mind, or hardening of the arteries.

**No. 01867.** Raymond C., H. G. and Janet Grandone, trading as Grandone's Laboratory, and as H. G. Grandone Son & Co., 1434 Market St., Harrisburg, Pa., agreed to stop advertising that Grandone's Herbolax ends constipation, is a competent remedy for headache, and affords one a great opportunity to build health or vitality; that Grandone's Cornoff removes soft corns or assures comfort to the feet, and that use of Grandone's Navidin increases weight, helps to stimulate mental action, quiets the nerves, preserves youth, and feeds starved glands. The respondents also will discontinue using the word "Laboratory" in their trade name until such time as they shall maintain a research or commercial laboratory.

**No. 01869.** M. J. and M. H. Baalman, trading as J. Baalman, Manufacturing Chemist, 1263 Mission St., San Francisco, stipulated that they will cease representing that Baalman's Gas Tablets are a competent treatment for nervous indigestion, extreme nervousness and gas pains in the chest, or that the tablets constitute an effective remedy for heartburn, bloating, drowsiness



after meals, headache, dizziness or labored breathing, unless such conditions are due to the accumulation of gas in the stomach or in the intestinal tract.

**No. 2046. New York Plywood Co., Inc., 434 East 18th St., New York,** distributor of veneers and plywoods, agrees to cease using the terms "Wh Pine" or "White Pine", alone or in connection with other words as descriptive of products not made of wood derived from trees of the white pine group, and to stop employing the word "Walnut" alone or in connection with the word "Oriental" or with other words as descriptive of products not made of wood derived from the walnut tree family.

**No. 2047. Silas K. and Arthur S. Himmelreich, and Irwin B. Schmidt, 1123 Chestnut St., Philadelphia, trading as John Davis Co.,** in the sale of fur garments, agree to stop representing furs in any way other than by use of the correct name of the fur of which the garments are composed, as the last word of a description. Such a name shall be printed in type not less conspicuous than that in which the accompanying words are printed. When a dye or blend is used to simulate another fur, the true name of the fur appearing as the last word of the description shall be immediately preceded by the word "dyed" or "blended", compounded with the name of the simulated fur, such as in Hudson Seal—Dyed Muskrat; French Seal—Dyed Coney, and Nutria Lapin—Dyed Coney.

**No. 2048. Martin's, Fulton and Bridge Sts., Brooklyn,** operating a department store, agrees to stop use in advertising of the words "Silk Crepe" as descriptive of merchandise not composed of silk. The respondent company stipulates that it will also cease using either the word "Silk" or the word "Crepe" alone or in connection with other words so as to imply that the merchandise to which such words refer is composed of silk, when such is not a fact.

**No. 2049. Max Beck, 421 Market St., Philadelphia, trading as Valley Brook Knitting Mills,** in the sale of men's underwear and other wearing apparel, agrees to stop using the words "Knitting Mills" as part of his trade name or in any way so as to imply that he manufactures the products he sells, or that he actually owns or operates a plant in which they are made, when such is not a fact.

**No. 2050. Garbo Hat Company, 304 Ninth St., Jersey City, N. J., trading as Radio Hat Company,** has entered into a stipulation to discontinue misrepresentation of certain headgear it sells in interstate commerce.

The firm agreed to cease selling hats and caps which it manufactures from second-hand, worn or discarded materials, unless there is stamped upon or affixed to such products, in a conspicuous place so as to be readily seen, words clearly indicating that the material from which the hats and caps are made is not new and unused but is second-hand, worn or discarded.

#### FTC CLOSES CASE

**No. 3077.** Closing of its case against **The Texas Company,** 135 East 42nd St., New York, distributor of petroleum products and automobile parts and accessories, has been ordered by the Federal Trade Commission. The company was charged with violation of the Clayton Act and the Federal Trade Commission Act.

According to the order, the case was closed because the respondent company, in December, 1936, voluntarily discontinued the acts and practices charged in the complaint, which was issued on March 12, 1937, and because it did not appear to the Commission that there was any reason to believe that the alleged violations of law would be resumed.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

#### Hearing Calendar

The following broadcast hearings are scheduled at the Commission for the week beginning, Monday, October 4.

Monday, October 4

#### HEARING BEFORE AN EXAMINER (Broadcast)

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Special experimental authority, 1210 kc., 100 watts, simultaneous day WBRB and share WGNV, WGBB. Present assignment: 1210 kc., 100 watts, shares WGNV, WGBB, and WBRB.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—C. P., 1450 kc., 50 KW, unlimited time. Present assignment: 1460 kc., 10 KW night, 25 KW LS, unlimited.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—C. P., 1460 kc., 50 KW, unlimited time. Present assignment: 1460 kc., 10 KW, unlimited.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—C. P., 1450 kc., 1 KW night, 5 KW LS, unlimited, using directional antenna at night. Present assignment: 1450 kc., 500 watts night, 1 KW LS, unlimited.

Tuesday, October 5

#### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Keystone Broadcasting Co., New Castle, Pa.—C. P., 1250 kc., 250 watts, daytime.

WKAR—Michigan State College, East Lansing, Mich.—C. P., 850 kc., 5 KW LS, daytime. Present assignment: 850 kc., 1 KW LS, daytime.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—C. P., 1390 kc., 500 watts, unlimited time. Present assignment: 1200 kc., 100 watts night, 250 watts LS, unlimited.

Wednesday, October 6

#### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—William C. Smith, Bogalusa, La.—C. P., 1310 kc., 100 watts, unlimited time.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—C. P., 1010 kc., 1 KW night, 5 KW LS, unlimited. Present assignment: 1010 kc., 1 KW, unlimited.

NEW—Larry Rhine, San Francisco, Calif.—C. P., 980 kc., 250 watts, daytime.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—C. P., 1450 kc., 500 watts, unlimited time. Present assignment: 1310 kc., 250 watts, daytime.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—C. P., 620 kc., 500 watts, unlimited. Present assignment: 1200 kc., 100 watts night, 250 watts LS, unlimited.

Thursday, October 7

#### ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

##### Examiner's Report No. 1-412:

NEW—Pacific Acceptance Corp., San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.

##### Examiner's Report No. 1-327:

NEW—Smith, Keller & Cole, San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.

##### Examiner's Report No. 1-421:

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Authority to transfer control of corporation; 1220 kc., 1 KW, 5 KW LS, shares with KFKU.

##### Examiner's Report No. 1-403:

NEW—Lillian E. Keifer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts night, 100 watts LS, specified hours (facilities WMBQ).

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Modification of license, 1500 kc., 100 watts night, 250 watts LS, specified hours (facilities WMBQ). Present assignment: 1500 kc., 100 watts night, 250 watts LS, specified hours.

NEW—Paul J. Gollhofer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts night, 100 watts LS, specified hours (requests facilities WMBQ).

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1500 kc., 100 watts night, 100 watts LS, specified hours.

#### HEARING BEFORE AN EXAMINER (Broadcast)

NEW—M. M. Valentine, Laredo, Tex.—C. P., 1500 kc., 100 watts night, 250 watts LS, unlimited.

WEED—William Avera Wynne, Rocky Mount, N. C.—C. P., 1240 kc., 500 watts, unlimited time.

Friday, October 8

### HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Broadcasters, Inc., Gastonia, N. C.—C. P., 1420 kc., 100 watts night, 250 watts LS, unlimited.  
WRVA—Larus & Bros. Co., Inc., Richmond, Va.—C. P., 1110 kc., 50 KW (DA), unlimited.

### APPLICATIONS GRANTED

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted C. P. for changes in equipment.  
KELA—Central Broadcasting Corp., Centralia-Chehalis, Wash.—Granted modification of C. P. approving transmitter between Centralia-Chehalis, Wash., and studio at Pacific Highway, between Centralia-Chehalis; also changes in authorized equipment and installation of vertical radiator.  
KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Granted modification of license to change name to KMPC The Station of the Stars, Inc.  
KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted extension of special experimental authority to operate with 1 KW night-time for the period 10-1-37 to 1-1-38.  
KGKY—A. W. Hilliard, Scottsbluff, Nebr.—Granted authority to transfer control of Hilliard Co., Inc., from present stockholders to L. L. Hilliard.  
KGKY—Hilliard Company, Inc., Scottsbluff, Nebr.—Granted renewal of license for the period July 1, 1937, to January 1, 1938; 1500 kc., 100 watts night, 250 watts day, unlimited.  
WHO—Central Broadcasting Co., Davenport, Iowa.—Granted special experimental authority to use 50-KW transmitter for experimental transmission facsimile signals, 12 midnight to 6 a. m., CST, daily, on regularly assigned frequency 1000 kc.  
KTAT—Tarrant Broadcasting Co., Fort Worth, Tex.—Granted authority to determine operating power by direct measurement of antenna input.  
WNEI—Indianapolis Power & Light Co., Indianapolis, Ind. (Mobile).—Granted renewal of license for the period 10-1-37 to 10-1-38; frequencies 1646, 2090, 2190, 2830 kc., unlimited, 1.5 watts.  
WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted renewal of license for the period October 1, 1937, to April 1, 1938; 1230 kc., 1 KW night, 5 KW day, unlimited.  
WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted extension of present license for period of 30 days.  
KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted amended C. P. for authority to move station locally and install new antenna system.  
WCBD—WCBD, Inc., Chicago, Ill.—Granted license to cover C. P., frequency 1080 kc., 5 KW night and day, sharing with WMBI.  
WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Granted license to C. P., 1200 kc., 100 watts night, 250 watts day, unlimited time.  
WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted license to cover C. P. authorizing installation of auxiliary transmitter at 600 Biscayne Blvd.  
KRLD—KRLD Radio Corp., Dallas, Tex.—Granted license to cover C. P., 1040 kc., 10 KW, sharing equally with KTHS.  
WJAR—The Outlet Company, Providence, R. I.—Granted license to cover C. P., 890 kc., 1 KW night, 5 KW day, using directional antenna system day and night.  
WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Granted license to cover C. P. and modifications thereof, 1200 kc., 100 watts, unlimited.  
WAYX—E. F. Sapp and S. F. Sapp, d/b as Waycross Broadcasting Co., Waycross, Ga.—Granted modification of C. P. for changes in equipment and increase in day power to 250 watts.  
WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted license to cover C. P. for auxiliary purposes only; 780 kc., 500 watts.  
WDBJ—Times-World Corp., Roanoke, Va.—Granted C. P. to install auxiliary transmitter for 1 KW for emergency use only.  
WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted authority to determine operating power by direct measurement of antenna.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted authority to install automatic frequency control apparatus.  
W3XDD—Bell Telephone Laboratories, Inc., Whippany, N. J.—Granted C. P. for increase in power to 50 KW.  
WISN—Hearst Radio, Inc., Milwaukee, Wis.—Granted license to cover C. P., 1120 kc., 250 watts night, 1 KW day, emergency purposes only.  
WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted license to cover C. P., 1200 kc., 250 watts, daytime only.  
WDGY—George W. Young, Minneapolis, Minn.—Granted modification of C. P. extending completion date from 10-1-37 to 12-1-37.  
KMAC—W. W. McAllister, San Antonio, Tex.—Granted temporary extension of existing license for period of 1 month.  
KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted temporary extension of existing license for period of 2 months.  
WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted temporary extension of existing license for period of 1 month.  
NEW—National Broadcasting Co., Inc., Mobile (New York City).—Granted C. P. for new relay station, frequencies 1606, 2022, 2102 and 2758 kc., 100 watts. Also granted license covering same.  
NEW—National Broadcasting Co., Inc., Mobile (New York City).—Granted C. P. and license for new relay station, frequencies 1606, 2022, 2102 and 2758 kc., 100 watts.  
NEW—Miami Broadcasting Co., Mobile (Miami Area), Fla.—Granted C. P. for new relay broadcast station, frequencies 31100, 34600, 37600 and 40600 kc., 15 watts.  
W9XUX—Head of the Lakes Broadcasting Co., Mobile (Duluth, Minn.).—Granted license to cover C. P. for relay broadcast station on an experimental basis, frequencies 33100, 34600, 37600 and 40600 kc., 2 watts.  
W10XHI—Columbia Broadcasting System, Inc., Mobile (New York City).—Granted license to cover C. P. for relay broadcast station on an experimental basis, frequencies 33100, 34600, 37600 and 40600 kc., 15 watts.  
W10XHF—Columbia Broadcasting System, Inc., Mobile (New York City).—Granted license to cover C. P. for experimental relay broadcast station, frequencies 39700, 39900, 40800 and 41400 kc., 5 watts.  
KAXD—A. H. Belo Corp., Mobile (Dallas, Tex.).—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 75 watts.  
WADA—Charleston Broadcasting Co., Mobile (Charleston, W. Va.).—Granted license to cover C. P. for relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

### SET FOR HEARING

NEW—Arlington Radio Service, Inc., Arlington, Va.—C. P., already in hearing docket, amended to request 1150 kc., 1 KW, daytime only, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.  
WMBG—Havens & Martin, Inc., Richmond, Va.—C. P. amended to request installation of new equipment and increase in power from 500 watts to 1 KW, using directional antenna for day and night operation.  
WQDM—Regan and Bostwick, St. Albans, Vt.—Special experimental authorization to increase hours of operation from daytime only to unlimited; 1390 kc., 1 KW.  
WMIN—Edward Hoffman, tr/as WMIN Broadcasting Co., St. Paul, Minn.—Assignment of license to WMIN Broadcasting Co.; 1370 kc., 100 watts night, 250 watts day, unlimited.  
NEW—Roberts-MacNab Co., Livingston, Mont.—C. P. to erect a new station, 1210 kc., 100 watts night, 250 watts day, unlimited time, exact transmitter and studio sites to be determined with Commission's approval.  
WACO—KTSA Broadcasting Co., Waco, Tex.—C. P. for changes in equipment; increase in day power to 250 watts.  
WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—C. P. to install new equipment; increase day power to 5 KW, with directional antenna system.  
WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—C. P. to move transmitter locally, approximately 5 miles, to Reedbird Ave. and Seamon Ave. Install new equipment and directional antenna system for day and night operation; increase night power to 1 KW, day power to 5 KW.  
KILU—Arkansas Radio & Equipment Co., Little Rock, Ark.—Renewal of license for relay broadcast station.

NEW—Church of Jesus Christ of Latter-Day Saints, Salt Lake City.—C. P., already in hearing docket, amended to request new international station in Saltair, Utah, to operate on 6020, 9510 and 11710 kc.

W1XAL—World Wide Broadcasting Corp., New York City.—Modification of license to add Pan American frequencies 9550, 11730, 15130 and 21500 kc., on temporary provisional basis. To be heard before Broadcast Division.

NEW—Allen R. DuMont Laboratories, Inc., Upper Montclair, N. J.—C. P. for new television broadcast station on an experimental basis under the provisions of Rules 1031, 1033 and 1034, requesting frequencies 46000-56000 kc., 50 watts visual and 50 watts aural power, unlimited time, in accordance with Rule 983 (a).

WRTD—The Times Dispatch Publishing Co., Inc., Richmond, Va.—C. P. to make changes in equipment; install new equipment; change assignment from 1500 kc. to 1050 kc., and power from 100 watts to 500 watts, unlimited time. To be heard before the Broadcast Division.

WKBBZ—Karl L. Ashbacher, Muskegon, Mich.—Voluntary assignment of license to Ashbacher Radio Corp.; 1500 kc., 100 watts night, 250 watts day, unlimited.

NEW—W. H. Kindig, Hollywood, Calif.—C. P. for a new station to operate on 710 kc., 500 watts, limited time, requesting facilities of KMPC, Beverly Hills, Calif., exact location to be determined subject to Commission's approval.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Renewal of license, 710 kc., 500 watts, limited time.

W9XF—National Broadcasting Co., Inc., New York City.—C. P. for changes in equipment; increase in power to 50 KW, and addition of four Pan American frequencies: 9550, 11730, 15130, 21500 kc. To be heard before the Broadcast Division.

W2XAD—General Electric Co., Schenectady, N. Y.—C. P. for changes in equipment; increase in power to 100 watts, and addition of two Pan American frequencies: 9550 and 21500 kc. To be heard before the Broadcast Division.

### SPECIAL AUTHORIZATIONS

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted extension of special temporary authority to remain silent for the period September 21 to October 20, pending action on application for C. P. to move transmitter.

WKBBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 9:45 a. m. to 10 a. m., CST, September 24, 27, 29, October 1, 4, 6, 8, 11, 13 and 15, in order to broadcast Earlham College Chapel Service.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate from 8:45 to 11:30 p. m., CST, September 24, October 1, 2, 15, 22, 29 and 30, in order to broadcast College and High School Football games.

The Birmingham News Co., Birmingham, Ala.—Granted special temporary authority to operate a relay broadcast transmitter on the frequencies of 31100, 34600, 37600, 40600 kc.; 2 watts, for experimental tests September 24, 25 and 26, and program transmission from State Fair for the period September 27 to October 2, for rebroadcast over WSGN.

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with KOA from 8 p. m., EST, September 25 and October 8, to conclusion of football games between Louisiana State University and the University of Florida and between Temple University and University of Florida.

WKBBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate 1:30 to 5:15 p. m., CST, September 25, October 2 and 16, 1937, in order to broadcast Earlham College Football Games direct from the playing field.

WAXB-WAXC—Alford J. Williams, Care of Gulf Oil Corp., Pittsburgh, Pa.—Granted special temporary authority to include operation of relay broadcast stations WAXB and WAXC at Municipal Airport, Toledo, Ohio, on September 26, and Municipal Airport, Knoxville, Tenn., on October 15.

WHDF—The Upper Mich. Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 p. m. to 3:30 p. m., CST, Saturdays, October 2, 9, 16, 23 and 30, 1937, in order to broadcast play-by-play accounts of football games; also to operate from 12:30 to 3:30 p. m., CST, October 5 or 6, and each day thereafter as may be necessary to broadcast play-by-play account of World Series.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (October sunset, 5 p. m., PST) to conclusion of football games to be played October 3 and 24.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted special temporary authority to rebroadcast over WIBW the conversation carried on between experimental stations W5XAR and W5XAS of the Western Radio Telegraph Co. for period of not more than 1 hour between October 11 and 17, flying weather permitting.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with WFAS from 3 to 4:30 p. m., EST, Oct. 16 and Nov. 13, in order to broadcast local football games from the high school stadium at Red Bank.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 10:30 to 11:30 a. m. and from 2 to 4 p. m., CST, Oct. 19, 20, 21, 26, 27 and 28 (provided KGGF remains silent), in order to broadcast special educational programs.

WNYC—City of New York, Dept. of Plant and Structures, New York City.—Granted extension of special temporary authority to use auxiliary transmitter located at 29 Ft. Green Place, Brooklyn, as main transmitter, while moving in accordance with modification of C. P., for period October 2 to no later than October 30, 1937.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to rebroadcast over station KMBC conversation carried on between experimental stations W5XAR and W5XAS of Western Radio Telegraph Co., for a period of not more than 1 hour between October 3 and 8, flying weather permitting.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WBRB from 5 to 5:30 p. m., EST, Saturday, October 2, in order to broadcast program of local interest to Westchester County listeners; a football roundup of local interscholastic and nearby collegiate football scores.

WMBQ—Joseph Husid, Receiver for Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Granted extension of special temporary authority for Joseph Husid, Receiver for Metropolitan Broadcasting Corp., to operate station WMBQ for the period October 1 to October 30, pending action on any applications affecting WMBQ.

WPEN—Wm. Penn. Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to increase power to 1 KW night in order to counteract interference caused by CMX, Havana, Cuba, and WWJ, Detroit, KPRC, Houston, Texas, for period October 1 to October 30.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to increase power to 1 KW night in order to counteract interference caused by CMX, Havana, Cuba, and WWJ, Detroit, KPRC, Houston, Texas, for period October 1 to October 30.

KGNC—Plains Radio Broadcasting Co., Amarillo, Texas—Granted extension of special temporary authority to operate with reduced power of 1 KW daytime, in accordance with Rule 142, pending receipt of blocking condensers and repairs to power supply equipment for period September 26 to October 5, 1937.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc. with 1 KW at night, for the period October 1 to October 30, 1937, including pending filing of and action on license application to cover C. P. for this authority.

KNST—Palestine Broadcasting Assn., Palestine, Texas—Granted special temporary authority to operate between 7 and 11 p. m., CST, October 1, 8, 15, 22, 28, in order to broadcast the local football games.

WLB—University of Minnesota, Minneapolis, Minn., and WTCN, Minn. Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to conduct a joint broadcast between 1:45 and 4:30 p. m., CST, on Saturdays, October 2, 9, 16, 23 and 30, using the 5 KW transmitter of WTCN in order to broadcast University of Minnesota football games.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m. and 4 p. m. to local sunset (October sunset 5:15 p. m., EST), October 2, 9, 16, 23 and 30, 1937, in order to broadcast college football games.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 4 to 5 p. m., CST, Saturday, October 9, in order to broadcast Homecoming football game at Purdue University.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate from local sunset (5:45 p. m. to 9 p. m., EST, October 11 through October 17, in order to broadcast services of Southern Methodist Conference.

KFJF—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to rebroadcast conversation carried on between experimental radio stations W5XAR and W5XAS of Western Radio Telegraph Co., for a period of not more than 1 hour between September 22 and September 27, flying weather permitting.

#### APPLICATIONS DENIED

WESG—Cornell University, Elmira, N. Y.—Denied special temporary authority to operate simultaneously with WWL from 7 p. m., EST, until conclusion of Playoff Baseball Games between New York and Penna. Leagues for period beginning September 17 and ending not later than September 24.

WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate unlimited time, Sunday, October 10, 1937, in order to celebrate the second anniversary of station WELI.

The following application heretofore set for hearing, was denied as in case of default for failure of applicants to file an appearance in accordance with Rule 104.6(c):

Walter Biddick Co., Tia Juana, Mexico—Authority to supply electrical transcriptions to station XEMO at Tia Juana.

#### APPLICATIONS DISMISSED

The following application, heretofore set for hearing, was dismissed at request of applicant:

NEW—Decatur Newspapers, Inc., Decatur, Ill.—C. P. for special broadcast station; 1550 kc., 1 KW, unlimited time.

The following applications, heretofore set for hearing, were dismissed with prejudice, inasmuch as request for withdrawal was received less than 30 days prior to the hearing scheduled thereon:

NEW—Athens Times, Inc., Athens, Ga.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Louisa B. Thornton & M. E. Thornton, d/b as Port Angeles Broadcasters, Port Angeles, Wash.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.

NEW—Wm. E. Walker & Merrill F. Chapin, d/b as Walker & Chapin, Oshkosh, Wis.—C. P., 1010 kc., 250 watts, unlimited time.

#### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KGCU, Mandan, N. Dak.; KGCM, Albuquerque, N. Mex.; KMBC (auxiliary), Kansas City, Mo.; WCAL, Northfield, Minn.; WLB, Minneapolis, Minn.; WDAE, Tampa, Fla.

WFLA—Fla. West Coast Broadcasting Co., Inc., Clearwater, Fla.—Granted renewal of license for the period ending March 1, 1938.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—Present license extended on a temporary basis only for period ending no later than November 1, 1937, pending receipt and/or action on application for renewal.

KVOR—Out West Broadcasting Co., Colorado Springs, Colo.—Present license extended on a temporary basis only for period ending no later than November 1, 1937, pending receipt and/or action on application for renewal.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Present license extended on a temporary basis only for period ending no later than November 1, 1937, pending receipt and/or action on application for renewal.

WNBZ—Smith and Mace, Saranac Lake, N. Y.—Present license extended on a temporary basis only for period ending no later than November 1, 1937, pending receipt and/or action on application for renewal.

WLBL—State of Wisconsin Dept. of Agr. and Markets, Stevens Point, Wis.—Present license extended on a temporary basis only for period ending no later than November 1, 1937, pending receipt and/or action on application for renewal.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska—Present license extended on a temporary basis only for period ending no later than November 1, 1937, pending receipt and/or action on application for renewal.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Present license extended on a temporary basis for the period ending November 1, 1937, subject to such action as may be taken on application for renewal of license pending before the Commission; and subject, further to the condition that nothing contained in said extension of license shall be construed as a finding that the operation of station is or will be in the public interest beyond the express terms thereof.

KMBC, Kansas City, Mo.; KQW, San Jose, Calif.; KTFI, Twin Falls, Idaho; WFBR and auxiliary, Baltimore; KFIO, Spokane, Wash.

WJAX—City of Jacksonville, Jacksonville, Fla.—Granted renewal of license for the period ending March 1, 1938.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted renewal of license for the period ending March 1, 1938.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon application for renewal.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted renewal of license on a temporary basis subject to whatever action may be taken by the Commission upon application for auxiliary.

WABG—Memphis Commercial Appeal Co., Mobile—Granted renewal of Relay Broadcast Station license.

KNEF—Radio Service Corp. of Utah, Mobile—Granted renewal of Relay Broadcast Station license.

KILU—Arkansas Radio & Equipment Co., Mobile—Granted renewal of license on a temporary basis for the period October 1, 1937 to October 1, 1938, subject to whatever action the Commission may take on application of this station for renewal of license.

WTNJ—WOAX, Inc., Trenton, N. J.—Present license further extended on a temporary basis only to November 1, 1937, subject to such action as may be taken on pending application for renewal.

KABJ—Central States Broadcasting Co., Mobile—Granted renewal of relay broadcast station license.

KIIS—Harris Co. Broadcast Co., Mobile—Granted renewal of relay broadcast station license.

KIIR—KFAB Broadcasting Co., Mobile—Granted renewal of relay broadcast station license.

WBPA—The Natl. Life and Accident Ins. Co., Inc., Mobile—Granted renewal of relay broadcast station license.

KIEF—Seattle Broadcasting Co., Mobile—Granted renewal of relay broadcast station license.

WGBF—WBNS, Inc., Mobile—Granted renewal of relay broadcast station license.

WAAG—Julio M. Conesa, Mobile—Relay broadcast station license extended on a temporary basis only for the period ending no later than November 1, 1937, pending receipt and/or action on renewal application.

KIJG—Eagle Broadcasting Co., Inc.—Mobile—Relay broadcast station license extended on a temporary basis only for the period ending no later than November 1, 1937, pending receipt and/or action on renewal application.

KIIV—Charles L. Jaren, Mobile—Relay broadcast station license extended on a temporary basis only for the period ending no later than November 1, 1937, pending receipt and/or action on renewal application.

KIIQ—KMTR Radio Corp., Mobile—Relay broadcast station license extended on a temporary basis only for the period ending no later than November 1, 1937, pending receipt and/or action on renewal application.

KABV—McClatchy Broadcasting Co., Mobile—Relay broadcast station license extended on a temporary basis only for the period ending no later than November 1, 1937, pending receipt and/or action on renewal application.

WABV—Juan Piza, Mobile—Relay broadcast station license extended on a temporary basis only for the period ending no later than November 1, 1937, pending receipt and/or action on renewal application.

WJLF—WBNU, Inc., Mobile—Relay broadcast station license extended on a temporary basis only for the period ending no later than November 1, 1937, pending receipt and/or action on renewal application.

## ACTION ON EXAMINERS' REPORTS

- WNBC—Ex. Rep. 1-350: State Broadcasting Corp., New Britain, Conn.—Granted C. P. to make changes in equipment; install directional antenna (site to be determined); change power from 250 watts day to 1 KW day, 250 watts night; change hours of operation from daytime to unlimited; 1380 kc. Order effective November 16, 1937. Examiner M. H. Dalberg sustained.
- NEW—Ex. Rep. 1-398: Stanley Reid & Charles Withnell Boegel, Jr., d/b as The Rapids Broadcasting Co., Cedar Rapids, Ia.—Denied C. P. to install new broadcast station to operate on 1310 kc., 100 watts, unlimited time. (Site to be determined, subject to Commission's approval.) Order effective November 30, 1937. Examiner George H. Hill sustained.
- WLB—Ex. Rep. 1-463: University of Minnesota, Minneapolis, Minn.—Granted C. P. to install new equipment; make changes in antenna; change frequency from 1250 to 760 kc.; increase power from 1 KW to 1 KW night, 5 KW day; change hours from specified to sharing with WCAL (½ daytime). Examiner P. W. Seward sustained. Order effective November 23.
- WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted modification of license to change hours of operation from specified to unlimited time; 1250 kc., 1 KW night, 5 KW day. Examiner Seward sustained. Order effective November 23.
- WCAL—St. Olaf College, Northfield, Minn.—Granted C. P. to make changes in equipment; install new antenna; change frequency from 1250 kc. to 760 kc.; increase power from 1 KW night, 2½ KW day to 5 KW; change hours of operation from specified to sharing with WLB (½ daytime). Examiner Seward sustained. Order effective November 23.
- WPEN—Ex. Rep. 1-440—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted modification of license to change hours of operation from sharing with WRAX to unlimited time; 920 kc.; 250 watts night, 500 watts day; directional antenna for night use (facilities of WRAX). Also granted authority to transfer control of corporation from Clarence H. Taubel to John Iraci; and granted modification of license to increase power from 250 watts night, 500 watts day to 1 KW, using directional antenna; 920 kc., share with WRAX.
- WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted authority to transfer control of corporation from Clarence H. Taubel to John Iraci. Also granted modification of license to increase power from 250 watts night, 500 watts day to 1 KW, using directional antenna both night and day; 920 kc., sharing with WPEN. Order in the above cases effective November 2, 1937. Examiner Tyler Berry sustained in part.
- WGL—Ex. Rep. 1-477: Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Granted C. P. to make changes in equipment and increase in day power from 100 watts to 250 watts; 1370 kc., 100 watts night, unlimited time. Order effective November 2, 1937. Examiner Tyler Berry sustained.

## ACTION ON PETITIONS

- Pittsburgh Radio Supply House, The Head of the Lakes Broadcasting Corp., and Intermountain Broadcasting Corp.—Dismissed respondents' petition for rehearing and applicant's (WATR's) statement in opposition, involving C. P. for 1290 kc., 250 watts, unlimited time (Docket 4292), since these parties have filed a notice of appeal from the decision of the Broadcast Division in this matter in the Court of Appeals for the District of Columbia.
- NEW—Hildreth & Rogers Co., Lawrence, Mass.—Dismissed petition for extension of effective date of the Commission's order on the application of the Merrimac Broadcasting Co., Inc., for special experimental authority for satellite station at Lawrence, Mass., operating on 1370 kc., 10 to 100 watts power, unlimited time.
- NEW—Michael F. Murray, St. Cloud, Minn.—Denied petition for rehearing and request for extension of effective date of decision of the Broadcast Division upon applications of The Times Publishing Co., and Michael F. Murray, St. Cloud, Minn. (Ex. Rep. 1-325).
- KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Denied further hearing on application for C. P. to

install directional antenna for nighttime use, change frequency from 1420 to 550 kc., and increase power from 100 to 250 watts, unlimited time, and dismissed demurrer thereto of the Pulitzer Publisher Company, respondent.

## APPROVED LETTER TO RADIO MANUFACTURERS ASSOCIATION

The Commission approved a letter to the Radio Manufacturers Association relative to the establishment of 455 kc. as a protected intermediate frequency for the radio manufacturing set industry. This letter contemplates the establishment of the following policies by the Commission:

1. That the Commission will endeavor not to authorize any new frequency assignments in the band 450-460 kc.
2. That no change in existing assignments within this band will be made by the Commission.
3. That in case a change of policy in regard to Nos. 1 and 2 above is necessitated at a later date, the Commission will notify the Radio Manufacturers Association of any contemplated action.

## RULE 229 MODIFIED

Rule 229 was modified in part as follows: 5085 kc. FIXED.

## APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

- NEW—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—1010 kc., 250 watts, unlimited time.
- KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—580 kc., 1 KW, unlimited time.

## ORAL ARGUMENTS GRANTED

The Broadcast Division granted oral arguments on the following Examiner's Reports to be held December 16, 1937:

- Ex. Rep. 1-461—Ann Arbor Broadcasting Co., Inc., Ann Arbor, Mich.; Ex. Rep. 1-476—Summit Radio Corp., Akron, Ohio, and Ex. Rep. 1-487—Geo. W. Taylor Co., Inc., Williamson, W. Va.

## EFFECTIVE DATE CHANGED

- NEW—Ex. Rep. 1-377, Radio Enterprises, partnership of J. R. Curtis & R. Lacy, Lufkin, Texas—Effective date of order extended to September 28, 1937.
- NEW—Ex. Rep. 1-377, Red Lands Broadcasting Assn., Lufkin, Texas—Effective date of order extended to September 28, 1937.

## MISCELLANEOUS

- KWBG—Nations Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted petition to intervene in the hearing on the application of John P. Harris, for a C. P. to establish a new station at Hutchinson, Kansas, to operate on 710 kc., 1 KW, unlimited time.
- KROW—Educational Broadcasting Corp., Oakland, Cal.—Granted petition to intervene in the hearing on the application of Larry Rhine for a new station in San Francisco to operate on 980 kc., 250 watts daytime.
- NEW—James T. Hurley, Salisbury, N. C.—Granted petition to intervene in the hearing on the application of Earl Vance Hedrick, for C. P. to establish a new station in Salisbury, N. C., to use frequency 1340 kc., 1 KW, daytime.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted petition to intervene in the proceedings on the application of Larry Rhine for a new station in San Francisco.
- NEW—Times Printing Co., Chattanooga, Tenn.—Granted petition to intervene in the proceedings on the application of the Voice of Detroit, Inc., for new station at Detroit, Mich., using 1120 kc., 500 watts, 1 KW LS, unlimited time.
- NEW—Lawrence K. Miller, Pittsfield, Mass.—Denied petition for leave to amend application for C. P. to establish a new station on frequency 930 kc., 250 watts, daytime hours. This case was heard by an Examiner who submitted his report (1.372) thereon recommending denial of application. On July 2, 1937, the Division remanded the application for further hearing, and the case is now calendared to be heard further on September 23, 1937.
- NEW—Y. W. Scarborough & J. W. Orvin, Charleston, S. C.—Denied petition to amend application with regard to location and type of antenna. Applicants seek a C. P. for new

station to use **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

**WCLS**—WCLS, Inc., Joliet, Ill.—Granted petition to withdraw application for modification of license to use **1310 kc.**, 100 watts, unlimited time, without prejudice.

**NEW**—National Life and Accident Ins., Co., Nashville, Tenn.—Granted motion for Continuance of Hearing to a date not earlier than December 14, 1937, on application for C. P. to use **1370 kc.**, 100 watts night, 250 watts LS, unlimited time.

Granted petition of **WDOD Broadcasting Corp.**, Chattanooga, Tenn., to intervene in the proceedings upon the application of the **Times Printing Co.**, for a new station at Chattanooga, Tenn., using **1120 kc.**, 500 watts, 1 KW LS, unlimited time.

Granted petition of **Golden Gate Broadcasting Co.**, licenses of station **KGGC**, San Francisco, to intervene in the hearing upon the application of **Larry Rhine** for a C. P. to erect a new station in San Francisco to use **980 kc.**, 250 watts, daytime hours.

Granted petition of **Western Ontario Broadcasting Co., Ltd.**, licensee of station **CKLW**, Windsor, Ontario, to intervene in the proceeding upon the application of the **First Baptist Church of Pontiac, Mich.**, for authority to transmit programs to radio station **CKLW**.

Granted petition of **WAPO**, **W. A. Patterson**, Chattanooga, Tenn., to intervene in the hearing upon the application of the **Times Printing Co.**, for C. P. to establish a new station in Chattanooga, Tenn., upon the frequency **1120 kc.**, 500 watts, 1 KW LS, unlimited time.

Granted petition of station **WIBA**, Madison, Wis., to intervene in the hearing upon the application of **Four Lakes Broadcasting Co.**, Madison, Wis., for C. P. to establish a new station on frequency **830 kc.**, 100 watts, daytime hours.

Granted petition of **WAPO**, Chattanooga, Tenn. to intervene in the application of **WWPC, Inc.**, Pittsburgh, Pa., for C. P. to establish a new station using frequency **1120 kc.**, 250 watts, unlimited time.

Granted petition of **Carl E. Haymond (KIT)**, Yakima, Wash., to intervene in the hearing upon the application of **Shirley D. Parker** to establish a new station at Yakima, Wash., using frequency **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

Granted petition of **WAPO**, Chattanooga, Tenn., to intervene in the hearing on the application of the **Voice of Detroit, Inc.**, Detroit, Mich., for a C. P. to establish a new station upon frequency **1120 kc.**, 500 watts, 1 KW LS, unlimited time.

Granted petition of **WTCN**, Minneapolis, Minn., to intervene in the proceeding upon the application of **KSTP**, St. Paul, Minn., for a C. P., specifying frequency of **1460 kc.**, 50 KW, unlimited time.

Granted petition of **Dr. Geo. W. Young (WDGY)**, Minneapolis, Minn., to intervene in the proceedings upon the application of **KSTP**, St. Paul, for C. P. using **1460 kc.**, 50 KW, unlimited time.

Granted petition of the **Food Terminal Broadcasting Co.**, Cleveland, Ohio, to intervene in the proceeding upon the application of the **WGAR Broadcasting Co.**, for C. P. to establish a new station in Cleveland, using frequency **1450 kc.**, 1 KW, 5 KW LS, unlimited time.

Granted petition of **WSIX, Inc.**, Nashville, Tenn., to intervene in the hearing on the application of **National Life and Accident Ins. Co., Inc.**, for C. P. to establish a new station in Nashville, using frequency **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

Granted petition of **Broadcasters, Inc.**, for a 30-day continuance of hearing upon its application for C. P. to establish a new station in **Gastonia, N. C.**, using **1420 kc.**, 100 watts, 250 watts LS, unlimited hours, now calendared for October 8. A new date will be fixed by the Docket Section.

Denied motion of the **Summit Radio Corp.**, Akron, Ohio, to strike exceptions of the **American-Republican, Inc.**, to Examiner's Report No. 1-476.

Granted petition of **Santo Sottile**, Charleston, N. C., for postponement for a period of 60 days beyond October 22, 1937, of hearing scheduled on application for C. P. to establish a new station on frequency **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

Denied motion of the **Wichita Broadcasting Co.**, to extend time for oral argument on Ex. Rept. 1-435, from 30 minutes to two hours. However, the Commission, upon consideration of said motion, extended the period for oral argument in these cases from 30 minutes to 1 hour for each applicant.

Denied petition of **The Rapids Broadcasting Co.**, Cedar Rapids, Iowa, to reopen the record in Docket 3922 (Ex. Rept. 1-398), for the purpose of admitting proof of settlement of the judgment against one of the partners or to accept the evidence of satisfaction of said judgment.

Held in "suspension file" application of **KVSO**, Ardmore, Okla., for authority to install new equipment, and increase day power from 100 watts to 250 watts, in view of provisions of Rule 104.7.

Held in "suspension file" application of **Auburn Publishing Co.**, Auburn, N. Y., for new station at Auburn, to operate on **1310 kc.**, 250 watts day, 100 watts night, pending final determination on application for consent to the transfer of control of **WMBO** from **Roy L. Albertson** to the **Auburn Publishing Co.** This application is set for oral argument before Broadcast Division on October 14, 1937.

## RATIFICATIONS

The Broadcast Division ratified the following actions taken on the dates shown:

**KGFI**—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Granted extension program test period 30 days from September 18, 1937. Action taken 9-16.

**KGNC**—Plains Radio Broadcasting Co., Amarillo, Tex.—Granted authority to operate with reduced power in accordance with Rule 142. Action taken 9-16.

**WBHP**—Wilton Harvey Pollard, Huntsville, Ala.—Granted extension of program test period 30 days from September 15, 1937. Action taken 9-14.

**KWTO**—Ozarks Broadcasting Co., Springfield, Mo.—Granted special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, September 15 to October 14, 1937, inclusive, in order to conduct an experimental farm program. Action taken 9-14.

**KHQ**—Louis Wasmer, Inc., Spokane, Wash.—Granted special temporary authority to use Model 105-C W. E. transmitter in place of transmitter now licensed for period not to exceed 15 days, due to mechanical difficulties with present transmitter and while same is under repair. Action taken 9-15.

**W2XDG**—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station **W2XDG** on frequency 38.65 megacycles for the period September 17 to October 16, pending definite arrangements to be made in the ultra high frequency bands. Action taken 9-16.

**WOR**—Bamberger Broadcasting Service Inc., Newark, N. J.—Granted special temporary authority to rebroadcast program originating from U. S. Army airplanes, September 21 and 22, in the vicinity of New York in connection with broadcast of aerial observations of American Legion Parade. Action taken 9-16.

**WSVS**—Seneca Vocational High School, Buffalo, N. Y.—Granted extension of special temporary authority to remain silent from September 16 to 27, due to postponement of opening of the public schools because of epidemic of infantile paralysis. Action taken 9-16.

**WBZ**—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Granted special temporary authority to rebroadcast over stations **WBZ** and **WBZA** and over National Broadcasting Co. network accounts of search for "Endeavor I", lost at sea, originating on any Coast Guard boat which may be in search for lost boat, for a period not to exceed 10 days. Action taken 9-17.

**WBZA**—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Granted special temporary authority to rebroadcast over stations **WBZ** and **WBZA** and over National Broadcasting Co. network accounts of search for "Endeavor I", lost at sea, originating on any Coast Guard boat which may be in search for lost boat, for a period not to exceed 10 days. Action taken 9-17.

**KPRC**—Houston Printing Corp., Houston, Tex.—Granted extension special temporary authority to operate with 5 KW power night for period September 21 to October 20, 1937. Action taken 9-18.

**National Broadcasting Co., Inc.**, New York City.—Granted special temporary authority to rebroadcast program material originating U. S. Army aircraft squadron flying over New York City during parade of American Legion on September 21. Action taken 9-18.

**WJDX**—Lamar Life Ins. Co., Jackson, Miss.—Granted special temporary authority to use **RCA Type 250-D** transmitter with indirect power measurement and operate with reduced power of 250 watts day and night for period not to exceed 30 days, in order that present equipment may be made inoperative and that new transmitter of 5 KW as authorized by C. P. may be installed in same location. Action taken 9-18.

Peoples Pulpit Assn., Brooklyn, N. Y.—Set for hearing application for authority under Sec. 325 of the Communications Act to transmit a program through wire facilities of American Telephone and Telegraph Co. from Coliseum, State Fair, Columbus, Ohio, to station COCQ, Havana, Cuba, program of Judge Rutherford, from 12 noon to 1 p. m., EST, September 19. Action taken 9-16.

Granted petition of WAVE, Inc., to intervene in the proceedings upon the application of WLBG, Inc., Petersburg, Va. (WPHR), for C. P., Docket 4681.

The Commission ratified the following actions taken on the dates shown:

Denied request of the Pittsburgh Radio Supply House, the Head of the Lakes Broadcasting Company, and the Intermountain Broadcasting Corp. to postpone from time to time the effective date of the order of the Broadcast Division entered July 6, 1937, granting the application of the WATR Company, Inc., for C. P. (Docket 4294).

Approved a corrected order in the Brooklyn cases. General Session Minute No. 538 has been corrected in accordance therewith, and the stenciled and permanent minutes will reflect the corrections made.

Denied request of Continental Radio Co. to postpone the effective date of the order of the Broadcast Division entered July 6, 1937, granting the application of Community Broadcasting Company for C. P., Docket No. 2667, and denying the application of Continental Radio Co. for C. P., Docket No. 3301, until 20 days shall have expired after final decision upon its petition for rehearing upon said applications.

Retired to the docket files the petition of Lawrence K. Miller requesting a rehearing upon the application of Harold Thomas for C. P. to erect a new broadcast station at Pittsfield, Mass., inasmuch as a notice of appeal and petition requesting a stay of the Commission's decision and order has been filed by Lawrence K. Miller in the U. S. Court of Appeals for the District of Columbia.

The Commission adopted and published a statement of facts and grounds for decision in the Brooklyn cases, station WBBC and others.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate 7 to 8 p. m., EST (instead of DST as specified in S.A.) for the period September 27 to 30, to broadcast sponsored sports review; to operate from 7 to 8 p. m., EST, for the period October 1 to 31, for sponsored sports programs, and to operate from 2 to 4:30 p. m., EST, October 2, 9, 16, 23 and 30, 1937, for sponsored Yale football games.

Granted petition of Sentinel Broadcasting Corp. to intervene in the proceedings upon the application of Colonial Broadcasting Co. for new station at Morristown, N. J.

Granted petition of The Tribune Building Co. (KLX) to intervene in the proceedings upon the application of Larry Rhine for new station in San Francisco.

Granted petition of Tri-State Broadcasting System (KTBS), Shreveport, La., for waiver of Rule 103.8 and accepted the amendment to its application for C. P., Docket 4744, without prejudice. The Broadcast Division directed further that the application in amended form be rerouted through channels for appropriate recommendations by various departments of the Commission, and that the hearing upon the application in its original form, now scheduled for September 27, be cancelled.

Granted petition of First Baptist Church, Pontiac, Mich., and accepted its appearance in the matter of its application for authority to transmit programs to CKLW, Windsor, Ontario, Canada.

Granted motion of W. H. Hartman Co. for continuance of the hearing upon its application for new station at Waterloo, Iowa, Docket 4340, and directed that the hearing be postponed until November 29, 1937.

Granted motion of Seaboard Broadcasting Corp. for continuance of hearing upon its application for new station at Savannah, Ga., Docket 4625, and directed that the hearing be postponed until October 26.

Denied petition of Earl Weir, St. Petersburg, Fla., to withdraw without prejudice his application for C. P., Docket 3868.

Denied petition of Havens and Martin, Inc., to withdraw without prejudice its application for new station at Petersburg, Va., Docket 4562.

The Commission approved the insertion of the following clause as a footnote to Rule 229:

9540)		15120)	
9550)	9550*	15130)	15130*
9560)		15140)	
11720)			
11730)	11730*	21500—	21500*
11740)			

## APPLICATIONS RECEIVED

### First Zone

WSAL—Frank M. Stearns, Salisbury, Md.—Modification of construction permit (B1-P-1613) for a new station, requesting approval of antenna, install new transmitter, and approval of transmitter and studio sites at 321 E. Main Street, Salisbury, Md.

WAAB—The Yankee Network, Inc., Boston, Mass.—Modification of license to change power of auxiliary transmitter from 500 watts to 500 watts night, 1 KW day.

WOKO—WOKO, Inc., Albany, N. Y.—License to use W.E. 106-B transmitter as an auxiliary, using 500 watts power.

### Second Zone

WTAR—WTAR Radio Corp., Norfolk, Va.—Construction permit to make changes in directional antenna and install new transmitter, and increase power from 1 KW to 5 KW.

WHAL—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—Modification of construction permit (B2-P-936) for a new station, requesting change in hours of operation from day to unlimited time, using 500 watts.

WGAL—WGAL, Inc., Lancaster, Pa.—Construction permit to change frequency from 1500 kc. to 1510 kc.; increase power from 100 watts night, 250 watts day, to 1 KW; install a new transmitter; install directional antenna for night use; and move transmitter from 4-10 West King St., Lancaster, Pa., to Marietta Pike, Lancaster Twp., Lancaster, Pa. Amended re geographic location.

### Third Zone

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Modification of license to change studio site from Auditorium Music Hall, Clearwater, Fla., to Tarr Building, Tampa, Fla.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Involuntary transfer of control of corporation from Marcellus D. Smith, Jr., deceased, to Eloise H. Smith, Executrix of the estate of Marcellus D. Smith, Jr.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—License to cover construction permit (B3-P-1839) for increase in power and changes in equipment.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—License to cover construction permit (B3-P-1806) for changes in equipment, installation of vertical antenna, increase power, and move of transmitter and studio.

KPAC—Port Arthur College, Port Arthur Tex.—Construction permit to make changes in transmitter; install directional antenna for night use; change frequency from 1260 kc. to 1230 kc.; increase power from 500 watts to 1 KW; and change hours of operation from daytime to unlimited time.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—License to cover construction permit (B3-P-1825) for changes in equipment and increase in power.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Construction permit to install a new transmitter and directional antenna for night use; change frequency from 1420 kc. to 1120 kc.; increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Construction permit to change frequency from 1450 kc. to 620 kc. and install directional antenna for day and night

\* Available for non-government assignments to International Broadcast stations on a temporary basis and subject to cancellation at the discretion of the Commission without advance notice or hearing.

use. Amended to make changes in proposed directional antenna and move transmitter from Dixie Gardens, near Shreveport, La., to R. F. D. No. 1, Dixie Gardens, Shreveport, La. (approximately 3 miles from present site).

**WRGA**—Rome Broadcasting Corp., Rome, Ga.—License to cover **1500** construction permit (B3-P-1862) for changes in transmitting equipment.

**NEW**—Southern Broadcasting Corp., Covington, La.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time. Amended to give transmitter and studio sites as to be determined, Covington, La.

**NEW**—Jonas Weiland, Kinston, N. C.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 35 watts.

**NEW**—The Birmingham News Co., Birmingham, Ala.—Construction permit for a new relay broadcast station to be operated on **31100, 34500, 37600, 40600 kc.**, 2 watts.

**NEW**—The Birmingham News Co., Birmingham, Ala.—Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.**, 2 watts.

#### Fourth Zone

**WTMJ**—The Journal Co. (The Milwaukee Journal), Milwaukee, **620** Wis.—License to cover construction permit (B4-P-1713) for a new transmitter.

**WHO**—Central Broadcasting Co., Davenport, Iowa.—Special experimental authorization to operate a facsimile station from 10 p. m. to 4 a. m., PST, on **1000 kc.**

**KSOO**—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—**1110** License to cover construction permit (B4-P-1774) for installation of vertical antenna.

**KELO**—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—**1200** License to cover construction permit (B4-P-696) as modified for a new station.

**WHBF**—Rock Island Broadcasting Co., Rock Island, Ill.—Construction permit to install vertical antenna; move transmitter from 102 18th Street, Rock Island, Ill., to SE¼ of Section 2, Twp. 17 N, Range 1 W, near Rock Island, Ill. Amended to change frequency from **1210 kc.** to **1240 kc.**; install a new transmitter; increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day; and install directional antenna for night use.

**WJBL**—Commodore Broadcasting, Inc., Decatur, Ill.—Construction permit to install a vertical antenna; change frequency from **1200 kc.** to **1310 kc.**, hours of operation from share WJBC to unlimited; and move transmitter from 301 N. Water St., Decatur, Ill., to Route 48, Decatur, Ill. Facilities of WBOW when WBOW assigned frequency of **1290 kc.** Amended to omit request for change in frequency and hours of operation and omit request for WBOW's facilities.

**KGFW**—Central Nebraska Broadcasting Corp., Kearney, Nebr.—**1310** Construction permit to install a new transmitter; erect a vertical antenna; increase power from 100 watts to 100 watts night, 250 watts day; and move transmitter and studio from 919 West 27th Street, Kearney, Nebr., to site to be determined, Kearney, Nebr.

**NEW**—Clinton Broadcasting Corp., Clinton, Iowa.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

**NEW**—Burlington Broadcasting Co., Burlington, Iowa.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended re corporate structure.

**WJBL**—Commodore Broadcasting, Inc., Decatur, Ill.—Modification of license to change frequency from **1200 kc.** to **1310 kc.**, and hours of operation from share WJBC to unlimited time. Requests facilities of WBOW when WBOW is assigned **1290 kc.**

**KFAM**—The Times Publishing Co., St. Cloud, Minn.—Modification of construction permit (B4-P-884) for a new station,

requesting changes in authorized equipment, approval of vertical antenna, approval of transmitter site at 9th Ave. and St. Germain St., St. Cloud, Minn., and studio at Breen Hotel, 9th Ave. and St. Germain St., St. Cloud, Minn. Amended to change type of equipment.

**WMBD**—Peoria Broadcasting Co., Peoria, Ill.—License to cover **1440** construction permit (B4-P-1353) for a new transmitter and increase in power.

**WMBD**—Peoria Broadcasting Co., Peoria, Ill.—Authority to determine operating power by direct measurement of antenna.

**NEW**—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit for a new relay broadcast station to be operated on **38900, 39100, 39300, 39500 kc.**, 2 watts.

**W9XUP**—National Battery Broadcasting Co., St. Paul, Minn.—Modification of construction permit (B4-PHB-37) for a new high frequency broadcast station, requesting approval of a fixed location at North Snelling Avenue, St. Paul, Minn., and antenna system.

**NEW**—KCMO Broadcasting Co., Kansas City, Mo.—Construction permit for a new relay broadcast station to be operated on **100000, 200000, 300000, 500000 kc.**, 5 watts.

**NEW**—Indianapolis Broadcasting, Inc., Area of Indianapolis, Ind.—Construction permit for a new relay broadcast station to be operated on **38900, 39100, 39300, 39500 kc.**, 2 watts.

**NEW**—KCMO Broadcasting Co., Kansas City, Mo.—Construction permit for a new relay broadcast station to be operated on **100000, 200000, 300000, 500000 kc.**, 10 watts.

#### Fifth Zone

**KEHE**—Hearst Radio, Inc., Los Angeles, Calif.—Modification of **780** license to change power from 1 KW night, 5 KW day, to 5 KW day and night.

**NEW**—Mollin Investment Co., Huntington Park, Calif.—Construction permit for a new station to be operated on **1160 kc.**, 100 watts, daytime only.

**NEW**—Kenneth H. Thompson, Whittier, Calif.—Construction permit for a new station to be operated on **1170 kc.**, 100 watts, limited time to WCAU.

**KDYL**—Intermountain Broadcasting Corp., Salt Lake City, Utah. **1290**—Modification of construction permit (B5-P-126) for increase in power, equipment changes, antenna and transmitter site to be determined, further requesting new transmitter, installation of vertical antenna and approval of transmitter site at southwest of Salt Lake City, Utah. Amended to make changes in transmitter and approval of transmitter site at Salt Lake City, Utah.

**KARM**—George Harm, Fresno, Calif.—Modification of construction permit (B5-P-905) for a new station, requesting authority to make changes in antenna and transmitting equipment.

**KSRO**—The Press Democrat Publishing Co., Santa Rosa, Calif.—**1310** License to cover construction permit (B5-P-759) as modified for a new station.

**KGEZ**—Donald C. Treloar, Kalispell, Mont.—License to cover construction permit (B5-P-1535) for new antenna and move of transmitter.

**NEW**—Evening News Press, Inc., Port Angeles, Wash.—Construction permit for a new station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

#### Puerto Rican Zone

**WPRA**—Puerto Rico Advertising Co., Mayaguez, P. R.—Construction permit to change frequency from **1370 kc.** to **630 kc.**; make changes in antenna; change power from 100 watts night, 250 watts day, to 250 watts day and night; and change hours of operation from specified hours to unlimited time.