

using its network affiliation power to "coerce" anybody into selling its station to NBC.

Some interest was aroused by the three-year-plus period given to NBC to sell or exchange its Philadelphia outlets. This was explained by one Justice Dept. official as representing a "reasonable" time for the network to dispose of this property.

Suit Brought in 1956 • The government brought the civil antitrust suit against NBC and RCA Dec. 4, 1956. It alleged conspiracy in restraint of trade and charged that NBC had coerced Westinghouse into agreeing to the exchange of stations by threatening to cancel or refuse NBC affiliations to WBC stations. It also claimed that the stations swap gave NBC a monopoly position in five of the eight largest markets in the country.

In the exchange, NBC acquired Westinghouse's Philadelphia stations and gave Westinghouse the network's Cleveland stations plus \$3 million.

The government suit asked that the transaction be abrogated and that NBC

be divested of such assets as the court deemed "proper and necessary."

Before bringing the charges to court, the Justice Dept. submitted the case to a grand jury sitting in Philadelphia. The grand jury never brought in an indictment.

The government's action came virtually one year after the FCC had approved the swap.

The Commission's approval came Dec. 21, 1955, by a vote of six to one. Comr. Robert T. Bartley dissented, raising the question whether the Commission's approval might not prevent the Justice Dept from bringing an antitrust suit. This viewpoint was rebutted by then Comrs. John C. Doerfer and Richard A. Mack, who maintained that FCC action could not preclude action by other government agencies.

The FCC kept the Justice Dept advised but was never asked to delay action on the transfer applications.

The FCC approved the exchange after investigating the charges of coercion—although these were never made formally or publicly by Westinghouse.

In arguing in District Court, NBC

and RCA maintained that the Justice Dept. was debarred from bringing the suit because the FCC had approved the arrangements. The government disagreed.

Judge Kirkpatrick agreed with the NBC-RCA position and early in 1958 ruled that the antitrust suit was too late. He declared that the Justice Dept. should have participated before the FCC as a party in the case.

The Justice Dept. appealed this decision to the U.S. Supreme Court. In February of this year the Supreme Court over-ruled the District Judge.

In a unanimous seven-man decision (Justice Felix Frankfurter and William O. Douglas did not participate), the Supreme Court ruled that it is up to the courts to decide antitrust charges, not the FCC. The opinion, written by Chief Justice Earl Warren, quoted extensively from legislative history to bolster its belief that the FCC was not organized to pass on charges of antitrust violations—although the high court said it could take such matters into account when granting or denying applicants for licenses.

TV PREVIEW

The new glamour of support stockings told by tv

For years women inflicted with so-called "tired legs" or "leg fatigue" have had available to them stockings made of rubber. These provided support and eased the tiredness. A sales drawback, however, has been the high cost and not-so-fashionable appearance of rubber hose.

Supp-hose, a support stocking on the market (it is sold through stocking manufacturers) made completely of nylon, and fashionable, is on tv to convince American women that their legs will look as dressed in Supp-hose as they would be when encased in any nylon.

To get this across to women, Supp-hose, which is a product of Kayser-Roth Hosiery Co., New York, makers also of Esquire socks, Schiaparelli hosiery and Fruit of the Loom socks, decided to show its prospective customers just how fashionable the product can be.

Parisian Cheesecake • A tv campaign goes on the air starting today (Sept. 28) which uses the locale of top Parisian fashion salons and features French women models wearing Supp-hose.

This idea—of bringing Parisian cheesecake to the American tv screen—originated with Charles Goldschmidt, chairman of the board, Daniel & Charles, New York, agency for the hosiery firm.

The agency sent its fashion coordinator Nadine Bertin to Paris for two weeks in July to supervise filming of a group of tv commercials during openings at the fashion salons of Pierre Cardin and Frederic Senne.

The \$1.5 million campaign will include spot schedules and network participations (NBC-TV's *Treasure Hunt*, *Jack Paar Show*, *Young Dr. Malone* and Leon Pearson's news show). The campaign is set to run this fall and into the winter. Included also in the spot plan is participation in 14 women's shows. The agency estimates the commercial will reach an estimated 98% of all tv homes.



MODELING WITH SUPP-HOSE

Filming at the Pierre Cardin salon in Paris