

Give-Away Programs Will Continue Despite FCC Ban Pending Decision By Courts

By JAMES MARLOW

WASHINGTON, Aug. 23.—(AP)—Your favorite radio and television give-away programs probably will stay on the air long after Oct. 1.

That's the date when a Federal Communications commission order would bar all, or most, of them from further broadcasts.

The FCC issued the order last week on these grounds:

That the give-away or jackpot programs are lotteries or "gift enterprises" and so are contrary to a law governing radio.

The radio people say this FCC interpretation is wrong. They'll fight it in court so federal judges can decide who's right.

And the radio people almost surely will get a court order permitting the shows to continue till there is a court decision. That will be a good while after Oct. 1.

The case revolves around this part of the law:

There can be no broadcasting of "any advertisement or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes."

Legal Definitions
The FCC said a radio lottery is generally one involving a prize awarded as a result of lot or chance, where the contestant contributes something of value, or is required to be listening or viewing the program over a receiver.

Legal definitions of a lottery include three points: a prize, chance, and a "consideration."

If you bought a ticket in some neighborhood lottery from a peddler on the street, the three legal points of a lottery would be fulfilled: you were buying the ticket to win a prize; there was a chance of winning it; and the money you paid was your "consideration."

But is it a "consideration" when all you do is listen to a radio, without spending a penny, in the hope you can answer a question if the master of ceremonies calls your telephone number?

The FCC thinks it is. It believes the time you give to listening, in order to win a prize,

is a "consideration." The FCC said:

"Where such a scheme is designed to induce members of the public to listen to the program and to be at home available for selection as a winner or possible winner, there results detriment to those who are so induced to listen when they are under no duty to do so."

Dissenting Opinion
This interpretation of "consideration" has never been established in a court, government attorneys say here. And one member of the FCC itself, Miss Frieda Hennock, who disagreed with the majority of her fellow-commissioners, said:

"This is the first instance in which a scheme has been called a lottery when the sole consideration supporting it is nominal or other than the payment of something of value."

But the FCC order, going beyond just the word "lottery," bans from the air any "gift enterprise, or similar scheme." That's broad enough to cover a wide variety of give-away programs.

Suppose you do answer the question when the radio program, to which you've been listening, calls you on the phone. Can't you consider the prize you then get for the right answer a gift?

Tax Must Be Paid
Not according to the FCC. And not according to the Internal Revenue bureau which collects income taxes. Under the income tax law, if you receive a gift for which you've done nothing at all, it's tax free.

But if you answer the phone with the right answer that wins the prize, the revenue people say you've earned it and you must pay tax on the prize you get.

If it's a cash prize, the tax is easy to figure. If it's a prize in goods, you have to pay a tax equivalent to the value of the prize.



OUT OUR WAY

By J. R. Williams

Faye Emerson Roosevelt Proves She's Brainy As Well As Beautiful

By ED CREAM

NEW YORK, Aug. 23.—(AP)—It sounds like a terrible thing to say about a girl—especially when she's an actress and as pretty as a tree-ripened peach.

But those rumors you've been hearing are true, and truth will out:

This Faye Emerson Roosevelt is brighter than a shiny new dime, and a Roosevelt dime at that.

In four appearances on a radio-television quiz show, the late President's daughter-in-law has done more than stump the experts. She has bowled them over. She has left them groggy.

"It is not fair that she should have so much beauty and so many brains, too," growled Gregory Ratoff, the movie director, in a Russian accent as thick as the sour cream on a cheese blintz.

Some of those present got the impression Ratoff wasn't entirely kidding. In her gentle, un-bumptious way Miss Emerson had just fielded a question which the man from Hollywood had booted all over the studio.

She has a habit of doing that. In other appearances on the show—called "Who Said That?"—she out-experted H. V. Kaltenborn, left Quentin Reynolds at the post, and built up a three-to-one margin over one Elliott Roosevelt—her husband.

Has Respect Of Males
"Men," says quizmaster Robert Trout, "respect Miss Emerson and it's not just because she dresses up a television screen."

"Besides, if there's a joke being concocted in the vicinity she wants to be in on it. And I'm well aware that she'd love to turn the tables and ask me a question I couldn't answer."

As for Miss Emerson herself, the brown-eyed blonde from Beaumont, Texas, looks on the whole thing as just good fun.

"I love working in television," she says, "and especially on a program with no rehearsals. I get a real kick out of working with such bright, quick-thinking people."

"I'd also like to do a television show of my own—as a commentator, and not just about recipes and fashions. . . ."

"No, I don't do any special studying before 'Who Said That?' I just read the seven or eight papers I read every day."

Fan mail? Yes, there's been quite a lot. It's surprising how many letters begin "I am a Re-

publican but—"

"There was one priceless letter from a woman who misunderstood something I'd said about Thomas E. Dewey. She wrote in to complain that I'd called him a 'Red'."

Here's Few Samples
In each session of "Who Said That?" Trout reads quotations from the week's news and a panel of experts, or would-be experts, tries to name the well-known persons quoted.

See how you'd make out with these:

1—"I get bored in Hollywood—the big automobiles, the swimming pools, the rich houses. . . ."

2—"Nearly all the songs I hear these days are the loudest pile of trash I have ever listened to."

3—"I won't retire until my brain wears out."

Guest expert Emerson rattled them off in order: 1—Gregory Ratoff, 2—Frank Sinatra, 3—Connie Mack.

One of the experts who didn't recognize the Ratoff quote was Ratoff. He had a right to complain.

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Ads On The Moon? He Might Do It, States Columnist

By ED CREAM
(For Hal Boyle)

NEW YORK, Aug. 23.—(AP)—When a man builds a better mousetrap than his neighbor, the next thing he wants is to build a bigger mousetrap. Then a still bigger one. And, in the end, he's miserable if he hasn't built the whoppingest mousetrap ever.

Something like that has happened to Douglas Leigh.

Leigh is a boyish, soft-spoken Alabamian who has made himself a millionaire by creating those razzle-dazzle electric signs that swing, sway, hiss, rain and otherwise startle the crowds on Broadway—and elsewhere.

You've seen them, in the movies if not in the original; the Niagara of real water that roars over Times Square, 50,000 gallons a minute; the blimps that flash advertising from the sky; the giant solder blowing giant smoke rings.

Called Lamplighter they're called. "Spectators," they're called. And Leigh has dreamed up the more spectacular of them. He's been nicknamed "the lamplighter of Broadway" and "the sign painter of America."

So—what next? How fantastic can you get?

Let's sit down in Leigh's Rockefeller Center office and listen to a man, who's as full of ideas as a boy with a new airshot and a bag of pebbles:

"Well, there's our walking man. He'll be as tall as a seven and a half story building and it will look from the sidewalk as if he's stepping from the top of a theater right down onto Broadway."

"Then there's the 175-foot sign we're doing for a bank in Minneapolis. A real whopper. They'll be able to see it from the Northern Lights, but—well, you'll see for yourself when we unveil it."

After that, I didn't dare ask if he were keeping in touch with all the rockets-to-the-moon projects, just in case. But I did put the question to one of his associates, who nodded soberly.

"If anybody gets to the moon," he said, "Doug will plant advertising signs all along the way."

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nervous? Like newlyweds, you mean? Oh, I suppose there will be a lot of wisecracks. . . ."

Leigh is a low-pressure talker, something remarkable in the advertising business. He's 39 and looks about 30. He also looks a mite disinterested.

That's where the bigger mousetrap comes in.

"For years," Leigh confesses, "I've been looking at the Empire State building. Longingly. Tremendous advertising possibilities and I haven't been able to do a thing with it. . . so far."

Northern Lights Prospect
"Another idea I've had is to paint an insurance ad on the Rock of Gibraltar. Never really expected to do it. Still, England owns the rock and she's hard up for dollars. I wonder. . . ."

Playfully—or so I thought—I asked Leigh if he had considered harnessing the Northern Lights, sometimes known as the aurora borealis, for huckstering purposes.

His gray eyes glowed. The same glow in the eyes of small boys contemplating a neighbor's pear tree.

"As a matter of fact," Leigh said, "we have something very special coming up. Lights in the sky—that's all I can tell you now. I wouldn't say it will be more spectacular than the Northern Lights, but—well, you'll see for yourself when we unveil it."

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