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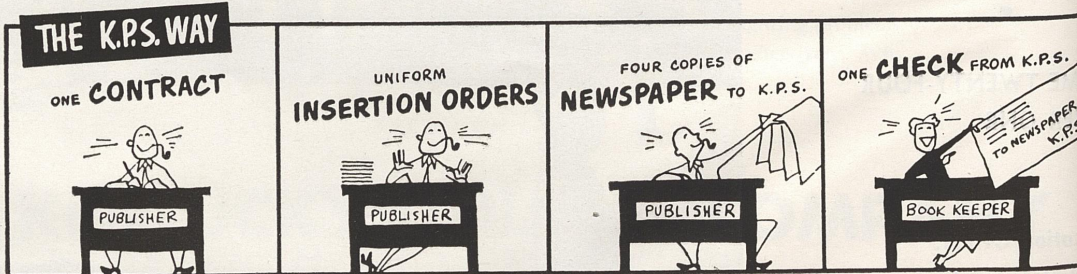
Kentucky's Showcase: My Old Kentucky Home, Bardstovwn

Official Publication Kentucky Press Association

this is how K.P.S. helps the advertiser



this is how K.P.S. helps the publisher



Permissive Legislation Needs Thoro Study Toward Revision

In our changing dynamic American society, the public's Right To Know was never more pertinent than it is today, but the public's rights are being jeopardized and abridged by legislative acts of permission to commissions, boards, and groups to regulate, curtail, or prohibit truthful advertising. The rights and interests of the public are being abrogated by legislatures in passing their legislative function of police power to these groups.

Our channels of communication must be aroused to protect the public interest in presenting the news fairly, unbiased, and objective—even including advertising. It is not a selfish matter for communication channels; it is a duty that needs study and a renewed dedication to the principles of a free press in a free world. The encroachments on the public's right to know are becoming acute; we present developments that need reflection and action.

State legislative activities have been a residual right and inherent power since the beginning of American nationality in scope, variety, and importance. This inherent power is only limited to that not granted elsewhere, not prohibited to the state by the national constitution, and not withheld, expressly or implicitly, by the state constitution. No comprehensive enumeration of these powers can be directly stated because such powers are seldom specified—they are accepted simply as a part of the general powers of the state; they are inherent and residual, only modified, changed, or, in some instances denied, by the courts.

One such inherent power is the "police power", that "vital power to legislate for the public welfare". It has been defined and interpreted in judicial cases as the power of the state to restrict the individual's freedom of action, or free use of his property, in order to protect the health, safety, morals, good order, convenience, or general welfare of the state. In exercising this all-important power, the legislature may restrict the ordinary rights of liberty and property enjoyed by the individual in almost any manner and in almost any degree, so long as the federal Supreme Court is satisfied that such restrictions do not amount to a deprivation of life, liberty, or property without due process of law. Today, a myriad of statutes, multiplying year after year, are being enacted in our several states, with no end apparently in sight.

Public opinion has sanctioned many "pol-

ice power" statutes, many of them seemingly exceeding the limit provided under the due process of law clause in the Fourteenth Amendment. Our courts, during a long span of years, have indicated a process of inclusion and exclusive by which each "power" statute can be tested. Again, public opinion has given sanction to the premise that some businesses require more regulation than others, even though our constitutions guarantee equality to all businesses. How can some businesses be treated differently under the police power?

The answer was suggested by the U. S. Supreme Court back in 1876 in the case of *Munn v. Illinois*, 94 U. S. 113, when it referred to certain businesses as being "affected with public interest." This policy simply means that some businesses can be regulated much more rigorously with respect to many of their activities than can other businesses. The important phase, "affected with public interest," sets such a business apart from a purely private business operation such as a grocery or drug store in which competition is solely determined by free play of economic forces. Any attempt by government to regulate this private type of business would violate the "due process of law" clause of the Fourteenth Amendment.

Following this broad concept of public interest, police power regulations are applied to public utilities, transportation, communication, banking, insurance, and other financial institutions as the most important examples. There is no hard-and-fast line between businesses affected with public interest and others, but there has existed a growing tendency in state legislatures to use their police power prerogative to pass on this control to organized pressure groups. In the relationship between government and economic pattern groups, this shifting trend includes the relation of regulation, or of aid, or of protection—oftimes a combination of these. Representative instances include licensing, support of private business in public service such as aviation, fire protection, agriculture, and conservation.

One important, perhaps the most important, type of regulation for the control of economic life is found in licensing. It is used in a great variety of instances to accomplish many purposes such as to raise money (store or occupational licenses); to control entry into business (liquor licenses); and to permit exercise of a profession (architect's license). The purpose may be defined as ad-

ministrative lifting of a legislative prohibition, i.e., a statute has forbidden a certain act which may be done only after an administrative official, in compliance with law, has issued a permit (license) which removes the legislative prohibition as far as that person is concerned.

The growing and expanding license system to keep some unqualified person from professional practice is the most familiar procedure and has been practiced for a long time in well-established, well-recognized professions. There is a growing tendency, however, for long-established professions to split up into new professions such as the levels of healing practitioners; and the entry of skill-and-trade groups into a new self-determined "professions" such as plumbers, contractors, barbers, and even horse-shoers.

Two reasons are advanced by these new "professional" groups; first, to cause their calling to be recognized as a true profession; and, second, as a device to maintain a monopoly of skill or knowledge to a limited few, more easily controlled. To accomplish the first reason, codes of ethics have been established with standards of controls to discipline members and thus "protect the public against dangers of unqualified practitioners"; the public advantage of this control is obviously real and is universally sanctioned.

The second reason needs scrutiny and itself thorough policing. When the hidden motive is simply a device for maintaining a monopoly of skill and/or knowledge, or to "keep out the little fellow," or to prevent newcomers, even though qualified, from entering into the trade or profession, then such action transcends the conception of public-interest and smacks closely of racketeering. Legislation unwittingly passed under influence of pressure-groups, in the past few years in many states, has placed the police power in the hands of a minority, but active, succession of groups, commissions, and boards. We question the wisdom for a legislative body to give up its police power to these minorities, however meritorious the "surface" reason.

The use of this police power by trade associations is directed toward curtailment or prohibition of advertising if the present trend is a criterion. We commend the trade associations when they join with the newspapers to end false and misleading advertising among their members or in their profession, but we believe that they are performing a gross misservice to the American community when they seek to prohibit member-advertising in publications. They are forgetting that the American citizen still has the right of free-choice and free selection. It is indeed unfortunate that many trade associations have commanded a ban on ad-

vertising as a symbol or a synonym for professionalism.

Not all trade association members of the rank-and-file have accepted the dicta and thinking of the top echelon. There are many individuals who believe that they have the right to advertise if the advertisement is of proper, dignified type and hold such procedures is not damaging to the profession. The history of the current attack on funeral directors' advertising is an example.

The anti-advertising bonfire was started in West Virginia, states the Editor and Publisher. "As long ago as 1951 the West Virginia Funeral Directors Association sponsored amendments to state law changing license requirements and adding 'unethical' to that of 'false and misleading advertising.' Penalty was revocation or suspension of license.

"Subsequently, the association construed price advertising as being in the category of false, misleading and unethical. At the request of the association the state board attempted to suspend and revoke licenses of some funeral directors but it was overruled by the courts on the basis of insufficient definition, standards, etc.

"Thereupon, in 1954 the state board revised its rules (under authority of the legislature to 'make and enforce the necessary rules') restricting the size and content of advertising and providing other definitions. They prohibited price advertising and limited newspaper ads to a maximum of two inches on one column. Content is limited to name, address, telephone, name of director-in-charge, and ambulance service.

"A West Virginia funeral director filed suit challenging the constitutionality of these new regulations. The state association filed briefs supporting the board and the West Virginia Press Association filed briefs supporting the suing funeral director. A lower court upheld the board on only part of the charges. But the West Virginia Supreme Court on Dec. 22, 1956, stated the rules and regulations were constitutional and that this was a valid exercise of the police power of the state. As soon as this decision became known the brush fire was on.

"In Florida the state board went so far as to prohibit all advertising of any kind and said funeral directors cannot even solicit business. The question of constitutionality has been tabled by the legislature until its next session in 1959 but the state board says the rules will remain in effect until officially rescinded."

The next bonfire was started in South Dakota, but was somewhat dampened when the South Dakota Funeral Directors Association adopted a resolution which stated that advertising of a dignified type is proper and no

ruling should be established against it. The resolution, in part, stated, "Do not lose your freedom—your right to tell your story and your right to educate the public. Successful firms in any lines of business have become successful because they have used all legitimate forms of advertising to educate the public as to their facilities, service, location and personnel." This opposition led the state board to postpone action until January 1.

In North Dakota a proposed bill before the legislature was postponed until the next session in 1959. Wisconsin also postponed action on a like bill. So the line up reads: For—the National Funeral Directors Association; Against—the National Selected Morticians, which is second in size to NFDA, and the Preferred Funeral Directors International.

In commenting on the South Dakota situation, the Sioux Falls Argus-Leader voiced the opinion of Newspaper America when it averred, "It is the right of a funeral director or any other professional or business man to advertise. But this doesn't mean that he must advertise; it is his privilege to advertise or not to advertise. But when an association or group takes upon itself the authority to tell all who belong to it that they cannot advertise, it is going beyond the boundaries of legitimate control or supervision. An association may, if it feels so inclined, employ persuasion or extend advice in respect to advertising. But specific rules prohibiting it are definitely out of order. That is something for the individual to decide."

William Oertel, executive manager, Ohio Newspaper Association, Columbus, has made an intensive study of this legislative-advertising trend. He points out that the anti-advertising efforts by the so-called professional groups, working through state boards and commissions or in the state legislatures, have become an increasing problem and one that is growing in intensity as more and more business people seek this "professional status" and turn to the state legislatures for authorization. As more such groups succeed, as evidenced by past legislative action, we find them now protected from the horrible unethical stain of advertising by the police powers of the several states.

The anti-advertising trend started with the medical, ministerial and legal professions on a self-imposed basis, as it remains with them today in most respects. Now we find other business groups seeking similar status, but not being able to self-impose such status in all their fields, have worked through state legislatures to get protective laws passed that give them the police power. Or they have sought the establishment of state boards with power to accomplish the same result as if a

law had been passed. This has had to be done carefully, often secretly, since the support of the general public is not often on their side.

We hold and stand in the position that this state board practice is being abused, and literally, legislatures have actually passed their police power to pressure groups. Many business groups are seeking, or have obtained, protection, including anti-advertising restrictions which were never intended for our American system of free enterprise. Essentially, this is not the newspaper's problem alone. It is a far more important matter of concern for the knowledge and information of the public at large. It is essentially the right of the public to know about the quality, availability, and all other details of merchandise or services for sale. Any abuse of advertising are correctable by laws against fraudulent, misleading, or untruthful advertising in almost every state. Kentucky's statutes are found in Chapter 434, Offense Against Property by Fraud, in Section 434.270.

These anti-advertising efforts take different approaches, but most seek (1) to prohibit price advertising, (2) to set maximum advertising limitations, or (3) to prohibit ALL advertising, unless first approved by a state board.

While these efforts to restrict advertising stem from "ethical practices" authorized and for the medical and legal fields, in particular, state boards now exist, or are being sought in most states, for a widening range of business fields who thus seek police power from the legislature. These fields include Accountants, architects, auctioneers, real estate dealers and salesmen, barbers, commission merchants, cosmetologists, dentists, embalmers and funeral directors, gristmillers, insurance keepers, nurses, optometrists, opticians, patent brokers, pharmacists, professional engineers, real estate brokers, second hand dealers, steam engineers and boiler operators, and veterinarians.

Other groups seeking such recognition include building contractors, cold storage lockers, collection agencies, driver training schools, insurance solicitors, masseurs, mechanical technicians, plumbers, and dairy producers. As more service-type organizations and personnel develop, the clamor for licensing and state control will grow, and with this growth will come more and more anti-advertising demands, unless concerted action to check and correct this trend is made.

Among other suggestions, Mr. Oertel has advocated that state associations and individual newspapers should be on the alert for

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Public's Rights Are Abridged Through Permissive Legislation

The Americanism "There ought to be a law!", humorously or seriously, is heard far too often in America today. The self-evident approach to this pressure of passing regulatory advertising laws is the need to clean up advertising practices such as "bait advertising," the "referral plan," and the "pseudo mark-up bargain offer."

Bulletins of Better Business Bureaus from all across the nation are reporting action by legislative bodies of cities and states against these bad advertising business practices which businessmen themselves should have cleaned up long before. The necessity for the many statutes seem to be prevalent so often because a hard-bitten, pig-headed small segment of business has refused to clean up conditions which affront the public and reflect on all business. When these conditions persisted the public eventually turned to government to act in the common welfare—and government usually acts.

Many newspapers have taken the initiative toward truth in advertising as the means of stopping legislative action. The Louisville Courier-Journal & Times and the Washington Post and Times-Herald have led the drive for true and ethical advertising. These newspapers wrote each advertiser and published a statement in their columns which read:

"All advertisements in this newspaper are accepted for publication on the premise that the advertisement is true and that the merchandise, or service, described in the advertisement is available to customers at the advertiser's address and will be willingly sold at the published price and in the manner described in the advertisement. If any reader encounters anything less than faithful compliance with these conditions, we at the newspaper would appreciate knowing it. Also call or write the Louisville Better Business Bureau."

Newspapers in other parts of the country, from time to time in the past, have run similar notices; some papers, as in a general policy, run a box in their classified sections advising readers of their efforts to protect them from false and deceptive claims and suggest readers contact their local Bureaus when there is any question. Such notices put advertisers on notice and give readers confidence that at least the newspapers are making efforts to protect the public.

It is admitted, since the right-thinking elements of business do not own or control the enterprises of the culprits, it is harder

to effect cleanups from within the businesses themselves than it is to "pass a law." We find far too many of these regulatory laws on the statute books, but believe that our business leaders should adopt and put in force some real self-regulations by the sheer force of majority business morality.

There should not be a need for such new laws as those condemning "bait" advertising, yet Florida, and California do have such laws. There should not be a need for regulations of the "referral" or "mark-up" advertising practices, yet Oklahoma has deemed such legislation necessary.

In 1911, "Printers Ink" wrote a model statute against misleading advertising. Twenty-six states, including Kentucky, have adopted what might be called the "strict" version of this law while 17 other states have passed milder variations. Courts and other authorities have come to consider this basic statute applicable against ANY advertising deception, yet Ohio, Hawaii, and nine other states have adopted specific laws against "bait" advertising.

In 1945 "Printers Ink", because of the development of new media, particularly radio and television, and because of recent court decisions which have tended to narrow the construction of this first model statute, is urging a revision. The revised version makes it unlawful to advertise misrepresentations in connection with the PURCHASE of commodities, securities, services, or real estate as well as with SALES. It is designed to eliminate false claims by those dealing in the purchase of used goods who make one offer in an advertisement and a different offer when the goods are presented by the prospective seller. It also amplifies false advertisement offering employment. "Printers Ink" also has drafted an injunctive provision because of the belief that truth-in-advertising statutes sometimes are not enforced because of severity of penalties.

* * * * *

Kentucky Statute concerning false and fraudulent advertising found in KRS Chap. 434.

KRS 434.270 False and Deceptive Advertising. Any person who, directly or indirectly, displays or exhibits to the public in any manner, whether by handbill, placard, poster, picture, film or otherwise; inserts or causes to be inserted in any publication; issues, exhibits or in any way distributes or disseminates to the public; or delivers, exhibits, mails or sends to any other person any

false or misleading statement, representation or advertisement, within intent to sell, barter or exchange any goods, wares or merchandise or anything of value; or to deceive or mislead any other person to purchase, discount or in any way invest in or accept as collateral security any bonds, bill, share of stock, note, warehouse receipt or any security; or to make any loan upon or invest in any property of any kind; or use any of such advertising methods with the purpose of deceiving or misleading any other person to employ, for a valuable consideration, the services of any person advertising such services, shall be fined not more than five hundred dollars, or be imprisoned for not more than sixty days, or both. If any corporation violates this section, it shall be fined not more than five hundred dollars, and its president, or other officers who are responsible for the management of the corporation, shall be imprisoned for not more than sixty days.

Studying and comparing the present Kentucky statute with the "Printers' Ink" proposed revision, we believe that the present statute can be materially strengthened with increased safeguards to both the general public and the newspaper. These important stressed safeguards are emphasized in bold face type in the following section. Your KPA secretary has drawn up a bill which he recommends should be submitted to the January legislature. Please study this proposed change carefully and write your comments to the Central Office. The revised statute follows:

AN ACT providing protection of the public against untruthful, misleading, deceptive, or "bait" advertising through any form of advertising.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person, firm, corporation or association or agent or employees thereof, who, with intent to sell, purchase or in other wise dispose of, or to contract with reference to merchandise, real estate service, employment, or anything offered by such person, firm, corporation or association, or agent or employees thereof, directly or indirectly, to the public for sale, purchase, distribution, or the hire of personal services, or with intent to increase the consumption of or to contract with reference to any merchandise, real estate, securities, service, or employment, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, or to make any loan, makes, publishes, disseminates, circulates, or places

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The Kentucky Press

Official Publication
Kentucky Press Association, Inc.
Kentucky Press Service, Inc.
Victor R. Portmann, Editor
Perry J. Ashley, Associate Editor

Member
Kentucky Chamber of Commerce
Sustaining Member
National Editorial Association
Newspaper Managers Association
Printed by The Kernel Press

The Kentucky Press Association recognizes the fundamental importance of the implied trust imposed on newspapers and dissemination of public information. It stands for truth, fairness, accuracy, and decency in the presentation of news, as set forth in the Canons of Journalism. It advocates strict ethical standards in its advertising column. It opposes the publication of propaganda under the guise of news. It affirms the obligation of a newspaper to frank, honest and fearless editorial expressions. It respects equality of opinion and the right of every individual to participation in the Constitutional guarantee of Freedom of the Press. It believes in the newspaper as a vital medium for civic, economic, social, and cultural community development and progress.

Kentucky Press Association, Inc.

Alfred S. Wathen, Jr., *President*
Kentucky Standard, Bardstown
Martin Dyche, *Vice-President*
Sentinel-Echo, London
Victor R. Portmann, *Secretary-Manager*
University of Kentucky, Lexington

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In Memoriam...

Just as we go to press, we received a distressing telegram giving us the sad news of the sudden death of Donald R. Eck, Don as we best knew him, general manager of the National Editorial Association. He died from "an apparent heart attack". Manager of NEA since 1940, Don has been the spark plug for the nation's community newspapers—editorially, economically, and the drive behind the national advertising program. We left him Saturday afternoon after the close of the Fall Council and he told us that the NEA board would meet for the next two days, then he would rest. Every community editor, every member of KPA mourns his untimely death and all will know it as a distinct personal loss. Our deepest sympathies to Lucille, Charles, and Margie. His obituary will follow.

Georgia Court Rules Libel Law Is Unconstitutional

On October 11 the Georgia Supreme Court ruled unanimously that the libel venue law of 1956 is unconstitutional. The court said the act applied only to a very narrow class of publishing companies. This had been one of the principal arguments used by GPA members in protesting passage of the legislation in 1956. At the June, 1956 summer convention of GPA in Savannah, members of the association officially approved a resolution asking for outright repeal of the law. Justice Lee B. Wyatt of the Georgia Supreme Court wrote the October 11 decision.

The high court said there is a vital difference between venue laws applying to utilities or railroads and those applying to libel. In the case of utilities the laws apply to "all railroad and electric companies."

The court also pointed to the fact that only incorporated newspapers were covered under the law, and to the fact that the law failed to apply where "50 or more copies" are sold on the street, rather than to subscribers.

The law was challenged by the Columbus Ledger-Enquirer newspapers when those newspapers were sued for libel in Stewart County by a Carlton Brown of Lumpkin. Brown charged he had been libeled when headlines of two different stories were inadvertently switched in the composing room.

An "honest error law" similar to an earlier Georgia statute, or similar to laws of Florida or Oregon would probably have prevented the Columbus case from coming to trial.

Copyrights extend for a period of 28 years.

Page Signature Ads Have Good Will Value

Someone is always ready to criticize the page signature ads which many papers run for special community events. Even though the average reader may think this is some sort of a "racket" which the editor has dreamed up, any newspaper man will tell you the margin of profit is much closer to this type ad than on the regular full page ad.

Why is this true? In the first place, much more time is consumed in soliciting the signatures and each sig has to be billed separately which runs up the expense of bookkeeping. Additional costs are brought about by the use of pictures on which the publisher must bear the costs of both picture and engraving.

Usually these pages take up some special event sponsored by a community group which does not have the funds for advertising publicity. By using the signature ad, the costs of promotion are spread over the whole area without any one merchant having to bear the full load.

There is good will advertising value in these ads which is generally recognized by the profession. This can be proven by the fact that many editors are faced with the problem of an irate merchant whose name was left off the list. Some advertisers list this page so well they instruct the editor to place their name on all community ads without further query.

Newspaper Policies Cause Of High Costs

When composing room costs get too high it becomes the duty of management to search for reasons and try to correct them. Some wasteful practices can be eliminated by the mechanical superintendent or foreman if others depend upon factors beyond his control. Some of the practices which must be corrected by management policy, as suggested by the superintendent of an eastern newspaper, include: 1. Excessive amount of news copy close to edition time; 2. News copy not regulated properly; 3. Incorrect guide lines and stories; 4. Illegible copy, especially headlines and copy corrections; 5. Overset, because no count is kept of copy sent to composing room; 6. Disregard for established styles; 7. Establishing and enforcing advertising copy deadlines; 8. Illegible ad copy without concise instructions; 9. Missing parts of ad copy and mats; 10. Illustrations not properly captioned; 11. Resetting ads because customers' ad men did not know what they wanted until they saw a proof; and 12. Proofs and reproofs of ads.



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THE CINCINNATI ATF TYPE SALES, INC.

424 COMMERCIAL SQUARE CINCINNATI 2, OHIO Telephone: CHerry 1-8284

(Continued From Page Two)

anti-advertising efforts and to publicize them, editorially and news-wise, to the fullest extent possible. Many of the above groups are quite vulnerable to undesirable publicity, especially if it can be shown that what they seek may not be in the best public interest. He recommended that a careful watch should be kept in all technicalities in the filing of proposed state board regulations in holding public hearings. He urged all newspapers to take a strong stand against the fallacy that advertising is "unethical" or "un-professional," and follow this through the editorial columns and personal contacts.

The absurdity of the general context of state laws which relegate such authority to boards, commissions, or trade groups, was evidenced by a South Dakota optometrist's court suit when threatened by revocation of his state license even though he conformed with his national association's rule, as reported by Editor & Publisher.

Every communication media, every newspaper publisher agrees with E & P Editor Brown when he wrote:

"We think it is completely un-American for our government—and that means any level or branch of it—to permit a person to do business or provide a service as an individual or a corporation and then prevent him from taking every reasonable measure to be successful—specially to forbid him under penalty of being forced out of business to tell the people of his goods or services through modern communications media within the limits of honesty and good taste in any volume that will prove profitable to him." The story follows:

"An optometrist in Sioux Falls, South Dakota, has challenged the authority of the S. D. Board of Examiners in Optometry to restrict his advertising practices and in so doing he has highlighted the absurdity of similar limitations imposed in so many states which are gradually being extended to cover other professions including that of funeral director.

"The S. D. regulations limit newspaper advertisements of optometrists to one inch by two inches. Dr. Hadleigh D. Hyde asserts he conformed to the rules long enough to determine that advertising of such limited nature was not productive for him. So he committed the heinous offense of buying an ad two inches by four inches, which is permitted under the rules of the American Optometric Association and which Dr. Hyde has found in the past produces a return of \$1,000 in volume per \$100 invested.

"He was ordered to cease this practice and advised steps were being taken to revoke his license to practice, whereupon Dr. Hyde

went to court to upset the regulations."

Your secretary presented this all-important problem to the NEA legislative committee at the Fall Council meeting, Chicago. After thorough discussion, the following resolution was presented at the general assembly which unanimously gave its endorsement:

NEA RESOLUTION

Passed October 19, 1957

WHEREAS, there has been a growing tendency in the various states for boards, commissions, and certain trade groups to seek through permissive legislation the power to regulate, curtail, or, in many instances, prohibit truthful advertising, and,

WHEREAS, the rights and interests of the public to know are being abrogated by state legislatures in passing on their residual and inherent legislative function of police power to many boards and commissions under guise of ethical practices, and,

WHEREAS, the National Editorial Association, and its individual members, are dedicated to the principles that all avenues of communication must present the news—including advertising—fairly, truthfully, unbiased, and objectively to protect public interests in a free press and in a free world, and,

WHEREAS, the National Editorial Association reiterates the basic principle that it should be legal to advertise any product, or service, which is legitimately or legally offered for sale or use.

THEREFORE, BE IT RESOLVED, that the National Editorial Association goes on record as protesting this trend toward putting in hands other than legislatures regulatory advertising power that abrogates the rights of the public to know and exercise free enterprise in a competitive world, and, that National Editorial Association urges other communications organizations to review pending legislation and to seek methods of repealing current statutes that limit the public's right to know and exercise free choice.

Newspaperman For 70 Years Dies At Hardinsburg

W. B. Lennon, a newspaperman for 70 years, died at Hardinsburg, October 21, at the age of 90. He began his career as an apprentice for his father, the late Rev. J. H. Lennon, who published the former Democrat. Later, the elder Lennon and J. W. Willis published The Record Press. He also worked for the Hardinsburg Independent, and, in 1952, retired after serving for years on the Hardinsburg Banner. He was a native of that town.

IT HAPPENED IN KENTUCKY

Early "Gazette" Ads Reflect Pioneer Living In Kentucky

A study of these early ads carried by the "Kentucky Gazette" will give any historian or student a clearer insight into Kentucky pioneer living. The "Gazette" started publishing in 1787, five years before Kentucky became a State. Among articles advertised in the "Gazette's" early issues were spinning wheels, knee buckles, hair powder, saddle-bag locks, and buckskin for breeches.

One of the early settlers placed this notice: "I will not pay a note given to Wm. Turner for three second-hand cows till he returns a rifle, blanket, and tomahawk I loaned him." Another notice read: "Persons who subscribed to the frame meeting house can pay in cattle and whiskey." A plantation owner advertised: "Runaway negro—\$50 reward."

The period of the Gazette's history covered some of the most exciting times in the early life of Kentucky. The newspaper's declining years witnessed the war with Mexico, and the paper's career came to a close in the same year the war ended.

In Kentucky's historic past, just as today, many of our citizens have always enjoyed a glass of beer. The brewing industry makes jobs for thousands of our residents. The sale of beer under orderly conditions is an important objective of the United States Brewers Foundation. Our continuing educational program helps beer retailers maintain their high standards.



**KENTUCKY DIVISION
U. S. BREWERS FOUNDATION
1523 Heyburn Building
Louisville 2, Kentucky**

(Continued From Page Three)

before the public, or causes directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in this state, in a newspaper, magazine, or other publication, or in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label or over any radio station, or in any other way similar or dissimilar to the foregoing, an advertisement, announcement, or statement of any sort regarding merchandise, securities, service, employment, or anything so offered for use, purchase, or sale, or the interest, terms, or conditions upon which such loan will be made to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive, or misleading in any manner whatsoever, shall be guilty of a misdemeanor.

Section 2. Whenever the attorney-general shall believe from evidence satisfactory to him that any person, firm, corporation or association, or agent or employee thereof, has engaged in any act or practice prohibited by Section 1, he may bring an action in the name and on behalf of the people of the State of Kentucky against such person, firm, corporation or association, or agent or employee thereof, to enjoin permanently such person, firm, corporation or association, or agent or employee thereof, from continuing such acts or practices. In said action, an order or a judgment may be entered awarding the relief applied for or so much thereof as the court may deem proper, and upon showing satisfactory to the court a temporary injunction may be issued, upon such terms as the court may impose, pending a trial of the issue.

(3) Anything in this chapter to the contrary notwithstanding, no state board or commission may make rules or regulations limiting or restricting the right to advertise; provided, however, that advertising which is untrue, fraudulent, or misleading shall be prohibited.

Section 4. Any person, firm, corporation or association, or agent or employee thereof, who willfully violates any of the provisions of this Act, shall be fined not more than five hundred dollars, or be imprisoned for not more than sixty days, or both. If a corporation, or association, violates any of the provisions of this Act, it shall be fined not more than five hundred dollars, and its president, or other officers who are responsible for the management of the corporation, or association, shall be imprisoned for not more than sixty days.

Section 5. Section 434.270 of the Kentucky Revised Statutes is repealed.

Is Social Security Rate Going Upward?

From Washington comes the report of a move under way to boost Social Security rates and provide bigger old age retirement benefits to compensate for higher living costs. A bill to that effect will be introduced in the next session of Congress, so the story goes. It is considered significant that the move comes at a time when old age benefit payments are for the first time beginning to exceed income from the joint employee and self-employed contributions. The prediction is that the amount of income subject to the tax will be increased from the present \$4,200 to at least \$4,800 or perhaps to \$5,000. Further, that the rate of taxation may be boosted 5% or even more. This might be something to talk over with your Congressman before the next session Congress opens in January.

Wage-Hour Violations Involve 85 Papers in '56

The U.S. Department of Labor charged 85 newspapers with violations of the Wage-Hour Law during fiscal 1956. The citations were based on audits of 121 establishments. Alleged infractions included 25 for minimum wage, 69 for overtime and 43 for child labor provisions of the law. Overtime alleged due 469 employees was assessed in the amount of \$79,679 against 74 newspapers. Alleged newspaper violations of child labor provisions involved 169 minors, 66 in ages 16 to 17; 97 in ages 14 to 15; and 6 in ages 13 or less.

Larry Stone, James Willis, Carlos Embury and Secretary Portmann attended the NEA Fall Council meeting, Chicago, Oct. 17-19. All served on various committees.

W-H Division Issues Clarifying Statement

The Wage-Hour Division has issued the following clarifying statement on enforcement policy as it relates to job printing employees in newspaper publishing plants: "For the purpose of enforcement it is the Division's position that the exemption provided by section 13(a) of the Fair Labor Standards Act of 1938 applies to an employee engaged also in job printing activities in commerce, if less than 50 per cent of his time is spent in job printing work. If more of the job printing is covered by the act the exemption applies even if the job printing activities exceed 50 per cent of the employee's time. However, this exemption is not applicable if the employee spends 50 per cent or more of his time on job printing any portion of which is covered work."

Why Not News Stories With Live Commercials?

A New Jersey editor, after tiring of watching all of the good TV programs interrupted by commercials, came up with the way that type of advertising would look in the pages of his newspaper.

His idea of a wedding story would run something like this:

Miss Mancy Jones, daughter of Mr. and Mrs. Rossiter Jones, of Primrose Drive was married

For that successful bridal luncheon serve Larry's pork and beans, with Tony's pizza pies to top things off.

Mr. Throckmorton Smith at the Third Street Baptist Church, etc.

Or a news story might sound like this:

President Eisenhower announced today that he is going to call a special session

Do you burp after eating cucumbers? Take a Relievo tablet for instant comfort.

of Congress on foreign aid legislation, etc.

There's still a lot to be said for your newspaper which can be read without any interference from commercials or some one trying to sell you a cosmetic which would be wrong for your skin in the first place.

Crabs are shipped to market alive packed in seaweed.

Community Newspapers Still Most Thoroughly Read

Some merchants mistakenly consider an ad in the home-town paper in the nature of a contribution. According to recent surveys, the community newspaper is still the nation's most thoroughly read publication. Any advertiser who can send his merchandising message into practically all the homes of his trading area, where the message will be kept and read for seven days or more, is getting good value for his money.

Television, which is making the strongest bid for the advertising volume which traditionally has gone into newspapers, has some glaring defects. It is very easy to twist a knob and shut off a TV program or switch to another channel.

The subject of advertising is one the newspapers often fail to explain to the public. It is axiomatic in the business that newspapers ignore their own public relations which constantly worrying about someone else's public relations.

Only the hometown newspaper has the welfare of the local merchant at heart. Big time radio, TV, and other media don't care if your local community, or any other small town, thrives or dies. The hometown papers do care, for their welfare is tied directly to the welfare of their town.—The Washington Newspaper.

Two Courier-Journal newsmen were recently indicted for "knowingly receiving stolen goods" in connection with the exposure of irregularities of the county's police department.

The two men, John Herchenroeder, city editor, and Hank Messick, reporter, were accused of receiving the legal document and publishing it. The indictment against Herchenroeder was later dismissed, but Messick's indictment still stands.

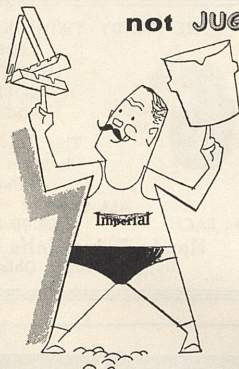
The interesting question in this is, should a newspaper publish damaging evidence which is in the public interest even though it was not obtained in the prescribed manner? Barry Bingham, editor of the C-J, said not exposing the facts would amount to "gross betrayal of the public interest."

"If these charges," Mr. Bingham added, "were brought for the purpose of intimidating us into suppressing unsavory facts, now or in the future the effort will fail."

The paper reprinted the "stolen" document and said it had been given to its reporter by a public employee.

A coot is an aquatic bird found principally in South America.

Our job is balancing not JUGGLING




Juggling means metal services on a hit or miss basis. Balancing means keeping your metal always in perfect balance. That requires specialized knowledge in alloying lead, tin and antimony and keeping it in perfect balance with the original plus and service plans. Investigate:

you get EXTRA ADVANTAGES with IMPERIAL TYPE METALS

Imperial Type Metals are available at:
Consolidated Trucking Company
2170 Buck Street, Cincinnati 14, Ohio
The Dickson Company
626 Army Place, Louisville 2, Kentucky
Clements Paper Company
Foster Avenue, Nashville 10, Tennessee

KENTUCKY'S *Hamilton*
BIG *Hamilton* **CENTER**
FOR PRINTING 
Chandler & Price **EQUIPMENT**
AND *ACME* **STEEL** **SUPPLIES**
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Methods Of Developing Greater Readership

Editors and publishers who want to improve the quality of their newspaper and develop greater readership will be interested in the project proposed by J. Montgomery Curtis, director of the American Press Institute at Columbia University. He suggests the following:

1. Make a list of every field of interest of your newspaper's readers. You might like to break it down into major categories, such as economic, family life, etc., but you ought to get more than 100 different items—price trends, housing, schools, churches, recreation, etc.

2. Read every issue of your newspaper for five or six weeks and make a check mark on your list of subjects beside every item covered in the newspaper. Some items will be covered many times; some will be skipped. Some news and feature stories will include more than one item on your list.

3. Look at items your paper is not covering. Take positive action to get them into your paper. You will broaden the appeal and improve your paper.

Higher Costs Facing Discount Houses

Higher costs of operation are catching up with many discount houses. Reports Chain Store Age: "Information preliminary to a public stock offering by one of the major discounters in the New York area revealed that cost of operation had increased from 8.8% of sales in 1952 to 16.5% for an eight-month period prior to April 30 of this year." This compares with the almost 33% indicated by regular members of the National Retail Dry Goods Association.

Reasons for rising discount house costs: (1) the decline in major appliance sales during the last two years, necessitating a broader merchandise base; (2) more sales personnel, larger inventories and lower unit sales resulting from this broader base. "To continue to attract customers and to attract them to new lines discount houses have also gone in heavily for advertising. One of the major discounters (Masters, Inc.) recently announced that it would spend more than 3% of gross volume on advertising during the next year." This compares with 2.75% for the average department store in 1956 and 3.7% for the average specialty shop.

Position Wanted: Lum Creekman, Box 113, RFD 2, Winfield, Tenn., writes "I am an all-around printer and seek a Kentucky position." No phone number given.

Survey Reveals Family Expenditures For 1956

The average American household spent \$4,110 on consumer goods and services in 1956, according to a comprehensive market survey conducted for Life magazine by Alfred Politz Research, Inc. Biggest share of the outlay—\$1,203—went for food, beverages and tobacco. Home improvement and operation took \$763 with the automobile (its purchase and upkeep) claiming \$591. Other breakdowns: clothing and accessories, \$494; home furnishings equipment and appliances, \$346; medical and personal care, \$222; recreation, \$215; and miscellaneous, \$276. Percentage-wise, food expenditures represented 29% of the average household's spending during 1956. Home improvement and operation took a 19% slice and automotive a 14% share. Basis of the study: 93,000 interviews made in 10,243 homes containing 24,112 individuals.

A further breakdown of expenditures for home furnishings equipment and appliances (total: \$346) reveals that the average American family spent \$84 for major appliances in 1956. Other categories in the classification: furniture, \$62; removable floor coverings, \$29; tools and hardware, \$23; bedding, \$22. Of all the money spent by U.S. households on home furnishings equipment and appliances, 16% was spent by households with income under \$3,000; 32% by households with income between \$3,000 and \$5,000; 41% by households in the \$5,000-\$10,000 bracket; and 11% by households with income of \$10,000 or more.

Homer C. Ferguson, 65, Lexington, father of Richard C. Ferguson, publisher of the Stanford Interior Journal, died October 21. We extend sympathies of Dick's fellow editors to the surviving family.

Calvin Coolidge took the oath of office as president at 2:30 a.m. on Aug. 3, 1923, at the home of his father.

IMPROVE YOUR NEWSPAPER PLANT WITH NEW EQUIPMENT

From
JOHN L. OLIVER & SONS
952 Main Nashville

Representing the Leading Manufacturers from a Makeup Rule to Duplex in new or rebuilt Printing Equipment.

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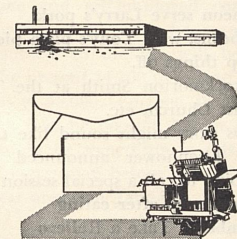
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DIRECT FROM FACTORY
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A full line of standard and specialty envelopes from the Justrite factory direct to you, the printer . . . this means you can enjoy these Justrite profit-making benefits—complete set of catalogs for plain and printed envelopes . . . full assortment of samples . . . and Justrite's top quality envelope line. Write us for your complete envelope catalog.

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THE HANDY TWINE KNIFE FOR NEWSPAPER MAILING ROOMS



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ALL SIZES
25c EACH \$2.40 PER DOZ.
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First choice of the industry for estimating Printing

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P.O. BOX 143, SALT LAKE CITY 6, UTAH

**Food Prices Are Down:
But Does Public Know It?**

The prices that consumers pay today for food bought in retail stores are actually 2% below their August 1952 peak, reports Progressive Grocer. "In contrast to the 2% drop in food prices, the total cost of living index for all other commodities and services has gone up about 5½% since that time." According to Paul S. Willis, president, Grocery Manufacturers of America, the Government's over-all food index "lumps restaurant prices with store prices" thereby making it difficult to denote the actual drop in food store prices. Says PG: "Food retailers, individually and collectively, could create untold good will by publicizing the straight facts of their accomplishment in holding prices below the peak level of five years ago." Adds Supermarket News: "A price opportunity exists at the local level to present the facts in the matter. Supermarket ads that talk of low prices can also dramatize the same Government statistics that have been misinterpreted to prove conclusively their case and that of the entire industry."

When the small town newspaperman turns away from important news because of friendship or loss of revenue from a good advertiser, he is guilty of one of the greatest sins—complacency, Norman Isaacs, managing editor of the Louisville Times, said in a talk at the University of Colorado's Newspaper Week.

Complacency could lead to the self-destruction of the American press, he continued, by causing the Bill of Rights to be nullified by pressure to conform. Isaacs places "counterfeit journalism," the borrowing of news from other sources without checking the facts, high on the list of sins to be avoided by the reporter or editor.

Other examples of "counterfeit journalism" he lists as not digging into conflicting stories in the area, reporters looking the other way when news sources are involved in the news, reading the headlines from local papers by radio and TV commentators, and determining the amount of news space for certain events by the amount of revenue realized from advertising.

On August 24, 1912 a postal law was passed which required publishers to file and publish sworn statements of circulation twice a year.

The first power press used in this country was invented by Daniel Treadwell of Boston in 1822. Printing 500 copies per hour, Treadwell's press was widely used by newspapers in the United States from 1815 to 1840.

From the International Association of Electrotypers and Sterotypers, Inc., comes the following points that sum up the requirements of the electrotypor or the Composing Room operators, most of which are as good to weekly as to daily shops:

First—Handle type and cuts with care; place each page or form in its own galley; wipe with rags that are clean and free of metal chips.

Second—Use High Spacing throughout, including machine composition.

Third—Cast properly. Untrue width and height produce poor electros when defective materials spread under molding pressure.

Fourth—Rules should be .916 high; center faced, high shoulder rules are required for best results. Don't use nicked or broken rules.

Fifth—Avoid mixing new and worn foundry types; don't use worn, battered or broken type.

Sixth—Leave dead metal all around cuts, except where surrounded by type; also within cuts where there is an open area more than one-half inch square.

Seventh—Block cuts on solid metal base where possible, securely nailed or glued. Block including cuts should be planed level at .818 height and squared on all four sides.

Eighth—Make certain mortises have vertical sides. Justify type tightly and evenly, line by line to avoid pulling out or spreading during molding.

Ninth—Examine cuts for scratches; repair before sending to foundry.

Tenth—Cases should be squared on at least two sides and not spring. They should not rock on level surfaces.

Eleventh—Forms should be square, justified and solid.

Twelfth—Use high material throughout.

Thirteenth—Use type high quads to protect all open areas.

Fourteenth—Use type high bearer at least one-half inch wide.

Fifteenth—Plane carefully for level surfacing. Don't slide planer across face; lift each time.

Sixteenth—Inspect back of form for bits of metal under type or cuts that can cause high areas.

Seventeenth—Whenever two or more separate jobs or pages are locked in one case, separate bearers should be used to indicate each page or job. They should be three-eighths inch or one-half inch wide.

The first Sunday issue of an English language daily was published on June 14, 1835. Named the Sunday Herald, the paper was issued by the newly established New York Herald.

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FOR YOU, MR. PRINTER

Send Us Your Orders

ADMISSION TICKETS
COUPON BOOKS
LICENSE STICKERS
SCALE TICKETS
NUMBERED FORMS

WELDON, WILLIAMS & LICK
FORT SMITH, ARKANSAS
Ticket Printers Since 1898

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TENSION ENVELOPES

COMPLETE LINE OF STYLES AND SIZES!
• Correspondence • Air Mail • Window
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You Are Invited
to visit our factory. We know you'll enjoy a guided tour of our plant.

TODAY!
Write or call for full information

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FAST PRODUCTION FINE REPRODUCTION

If you wish . . .

Highest quality

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OBER, 1957

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COMPANY
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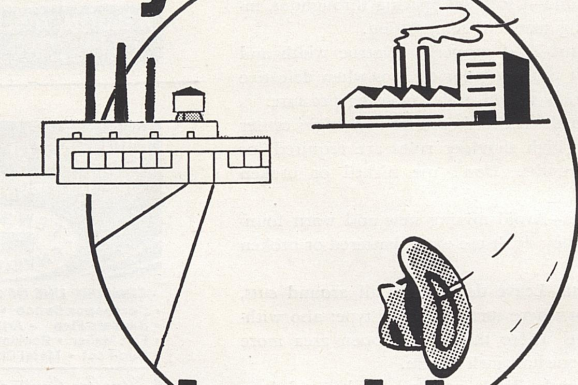
Handy Knife
Worn Like a
Ring

2.40 PER DOZ.
knife Co.
Ohio

industry
inting

EE TRIAL
COMPANY
CITY 6, UTAH

Is your hat



in this ring?

When an industry representative visits your area, he is undoubtedly looking over communities in many states. He wants to be sure the community he recommends to his client or his home office is the very best he can find.

Communities rise or fall on these decisive factors: attitude toward industry, available labor and plant sites, housing facilities and schools, health and recreation facilities, and visible evidence of progressive development.

When a new industry comes calling on your town, *make sure your hat is in the ring*. Make sure you can furnish quickly and completely the information industry must have to reach a decision.

You can start now to help in your community's development program . . . a program that should have every citizen working actively to make your community a better place to live and do business in.

Help your community to become a more desirable home for new industry and you'll also help your community build a more prosperous future.

KENTUCKY UTILITIES COMPANY

WORKING FOR A BETTER KENTUCKY



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