

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
744 Broad Street, Newark, N. J.

BULLETIN 325

JUNE 23, 1939.

1. ENTERTAINMENT - MOVING PICTURES - PERMISSIBLE IF CLEAN AND DECENT AND EVERYTHING KEPT UNDER CONTROL.

June 19, 1939

Robert D. Treat,
Township Clerk,
Springfield, N. J.

My dear Mr. Treat:

I have before me your telegram reading:

"Question has been raised about present practice of showing moving pictures in a certain Springfield tavern. Before governing body adopts resolution June 21st authorizing issuance 1939-1940 licenses your opinion and suggestion relative to such practice are respectfully solicited. If possible may I have your reply by June 21st."

There is nothing intrinsically wrong about moving pictures in premises licensed for the sale of liquor any more than television or the radio or a floor show. Everything depends on the class of the entertainment.

I would not advocate giving a liquor license to a movie theatre but that is because such places are patronized so largely by young people of tender age. The occasional showing, however, of clean and decent pictures in a tavern from which minors are normally excluded is proper provided that everything is kept under control. Lewd, immoral or indecent exhibitions are, of course, barred.

If the privilege is abused in any respect, disciplinary proceedings coupled with a hard-fisted penalty will provide an adequate check-rein.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

2. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - REFILLS - INADEQUATE PENALTY.

June 19, 1939

Della I. Nash, Clerk,
Lawrence Township,
Mercer County,
Trenton, R. D. 3, N. J.

My dear Mrs. Nash:

I have before me staff report and copy of notice of suspension and resolution and order adopted by the Township Committee on June 8th in disciplinary proceedings against Charles Kicinski, 28 Lawn Park Avenue, charged with refilling liquor bottles, and note that his license was suspended for five days.

According to the staff report, my men found a bottle labeled "Calvert's 'Special' Blended Whiskey" which appeared to have been refilled, whereupon the licensee admitted that he had refilled the Calvert bottle with Schenley's Red Label whiskey, claiming that he had done so because he had found himself out of Calvert's. Such an admission, coupled with his guilty plea, leaves no doubt whatever that he had bottled alcoholic beverages in violation of the Act and, consequently, possessed illicit alcoholic beverages. In such a case, a five-day suspension is woefully inadequate and in outright disregard of the minimum thirty-day suspension that was recommended in the letter transmitting the case to the Township Committee.

Didn't the members of the Committee read my conclusions in Re Jacobs, Bulletin 315, Item 8, and Re Tumen, Bulletin 316, Item 8, enclosed with the synopsis of the case? If they had, they would have realized the gravity of the offense and the absolute necessity of the thirty-day suspension that was recommended. I have sent you, under separate cover, three copies of those rulings. I wish that you would deliver one copy to each member of the Township Committee and request that he read it.

Refilling liquor bottles is a problem of the first magnitude. If it is permitted to go on unchecked, the entire liquor business will be brought into disrepute. Issuing authorities who impose cream-puff penalties are, in effect, condoning the vicious practice.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

3. ALCOHOLISM - PROPOSED SOLUTION.

Dear Sir:

I have read with great interest Bulletin 317, Item 8, in regards to "Alcoholism." I would like to offer my humble suggestion in helping to solve above problem.

I believe if every licensee in the State of New Jersey could be notified of the man or woman's name, address, age, height, weight, and also a photograph, you could be sure that person would not be able to buy any liquor in this state, because every licensee is a law-abiding citizen and would be only too glad to cooperate with you.

If said person should succeed in obtaining liquor from a bootlegger (if there are such people in existence) it could be easily traced to such a place with the cooperation of the husband or wife.

Yours very truly,
Hyman Katzner

June 19, 1939

Mr. Hyman Katzner,
Newark, N. J.

My dear Mr. Katzner:

I have yours with reference to ruling in Re McCarter, Bulletin 317, Item 8, and greatly appreciate your suggestion.

I too sincerely wish that something could be done to help these unfortunate people.

It would be quite an undertaking to notify every licensee in the State of the name, address and description of persons addicted to drink. It would mean setting up elaborate procedures for determining when and how persons should be put on or taken off such a list, establishing standards, holding hearings, taking testimony, securing medical collaboration, evaluating expert witnesses, writing decisions, etc., all of which would involve a great deal of time and a large staff of employees to administer, and for which we have no facilities whatsoever in the present set-up of the Department. All my staff have to work overtime night after night now just to keep abreast of the current work, without adding an alcoholic clinic upon us.

Thank you very much for taking the time to sit down and write me your thoughts. Such constructive correspondence is very helpful.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

4. DISCIPLINARY PROCEEDINGS - DESTRUCTION OF EVIDENCE - LICENSEES MUST LEARN THAT THEY CANNOT PLAY FAST AND LOOSE.

June 19, 1939

Patrick F. Keelan, Clerk,
Municipal Board of Alcoholic Beverage Control,
Elizabeth, N. J.

My dear Mr. Keelan:

I have before me staff report and minutes of the June 8th meeting of the Municipal Board of Alcoholic Beverage Control, at which time, among other things, it conducted disciplinary proceedings against August Louis Lutwin, 184 Front Street, charged with hindering an inspection and mislabeling beer taps, and note that his license was suspended for ten days.

According to the staff report, as my men entered to make a routine inspection, the licensee apparently recognized them, seized a half-full Wilson whiskey bottle, broke it and permitted the contents to run into a refuse can, all this despite their shouting to him to stop and running around the end of the bar in the effort to prevent him from destroying the whiskey. The contents of the bottle may have been legitimate liquor. If so, it was certainly a peculiar thing for the licensee to dump it. He'll never get rich that way. However, any evidence that the liquor was bootleg or refilled from another bottle was destroyed. If the licensee had been found guilty of refilling, his license would have been subject to a thirty-day suspension. I suggest that the Board take his behavior into consideration if ever again this licensee comes up on charges. Licensees must learn that they cannot play fast and loose with the liquor law or my men in the performance of their duty.

I further note that disciplinary proceedings were also conducted against Mrs. Josephine Strohenger, the holder of plenary retail consumption license C-94 for premises 101 Division Street, the charge of violating the closing hour being preferred by the Board, whereupon her license was suspended for five days.

Please express to the members of the Board my appreciation for their conduct of both proceedings and the penalties imposed.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

5. CLUB LICENSES - ALL OFFICERS AND MEMBERS OF THE GOVERNING BODY MUST BE CITIZENS OF THE UNITED STATES OR OF A COUNTRY WITH WHICH THERE IS A RECIPROCAL TRADE TREATY - OTHER MEMBERS OF THE CLUB NEED NOT BE CITIZENS UNLESS IT IS A CORPORATION AND THE MEMBER HOLDS MORE THAN TEN PER CENT OF THE STOCK.

June 19, 1939

George A. Bowen,
Borough Clerk,
South River, N. J.

My dear Mr. Bowen:

The statute prohibits the issuance of a retail license to a natural person unless he is a citizen of the United States or of one of the countries with which this country has a reciprocal trade treaty (R. S. 33:1-25), or to a corporation except for premises operated as a bona fide hotel, unless each owner, directly or indirectly, of more than ten per cent of the stock similarly qualifies (R. S. 33:1-12.1). The rulings listing those protected by Federal treaty are collected in Re Shebell, Bulletin 318, Item 4.

This applies to applicants for club licenses only to the extent mentioned, i.e., to the holders of more than ten per cent of the stock of a corporation.

It does not apply to members of organizations or associations applying for club licenses, or to members of corporate applicants where the members' stock interest amounts to ten per cent or less.

You see, there is nothing in the law or regulations requiring that all of the members of clubs applying for club licenses be citizens of the United States. The member must be a citizen only if it is a corporation and he holds more than ten per cent of the stock, or if he is an officer or member of the governing body of the club. The latter is required by Rule 3 of the Rules Governing the Issuance of Club Licenses (Regulations No. 7, Pamphlet Rules, page 48), which provides that no club license shall be issued to any corporation, association or organization unless all officers and members of the governing body qualify as individual applicants in all respects except as to residence or age.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

6. DISCIPLINARY PROCEEDINGS - HOSTESSES - 30 DAYS WILL DRIVE THESE FEMALE VULTURES OUT.

June 19, 1939

Wilfred G. Turner,
City Clerk,
Union City, N. J.

My dear Mr. Turner:

I have before me staff report and your letter of June 12th re disciplinary proceedings conducted by the Board of Commissioners against Charles Zeppa, 212-14 Central Avenue, charged with the employment of hostesses, and note that his license was suspended for five days. I think this penalty could well be stepped up considerably. The way to drive these female vultures away is to hand out a stiff penalty. I gave a Newark licensee 30 days for allowing hostesses in his place in defiance of the local regulation and doubled it to 60 days because it was the second time he had been convicted of this kind of a charge. It is a kindness to the liquor industry to stamp this evil out.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

7. ADVERTISING - ILLUSTRATIONS OF NUDE WOMEN IN LIQUOR ADVERTISEMENTS DISAPPROVED.

June 20, 1939

Mr. Arthur Kurtz,
Atlantic City, N. J.

My dear Mr. Kurtz:

I have before me yours enclosing two illustrations for calendars, entitled "Caprice" and "Show Girl".

It is not a question of art or obscenity, but rather what is proper for liquor dealers to use as advertising matter. I disapprove the use of illustrations of nude women for such advertising in any form.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

8. NEW LEGISLATION - SUPPLEMENT - LIMITATION OF NUMBER OF LICENSES IN SIXTH CLASS COUNTIES.

Senate Bill No. 166 was approved by Governor Moore on May 22, 1939 and thereupon became Chapter 61, P. L. 1939.

The supplement became effective immediately. It reads:

"AN ACT concerning the limitation of the number of licenses permitting the sale of alcoholic beverages at retail which may be issued in municipalities situated in counties of the sixth class of the State of New Jersey, and supplementing chapter one of Title 33 of the Revised Statutes.

"BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

"1. No new plenary retail consumption license shall be issued within any municipality situate within a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within a municipality shall be less than one such license to every five hundred persons resident within said municipality as determined by the last preceding Federal census.

"2. No new plenary retail distribution licenses shall be issued within any municipality situate within a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within a municipality shall be less than one such license to every three thousand five hundred persons resident within said municipality as determined by the last preceding Federal census.

"3. No new seasonal retail consumption license shall be issued during any future summer season within any municipality situate in a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within said municipality during a summer season shall be less than one such license to every five hundred persons resident within said municipality as determined by the last preceding Federal census; no new seasonal retail consumption license shall be issued during any future winter season within any municipality situate in a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within said municipality during a winter season shall be less than one such license to every five hundred persons resident within said municipality as determined by the last preceding Federal census. No seasonal retail consumption license shall be hereafter issued in any municipality situate in a county of the sixth class in which no seasonal retail consumption license was issued during the year one thousand nine hundred and thirty-eight. Irrespective of the provisions herein contained the number of seasonal retail consumption licenses which may be hereafter issued in any municipality situate within a county of the sixth class during any future summer season shall not be in excess of the greatest number of such licenses issued and outstanding during the summer season which commenced on May first, one thousand nine hundred and thirty-eight, and the number of seasonal retail consumption licenses which may be hereafter issued in any municipality situate within a county of the sixth class during any future winter season shall not be in excess of the greatest number of such licenses issued and outstanding during the winter season which commenced on November fifteenth, one thousand nine hundred and thirty-eight.

"4. No new limited retail distribution licenses shall be issued within any municipality situate in a county of the sixth class.

"5. No new club licenses shall be issued within any municipality situate in a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within a municipality shall be less than one such license to every three thousand persons resident within said municipality as determined by the last preceding Federal census.

"6. Nothing contained in this act shall prevent the issuance of one plenary retail consumption license and one plenary retail distribution license in any municipality situate in any county of the sixth class.

"7. In all counties of the sixth class the judge of the court of common pleas of such county may, as regards each respective municipality situate in such county, limit the number of plenary retail consumption licenses, plenary retail distribution licenses, limited retail distribution licenses, and club licenses which shall be issued to a lesser number than the number permitted by this act.

"8. The provisions of sections one and three of this act shall not apply to hotels having at least thirty rooms and beds for the accommodation of guests, boarders, transients, and travelers.

"9. The provisions of this act shall not apply to any licenses issued and outstanding on the date that this act becomes effective nor to any future renewals thereof unless the holder thereof fails to renew same within the period prescribed by this act. The provisions of this act shall not apply to any seasonal retail consumption license issued and outstanding on the last day of the summer season which commenced May first, one thousand nine hundred and thirty-eight, or to any such license issued and outstanding on the last day of the winter season which commenced on November fifteenth, one thousand nine hundred and thirty-eight, nor to any future renewals thereof unless the holder thereof fails to renew the same within the period prescribed by this act. The provisions of this act shall apply to all licenses which are, subsequent to the effective date hereof, revoked, surrendered, or not renewed within the period prescribed by this act.

"10. Any license which is issued for a new license term for a premises licensed on the last day of the license term which expires immediately previous to the commencement of said new license term shall be considered a renewal of the expired or expiring license provided that said license for said new term is issued to the same person who held the expired or expiring license and is of the same class and type as the expired or expiring license. Applications for renewals of licenses must be filed with the issuing authority not later than thirty days after the commencement of a new license term. Applications filed subsequent to said thirty-day period shall be considered applications for new licenses and shall be subject to the provisions of this act. Nothing herein contained shall be construed to prevent the filing of an application for the renewal of a license and the issuance of said license previous to the commencement of the term for which the renewal is sought.

"11. Nothing in this act shall prevent the transfer of licenses from person to person or place to place.

"12. In the event of the death of a licensee the license held by him may be extended to his executor, administrator, or trustee and renewed or transferred by said executor, administrator, or trustee.

"13. The term 'last preceding Federal census' where used in this act shall be deemed to mean the Federal census which is taken immediately previous to the date on which an application for a license is filed.

"14. This act shall take effect immediately."

D. FREDERICK BURNETT,
Commissioner.

9. LIMITATION OF NUMBER OF LICENSES - SIXTH CLASS COUNTIES - THE STATUTE APPLIED.

In the Matter of an Application)
for Plenary Retail Distribution)
License by)
SANDERS COHEN)

CONCLUSIONS

For premises located at 25-27)
Washington Street, Toms River,)
Dover Township, Ocean County.)

Robert J. Novins, Esq., Attorney for Applicant.
Russell G. Conover, Esq., Attorney for Fred E. Christensen,
an Objector.

BY THE COMMISSIONER:

This application was referred to the State Commissioner by the Hon. Percy Camp, Judge of the Ocean County Court of Common Pleas and license issuing authority for the County of Ocean, he having declined to hear the case because of his ownership of stock in a corporation which owns the premises leased to the applicant and sought to be licensed.

The application was filed April 25, 1939 and notice of intention duly published on April 28 and May 5. It is unnecessary to consider the merits of the original objections because of the dispositive provisions of the statute, hereinafter mentioned, enacted after the application was made and advertisement effected.

P. L. 1939, Chapter 61, approved May 22, 1939 and effective immediately, provides:

"2. No new plenary retail distribution licenses shall be issued within any municipality situate within a county of the sixth class unless and until the ratio of such licenses issued and outstanding to the population within a municipality shall be less than one such license to every three thousand five hundred persons resident within said municipality as determined by the last preceding Federal census."

The population of Dover Township, according to the last preceding Federal census of 1930 is 3,970. There are presently issued and outstanding in the Township of Dover three plenary retail distribution licenses. The ratio of plenary retail distribution licenses to the population in the Township of Dover is, therefore, more than one to every 3,500 persons. Hence, the issuance of the license applied for is prohibited by the statute.

The fact that the application was made and the statutory requisites completed before the statute became effective is immaterial. The statute forbids issuance of a license and there is no clause to save pending applications. The question is not what might have been done but rather whether the license may be issued NOW. Cf. Franklin Stores Co. v. Elizabeth, Bulletin 61, Item 1. The statute forbids issuance of any new package goods license and that is dispositive.

The application is therefore denied.

D. FREDERICK BURNETT,
Commissioner.

Dated: June 21, 1939.

10. LIMITATION OF LICENSES - SIXTH CLASS COUNTIES - RENEWAL LICENSES - TO CONSTITUTE A RENEWAL THE LICENSE MUST BE ISSUED TO THE SAME PERSON WHO HELD THE EXPIRED OR EXPIRING LICENSE - HEREIN OF THE IMPROPRIETY OF A LICENSE BEING ISSUED TO AN INDIVIDUAL BUT IN REALITY FOR A YACHT CLUB.

D. Frederick Burnett, Re: New Irvington Yacht Club, New
Commissioner: Irvington Hotel, Lakewood, N.J.

Kindly inform me as to the effect that the new ACT limiting the number of retail liquor licenses in counties of the sixth class may have on the obtaining of such a license for the New Irvington Yacht Club.

Such a license for the New Irvington Yacht Club was held last season in the name of Janet Abel, an officer of the New Irvington Hotel Corporation, and surrendered before the date of expiration. A new license in the name of the corporation is desired for the next season.

What proceedings are necessary and when must application for the new license be made?

Very truly yours,
Boris Levin

June 21, 1939

Mr. Boris Levin,
Belmar, N. J.

Dear Sir:

Our records show that Plenary Retail Consumption License No. C-1078 was issued by Judge Percy Camp to Janet Abel on November 22nd, 1938, and surrendered on March 2nd, 1939.

In view that this license is no longer outstanding, it is unnecessary to consider the propriety of taking out a license for a yacht club in the name of an individual. The Alcoholic Beverage Control Act provides, R. S. 33:1-25 (Control Act, Sec. 22):

"All applications shall be duly sworn to by each of the applicants, except in cases of applications by corporations, which shall be duly sworn to by the president or vice-president. All statements in said applications required to be made by law or by rules and regulations shall be deemed material, and any person who shall knowingly misstate any material fact, under oath, in

said application shall be guilty of a misdemeanor and punished accordingly. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license are grounds for revocation."

Chapter 61, P. L. 1939, limits the number of licenses which may be issued in counties of the sixth class, but excepts renewals as therein defined from the effect of said limitation.

Section 10 of this new law provides that, in order for a license to be considered a renewal, it must be "issued to the same person who held the expired or expiring license." It follows that an application made for the coming fiscal year by New Irvington Yacht Club is an application for a new license, and not a renewal of the license previously held by Janet Abel.

Whether any new licenses may be issued within the municipality where the yacht club is located depends upon the ratio of licenses issued and outstanding to the population, which factual questions I suggest you take up with Judge Camp. If Chapter 61, P. L. 1939 does not bar the issuance of the license, you may obtain an application form and information as to the necessary procedure from Judge Camp, to whom a copy of this letter is being transmitted.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

11. LICENSES - RENEWALS - EFFECT OF PENDING BUT UNDECIDED DISCIPLINARY PROCEEDINGS.

LICENSES - TRANSFERS - PROCEDURE IN CASE OF PENDING DISCIPLINARY PROCEEDINGS.

LICENSES - PROCEDURE WHEN A NEW LICENSE IS APPLIED FOR BY ANOTHER PERSON FOR THE SAME PREMISES AT THE EXPIRATION OF A CURRENT LICENSE IN RESPECT TO WHICH DISCIPLINARY PROCEEDINGS ARE PENDING.

DISCIPLINARY PROCEEDINGS - EFFECT OF PENDING BUT UNDECIDED PROCEEDINGS IN RESPECT TO RENEWALS, TRANSFERS AND NEW LICENSES.

June 21, 1939

Municipal Board of Alcoholic Beverage Control,
c/o Harry S. Reichenstein, Secretary,
Newark, N. J.

Gentlemen:

I am informed that applications for renewals by licensees against whom there are presently pending disciplinary proceedings, are not being accepted by you.

The application should be received and acted upon by you, even though it may ultimately be denied. In the event that the licensee is acquitted, it would be a great injustice to withhold a renewal license until the charges are finally determined. In the event that he is found guilty, any order of suspension or revocation will be operative against the renewal license, pursuant to State Regulations No. 15, Rule 3.

In any given case, the Board may, of course, consider previously adjudicated violations in determining whether a licensee

should receive a renewal. If, however, there is nothing against him except proceedings presently pending but still undetermined, the renewal should be issued on the presumption that the licensee is innocent until proved guilty. If the latter contingency turns out to be the fact, punishment may be visited in respect to the renewal license as above stated.

In respect to transfers, however, the situation is somewhat different. If A sins but transfers his license to B before any violation is adjudicated against A, B cannot, as the rules now stand, be penalized for the transgressions of A unless the penalty is carried forward by special condition (as hereinafter mentioned). That is why, upon institution or transmission of disciplinary proceedings, it is our regular practice to request the license issuing authority not to permit any transfer until such pending of contemplated proceedings have been adjudicated, or, in the alternative, to make such transfer expressly subject, by special condition imposed, to any order subsequently made in such proceedings then pending. Otherwise, if the licensee is guilty, he gets off scot-free as well as the transferee. The best way to make a penalty act as a deterrent is to make it stick by making sure that it is imposed on the license irrespective by whom it is held.

Hence, where disciplinary proceedings are pending against a licensee, then when a transfer is sought of that license or where a new license is applied for by another person for the same premises at the expiration of the current license, please make sure that such special condition, as above outlined, is imposed on the transfer or upon the issuance of the new license as the case may be.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

12. MUNICIPAL REGULATIONS - RESERVATION IN ORDINANCE OF POWER TO AMEND BY RESOLUTION - ADVISABILITY OF AMENDING ONLY BY ORDINANCE IN ORDER TO INSURE OPERATION OF THE PENALTY CLAUSE.

June 20, 1939

Norbert T. Burke, Esq.,
Attorney, Borough of Kenilworth,
Elizabeth, N. J.

My dear Mr. Burke:

I have before me yours of June 14th, and proposed alcoholic beverage ordinance for the Borough of Kenilworth which passed first reading on the 13th and will come up for further consideration on the 27th.

* * * *

Article I, Section 6, provides: "All matters and things which may have been created, regulated or provided by resolution in the first instance may hereafter be created, regulated, provided, amended, or supplemented by resolution, notwithstanding the inclusions of any such matter in this ordinance."

As the power is expressly reserved in the ordinance, I see no legal objection to the amendment by resolution, provided the matter could lawfully be handled by resolution in the first place.

See Re Somerville, Bulletin 110, Item 5. But if, in the event a change was made by resolution, the penalties of fine or imprisonment provided for in Article V could be imposed, is another question. Penalties of fine or imprisonment may be imposed only for violation of ordinances. That means that they can be imposed for violations of any of the sections of the ordinance as they now stand, or as they may later be changed by amendment or supplement in the form of an ordinance. I doubt that they could be imposed for violation of an amendment which had been made by resolution. Penal measures are strictly construed. It might well be argued that the solemnities necessary to the adoption of an ordinance not having been observed, no penalties of fine or imprisonment could be imposed. You will eliminate all doubt as to the efficacy of these penalties if you make your changes only by ordinance.

* * * * *

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

13. WHOLESALERS - NOT COMPELLED TO SELL TO A RETAILER - BUT IF RETAILER CANNOT BUY THE PRODUCT FROM ANY SOURCE IN NEW JERSEY HE MAY APPLY FOR SPECIAL PERMIT TO PURCHASE OUTSIDE THE STATE.

Dear Commissioner Burnett:

Is there any rule or regulation of your department which would compel the sale of its products by a New Jersey wholesale liquor licensee to a plenary retail distribution licensee?

The facts are as follows: In the month of March of this year the plenary retail liquor license of Olive Mae Hanson was transferred to our firm. For a period of five years previous to that time Olive Mae Hanson carried a full line of wines and liquors distributed by Bellows & Co. We wish to continue this line of wines and liquors but Bellows & Co. have refused to sell their merchandise to us. We have offered to pay cash on delivery for the merchandise and still they have refused to sell us.

Yours truly,
Morrison, Inc.

June 21, 1939

Morrison, Inc.,
Passaic, N. J.

Gentlemen:

There is nothing in the Alcoholic Beverage Control Act which compels a wholesaler or distributor of alcoholic beverages to sell his products to any retailer. So far as the Act is concerned, wholesalers may choose their customers. It is merely a matter of business policy for each wholesaler to determine as he pleases. Re Nightingale, Bulletin 175, Item 7.

If one wholesaler won't sell you, you are free to buy the product from another. If you cannot buy the product at all from any source in New Jersey, you may then apply to me for a special permit to purchase outside the State.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

14. HORSE RACING AMENDMENT -- ELECTION -- REPORT

To: D. Frederick Burnett
Commissioner

June 21, 1939

From: S. B. White

For your information, I submit report on Election Day, June 20th, activities:

<u>COUNTY</u>	<u>NUMBER OF CALLS MADE</u>	<u>VIOLATIONS</u>
Atlantic	368	1
Bergen	675	1
Burlington	110	2
Camden	434	3
Cape May	78	2
Cumberland	90	0
Essex	1408	0
Gloucester	14	0
Hudson	1551	3
Hunterdon	51	1
Mercer	442	0
Middlesex	375	1
Monmouth	301	0
Morris	266	0
Ocean	129	0
Passaic	737	1
Salem	58	0
Somerset	103	1
Sussex	34	0
Union	464	0
Warren	115	0
TOTAL	7,803	16

Detailed schedule follows:

ATLANTIC COUNTY

EGG HARBOR CITY

Natale Raffaele
501 Boston Avenue C-4

BERGEN COUNTY

LYNDHURST

Columbus A.S. & P. Ass'n.
621 Valleybrook Ave. CB-4

BURLINGTON COUNTY

MT. LAUREL TOWNSHIP

Geo. F. Murphy
Moorestown-Centreton Rd.
Masonville C-2

RIVERSIDE TOWNSHIP

Steve Mieliwocki
200 Madison St. C-7

CAMDEN COUNTYCITY OF CAMDEN

Francisco (Frank) W. Auletto
1135-1137 South 4th St. C-54

" " "

William Francis Gannon
100 Pearl Street C-129

WATERFORD TOWNSHIP

Wm. Marrillo
Plaza Restaurant
White Horse Pike below
Atco Lake C-5

CAPE MAY COUNTYCITY OF CAPE MAY

Cape May Golf Club
1018 Lafayette St. CB-4

WILDWOOD

Edward Kosobucki
3613 Pacific Ave. C-92

HUDSON COUNTYJERSEY CITY

Jeffrey A. Feeley
617 Newark Ave. C-398

KEARNY

Charles Berman
208 Kearny Ave. D-5

"

Sol Weinglass
t/a Kearny Pharmacy
238 Kearny Avenue D-4

HUNTERDON COUNTYCLINTON TOWNSHIP

Charles Suhr
Highway 30
P.O. Lebanon C-8

MIDDLESEX COUNTYPERTH AMBOY

Mariam Bullis
552 Hartford St. C-10

PASSAIC COUNTYPATERSON

John Bunk
338 Twenty-first Ave. C-338

SOMERSET COUNTYBOUND BROOK

George H. Janney, Jr.
5/7 Hamilton St. C-15

Respectfully submitted,

S. B. White
Chief Inspector

15. TAP MARKERS - EXTENSION SUMMER COOLERS - THE NAME OR BRAND OF THE MANUFACTURER WHICH IS ATTACHED TO THE SPIGOT MUST BE MAINTAINED IN FULL VIEW.

June 21, 1939

Mr. Thomas Cahill,
Jersey City, N. J.

My dear Mr. Cahill:

I understand that the summer cooler is an extension of the regular cooler which, for the purpose of holding a larger supply of ice, projects above the top of the bar.

Rule 1 of Regulations No. 22 (Pamphlet Rules, page 65) provides:

"No plenary or seasonal retail consumption licensee shall possess on the licensed premises any barrel or other container from which brewed malt alcoholic beverage is drawn unless there is attached to the spigot or other dispensing apparatus thereof the name or brand of the manufacturer of the product contained therein, provided that where such alcoholic beverage is served at a bar the manufacturer's name or brand must appear in full view of the purchaser."

A sign carrying the names of the beer on tap, attached to the front of the extension summer cooler, will not serve in substitution for the name on the spigot required by the rule. The rule requires that the name be attached to the spigot or dispensing apparatus itself. If, therefore, your extension summer cooler hides the names on the spigots from view, you will have to provide some means of carrying these names on extension arms or brackets attached to the spigots which will bring the names above the summer cooler and into view.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner.

16. SOLICITATION - TELEPHONE - FORBIDDEN EVEN IF LOW PRESSURE.

June 21, 1939

New Jersey Beverage News,
Newark, N. J.

Gentlemen:

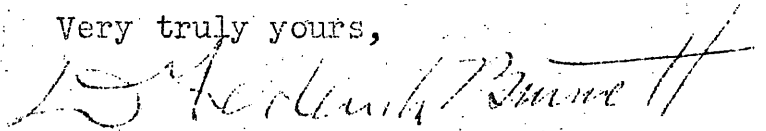
I note in the New Jersey Beverage News of Monday, June 5, 1939, article on page 3 captioned "Jim Elliott on Telephone", which suggests that liquor dealers use telephone calls to prospective customers to increase their business and sets forth a typical case of so-called "low pressure" selling.

State Regulations No. 20, Rule 3, provides:

"No licensee shall directly or indirectly solicit from house to house, personally or by telephone, the purchase of alcoholic beverages, nor allow, permit or suffer such solicitation."

I cordially suggest that you publish a suitable notice in your next issue, so that your subscribers will not find themselves on the receiving end of a disciplinary proceeding.

Very truly yours,



Commissioner.