

STATE OF NEW JERSEY
 Department of Law and Public Safety
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1638

October 5, 1965

TABLE OF CONTENTSITEM

1. APPELLATE DECISIONS - SOUTH END TAVERN, INC. v. SOUTH BELMAR.
2. DISCIPLINARY PROCEEDINGS (ELIZABETH) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
3. STATE LICENSES - OBJECTIONS TO APPLICATION FOR PLENARY WHOLESALE LICENSE - APPLICATION GRANTED.
4. STATE LICENSES - OBJECTIONS TO TRANSFER OF STATE BEVERAGE DISTRIBUTOR'S LICENSE - TRANSFER GRANTED.
5. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOLIC BEVERAGES - MOTOR VEHICLE RETURNED TO INNOCENT OWNER.
6. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.
7. ACTIVITY REPORT FOR AUGUST 1965.
8. PRACTICES UNDULY DESIGNED TO INCREASE CONSUMPTION - SALE OF DRINKS "BY THE POUND" DISAPPROVED.
9. DISCIPLINARY PROCEEDINGS (ELIZABETH) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (NEW BRUNSWICK) - SALE TO A MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
11. APPEAL CASES - JULY 1, 1964 THROUGH JUNE 30, 1965.
12. DISCIPLINARY PROCEEDINGS (Wildwood) - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
13. STATE LICENSES - NEW APPLICATIONS FILED.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1638

October 5, 1965

1. APPELLATE DECISIONS - SOUTH END TAVERN, INC. v. SOUTH BELMAR.

South End Tavern, Inc.,)	
t/a South End Tavern,)	
)	
Appellant,)	On Appeal
v.)	
Mayor and Council of the)	AMENDED ORDER
Borough of South Belmar,)	
)	
Respondent.)	

Anshelewitz, Barr & Ansell, Esqs., by Robert I. Ansell, Esq.,
Attorneys for Appellant.
Donald J. Cunningham, Esq., Attorney for Respondent.

BY THE DIRECTOR:

On May 11, 1965, I entered Conclusions and Order herein affirming suspension by respondent of appellant's license for forty-five days for permitting removal from the licensed premises of an unlabeled decanter of wine. South End Tavern, Inc. v. South Belmar, Bulletin 1622, Item 1.

Prior to the effectuation of the order of suspension, upon appeal filed, the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal.

On August 20, 1965, the appeal was withdrawn by appellant and immediate imposition of the penalty was requested. The suspension may now be reimposed.

Accordingly, it is, on this 23d day of August, 1965,

ORDERED that the forty-five (45) day suspension heretofore imposed and stayed during the pendency of proceedings on appeal be reinstated against Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of South Belmar to South End Tavern, Inc., t/a South End Tavern, for premises 1604 F Street, South Belmar, commencing at 2:00 a.m. Wednesday, August 25, 1965, and terminating at 2:00 a.m. Saturday, October 9, 1965.

JOSEPH P. LORDI,
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 John Maczka and Stasia Maczka
 t/a Pop's Tavern
 230 Second Street
 Elizabeth, New Jersey,
 Holders of Plenary Retail Consumption License C-129, issued by the City Council of the City of Elizabeth.

CONCLUSIONS and ORDER

Licensees, Pro se
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on June 22, 1965, they possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the municipal issuing authority for ten days effective September 25, 1959, for sale in violation of State Regulation No. 38, and by the Director for thirty days effective April 3, 1963, for sale on Election Day. Re Maczka, Bulletin 1510, Item 2.

The prior record of dissimilar violation occurring in 1959 more than five years ago disregarded, but the record of suspension of license for dissimilar violation occurring in 1963 within the past five years considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Galamb, Bulletin 1609, Item 8.

Accordingly, it is, on this 24th day of August 1965,

ORDERED that Plenary Retail Consumption License C-129, issued by the City Council of the City of Elizabeth to John Maczka and Stasia Maczka, t/a Pop's Tavern, for premises 230 Second Street, Elizabeth, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, August 31, 1965, and terminating at 2 a.m. Monday, September 20, 1965.

JOSEPH P. LORDI,
DIRECTOR

3. STATE LICENSES - OBJECTIONS TO APPLICATION FOR PLENARY WHOLESALE LICENSE - APPLICATION GRANTED.

In the Matter of an Application)
by)

The Cathay Corporation)
1 Exchange Place)
Jersey City, New Jersey,)

CONCLUSIONS

For a Plenary Wholesale License.)

Isidore Hornstein, Esq., Attorney for Applicant
Milton H. Cooper, Esq., Attorney for Objector, N. J. Wine & Spirit
Wholesalers Association

BY THE DIRECTOR:

The Hearer has filled the following Report herein:

Hearer's Report

The applicant has filed an application for a plenary wholesale license for premises located at 815 Fairview Avenue, Fairview.

A written objection to the issuance thereof having been filed by the objector herein, a hearing was held thereon on June 18, 1965, pursuant to Rule 12 of State Regulation No. 1.

At the hearing the attorney for the N. J. Wine & Spirit Wholesalers Association (the objector herein), who is also its Executive Director, appeared on its behalf. However, no witnesses were called nor was any testimony offered on behalf of the said objector.

The letter addressed to the Director sets forth the allegation that "there is no definite public need or necessity for the issuance" of this license.

At the hearing herein Louis A. Royce, president of the corporate applicant, testified that the applicant intends to distribute alcoholic beverage products imported from Greece which are unique, and are not distributed by any other importer in this State. Specifically they will import Greek Gin, Vodka and cherry liqueur. He described the products most commonly known from Greece as Ouzo, Brandy, Mastikha, and resinated wines. His products differ from the usual products in these categories in that the imported Ouzo carries merely a faint trace of aniseed flavoring and is extremely dry because it is distilled without the addition of any sugar or sweetening agents of any kind during any part of the manufacturing process. The brandy which it seeks to introduce into the New Jersey market has the unique distinction in its complete absence of any sweetening, herbs, or any other flavoring added to it. The Mastikha, similarly, is unique and differs from other Mastikha products because it has a faint trace of mastic gum flavor instead of the aniseed flavor. He also stated that the cherry liqueur has never been previously imported from Greece; it is specially aged and has a unique flavor.

This witness' background is confined to "two years of sophisticating the Greek products." He went on further to describe the production of the products which the applicant seeks to have distributed. He stated, for example, that the Vodka differs from other Vodkas in that it does not have to be charcoal filtered because of a new filtration method. Further, he stated that the applicant has entered into an agreement with Barbayannis Liquor Distilleries in Greece for the importation of their products. This company has never before imported their products to this country.

The applicant introduced into evidence Federal wholesaler's basic permit and the importer's basic permit. On cross examination he stated that it was his conviction that the distribution of these products would serve a need and convenience in New Jersey; that he was advised of this by many consumers who had visited Greece, and indicated a preference for these products. He also added that, in addition to the Greek products, they intend to introduce into the New Jersey market certain alcoholic beverage products from Ecuador; that by helping Ecuador to distribute such products it would be supporting the program of Alliance for Progress, a government-sponsored organization which seeks to bolster the economy of underdeveloped countries in South America.

Robert W. Campbell, testifying on behalf of the applicant, stated that he has been in the liquor business since 1936, serving in capacities as technical director and designer of distilleries and in the production of fine liquors. He corroborated the testimony of Royce with respect to the introduction into this State of alcoholic beverages from Ecuador. He too felt that this would be in consonance with the program of American aid agencies in Ecuador, and that the applicant has received the exclusive right for the export to this country of certain Ecuadorian products.

This witness further stated that he has made personal inquiries of numerous retailers in this State of his products and is convinced that a definite need and convenience would be served by the introduction and distribution of the applicant's products in this State.

In order to sustain its application for this license the applicant must establish by a prima facie showing that there exists a need and it would afford a convenience for its products in the State. In its broadest application this means that such issuance would not be detrimental to the public interest and the public welfare. Re Joeli Wine Distributors, Inc., Bulletin 1390, Item 10; Re Dodd Importers & Distributors, Inc., Bulletin 1597, Item 8.

My examination and evaluation of the testimony satisfy me that the applicant has satisfactorily demonstrated that its products are unique in that they are distilled and manufactured by methods used in Greece and evidently not distributed or marketed in this State; that they have a special body and taste; that a survey of New Jersey licensees indicates that there is a demand for its products, and that the sole distributorship to this applicant is the only method by which said products can be adequately distributed in New Jersey.

I am also persuaded that the officers of the applicant corporation are of good moral character and that it will receive expert direction in its operations in this State. Thus it has made a prima facie showing in support of its application.

On the other hand, there has not been the slightest scintilla of evidence offered to buttress the general objection that there is no need or necessity for this license. Such general objections, when unsupported, must be considered untenable and sterile.

I find under the facts and circumstances herein that the issuance of this license to permit applicant to operate competitively with products geared to a receptive market would be in the public interest. Cf. Mouriello v. Driscoll, 135 N.J.L. 220 (Sup.Ct. 1947).

I therefore recommend that the license be issued upon completion of all statutory requirements.

Conclusions

Written exceptions to the Hearer's Report and Written arguments in substantiation thereof were filed with me by the attorney for the objector.

I have given careful consideration to the exceptions, written arguments of counsel and the Hearer's Report. The decision as to whether or not the license should be issued rests solely within the discretion of the State Director. My examination of the entire record herein satisfies me that the applicant has established, by a preponderance of the evidence, that the grant of its application would serve a useful purpose, and would not be detrimental to the public interest.

My evaluation of each of the exceptions set forth by counsel for the objector leads me to the conclusion that they are without substantial merit. The request for oral argument is considered unwarranted and is hereby denied.

I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein. I shall therefore grant the application.

JOSEPH P. LORDI,
DIRECTOR

Dated: August 19, 1965.

4. STATE LICENSES - OBJECTIONS TO TRANSFER OF STATE BEVERAGE DISTRIBUTOR'S LICENSE - TRANSFER GRANTED.

In the Matter of Objections)
to the Transfer of State Beverage)
Distributor's License No. SBD-217)
from)

Breton Woods Beverage Distributors Inc.,)
t/a Laurelton Home Beverage)
1712 State Highway #88)
Laurelton, N. J.,)

CONCLUSIONS

to)

A & A Beverage Distributors Company, Inc.,)
34-36 Lee Avenue)
New Brunswick, N. J.)

-----)
George J. Nicola, Esq., Attorney for Applicant)
New Brunswick Tavern Association, bu Anthony J. Barzda, President,)
an Objector)
Ray Boardman, an Objector, Pro se)

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

The applicant filed an application for transfer of State Beverage Distributor's License SBD-217 from Breton Woods Beverage Distributors Inc., t/a Lourelton Home Beverage, to itself and from premises 1712 State Highway #88, Lourelton, to 34-36 Lee Avenue, New Brunswick.

Written objections to the grant of said application were filed and a hearing was duly held thereon. The objectors set forth in substance the following reasons for their objections:

(1) The City of New Brunswick is presently adequately supplied with plenary retail consumption and distribution licenses so that such transfer "would not be of benefit to the citizens of New Brunswick;"

(2) The operation of this license at the proposed premises would create a traffic hazard.

At the hearing herein counsel for the corporate applicant explained that its president, Aurora Leone, was confined to a hospital, having been delivered of a child several days before the hearing.

Carl J. Louricella, secretary of applicant corporation, testified to the following effect: Applicant intends to purchase the State Beverage Distributor's license from Breton Woods Beverage Distributors Inc. at a cost of \$5,250 and it made a loan to cover the said amount plus initial operating expenses.

Mrs. Leone has no personal experience as an operator of the business but intends to have her husband assume active management thereof. He has been employed by Dorchester, Inc.,

a wholesale licensee, and has also held a solicitor's permit in the alcoholic beverage field in 1947 and 1948. The premises have been leased for a term of two years at a rental of \$150 a month for the first year and \$175 a month for the second year, with a three-year option thereafter at \$200 a month.

The proposed premises is not within two hundred feet of any existing schools or churches, and there has been no expression of opposition to the said transfer on the part of the Board of Commissioners.

The applicant intends to sell all major brands of beer in the Middlesex, Mercer and Monmouth Counties area to package stores, taverns and individual consumers. It does not intend to service the present customers of the transferor but, rather, expects to develop its own routes and clientele.

Two objectors testified in opposition to this application. The gravamen of the objections appears to be that there are adequate facilities in New Brunswick, both in taverns and package stores, to service the present needs of its residents, and that the said transfer would provide competition to these existing establishments. The witnesses (one of whom is president of the New Brunswick Tavern Association) are retail licensees operating in the community and fear that grant of the said transfer would interfere with and be a drain on their present businesses.

On cross examination they admitted that, regardless of where the transferee would locate its base of operations, the same argument could be raised by the residents of such municipality. They also admitted that the preponderance of their sales is in the sale of cold beer, and acknowledged that the applicant would be limited to the sale of unchilled beer and ale in original containers in quantities of not less than 144 fluid ounces.

After considering all of the testimony, I am persuaded that the objections to approval of the transfer of the license herein have not been adequately proved; that they are of insufficient weight to warrant denial of the application, and that the grant of said application would serve a public convenience. It should also be noted that there are no zoning restrictions or any opposition from the municipal governing body which might serve as a forceful and influential factor in the consideration of objections by the municipality affected. Cf. Re Watchung Spring Water Co., Inc., Bulletin 1581, Item 6.

The privileges conferred by a State Beverage Distributor's license are contained in R.S. 33:1-11(2)c. In essence, this license allows its holder to maintain a licensed premises and warehouse at and from which he may sell and deliver only unchilled beer and ale in original containers in quantities of not less than 144 fluid ounces -- in common parlance, not less than a half-case containing twelve 12-ounce cans or bottles. A State beverage distributor licensee may sell and deliver this unchilled beer and ale both to licensed retailers and to consumers, with consumer sales and deliveries required to be made at prices which are not lower than the minimum prices filed in this office or listed in the current official Minimum Consumer Resale Price Pamphlet. This license may not be issued for premises in or upon which any retail business, except the sale of beer, ale and non-alcoholic beverages, is carried on. There may, of course,

be no sale or delivery of any alcoholic beverage for consumption upon the licensed premises.

The proposed new premises will be a considerable distance away from existing licensed premises, and there is no convincing evidence that these proposed new premises will materially affect competition by reason of the said transfer. This is particularly true because a State beverage distributor may operate throughout the entire State. Thus he may offer as much competition to the neighboring communities and, indeed, the neighboring counties, as he would to the situate community.

Since the privileges of a State Beverage Distributor's license are State-wide, the question of public necessity and convenience cannot be determined on the narrow basis of a single municipality in which the prospective licensee would have his principal office or warehouse. Re Beer Depot, Inc., Bulletin 1312, Item 8; Re Variety Beers & Soda Distributors, Inc., Bulletin 1000, Item 6.

There has been no affirmative testimony indicating that this area is adequately serviced by other State beverage distributor licensees. In addition, the applicant has made it clear that it intends to service a larger area in three counties. All of these factors must be taken into consideration in the determination of this application.

The decision as to whether or not an application for a State Beverage Distributor's license should be granted rests solely within the discretion of the State Director. While the sentiments of the local community are always given serious consideration, objections to this type of license must be grounded upon reasons other than those presented and must be based upon valid grounds.

After evaluating all of the evidence it is my considered judgment that the objections are not sufficiently meritorious to warrant a denial of the application. Re Kalb, Bulletin 1457, Item 5; Re Lutz, Bulletin 1312, Item 6. I therefore recommend that the pending application be granted upon compliance with all statutory requirements. Re Buchanan, Bulletin 1548, Item 5.

Conclusions

No written exceptions to the Hearer's Report were filed with me by the objectors.

I have given careful consideration to the evidence, the arguments of counsel and the Hearer's Report. I concur in the conclusions of the Hearer and adopt them as my conclusions herein. I shall therefore grant the application.

JOSEPH P. LORDI,
DIRECTOR

Dated: August 19, 1965

5. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOLIC BEVERAGES - MOTOR VEHICLE RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure)
on April 10, 1965 of a quantity)
of alcoholic beverages and a)
Cadillac sedan on the New Jersey)
Turnpike (northbound), in the)
Township of East Brunswick, County)
of Middlesex and State of New)
Jersey.)
-----)

On Hearing

CONCLUSIONS and ORDER

Marian Sherwood, Pro Se.

Lafayette National Bank, by Raymond R. Vitkosky, Assistant Cashier.

I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey and State Regulation No. 28 to determine whether 21 gallon jugs of alcoholic beverages and a Cadillac sedan, more particularly described in a schedule attached hereto, and marked Schedule "A", seized on April 10, 1965 in the northbound lane of the New Jersey Turnpike, East Brunswick Township, Middlesex County, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66, Marian Sherwood, the registered owner of the said Cadillac sedan, entered an appearance and sought its return. Forfeiture of the alcoholic beverages was unopposed.

The Lafayette National Bank, the lienor of the said motor vehicle of Brooklyn, New York also entered an appearance in support of its lien claim.

Reports of ABC agents and other documents presented in evidence with the consent of the claimants, disclose the following facts: On Saturday, April 10, 1965, at 3:00 a.m. a State Trooper stopped the motor vehicle in question on the New Jersey Turnpike aforesaid for speeding. The vehicle was being operated by Frank Collins and bore license plates 8U9425, registered in the name of Marian Sherwood of 455 Jackson Avenue, Bronx, New York.

At the request of the trooper, Collins displayed his driver's license but did not have the owner's registration in his personal possession.

The trooper then requested Collins to check the motor vehicle in order to find some papers to identify the car's owner. Collins stated that the car was owned by his girl friend, Marian Sherwood. He then went to open the trunk of the car and stated to the trooper, "your know what I've got here but there's only the two of us and you can overlook it". The trooper replied that he didn't know what Collins meant by that statement and asked to see what it was. Colling thereupon opened the trunk of the car, the trooper looked into the same and observed five boxes of four gallon jugs each and one gallon jug in a bag, containing alcoholic beverages. None of the jugs had affixed to them any stamps indicating payment of taxes.

The trooper took possession of the alcoholic beverages and the motor vehicle which were later adopted by agents of this Division. Collins was thereupon arrested, charged with illegal possession and transportation of untaxed alcohol in violation of R.S. 33:1-2; R.S. 33:1-50 and arraigned on the said charges in the East Brunswick Municipal Court.

On April 12, 1965 the contents of one of the said jugs was analyzed by the Division chemist who reports that it is an alcoholic beverage fit for beverage purposes with an alcoholic content by volume of 43.8%. The seized alcohol is illicit because of the absence of tax stamps on any of the jugs. R.S. 33:1-1(i); R.S. 33:1-88. Such illicit alcohol and the motor vehicle in which it was transported and found constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66.

Marian Sherwood, claimant, testified that she is the owner of the said motor vehicle and is making regular payments on account of the sale price in the sum of \$94.46 monthly to the Lafayette National Bank.

She states that the sale price was \$2,678.00 on which she made a cash payment of \$528.00 leaving a balance of \$2,150. There is presently due thereon the sum of \$1,416.85 and she is not in default on any payments to the lienor.

She further testified as follows: She purchased this car because she needed transportation to her place of employment, although she does not know how to drive. Collins, a close friend of hers, drove her to work daily and in consideration of that fact, would occasionally borrow the car. However, except for making mechanical repairs, he did not advance any money for the purchase of the car, did not make any installment payments thereon or contribute anything toward its maintenance. On the previous night at about 9:00 o'clock, Collins requested the use of the car for about two hours because he wanted to "...go to a funeral...", and promised that "In a couple of hours I bring it back and park it in front of the door".

On previous occasions he had always returned the car within the time stated. She denied that she knew that he was transporting alcohol in the car; had she known, she would never have loaned the car to him.

The account given by the claimant herein appears to be credible and forthright. I am satisfied from the evidence presented that Marian Sherwood acted in good faith and did not know or have any reason to suspect that her car would be used by Collins for the transportation of illicit alcoholic beverages. Re Seizure Case No. 11,156, Bulletin 1545, Item 5; Seizure Case No. 10,383, Bulletin 1363, Item 3; Seizure Case No. 10,391, Bulletin 1373, Item 4.

Hence, the motor vehicle will be returned to her upon payment of the costs of its seizure and storage. In view of my determination aforesaid, it is unnecessary to consider the claim of the Lafayette National Bank, since the owner of the vehicle is not in default in payments on the said vehicle.

Accordingly, it is DETERMINED and ORDERED that if on or before the 8th day of September, 1965, Marian Sherwood pays the costs of the seizure and storage of her Cadillac sedan, more particularly described in Schedule "A", attached hereto, it will be returned to her; and it is further

DETERMINED and ORDERED that the alcoholic beverages, as set forth in Schedule "A", constitute unlawful property and should be forfeited in accordance with the provisions of R.S. 33:1-66, and that they may be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH P. LORDI,
DIRECTOR

Dated: August 25, 1965

SCHEDULE "A"

- 21 - gallon jugs of alcoholic beverages
- 1 - 1960 Cadillac sedan, Serial No. 60AG39751, New York Registration 8U9425.

6. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto.Susp.#264)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-29,)
 Issued by the Board of Commissioners) On Petition
 of the City of Passaic to)
) O R D E R
 Thomas R. Forgiono)
 t/a M. & S. Liquors)
 531 Main Avenue)
 Passaic, N. J.)

Joseph M. Keegan, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on August 9, 1965, petitioner was fined \$50 and \$5 costs in the Passaic Municipal Court after pleading guilty to a charge of sale of alcoholic beverages to a minor on July 27, 1965, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that disciplinary proceedings are in contemplation but have not yet been instituted by the municipal issuing authority against the licensee because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioner after such disciplinary proceedings have been concluded. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Luchejko, Bulletin 1552, Item 7.

Accordingly, it is, on this 19th day of August, 1965,

ORDERED that the aforesaid automatic suspension of license D-29 be stayed pending the entry of a further order herein.

JOSEPH P. LORDI,
DIRECTOR

ACTIVITY REPORT FOR AUGUST 1965

7. ARRESTS:		
Total number of persons arrested		21
Licensees and employees	10	
Bootleggers	11	
SEIZURES:		
Motor vehicles - trucks		1
Stills - 50 gallons or under		1
Alcohol - gallons		16
Mash - gallons		125
Distilled alcoholic beverages - gallons		5
Wine - gallons		1
Brewed malt alcoholic beverages - gallons		106.82
RETAIL LICENSEES:		
Premises inspected		629
Premises where alcoholic beverages were gauged		525
Bottles gauged		8,622
Premises where violations were found		79
Violations found		122
Unqualified employees	68	Disposal permit necessary 9
Reg. #38 sign not posted	13	Other mercantile business 6
Application copy not available	12	Other violations 14
STATE LICENSEES:		
Premises inspected		44
License applications investigated		7
COMPLAINTS:		
Complaints assigned for investigation		356
Investigations completed		377
Investigations pending		216
LABORATORY:		
Analyses made		135
Refills from licensed premises - bottles		20
Bottles from unlicensed premises		35
IDENTIFICATION:		
Criminal fingerprint identifications made		9
Persons fingerprinted for non-criminal purposes		396
Identification contacts made with other enforcement agencies		239
Motor vehicle identifications via N.J. State Police teletype		1
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities		9
Violations involved		11
Sale during prohibited hours	7	Sale to non-members by club 1
Failure to close prem. dur. proh. hrs.	2	Sale to minors 1
Cases instituted at Division		18*
Violations involved		22
Sale during prohibited hours	6	Failure to file notice of change in lic. application 1
Sale to minors	5	Failure to close prem. during proh. hrs. 1
Possessing liquor not truly labeled	3	Sale to non-members by club 1
Fraud in application	2	Sale to intoxicated person 1
Fraud and front	1	Hindering investigation 1
Hindering investigation	1	
Cases brought by municipalities on own initiative and reported to Division		14
Violations involved		22
Sale to minors	8	Employment w/o ident. card (local reg.) 1
Sale during prohibited hours	4	Unqualified employees 1
Permitting brawl on premises	3	Failure to close prem. during proh. hrs. 1
Hindering investigation	2	Failure to afford view into premises during proh. hours 1
Permitting minor on prem. unaccomp. by parent (local reg.)	1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held		37
Appeals	1	Seizures 2
Disciplinary proceedings	29	On petition 1
Eligibility	4	
STATE LICENSES AND PERMITS ISSUED:		
Total number issued		1,483
Licenses	5	Social affair permits 428
Solicitors' permits	65	Miscellaneous permits 131
Employment permits	365	Transit insignia 332
Disposal permits	136	Transit certificates 21

*Includes one cancellation proceeding - license improvidently issued since one of licensees not U.S. citizen.

OFFICE OF AMUSEMENT GAMES CONTROL: SEE NEXT PAGE.

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses Issued - - - - -	1	Enforcement files established - - - - -	47
State Fair licenses issued - - - - -	136	Disciplinary proceedings instituted - - - - -	8
Premises inspected - - - - -	386	Violations involved - - - - -	11
Premises where violation were found - - - - -	43	Operating controlled game - - - - -	6
Number of violations found - - - - -	46	Deceptive practices - - - - -	2
		Fraud and front - - - - -	1
		Redemption of prize for money - - - - -	1
		Redemption for prize other than merchandise - - - - -	1

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: September 7, 1965

8. PRACTICES UNDULY DESIGNED TO INCREASE CONSUMPTION - SALE OR DRINKS "BY THE POUND" DISAPPROVED.

August 25, 1965

Lan-Bic, Inc.
 Langerman's Binnacle
 Atlantic City, N. J.

We have your letter of August 16th, and enclosed literature, concerning a proposal to sell drinks of alcoholic beverages for on-premises consumption "by the pound".

The plan, rather aptly described in a covering article appearing in the August 2nd issue of Newsweek as a "fancy new way to get squiffed", seeks to encourage patrons to purchase other than normal-sized individual drinks by ordering their drinks by weight. According to the submitted arithmetical formula a patron would receive four ounces when ordering a quarter pound, eight ounces when ordering a half-pound and sixteen ounces on a pound order.

It won't do. The scheme would, in the language of the Alcoholic Beverage Law, constitute a practice unduly designed to increase the consumption of alcoholic beverages and would result in violation of Rule 20 of State Regulation No. 20.

Joseph P. Lordi
 Director

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Anna & Irving Levine)
t/a Jack & Jill's Bar & Restaurant)
103-105 Jefferson Avenue)
Elizabeth, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-228, issued by the City Council of the City of Elizabeth)

Licensees, by Irving Levine, Pro se.
Morton B. Zemel, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on July 15, 1965, they possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the Director for five days effective March 5, 1956, for sale below filed price. Re Levine, Bulletin 1104, Item 8.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Commodore of Hackensack, Inc., Bulletin 1622, Item 8.

Accordingly, it is, on this 23d day of August, 1965,

ORDERED that Plenary Retail Consumption License C-228, issued by the City Council of the City of Elizabeth to Anna and Irving Levine, t/a Jack & Jill's Bar & Restaurant, for premises 103-105 Jefferson Avenue, Elizabeth, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, August 30, 1965, and terminating at 3:00 a. m. Saturday, September 4, 1965.

JOSEPH P. LORDI,
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 Park Grill, Inc.,)
 t/a Park Grill, Inc.)
 131 Easton Avenue)
 New Brunswick, N. J.,)
)
 Holder of Plenary Retail Consumption License C-20, issued by the Board of Commissioners of the City of New Brunswick.)
 -----)

CONCLUSIONS and ORDER

Licensee, by V. J. Horvath, Vice President, Pro se
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 12, 1965, it sold five six-packs of beer to a minor, age 17, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Sender, Bulletin 1583, Item 9.

Accordingly, it is, on this 1st day of September 1965,

ORDERED that Plenary Retail Consumption License C-20, issued by the Board of Commissioners of the City of New Brunswick to Park Grill, Inc., t/a Park Grill, Inc., for premises 131 Easton Avenue, New Brunswick, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Wednesday, September 8, 1965, and terminating at 2 a.m. Thursday, September 23, 1965.

JOSEPH P. LORDI,
DIRECTOR

11. APPEAL CASES - JULY 1, 1964 THROUGH JUNE 30, 1965.

Undecided June 30, 1964 21

Filed July 1, 1964 through June 30, 1965 85

TOTAL 106

Disposition

Affirmed 38
 Reversed 23
 Modified 4
 Withdrawn (after hearing) . . . 0
 Withdrawn (no hearing) . . . 15
 Undecided (19 cases heard) (7 " not ") 26

TOTAL 106

EMERSON A. TSCHUPP
DEPUTY DIRECTOR

DATED: August 10, 1965

12. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)

FAIRVIEW CAFE (A CORP.))
t/a FAIRVIEW CAFE)
3613-15-17 Pacific Ave.)
Wildwood, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-27, issued by the Board of Commissioners of the City of Wildwood.)
)

Kay and Corino, Esqs., by John Corino, Esq., Attorneys for Licensee.

Morton B. Zemel, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 30, 1965, it sold mixed drinks of alcoholic beverages to two minors, ages 19 and 20, in violation of Rule 1 of State Regulation No. 20.

Although the licensee has no previous record of suspension of license, the license then held by Harold Binns, Margaret M. Binns (principal stockholders of the licensee corporation) and Sarah J. Binns, t/a Fairview Cafe & Restaurant, for the same premises, was suspended by the Director for twenty days effective April 22, 1953, for sale to minors. Re Binns, Bulletin 966, Item 2.

The prior record of suspension of license for similar violation occurring more than ten years ago disregarded, the license will be suspended fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Woodland Grove, Inc., Bulletin 1625, Item 4.

Accordingly, it is, on this 13th day of September, 1965,

ORDERED that Plenary Retail Consumption License C-27, issued by the Board of Commissioners of the City of Wildwood to Fairview Cafe (A Corp.), t/a Fairview Cafe, for premises 3613-15-17 Pacific Avenue, Wildwood, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, September 20, 1965 and terminating at 3:00 a.m. Thursday, September 30, 1965.

JOSEPH P. LORDI
DIRECTOR

13. STATE LICENSES - NEW APPLICATIONS FILED.

Walter S. Driskill, t/a Dribeck Importers
50 Broad Street, New York, New York
Application filed September 30, 1965 for Limited Wholesale License.

Harold Goldstein, Leon M. Goldstein and Simon H. Goldstein
t/a Bacon Liquor Company
161 Frelinghuysen Ave., Newark, New Jersey
Application filed October 4, 1965 for Plenary Wholesale License.

New Jersey State Library


Joseph P. Lordi
Director