

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
25 Commerce Drive Cranford, N.J. 07016

BULLETIN 2224

April 28, 1976

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STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
25 Commerce Drive Cranford, N.J. 07016

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April 28, 1976

1. COURT DECISIONS - RE FACULTY-STUDENT COOPERATIVE ASSOCIATION OF MONTCLAIR STATE COLLEGE - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
A-2312-73

In the Matter of Objections to the Application of FACULTY-STUDENT COOPERATIVE ASSOCIATION, INC. OF MONTCLAIR STATE COLLEGE for a Special Permit under N.J.S.A. 33:1-74, to Sell and Serve Light Wines and Beer in premises situated at College Campus, Upper Montclair, New Jersey.

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Argued January 20, 1976 - Decided February 20, 1976.

Before Judges Matthews, Lora and Morgan.

On appeal from the Division of Alcoholic Beverage Control.

Mr. Saul A. Wolfe argued the cause for objector Township of Little Falls (Messrs. Skoloff & Wolfe, and Mr. Joseph D. Donato, attorneys).

Mr. David W. Conrad argued the cause for applicant.

Mr. William F. Hyland, Attorney General, submitted a statement in lieu of brief on behalf of the Division of Alcoholic Beverage Control (Mr. David S. Piltzer, Deputy Attorney General, of counsel).

PER CURIAM

(Appeal from the Director's decision in Re Faculty-Student Cooperative Association, Inc. of Montclair State College, Bulletin 2145, Item 2. Director affirmed. Opinion not approved for publication by the Court Committee on Opinions).

2. COURT DECISIONS - PARMELLI'S HOTEL & TAVERN, INC. - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
A-2525-74

In the Matter of Disciplinary  
Proceedings against

PARMELLI'S HOTEL & TAVERN, INC.  
t/a Luigi's  
581-583 River Street  
Paterson, New Jersey

Holder of Plenary Retail Consumption  
License C-255, issued by the Board of  
ABC of the City of Paterson.

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Submitted February 10, 1976 - Decided March 3, 1976.

Before Judges Matthews, Lora and Morgan.

On appeal from the Division of Alcoholic Beverage Control.

Messrs. La Sala and DeMarco, attorneys for appellant,  
(Mr. William J. DeMarco on the brief).

Mr. William F. Hyland, Attorney General of New Jersey,  
attorney for respondent. (Mr. David S. Piltzer, Deputy  
Attorney General of Counsel and on the brief.)

PER CURIAM

(Appeal from the Director's decision in Re Parmelli's Hotel  
& Tavern, Inc., Bulletin 2185, Item 3. Director affirmed.  
Opinion not approved for publication by the Court Committee  
on Opinions).

3. APPLICATION FOR WHOLESALE LICENSE - OBJECTIONS THERETO - APPLICATION GRANTED BY DIRECTOR.

In the Matter of Objections to .  
the Issuance of a Plenary .  
Wholesale License to .

Adriatico Import Corporation .  
Suite 120, Provincial Executive Bldg. .  
2201 Route 38 .  
Cherry Hill, N.J. .

CONCLUSIONS

Applicant, Jay Barry Levin, Managing Director, Pro se  
Milton H. Cooper, Esq., Appearing for New Jersey Wine and  
Spirit Wholesalers Association, an Objector

BY THE DIRECTOR:

The applicant has filed an application for a Plenary Wholesale License for premises located at Suite 120, 2201 Route 38, Cherry Hill, N.J. A written objection to the issuance thereof having been filed by the objector herein, a hearing was held thereon pursuant to Rule 12 of State Regulation No. 1.

At the hearing, the attorney for New Jersey Wine and Spirit Wholesalers Association, who is also its vice-president, appeared on its behalf. However, no witnesses were called by, or testified on behalf of the said objector.

The objection, as set forth in a letter addressed to the Director of this Division and argued orally at the hearing, is grounded on the contention that there is "no public need or necessity" for the issuance of the said license.

Jay Barry Levin, the Managing Director of the corporate applicant, testified as follows: the applicant is a New Jersey corporation licensed by the Federal Government under both an importer's basic permit and wholesaler's basic permit, copies of which have been made part of the file herein. It is the exclusive agent in the United States for the distribution of brands of imported alcoholic beverages consisting mostly of still wines, sparkling wines, vermouth and cordials from Italy. These include, among others, the Bertolini brand of Asti Spumonti from Italy. Other Italian brands include the Torelli, Dolce Vita and Chiddo brands of wine from Italy, Azzurro and Figus brands. Other brands of wine from Italy will include the Dario and Santos Stefano brands. In addition, the applicant is the exclusive agent for the Milonga brands of wine from Argentina.

It is the intention of the applicant to sell its wines, vermouth and cordials to wholesale and retail liquor

licensees in New Jersey, and it will operate from its present facility in Cherry Hill. At the present time, the applicant has four employees but it expects to expand its operation so that it will have approximately seventy-five employees when it expands the distribution of its products to all states in the United States.

The witness explained that one of its primary brands of wine, the Perlino brand, was available through another importer in this State until 1972. There have been no shipments from Europe of Perlino brand wines since April 1, 1972. As its exclusive agent, the applicant is the only one who is authorized to purchase this brand of wine from the producers.

The witness stated that there is a need for these products in New Jersey for the following reasons:

(1) Fourteen wholesale distributors formerly carried the Perlino Asti Spumonti, which was in great demand in New Jersey, but they are no longer able to obtain the same. The applicant plans to restore this product, together with the other products, to the market because there is a present demand for this product in this State.

(2) While there has been a decrease in the sales of distilled spirits there has been a marked increase in still wine sales in New Jersey.

(3) The applicant plans to sell its products at prices that is competitive and, indeed, moderate, and would be priced at less than any other similar product which is distributed nationally. Thus, the competitive effect is such pricing will be that the consumer will benefit from the distribution of these products.

On cross examination, this witness testified that he had been brought up in the wine wholesale business and had been employed as a sales representative by the Perrone Wine and Spirits for the past four years and nine months, until January 1, 1976.

Daniel P. O'Connor, the Sales Director of the corporate applicant, testified that he has had eighteen years experience in the Alcoholic Beverage Industry, which included service as New Jersey State Manager for National Distiller Chemical Products Corporation, a distributor of thirty-one labels of distilled spirits and cordials in New Jersey. He explained that the applicant intends to distribute not only wines, but cordials, so that it would be necessary to obtain a plenary wholesale license. The witness maintained that the products are unusual and unique, and would serve a definite need in this state.

I have carefully considered the entire record herein, and am satisfied that the applicant has made a prima facie showing that the issuance of this license would be in the public interest. See re Admiral Wine Co., Inc., Bulletin 1460, Item 7; Western Grape Products, Bulletin 1668, Item 5; re Joeli Wine Distributors, Inc., Bulletin 1390, Item 10; re The Cathay Corporation, Bulletin 1638, Item 3.

In order to sustain such application, 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 welfare. Re Joeli Wine Distributors, Inc., supra.; re Dodd Importers & Distributors, Inc., Bulletin 1597, Item 8. The evidence establishes that the products are unique in that they are rectified by special methods used in Italy and in Argentina, and are evidently not presently distributed or marketed in this State. Further, the record indicates that there is a demand for its products, and that, since the applicant is the sole distributor thereof, this is the only method by which the said products can be adequately distributed in New Jersey.

As noted hereinabove, no testimony was produced by the objector to contradict the evidence presented that the officers of the applicant are of good moral character, and that the appellant will receive expert direction in its operation in this State. Further, not the slightest scintilla of evidence has been introduced to support the general objection that there is no need or necessity for the license. Such general objections when unsupported must be considered untenable and sterile.

Having carefully considered the entire record herein, I find that the applicant has established, by a fair preponderance of the credible evidence, that the grant of the applicant for the issuance of the said license will permit the applicant to operate competitively with products geared to a receptive market; and will serve the public interest. Cf. Mouriello v. Driscoll, 135 N.J.L. 220 (Sup. Ct. 1947).

I shall, therefore, grant this application upon compliance by the applicant with all procedural requirements.

Leonard D. Ronco  
Director

Dated: March 5, 1976

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED 95 DAYS.

In the Matter of Disciplinary Proceedings against

Donna Hernandez and Rolando Fernandez 4803 Park Avenue Union City, N.J.,

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-67, issued by the Board of Commissioners of the City of Union City.

Samuel R. De Luca, Esq., by Joseph W. Gallagher, Esq., Attorney for Licensees Carl A. Wyhopen, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensees plead "not guilty" to a charge alleging that on September 3, 10 and 12, 1975, they permitted gambling commonly known as the "numbers game" upon the licensed premises, and permitted writings pertaining to the aforementioned gambling activity upon the licensed premises, in violation of Rule 7 of State Regulation No. 20.

In behalf of the Division, ABC agent M testified that he and fellow agents entered the licensed premises on September 3, 1975, shortly afternoon, and positioned themselves at the bar. He observed one of the patrons give the bartender on duty, who was later identified as Charles Rogers, a slip of paper and currency while making a statement -"728 also"- apparently adding to an initial bet.

Agent M then indicated to Rogers that he, too, would like to place a "numbers" bet, he wrote the number "812" and "304" on a beer coaster, and handed it and two one-dollar bills to Rogers. Rogers accepted the coaster and the money.

On September 10, 1975, agent M, accompanied by ABC agent J, returned to the licensed premises. They entered moments apart and sat separately of one another at the bar, yet close enough so their activities and conversations would be heard and observed by each other. Rogers was again on duty, and both agents abserved that co-licensee Fernandez was also on the premises.

Agent M again placed the same "numbers" bets with Rogers, writing the numbers on a beer coaster and giving currency to him. Fernandez was standing alongside of Rogers when these bets were made. Rogers placed the coasters in his pocket and put the money in the cash register.

A raid on the licensed premises was planned and executed on September 12, 1975, shortly afternoon. Agent M recounted that he and ABC agent P entered the premises, armed with "marked money". Other ABC agents and two detectives of the Union City Police Department remained on the exterior thereof. Again agent M placed bets on numbers "812" and "304" and gave Rogers, then on duty, two one-dollar bills together with the coaster upon which the numbers were written. Upon signal given by agent P, the raiding party entered and a search of the licensed premises and the person of Rogers was begun. While the search was in progress, Fernandez entered, and he, too, was searched.

The coaster upon which the bets had been written and the "marked" money was retrieved. Rogers was placed under arrest. Fernandez was also placed under arrest, when a slip of paper in his wallet apparently reflecting a "numbers" record of placed bets was found on his person.

Lieutenant Francis Mona of the Union City Police Department, testified that he is charge of the local Vice Squad, and as such, took charge of the raid upon the licensed premises. He found the "marked" coaster and the "marked" money on the bar, which were placed there by Rogers. He described the slip found on the person of Fernandez as a typical "numbers" slip showing a series of numbers upon which it is presumed that persons placed bets.

He characterized Rogers' reaction to the discovery as one of resignation upon being caught. Rogers admitted he accepted bets for patrons. Fernandez described the numbers contained on the slip in his possession as merely a record of the songs on the juke box in the premises. Lieutenant Mona compared these numbers with the songs on the juke box and determined that no relationship existed between them.

ABC agent J testified that he accompanied agent M on September 10 and 12, to the licensed premises. He corroborated the testimony of agent M relative to the placement of the bets and the proximity of Fernandez to Rogers when bets were placed. The money retrieved from Rogers corresponded to the "marked" money list which he carried.

Charles Rogers, bartender, testified that he had no recollection of the presence of the agents on September 3 and 10. He did recall that the raid took place, and admitted that he had accepted the bets merely as an accommodation for a patron. As he placed bets for himself, he had agreed to add the bets of the agent to his own. He denied that betting was permitted in the licensed premises.

Rolando Fernandez, the co-licensee, testified that the list of numbers discovered by the police, was in fact, not a "numbers" list at all; it corresponded to a list of records in a juke box located at another location. He explained that his language barrier (he testified with the aid of an interpreter) prevented him from properly explaining the slip to Lieutenant Mona at the time of the raid.

The husband of the co-licensee, Carlos Hernandez, testified in corroboration of Fernandez, to the effect that the list discovered was a record of the songs on a juke box in another establishment.

We are dealing purely with a disciplinary action; such action is civil in nature, and not criminal. In re Schneider, 12 N.J. Super. 449 (App. Div. 1951). Thus, the proof must be supported by a fair preponderance of the credible evidence only. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956).

Since the matter sub judice presents a basically factual situation, the credibility of witnesses must be weighed. Evidence, to be believed, must not only proceed from the mouths of credible witnesses, but must be credible in itself, and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuola v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

I have had an opportunity to observe the demeanor of the witnesses as they testified and, in view of the conflict in the testimony, I have made a careful analysis and evaluation of their testimony.

A licensee cannot escape the consequences of the occurrence of incidents, such as hereinabove related, on the licensed premises. A licensee may not avoid his responsibility for conduct occurring on his premises by merely closing his eyes and ears. On the contrary, licensees or their agents or employees must use their eyes and ears, and use them effectively to prevent the improper use of their premises. Bilowith v. Passaic, Bulletin 527, Item 3; Re Ehrlich, Bulletin 1441, Item 5; Re Club Tequila, Inc., Bulletin 1557, Item 1. Most certainly, the licensee "suffered" the aforesaid gambling activities to take place on the licensed premises. See Essex Holding Corp. v. Hock, 136 N.J.L. 28 (Sup. Ct. 1947).

Additionally, it is basic that, in disciplinary proceedings, a licensee is fully accountable for all violations committed or permitted by his agents, servants or employees. Rule 33 of State Regulation No. 20. Cf. In re Schneider, supra.

The candid admission by Rogers that he accepted the bets as an accommodation to agent M, coupled with his denial that he had any recollection of any prior visit of the agent, gives rise to the conclusion that the acceptance of such bets was a common occurrence in those premises. Further, the attempt by Fernandez to clothe the "numbers" slip with legitimacy by alluding to songs on some juke box carries no ring of truth. In short, both alleged defenses are specious.

I, thus, find that the Division has amply established a pattern of "numbers" activity engaged in by Rogers on each of the three dates mentioned in this charge. I find, therefore, that the charge herein has been established by a fair preponderance of the credible evidence.

The licensees have a record of prior dissimilar violation which resulted in a suspension of license for twenty-five days, effective August 21, 1972. Re Hernandez, Bulletin 2068, Item 1-T.

It is, accordingly, recommended that the license be suspended for ninety days, to which should be added five days by reason of the dissimilar violation occurring within the past five years, making a total suspension of ninety-five days. Re Spearman, Bulletin 2194, Item 2; Re Lacalandra, Bulletin 2152, Item 6; Re Steve's, Inc., Bulletin 2167, Item 5.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's report, I concur in the findings and recommendations of the Hearer, and adopt them as my conclusions herein.

Accordingly, it is, on this 10th day of February 1976,

ORDERED that Plenary Retail Consumption License C-67, issued by the Board of Commissioners of the City of Union City to Donna Hernandez and Rolando Fernandez for premises 4803 Park Avenue Union City, be and the same is hereby suspended for ninety-five (95) days, commencing at 3:00 a.m. on Monday, February 23, 1976 and terminating at 3:00 a.m. on Friday, May 28, 1976.

Leonard D. Ronco  
Director



marked. She placed the slip and money in a cigarette container, and laid the container on the back bar, near the register. Thereafter, upon prearranged signal, a raid was conducted with officers of the Monmouth County Prosecutor's Office participating, and the container holding the "marked" money and bet slip was retrieved. Both Ms. Daniels and Baity were placed under arrest.

Monmouth County Detective Bruce E. Kerrigan testified that he participated in the raid upon the licensee's premises on June 5, 1975. He identified both the cigarette container and the currency, admitted into evidence, as having been discovered by him behind the bar. He further identified other slips pertaining to "numbers" bets which had been discovered in the kitchen area. He identified these slips as gambling paraphernalia, basing such identification upon his training and expertise in the subject of gambling.

Detective Reginald L. Wilmore of the Monmouth County Prosecutor's office testified that he participated in the raid conducted in the licensed premises on June 5, 1975. He identified the "bet" slips and the "marked" money, as well as additional "numbers" slips in the kitchen and in a desk at the rear of the premises. He placed Ms. Daniels and Baity under arrest, and charged them with possession of lottery materials.

ABC agents D, M and G, testified in corroboration of the testimony of agent P and the detectives. The placement of the bets with the barmaid and the payment of the money by agent P was bolstered by the further account of other "numbers" bets found in the premises, as testified by the witnesses. Using "marked" money, later retrieved, bets were made by each of these agents with Ms. Daniels.

Licensee produced testimony of three citizens of the area, Daniel A. Harris, Reverend Robert L. Capers and Joseph O. Reed. Each witness was prominent in religious, social or fraternal organizations of the Township or County. Each related his experiences with the licensed premises and how its principal officer, Frank Baity, had made great efforts in aid of a myriad of social causes. Each witness expressed the opinion that the licensed premises was a distinct advantage to the community.

The principal stockholder of the corporate licensee, Frank R. Baity, testified that any gambling activity engaged in by his barmaid, Ms. Daniels, was contrary to his instructions; that on the night of the raid upon his premises, although he was not then present, immediately upon his arrival, he discharged that barmaid from her position.

Neither Ms. Daniels or Baity were produced as witnesses.

The alleged gambling activity which consisted of the making of "numbers" bets with the agents was not controverted. No defenses were interposed whatever; the testimony offered by the licensee was simply in mitigation of any suspension of license that would be imposed by the Director.

I, therefore, conclude that the charges herein have been established by a fair preponderance of the credible evidence, and I recommend that the licensee be found guilty as charged.

I find no basis for mitigation of the penalty precedentially imposed in these matters.

The present penalty of suspension of license wherein a bartender participated in the making of gambling bets is ninety days, which penalty has been affirmed by the Superior Court, Appellate Division. Re Maywood Inn, Corp., Bulletin 2138, Item 4, Aff'd Bulletin 2178, Item 1. Comparable penalties were imposed in Re Lacalandra, Bulletin 2152, Item 6; Re Steve's, Inc., Bulletin 2167, Item 5 and Re Spearman, Bulletin 2194, Item 2.

Absent prior record of licensee, it is, accordingly, recommended that the license be suspended for ninety days.

#### Conclusions and Order

Written Exceptions to the Hearer's report were filed by the licensee, and answering argument to the said Exceptions were filed on behalf of the Division pursuant to Rule 6 of State Regulation No. 16.

I have examined and evaluated the said Exceptions and find that they have either been considered and correctly resolved in the Hearer's report, or are devoid of merit.

Therefore, having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, the Hearer's report, the Exceptions filed thereto and the Answer to the said Exceptions, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 17th day of February 1976,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Neptune to Big B Incorporated, t/a Neptune Tavern Lounge & Bottle Shop, for premises 27 Atkins Avenue, Neptune, be and the same is hereby suspended for ninety (90) days, commencing 3:00 a.m. on Tuesday, March 2, 1976 and terminating at 3:00 a.m. on Monday, May 31, 1976.

Leonard D. Ronco  
Director

6. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary Proceedings against

Charlo Corporation  
t/a Charlo Lounge  
3 South Michigan Avenue  
Atlantic City, N.J.;

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-202, issued by the Board of Commissioners of the City of Atlantic City; transferred to

Charles P. Davis &  
Barbara Davis  
t/a Charles' Lounge

for the same premises.

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Edwin H. Helfant, Attorney for Charlo Corporation  
Goldenberg & Mackler, Esqs., by Kenneth D. Mackler, Esq.,  
Attorneys for Transferees

BY THE DIRECTOR:

On September 25, 1975, Conclusions and Order were entered herein suspending the subject license for the balance of its term, commencing on October 6, 1975, upon licensee's plea of non vult to a charge alleging that on May 8, 1975 into May 9, 1975, it allowed a female employee to accept alcoholic beverages at the expense of a customer, in violation of Rule 22 of State Regulation No. 20.

This suspension was based in part upon the prior record of similar and serious violations within the past three years.

The attorney for the licensee had made representation that the licensee plans to transfer the license to a bona fide transferee. Thus, in consideration thereof, the said Conclusions and Order further provided that "leave is granted to a bona fide transferee of the license to apply to the Director, by verified petition, for the lifting of the suspension but in no event sooner than sixty days from the date of the commencement of the said suspension."

By verified petition and supplemental petition submitted by the transferees of the said license, it appears that by resolution dated February 6, 1976 of the local issuing authority

of the City of Atlantic City, the said license was transferred from the Charlo Corporation, t/a Charlo Lounge, to Charles P. Davis and Barbara Davis, t/a Charles' Lounge, and that the said Charles P. Davis and Barbara Davis are bona fide transferees. It further appears that the unlawful situation has now been corrected and that the period of suspension has now been served. I shall, therefore, grant the petition requesting the lifting of the suspension, effective immediately.

Accordingly, it is, on this 26th day of February 1976,

ORDERED that the said suspension heretofore imposed in this matter be and the same is hereby lifted, effective immediately.

LEONARD D. RONCO  
DIRECTOR

7. ADVERTISING - ACCEPTANCE OF CREDIT CARDS IN PURCHASE OF ALCOHOLIC BEVERAGES IN LIEU OF CASH PAYMENT, MAY NOW BE ADVERTISED.

Attention: Director

Subject: Advertising Related to the American Express Card

Dear Sir,

It has recently been brought to my attention that the Alcohol Beverage Control Bureau of the State of New Jersey has recently adopted a policy whereby Restaurants or other establishments which accept credit cards and also serve alcoholic beverages are prohibited from making any reference to the acceptance of credit cards in advertising.

Obviously, such a policy is adverse to American Express Company's interests and we would sincerely appreciate your advising us as to the statutory basis for such a policy and as to your reasons for its adoption.

We would sincerely appreciate any information you might offer with respect to clarification of this policy.

Very truly yours,

EDWIN M. COOPERMAN  
Attorney at Law  
American Express Company

Dated: April 6, 1976

American Express Company  
General Counsel's Office  
American Express Plaza  
New York, New York 10004

Attention: Edwin M. Cooperman, Esq.

Gentlemen:

I have your letter of April 6th, stating that it has been brought to your attention that this Division recently adopted a policy whereby restaurants or other establishments which accept credit cards and also serve alcoholic beverages are prohibited from making any reference to the acceptance of credit cards in advertising.

You claim such policy is adverse to American Express Company's interests and would appreciate advising you of the statutory basis for such a policy and our reasons for its adoption.

The Division has not "recently" adopted a policy with respect to credit cards or reference to the acceptance of credit cards in advertising. This policy has been in effect since credit cards were first issuable and utilized by alcoholic beverage licensess. The advertising of credit cards has always been limited to a small dignified sign, emblem or decalcomania attached to the interior of a show window or displayed in some other manner on the interior of licensed premises.

In the past, the Division has prohibited the advertising of the acceptance of credit cards in any media upon the basis that such advertising was deemed to constitute a practice unduly designed to increase the consumption of alcoholic beverages, in violation of Rule 20 of State Regulation No. 20. However, proper control in achieving temperance in the consumption of alcoholic beverages need not be perverted into unreasonable prohibitions. Virtually, all advertisements or promotions by licensees inure to the benefit of their alcoholic beverage business.

What the statute prohibits are practices designed to unduly increase alcoholic beverage consumption and promote intemperance. I do not believe it was the intention of the legislature for the Director to design restrictions which would place obstacles in the paths of licensees engaged in a legitimate business.

Accordingly, I have concluded that today's licensees are making every effort to comply with the statute and the regulations, and I can see no reason why they should not be given the opportunity of advertising the acceptance of credit cards in the same manner engaged in by many other types of businesses.

Thus, retail licensees may advertise in newspapers or other types of media that they accept credit cards in lieu of cash payment for alcoholic beverages.

Very truly yours,

Dated: April 13, 1976

SAMUEL GOLD  
ACTING DIRECTOR

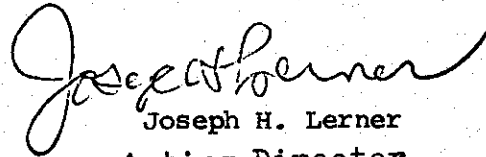
8. STATE LICENSES - NEW APPLICATIONS FILED.

Maidstone Wine & Spirits Inc.  
116 N. Robertson Boulevard  
Los Angeles, California

Application filed April 21, 1976  
for person-to-person transfer of  
Plenary Wholesale License W-23  
from Jules Berman & Associates, Inc.

Dante Wines, Inc.  
423 Jersey Avenue  
New Brunswick, New Jersey

Application filed April 22, 1976  
for place-to-place transfer of  
Wine Wholesale License WW-24 from  
28 Van Dyke Avenue, New Brunswick,  
New Jersey.



Joseph H. Lerner  
Acting Director