

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 1105

APRIL 3, 1956.

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 1105

APRIL 3, 1956.

1. STATE REGULATIONS NO. 34 - WHOLESALE PRICES AND MAXIMUM REBATES, FREE GOODS, ALLOWANCES AND OTHER INDUCEMENTS - REVISED RULES PROMULGATED.

TO ALL MANUFACTURERS AND WHOLESALERS PRIVILEGED TO SELL BEVERAGES OTHER THAN MALT ALCOHOLIC BEVERAGES (V, VL, S, SL, SD, R, W, WL AND WW LICENSEES):

Attached hereto are revised State Regulations No. 34. While the present system of price filings for each quarter-annual period beginning January 1, April 1, July 1 and October 1 is to be continued substantially unchanged, important changes have been made in connection with permissible price reductions in either the second or third month of any quarter-annual period. Former Rule 7a has been completely rewritten and is embodied in new Rules 8 through 10 and former Rules 8 through 12 have been renumbered as Rules 11 through 15. These changes have resulted from a survey conducted by the Division during the past year and are designed not only to clarify the regulations with respect to permissible practices thereunder, but also to prohibit certain practices which had been found to be undesirable.

As was indicated in the release of January 16, 1956, "post-offs" between manufacturer and wholesaler may be accomplished by way of two alternative methods, i.e., either on (1) a depletion basis only, or (2) a purchase price reduction accompanied by a depletion credit, such depletion credit (when so coupled with a purchase price reduction) to be limited to and not to exceed the amount of actual sales to retailers out of inventory on hand at the beginning of the "post-off" month (new Rule 8). "Post-offs" between manufacturer and wholesaler on a purchase price reduction basis only will be eliminated. On the other hand, "post-offs" between wholesaler and retailer will continue to be accomplished on a purchase price reduction basis only (new Rule 9).

Minor changes have been made in Rules 1, 2, 3 and 5 and also in former Rule 8, which has been renumbered as Rule 11.

Attention is directed to the change in the date for the filing of price reductions from manufacturers and wholesalers to wholesalers which will be required to be filed with the Director before the 15th day of the month preceding the month in which the reduction is to be effective (new Rule 8). The last day for filing price reductions from wholesaler to retailer continues to be the 23rd day of the month preceding the month in which the reduction is to be effective (new Rule 9), subdivision (a)). In addition, amended prices to retailers will be available for inspection by wholesalers during regular business hours at the offices of this Division until 4:00 p.m. on the first business day after the last day for filing such amended prices and a wholesaler may amend or further amend his price listing to meet a higher or lower and competing price listing filed by another wholesaler for the same brand name and size so long as such amended or further amended listing does not set forth prices lower than those being met and the specific listing being met is identified in writing.

All manufacturers and wholesalers would do well forthwith to familiarize themselves thoroughly with the provisions of these revised Regulations.

WILLIAM HOWE DAVIS
Director.

Dated: March 12, 1956.

STATE REGULATIONS NO. 34

WHOLESALE PRICES AND MAXIMUM REBATES, FREE GOODS,
ALLOWANCES, AND OTHER INDUCEMENTS.

Rule 1. No manufacturer or wholesaler shall sell to any wholesaler and no wholesaler shall purchase from any manufacturer or wholesaler any alcoholic beverages, other than malt alcoholic beverages, except at the price thereof, less discount, if any, filed with the Director of the Division of Alcoholic Beverage Control by said manufacturer or wholesaler. No manufacturer or wholesaler shall deliver to any retailer and no retailer shall accept delivery from any manufacturer or wholesaler of any alcoholic beverages, other than malt alcoholic beverages, except at the price thereof, less discount, if any, as provided for and as limited by Rule 2 hereof, listed by said manufacturer or wholesaler in the then currently effective quarter-annual Wholesale Price List published by the Director of the Division of Alcoholic Beverage Control, or, during any calendar month when his amended prices are effective, except at his amended price, less discount, if any, established pursuant to the provisions of Rule 9 hereof; provided, however, that nothing contained herein shall apply to the sale of any branded alcoholic beverage sold by its manufacturer or wholesaler exclusively to one New Jersey wholesaler, if such brand and the name of the New Jersey wholesaler are registered with the Director by the supplying manufacturer or wholesaler or to the sale of any branded alcoholic beverage sold by its manufacturer or wholesaler exclusively to one New Jersey retailer, if (1) such brand and the name of the retailer are registered with the Director and (2) the brand has not been delivered by the manufacturer or wholesaler during a period of at least one year previous to another New Jersey retailer.

Rule 2. Manufacturers and wholesalers of alcoholic beverages, other than malt alcoholic beverages, intending to sell such alcoholic beverages to wholesalers or retailers, or both, shall individually file with the Director not later than the twentieth day of February, May, August and November of each year price and discount listings as provided for and as limited in this Rule, containing as to each alcoholic beverage listed (1) its correct brand or trade name, (2) its nature and type, (3) its age and proof or alcoholic content when stated on the label, (4) the number of unit containers per case, (5) the capacity of each unit container, and (6) the wholesale bottle and standard case prices and, at the option of the manufacturer or wholesaler, the one-half and one-quarter standard case prices, which prices shall be individual for each alcoholic beverage and not in combination with any other alcoholic beverage. Said listing may contain a statement of any discount to be allowed; provided, however, that a discount allowed to a retailer shall not exceed two per centum (2%), to be allowed uniformly for payment in cash at or before delivery or within five days thereafter, to be applicable to the total purchase price of a single complete delivery of an entire purchase order. Manufacturers and wholesalers selling to both wholesalers and retailers shall file separate listings of prices and discounts to wholesalers and retailers.

If, after the time for filing price listings as hereinabove provided, a wholesaler desires to sell a brand or size

of an alcoholic beverage not then currently listed by him because not previously available to him, such wholesaler may file with the Director a supplemental price and discount listing for such brand or size in the manner and form hereinabove prescribed. A wholesaler filing such supplemental price listing may not sell such brand or size of alcoholic beverage to any retailer unless (1) the brand and size is listed in the then currently effective Minimum Consumer Resale Price Pamphlet, (2) written approval for such sale has first been obtained from the Director, and (3) such wholesaler has given written notice of such supplemental listing to his retailers. If such brand and size has been listed by another manufacturer or wholesaler for the then current quarter-annual period, approval will not be granted unless the price listed in such supplemental listing is not less than the lowest price listed by such other manufacturer or wholesaler.

Rule 3. Wholesale Price Lists shall be published quarter-annually by the Director, to become successively effective on and after the first day of January, April, July and October of each year and shall list by manufacturer or wholesaler the complete schedule of wholesale prices (stated separately and not in combination with any other beverage, alcoholic or otherwise, or any other merchandise or service) of all alcoholic beverages other than malt alcoholic beverages to be offered for sale and to be sold by each manufacturer and wholesaler to retailers as set forth in price and discount listings previously filed with the Director in accordance with Rule 2 hereof. Said Wholesale Price List shall not include price and discount listings filed with the Director by manufacturers and wholesalers intending to sell such alcoholic beverages to wholesalers.

Rule 4. No wholesaler shall include in his price and discount listing any brand of alcoholic beverages not acquired from the owner of the brand or its supplier authorized by the owner of the brand to supply New Jersey wholesalers, except pursuant to waiver of the provisions of this Rule granted by the Director upon petition setting forth the brand name, the quantity acquired, the source of supply, and such other information with respect thereto as the Director may deem necessary.

Rule 5. Price and discount listings filed with the Director and setting forth wholesale prices to retailers shall be available for inspection during regular business hours at the offices of the Division of Alcoholic Beverage Control by manufacturers and wholesalers until 4:00 p.m. of the third business day after the last day for filing prices. A manufacturer or wholesaler may amend his price and discount listing already filed for any quarter-annual period to meet a higher or lower and competing price and discount listing filed and affecting prices to retailers by another manufacturer or wholesaler with respect to alcoholic beverages of the same brand or trade name and of like age, quality and unit container size; provided, however, that any such amended price and discount listing must be filed before 4:00 p.m. of the fourth business day after the last day for filing prices; and provided, further, that such amended listing does not set forth prices lower and discounts greater than those being met. Any wholesaler filing an amended listing shall, simultaneously therewith and in writing, identify the specific listing being met.

Rule 6. Wholesale Price Lists published by the Director shall be printed in pamphlet form and mailed to all retailers not later than three business days before the effective date of such price lists. All manufacturers and wholesalers who file price and discount listings to retailers shall be chargeable with a proportionate cost of the printing and mailing of the pamphlet so published and mailed.

Rule 7. The Director may, upon adequate cause appearing therefor, suspend the foregoing provisions as to the time of filing price and discount listings, time of publication of Wholesale Price Lists, and time of mailing to retailers, to permit changes in prices and discounts to take effect upon such shorter notice as he may prescribe. Any Wholesale Price List then currently effective may be continued in effect for a period not to exceed thirty days after the scheduled publication date of the next succeeding Wholesale Price List, by announcement of the Director upon his finding that an emergency exists. When a manufacturer or wholesaler is closing out his stock of a particular brand or brands of alcoholic beverages for the purpose of permanently discontinuing any further sale thereof, the Director, upon petition therefor and upon such terms and conditions as he may deem appropriate, may waive the requirements of Rule 1 hereof as to such close-out sale.

Rule 8. (a) Any manufacturer or wholesaler who has filed with the Director prices for alcoholic beverages to be sold to wholesalers may, for the calendar month of February or March, reduce the price listing of any alcoholic beverage theretofore filed by him for the quarter-annual period beginning the first day of January; for the calendar month of May or June, reduce the price listing of any alcoholic beverage theretofore filed by him for the quarter-annual period beginning the first day of April; for the calendar month of August or September, reduce the price listing of any alcoholic beverage theretofore filed by him for the quarter-annual period beginning the first day of July; for the calendar month of November or December, reduce the price listing of any alcoholic beverage theretofore filed by him for the quarter-annual period beginning the first day of October; by complying with the procedure hereinafter set forth in this subdivision (a) and in subdivision (b) of this Rule:

By filing with the Director, on or before the fifteenth day of the month preceding the month in which the reduction is to be effective, in the form prescribed in Rule 2 hereof, an amended price listing for such alcoholic beverage with a statement that the amended price therein is to become effective only for the calendar month immediately following the date of filing thereof. Such manufacturer or wholesaler shall file with the Director, before the twentieth day of the month preceding the month in which the reduction is to be effective, an affidavit that a copy of said amended price listing and statement has been mailed to each wholesaler to whom such manufacturer or wholesaler sold alcoholic beverages during the preceding three months. Upon compliance with the provisions hereinabove set forth and with the provisions of subdivision (b) of this Rule, the listings previously filed with the Director for the then current quarter-annual period shall be deemed amended for the calendar month only in which the amended prices are effective and shall otherwise remain in full force and effect.

(b) Any manufacturer or wholesaler filing such an amended price listing as provided in subdivision (a) of this Rule shall also file with the Director simultaneously therewith a statement that he will grant and, pursuant to said statement, shall grant to each of his wholesale customers a depletion credit or rebate in the same amount as the price reduction filed, as hereinabove provided, for each case of the brand and size of alcoholic beverage, upon which the price listing was reduced, sold by the wholesaler to retailers during the month in which the price reduction is in effect, but such depletion credit or rebate shall be limited to and shall not exceed the prescribed credit or rebate multiplied by the number of cases sold by such wholesaler to retailers out of inventory which the wholesaler had on hand at the beginning of the month in which the reduction is effective.

(c) Any manufacturer or wholesaler, instead of filing an amended price listing as provided in subdivision (a) of this Rule, may file with the Director a statement that he will grant and, pursuant to said statement, shall grant to each of his wholesale customers a depletion credit or rebate (stating the amount) for each case of the brand and size of alcoholic beverage to which said depletion credit or rebate is to be applicable, sold by the wholesaler to retailers during the month in which the depletion credit or rebate is to be in effect.

(d) A manufacturer or wholesaler may not reduce the price of or allow a depletion credit or rebate on the same brand and type of alcoholic beverage in more than one month of any quarter-annual period, regardless of size of container.

(e) No manufacturer or wholesaler shall require a wholesaler to whom a purchase price reduction or depletion credit or rebate is granted as provided in this Rule, to accept any brand, type or size of alcoholic beverage in satisfaction of said purchase price reduction or depletion credit or rebate.

Rule 9. (a) Any wholesaler who has filed with the Director prices for alcoholic beverages to be sold to retailers may, for the calendar month of February or March, reduce the price listing of any alcoholic beverage theretofore filed by him for the quarter-annual period beginning the first day of January; for the calendar month of May or June, reduce the price listing of any alcoholic beverage theretofore filed by him for the quarter-annual period beginning the first day of April; for the calendar month of August or September, reduce the price listing of any alcoholic beverage theretofore filed by him for the quarter-annual period beginning the first day of July; for the calendar month of November or December, reduce the price listing of any alcoholic beverage theretofore filed by him for the quarter-annual period beginning the first day of October; by filing with the Director, on or before the twenty-third day of the month preceding the month in which the reduction is to be effective, in the form prescribed in Rule 2 hereof, an amended price listing for such alcoholic beverage with a statement that the amended price therein is to become effective only for the calendar month immediately following the date of filing thereof, and shall file with the Director, before the first day of said month, an affidavit that a copy of said amended price listing and statement has been mailed to each retailer to whom such wholesaler sold alcoholic beverages during the preceding three months.

(b) Amended price listings filed with the Director pursuant to subdivision (a) of this Rule shall be available for inspection by wholesalers during regular business hours at the offices of the Division of Alcoholic Beverage Control until 4:00 p.m. on the first business day after the last day for filing amended prices. A wholesaler may amend his price listing or may further amend an amended price listing already filed to meet a higher or lower and competing price listing filed by another wholesaler with respect to alcoholic beverages of the same brand or trade name and of like age, quantity and unit container size; provided, however, that any such amended or further amended listing must be filed before 4:00 p.m. on the second business day after the last day for filing amended prices, and provided further, that such amended or further amended listing does not set forth prices lower than those being met. Any wholesaler filing an amended listing shall, simultaneously therewith and in writing, identify the specific listing being met. Upon compliance with the provisions hereinabove set forth, the listings in the currently effective quarter-annual Wholesale Price List shall be deemed amended for the calendar month only in which the amended prices are effective and shall otherwise remain in full force and effect.

(c) A wholesaler may not reduce the price of the same brand and type of alcoholic beverage in more than one month of any quarter-annual period, regardless of size of container.

Rule 10. All alcoholic beverages sold at reduced prices by manufacturers or wholesalers to wholesalers or by wholesalers to retailers, as provided in Rules 8 and 9 hereof, shall be delivered to and received by the wholesaler or retailer, as the case may be, within the month for which the price reduction is effective, except that deliveries at reduced prices pursuant to subdivision (a) of Rule 8 hereof may be made to wholesalers by manufacturers and wholesalers during the seven days immediately preceding the first day of the month for which the reduced prices are to be in effect.

Rule 11. No manufacturer or wholesaler of alcoholic beverages, other than malt alcoholic beverages, shall furnish directly or indirectly to any wholesaler or retailer, and no wholesaler or retailer shall accept directly or indirectly from any manufacturer or wholesaler, any gift, rebate, or allowance of money or any thing of value (whether by sale, loan, gift or otherwise) or other discount or inducement, including free goods, deals, combination sales, and similar merchandising devices, except (1) permissible discounts as and if scheduled by the manufacturer or wholesaler in the manner aforesaid, (2) samples as permitted by Rule 13 hereof and State Regulations No. 21 and (3) depletion credits or rebates as provided by Rule 8 hereof; nor shall any such manufacturer or wholesaler sell or offer to sell to a wholesaler or retailer any particular brand or brands of alcoholic beverages tied in with or contingent upon the wholesaler's or retailer's purchase of, some other beverage, alcoholic or otherwise, or any other merchandise or service.

Rule 12. No manufacturer or wholesaler of alcoholic beverages other than malt alcoholic beverages shall accept from any retailer any return of alcoholic beverages for credit unless such alcoholic beverages were originally delivered to the retailer by the manufacturer or wholesaler not more than thirty days prior to such return, except pursuant to waiver of the provisions of this Rule granted by the Director upon petition setting forth good cause.

Rule 13. Manufacturers and wholesalers of alcoholic beverages other than malt alcoholic beverages shall not give samples of such alcoholic beverages to retailers except pursuant to and within the terms and conditions of a special permit first obtained from the Director, to be issued upon the basis of a petition submitted by such manufacturer or wholesaler.

Rule 14. No manufacturer or wholesaler of alcoholic beverages other than malt alcoholic beverages shall conduct or participate in any promotional contest in connection with the sale or distribution, or any contest promoting the sale or distribution, of alcoholic beverages other than malt alcoholic beverages, or allow, permit or suffer any employee to participate in such contest.

Rule 15. Nothing contained in these Regulations shall be deemed to prohibit manufacturers and wholesalers from purchasing tickets, subscriptions or admissions to dances, outings, picnics and dinners held by, and advertisements in the publications or periodicals of, retailers' bona fide trade associations and organizations only.

Promulgated March 12, 1956.

Effective April 1, 1956.

Filed with the Secretary of State (N.J.) March 12, 1956.

2. STATE REGULATIONS - ADOPTION OF REVISED STATE REGULATIONS NO. 1 - PROVISION INCLUDED THEREIN FOR THE FORM OF ADVERTISING NOTICE OF APPLICATION FOR A BROKER'S LICENSE.

TO ALL STATE LICENSEES:

Revised State Regulations No. 1, a copy of which is attached hereto, have been promulgated to become effective April 1, 1956.

New Jersey Revised Statutes 33:1-14, as amended by Chapter 101 of the Laws of 1955 which became effective on June 28, 1955, provides for the issuance of a Broker's license by the State Director and application for this type of license must be advertised in a form prescribed by the Director pursuant to New Jersey Revised Statutes 33:1-25. Accordingly, it has been necessary to include in the revised State Regulations No. 1 a provision and a prescribed form for the advertising of the Notice of Application for a Broker's license.

It should be noted that, as heretofore, applicants for transportation, public warehouse or warehouse receipts licenses are not required by law to advertise Notices of Applications for such types of licenses. See Rule 16 of revised Regulations No. 1.

WILLIAM HOWE DAVIS
Director.

Dated: March 16, 1956.

STATE REGULATIONS NO. 1

ADVERTISING NOTICE OF APPLICATION FOR STATE LICENSE

Rule 1. Application for license must be filed with the Director at or before the first insertion of advertisement on forms promulgated by the Director.

Rule 2. If an applicant for a Manufacturer's or Wholesaler's or Broker's license is a corporation, insert at the asterisk (*), in the following forms, the names and residences of all officers and all directors who have no other named office, and the names and residences of all stockholders holding more than ten per centum (10%) of any of the stock of said corporation. If the applicant is a partnership, insert at the asterisk (*), in the following forms, the names and residences of all partners.

Rule 3. If the application is for a building not yet constructed, also insert at the asterisk (*) "Plans and specifications of building to be constructed may be examined at the office of the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, New Jersey." Such plans and specifications shall accompany the application.

Rule 4. Applicants for Manufacturer's license shall publish Notice of Application in the following form:

Manufacturer's Form

Take notice that _____
(Name of Applicant)

trading as _____
(Trade name, if any)

has applied to the Director of the Division of Alcoholic Beverage Control for a _____ license for the
(Type of License)

premises situated at _____
(No.) (Street) (City)

and to maintain a warehouse at _____
(No.) (Street)

(City)

*

Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

(Name of Applicant)

(Address of Applicant)

Rule 5. Applicants for Wholesaler's license shall publish Notice of Application in the following form:

Wholesaler's Form

Take notice that _____
 (Name of Applicant)

trading as _____
 (Trade Name, if any)

has applied to the Director of the Division of Alcoholic Beverage Control for a _____ license for the
 (Type of License)

premises situated at _____
 (No.) (Street) (City)

and to maintain a warehouse at _____
 (No.) (Street)

_____ and to maintain a salesroom
 (City)

at _____
 (No.) (Street) (City)

*

Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

 (Name of Applicant)

 (Address of Applicant)

Rule 6. Applicants for Plenary Retail Transit license for railroad dining and club cars shall publish Notice of Application in the following form:

Railroad Form

Take notice that _____
 (Name of Applicant)

has applied to the Director of the Division of Alcoholic Beverage Control for a Plenary Retail Transit license to sell alcoholic beverages for consumption only in dining and club cars while in transit and operated within the State of New Jersey.

Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

 (Name of Applicant)

 (Address of Applicant)

Rule 7. Applicants for Plenary Retail Transit license for all airplanes shall publish Notice of Application in the following form:

Airplane Form

Take notice that

(Name of Applicant)

has applied to the Director of the Division of Alcoholic Beverage Control for a Plenary Retail Transit license to sell alcoholic beverages for consumption only on airplanes while in transit within the State of New Jersey.

Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

(Name of Applicant)

(Address of Applicant)

Rule 8. Applicants for Plenary Retail Transit license for a boat shall publish Notice of Application in the following form:

Boat Form

Take notice that

(Name of Applicant)

has applied to the Director of the Division of Alcoholic Beverage Control for a Plenary Retail Transit license to sell alcoholic beverages for consumption only on the boat named _____ while in transit within

(Name of Boat)

the State of New Jersey.

Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

(Name of Applicant)

(Address of Applicant)

Rule 9. Applicants for Broker's license shall publish Notice of Application in the following form:

Broker's Form

Take notice that

(Name of Applicant)

trading as

(Trade name, if any)

has applied to the Director of the Division of Alcoholic Beverage Control for a Broker's license for the premises situated at

(No.)

(Street)

(City)

*

Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

(Name of Applicant)

(Address of Applicant)

Rule 10. Where the premises sought to be licensed are located in the State of New Jersey, the Notice of Application shall be published once a week for two weeks successively in a newspaper printed in the English language, published and circulated in each municipality in which said premises or any portion thereof, e.g., office, warehouse, salesroom, are located. If, however, there shall be no such newspaper, then such notice shall be published in a newspaper printed in the English language, published and circulated in the county or counties in which the licensed premises or any portion thereof are located.

Rule 11. Where applicant does not maintain any licensed premises in the State of New Jersey, Notice of Application shall be published in the manner above described in the municipality wherein the duly authorized agent within the State upon whom service of process may be made, is located. If applicant is a corporation authorized to do business in New Jersey, said agent may be the registered agent.

Rule 12. The Director, immediately upon receipt of a written objection duly signed by an objector, will afford a hearing to all parties and forthwith notify the applicant and the objector of the date, hour and place thereof.

Rule 13. The date fixed for such hearing will be not less than two (2) days after the second insertion shall have been published, nor more than seven (7) days. For good cause, however, the Director in the exercise of sound and fair discretion may fix a date for hearing later than said seven (7) days or may adjourn the hearing.

Rule 14. No hearing need be held if no objection shall be lodged, or if the Director, after the requisite statutory investigation, shall have determined not to issue a license to such applicant.

Rule 15. Proof of publication of Notice of Application for a license shall be furnished forthwith upon second publication thereof and shall be substantially in the following form:

STATE OF NEW JERSEY

ss.

COUNTY OF _____

_____, of full age, being
duly sworn according to law, on his oath says:

That he is a _____, employed by

_____, which is a newspaper
(Name of newspaper)

printed in the English language, published and circulated in _____; that a Notice of Application, of which the annexed notice is a true copy, was published once a week for two (2) weeks successively in the said _____; and that the first insertion was on the _____ day of _____, 19____, and that the second insertion was on the _____ day of _____, 19____, making two (2) insertions in all.

(Signature of affiant)

Sworn to and subscribed before me this _____ day of _____, 19____.

(Signature of officer administering oath)

(Title of such officer)

Rule 16. Applicants for transportation, public warehouse or warehouse receipts licenses are not required to advertise Notice of Application.

Promulgated March 16, 1956.

Effective April 1, 1956.

Filed with the Secretary of State (N. J.) March 16, 1956.

3. STATE REGULATIONS - ADOPTION OF REVISED STATE REGULATIONS NO. 4 - ISSUANCE OF AND TRANSFER BY THE DIRECTOR OF MUNICIPAL RETAIL LICENSES - PAYMENT OF LICENSE FEE DIRECTLY TO MUNICIPALITY INSTEAD OF TO THE STATE DIRECTOR AS HERETOFORE.

TO MUNICIPAL CLERKS AND MUNICIPAL BOARDS OF ALCOHOLIC BEVERAGE CONTROL:

Revised State Regulations No. 4, a copy of which is attached hereto, have been promulgated to become effective April 1, 1956.

The foregoing revised regulations do not, of course, change the substance of the law (Revised Statutes 33:1-20) requiring applications for licenses to be filed with the State Director where any member of the local issuing authority is an applicant for the license or is a member of a corporation or organization applying for the license.

The revised regulations change the existing procedure whereby the foregoing class of applicants was required to pay the fee to this Division. After April 1, 1956, the license fee must be paid directly to the municipality instead of to the Division, and proof that the requisite fee has been paid to the municipality must be submitted to this office.

Applicants filing with the State Director for issuance or renewal of their licenses are also required to submit supplemental forms (designated as forms A-11) with a fee of \$10.00 in cash, money order or certified check drawn to the order of Division of Alcoholic Beverage Control. An appropriate certification will be included in these forms for the signature of the municipal official charged with the collection of the municipal license fee setting forth that the applicant named in the supplemental form has paid his municipal license fee.

WILLIAM HOWE DAVIS
Director.

Dated: March 16, 1956

STATE REGULATIONS NO. 4

ISSUANCE OF AND TRANSFER OF MUNICIPAL RETAIL LICENSES
BY THE DIRECTOR

Rule 1. No municipal issuing authority may issue a license to, or transfer a license to or from, any of its members or any corporation, organization, or association in which any of its members is interested directly or indirectly. No municipal issuing authority may transfer, to other premises, a license of any of its members or of any corporation, organization or association in which any of its members is interested directly or indirectly. In such circumstances, application must be made to the Director of the Division of Alcoholic Beverage Control.

Rule 2. Application to the Director shall be made upon the same prescribed application forms as are used in all applications for municipal licenses (copies are obtainable from the clerk of the municipality wherein the premises sought to be licensed are situated). The application shall be fully executed and submitted in duplicate.

Rule 3. Where application is made for a new license or for renewal of a license, there shall also be submitted supplemental application forms (copies may be obtained from the Director), fully executed in duplicate and accompanied by (1) fee of Ten Dollars (\$10.00) in cash, money order or certified check drawn to the order of Division of Alcoholic Beverage Control and (2) a certification from the municipal clerk or other responsible municipal official stating that the license or renewal fee has been paid and the amount of such fee.

Rule 4. Applications for transfers of licenses to other persons shall be accompanied by a fee of ten per centum (10%) of the full annual or term license fee for said license, which fee shall be paid in cash, money order or certified check drawn to the order of Division of Alcoholic Beverage Control and retained by the Director whether or not the transfer is granted, and accounted for as are other license fees.

Rule 5. Applications for transfer of licenses to other premises shall be accompanied by a fee of Five Dollars (\$5.00), which fee shall be paid in cash, money order or certified check drawn to the order of Division of Alcoholic Beverage Control and retained by the Director whether or not the transfer is granted, and accounted for as are other license fees.

Rule 6. Transfers of licenses both as to person and place may be applied for simultaneously and in a single application. Where there is such a combined transfer application, the applicant may not obtain a person-to-person transfer of the license if the place-to-place transfer thereof is denied.

Rule 7. There shall also be submitted a certified copy of resolution adopted by the issuing authority of the municipality wherein the premises sought to be licensed are situated, setting forth that said issuing authority has no objection to the issuance (or the transfer, as the case may be) of the license applied for and consents thereto and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the issuance (or the transfer, as the case may be) of the license.

Rule 8. Where application is made for club license, a list containing the names and addresses of all members as of the date of filing the application, shall be submitted together with the application. The charter or articles of association of the club shall also be presented for inspection or certified copy of the same submitted with the application.

Rule 9. The rules applicable to advertising Notice of Application for municipal license or the transfer thereof (State Regulations No. 2 and No. 6) shall apply when application is made to the Director. However, the Notice of Application, as published, shall state that such application has been made, and objections, if any, should be addressed, to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark, 2, N. J.

Rule 10. If the application for new or renewal license is denied for any reason whatsoever or withdrawn, statutory refund of ninety per centum (90%) of the fee deposited with the municipality shall be made by said municipality to the applicant. The remaining ten per centum (10%) shall be deemed an investigation fee and shall be retained by the municipality. The Ten Dollar (\$10.00) fee accompanying the supplemental application shall be retained by the Director.

Rule 11. If the application is granted, the license fee shall be prorated from the effective date of the license and where the amount deposited exceeds the prorated license fee, the applicant shall be entitled to a refund of the excess.

Rule 12. If application for transfer of license from person-to-person or place-to-place is denied for any reason whatsoever or withdrawn, the transfer fee or fees shall be retained by the Director.

Rule 13. No license shall be issued or transferred until at least two whole days shall have elapsed after the second publication of the Notice of Application, not counting the day upon which such publication is made.

DATED: March 16, 1956

EFFECTIVE: April 1, 1956

Filed with the Secretary of State of New Jersey: March 16, 1956

4. STATE REGULATIONS - ADOPTION OF REVISED STATE REGULATIONS NO. 12 - IDENTIFICATION OF STATE LICENSEES AND THEIR EMPLOYEES - STATEMENTS AND QUESTIONNAIRES NO LONGER REQUIRED TO BE FILED WITH STATE DIRECTOR EXCEPT IN CASES OF CRIMINAL CONVICTIONS - QUESTIONNAIRES NOW REQUIRED TO BE MAINTAINED ON LICENSED PREMISES AVAILABLE FOR INSPECTION.

TO ALL STATE LICENSEES:

Revised State Regulations No. 12, a copy of which is attached, have been promulgated to become effective April 1, 1956.

State licensees have heretofore been required to file statements at each renewal period listing all persons connected with their alcoholic beverage businesses in this state. They have been required to give this Division written notification when any person listed in the statement severed his connection with the licensee and have also been required to give this Division written notification when any person entered the employ of the licensee or otherwise became connected with the licensee's alcoholic beverage business in this state. Furthermore, State licensees were required to obtain individual questionnaires from such persons and to forward their questionnaires to this Division.

Experience has shown that the administrative functions of this Division and operational burdens of the licensees may be eased without weakening the purposes of the Regulations. Accordingly, under revised Regulations No. 12, State licensees will not be required to file statements listing their personnel.

The requirement for filing individual questionnaires with this Division will also be eliminated after April 1, 1956. Although such licensees must continue to obtain questionnaires in those instances where they had not previously filed questionnaires listing their personnel with this Division, such questionnaires will be kept by the licensees upon their licensed premises. The sole exception under the revised Regulations will be when a questionnaire discloses a criminal conviction, in which event such questionnaire must be submitted to the State Director immediately.

State licensees who have questionnaires on file with this Division from persons who are employed or connected with their licensed business on April 1, 1956 need not obtain new questionnaires for such persons. However, in the event such a person terminates his employment or business connection with the licensee after that date and is subsequently rehired or resumes his business connection, the licensee must then obtain a new questionnaire for retention upon the licensed premises.

Dated: March 16, 1956.

William Howe Davis
Director.

STATE REGULATIONS NO. 12

IDENTIFICATION OF STATE LICENSEES AND THEIR EMPLOYEES

Rule 1. Every person who, individually or as a member of a partnership, holds a manufacturer's, wholesaler's, public warehouse, warehouse receipts, broker's or transportation license (except railroad carriers, but not excepting their affiliated or subsidiary transportation companies engaged in transporting alcoholic beverages) and every person who is an officer, director or holder of more than ten per centum (10%) of the stock of a corporation holding any such license, shall execute a questionnaire, in a form prescribed by the Director, and signed and sworn to by such person.

Rule 2. Every person employed by or connected in any capacity whatsoever with the alcoholic beverage business conducted in this State by the holder of any license specified in Rule 1 hereof shall execute a questionnaire, in a form prescribed by the Director, and signed and sworn to by such person; provided, however, that this Rule shall not apply to:

- (a) Any person holding a Solicitor's permit or an Employment Permit issued by the Director;
- (b) Any person whose employment does not exceed ten (10) successive working days;
- (c) Stenographers, telephone operators, clerks, office boys and other employees who do not handle any alcoholic beverages and have no voice in the conduct of the licensee's alcoholic beverage business in this State;
- (d) A non-resident banker or other creditor who has loaned money to a licensed corporation and who becomes a director thereof but has no active interest in the conduct of the corporation's business in this State;
- (e) Any person whose only connection with a licensed foreign corporation is that of resident agent, designated by a certificate filed with the Secretary of State.

Rule 3. Each questionnaire shall have attached thereto one (1) passport-type photograph, two (2) inches by two (2) inches, of the person therein described, which photograph shall have been taken not more than thirty (30) days prior to the execution of the questionnaire.

Rule 4. Except as provided in Rule 5 hereof, all questionnaires executed on or after April 1, 1956 shall be kept upon the licensed premises, available for inspection by the Director, his deputies, inspectors, investigators and agents.

Rule 5. Whenever a questionnaire shall disclose that the person described therein has been convicted of any crime, the licensee shall immediately submit such questionnaire to the Director.

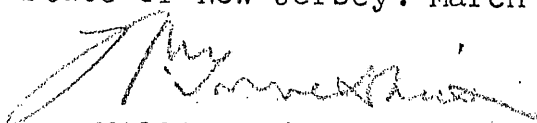
Rule 6. No licensee specified in Rule 1 hereof shall employ or have connected in any business capacity whatsoever with such licensee any person who is required by these Regulations to execute a questionnaire and who has failed, neglected or refused to do so.

Dated: March 16, 1956.

Effective: April 1, 1956.

Filed with the Secretary of State of New Jersey: March 16, 1956.

New Jersey State Library


William Howe Davis
Director.