STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1270 APRIL 9, 1959

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ITEM

STATE OF NEW JERSEY
Department of Law and Public Safety
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1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1270 April 9, 1959.

1. STATE REGULATION NO. 30 - AMENDED

TO ALL MANUFACTURERS, WHOLESALERS AND RETAILERS:

On August 1, 1958, an announcement was made of a proposed amendment to State Regulation No. 30 to require the filing of minimum consumer resale prices for private label and exclusive brand alcoholic beverages. It was anticipated that the first filing date would be January 20, 1959 to be effective April 1, 1959.

Thereafter, on December 8, 1958, I announced that, since certain procedural matters remained to be finally determined, the final text of the proposed amendment had not yet been approved and it had been decided to defer the effective date of the proposed amendment for at least ninety days. The remaining work has been completed, and State Regulation No. 30 has now been amended, effective April 1, 1959.

While the principal change consists of the provisions requiring the filing of schedules of minimum consumer resale prices and labels for private label brands owned by a retailer and exclusive brands owned by a manufacturer or wholesaler and offered for sale or sold by such manufacturer or wholesaler exclusively to one New Jersey retailer, there are some provisions, especially Rules 1 and 3, which affect manufacturers and wholesalers filing minimum consumer resale prices for brands of alcoholic beverages sold to more than one New Jersey retailer.

All manufacturers, wholesalers and retailers should read most carefully the entire text of the amended regulation.

PRIVATE LABEL BRANDS AND EXCLUSIVE BRANDS

With respect to private label brands and exclusive brands, attention is specially directed to the following:

1. On and after July 1, 1959, no private label brand or exclusive brand of any type of alcoholic beverage may be sold at wholesale or retail, unless a schedule of minimum consumer resale prices and specimen labels have been filed with the Director on or before June 20, 1959. Thereafter, schedules of minimum consumer resale prices for such private label brands and exclusive brands shall be filed quarterly on the 20th day of September, December, March and June of each year to become effective on the 1st day of October, January, April and July of each year.

2. After July 1, 1959, new private label brands or exclusive brands may be filed not later than the 20th day of any month to become effective on the 1st day of the following month for the balance of the then current quarter-annual period.

3. Schedules of minimum consumer resale prices for private label brands and exclusive brands will remain on file with the Director and a copy of such schedule will be kept on the retail licensed premises during the period when such schedule is in effect but will not be published in the Minimum Consumer Resale Price Pamphlet.

4. The schedules of minimum consumer resale prices for such private label brands and exclusive brands are to be filed by the manufacturer or wholesaler who owns such brand or by an authorized agent of the manufacturer or wholesaler, or, in the case of private label brands, by the manufacturer or wholesaler supplying such private label brand to the retailer or by any wholesaler having authority, in writing, from the retailer owning such private label brand, except where the brand is imported by the retailer under a special permit issued by the Director, in which case the retailer shall file the schedule.

5. New labels for a brand already filed must be filed with the Director forthwith.

6. Private label brands and exclusive brands other than malt alcoholic beverages may be price advertised as heretofore but only at the price filed with the Director and must be stated to be such private label brand or exclusive brand.

7. No private label brand or exclusive brand of alcoholic beverage may be sold or advertised for sale unless the price filed with the Director is exhibited on the retail licensed premises (a) on the container, or (b) on the shelf or other place where the container is displayed, or (c) is posted on a placard displayed on the licensed premises so as to be easily read in letters and numerals not smaller than three-eighths of an inch (3/8") in any direction, and such placard shall not be visible from the exterior of the licensed premises.

8. Instructions for filing prices and labels will be issued in the near future and, thereafter, will be sent quarterly to each filing manufacturer and wholesaler together with the notices and instructions for price filings for the Minimum Consumer Resale Price Pamphlet.

BRANDS SOLD TO MORE THAN ONE NEW JERSEY RETAILER

Manufacturers and wholesalers selling or offering for sale brands of alcoholic beverages to more than one New Jersey retailer shall continue to file schedules of minimum consumer resale prices as heretofore. However, a requirement for the filing of labels for such brands, heretofore required by ruling, has been incorporated in Rule 1.

The requirement that manufacturers and wholesalers whose minimum consumer resale price listings are included in the pamphlet shall be chargeable with the proportionate cost of the printing and mailing of the pamphlet so published and mailed has been continued, but Rule 3 has been amended to require such payment to be made within 60 days after the effective date of the prices listed in the pamphlet. Failure by any manufacturer or wholesaler to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings from any such manufacturer or wholesaler while such proportionate cost remains unpaid.

William Howe Davis
Director.

State Regulation No. 30 is amended to read as follows:

STATE REGULATION NO. 30

Minimum Consumer Resale Prices of Alcoholic Beverages

Rule 1. No licensee shall sell or offer for sale or deliver, at wholesale or retail, any alcoholic beverage, including private label brands owned by a retailer and exclusive brands owned by a manufacturer or wholesaler and offered for sale or sold by such manufacturer or wholesaler exclusively to one New Jersey retailer, unless a schedule of minimum consumer resale prices and labels for each brand of alcoholic beverages shall first have been filed with the Director of the Division of Alcoholic Beverage Control for each quarter-annual period designated in Rule 3 hereof, by (1) the manufacturer or wholesaler who owns such brand, or (2) a wholesaler selling such brand who is appointed as exclusive agent by the brand owner for the purpose of filing such schedule, or (3) any wholesaler with the approval of the Director in the event that the owner of such brand does not file or is unable to file a schedule or designate an agent for such purposes, or (4), in the case of private label brands, by the manufacturer or wholesaler supplying such private label brand to the retailer or by any wholesaler having authority, in writing, from the retailer owning such private label brand, except where the alcoholic beverages are imported by the retailer under a special permit issued by the Director, in which case the retailer shall file the schedule of minimum consumer resale prices and the labels.

A schedule of minimum consumer resale prices required to be filed for malt alcoholic beverages shall be filed separately for each recognized trading area established by Rule 8 hereof where it is to be sold or offered for sale.

Manufacturers and wholesalers intending to sell private label brands or exclusive brands of alcoholic beverages to retailers shall accompany such filings with the name and address of the retailer to whom such alcoholic beverages are to be sold. Except for special cause shown, in writing, to the Director, no brand of alcoholic beverage which has been sold exclusively to one New Jersey retailer may be sold to any other New Jersey retailer or be listed for sale or sold to more than one New Jersey retailer unless the brand has not been delivered by the manufacturer or any wholesaler to such exclusive New Jersey retailer during a period of at least one year previously and no brand of alcoholic beverage which has been listed for sale or sold to more than one New Jersey retailer may be listed for sale or sold to one New Jersey retailer exclusively unless the brand has not been delivered by the manufacturer or any wholesaler to another New Jersey retailer during a period of one year previously.

Rule 2. Schedules of minimum consumer resale prices required to be filed with the Director shall be filed in form to be prescribed by the Director.

Schedules for brands of alcoholic beverages to be sold or offered for sale to more than one New Jersey retailer shall be filed not later than the 20th day of February, May, August and November of each year, to become effective on and after the 1st day of the succeeding April, July, October and January of each year.

Schedules for brands of alcoholic beverages to be sold or offered for sale exclusively to one New Jersey retailer shall be filed not later than the 20th day of March, June, September and December of each year, to become effective on and after the 1st day of April, July, October and January of each year, but schedules for new brands to be so sold or offered for sale may be filed not later than the 20th day of any month to become effective on the 1st day of the following month. A true copy of all such schedules shall be kept upon the retailer's licensed premises during the period when such schedule is in effect available for inspection by agents of the Director.

Rule 3. Minimum Consumer Resale Price Lists shall be published quarter-annually by the Director, to become successively effective on and after the 1st day of January, April, July and October of each year, and shall list by type and brand name the minimum consumer resale prices of alcoholic beverages listed with the Director by manufacturers and wholesalers in accordance with Rule 1 hereof; provided, however, that nothing contained herein shall require the printing and publication of schedules of minimum consumer resale prices for any brand of alcoholic beverages offered for sale or sold by its manufacturer or wholesaler exclusively to one New Jersey retailer. The Minimum Consumer Resale Price Lists shall be printed in pamphlet form and mailed to all New Jersey retailers not later than three (3) business days before the effective date of such price lists. All manufacturers and wholesalers whose minimum consumer resale price listings are included in the pamphlet shall be chargeable with a proportionate cost of the printing and mailing of the pamphlet so published and mailed which shall be paid by such manufacturer or wholesaler within sixty (60) days after the effective date of the prices listed in the pamphlet. Failure by any manufacturer or wholesaler to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings from such manufacturer or wholesaler while such proportionate cost remains unpaid.

Rule 4. The Director may, upon adequate cause appearing therefor, suspend or defer the foregoing provisions as to the time of filing minimum consumer resale price listings, time of publication of Minimum Consumer Resale Price Lists, and time of mailing to retailers, to permit changes in minimum consumer resale prices to take effect upon such shorter or longer notice as he may prescribe. Any Minimum Consumer Resale Price List and any minimum consumer resale price of a private label brand or exclusive brand then currently effective may be continued in effect after the scheduled publication date of the next succeeding Minimum Consumer Resale Price List or, in the case of private label brands and exclusive brands, after the scheduled effective date of the next succeeding minimum consumer resale price filing for such brands, by announcement of the Director upon his finding that an emergency exists.

Rule 5. No licensee shall sell or offer to sell or advertise for sale at retail, directly or indirectly, any alcoholic beverage, the price of which has been filed with the Director at less than its filed price; provided, however, that a special permit so to do may be granted by the Director for special cause shown pursuant to Rule 7 hereof. In the case of malt alcoholic beverages, the prohibitions of this Rule shall apply to each of the trading areas established by Rule 8 hereof and the sale shall be deemed to have been made at the place of delivery.

Rule 6. (a) No licensee shall advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, the retail price of any alcoholic beverage, other than malt alcoholic beverages, not listed in the then currently effective Minimum Consumer Resale Price List published by the Director; provided, however, that nothing herein contained shall prohibit such price advertising at the price filed with the Director, of a private label brand or exclusive brand of alcoholic beverage, other than malt alcoholic beverages, confined to, or owned, controlled or distributed by a single retailer, and stated to be such in the advertisement.

(b) No licensee shall advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, the retail price of any malt alcoholic beverage whether or not listed in such Minimum Consumer Resale Price List.

(c) No licensee shall sell or advertise for sale at retail, any private label brand or exclusive brand of alcoholic beverages, unless the price thereof filed with the Director is exhibited on the container or on the shelf or such other place where the container is displayed, or is posted on a placard displayed upon the licensed premises in such a place and manner as to be easily read by all persons visiting such premises, in letters and numerals not smaller than three-eighths of an inch (3/8") in any direction; provided, however, that no such placard shall be visible from the exterior of the licensed premises.

Rule 7. Application by a licensee privileged to sell alcoholic beverages at retail for a special permit authorizing the sale of any particular item, the price of which has been filed with the Director as hereinabove required, at less than such filed price will be entertained by the Director in the following situations: (a) where the item was actually possessed by the licensee prior to the initial listing of the item in the Minimum Consumer Resale Price List or, in the case of private label brands and exclusive brands, where the item was actually possessed by the licensee prior to the initial filing with the Director; (b) where the licensee is actually and permanently closing out his stock for the purpose of completely discontinuing sale of such item; (c) where the item is damaged or deteriorated in quality and notice is given to the public thereof; and (d) where sale of the item is by an officer acting under order of any court.

Rule 8. The recognized trading areas for malt alcoholic beverages shall be known as Area A and Area B, respectively, and shall be as follows:

Area A consists of the counties of Bergen, Burlington (except the Township of Maple Shade), Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren.

Area B consists of the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester, Salem and the Township of Maple Shade in the County of Burlington.

Promulgated Monday, March 16, 1959.
Effective Wednesday, April 1, 1959.
Filed with the Secretary of State (N.J.) Monday, March 16, 1959.

2. STATE REGULATION NO. 34 - RULE 6 AMENDED

TO ALL MANUFACTURERS AND WHOLESALERS:

The requirement that manufacturers and wholesalers whose prices to retailers are included in the pamphlet containing the Wholesale Price List shall be chargeable with the proportionate cost of the printing and mailing of the pamphlet so published and mailed has been continued, but Rule 6 has been amended to require such payment to be made within 60 days after the effective date of the prices listed in the pamphlet. Failure by any manufacturer or wholesaler to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings from any such manufacturer or wholesaler while such proportionate cost remains unpaid.

Revised Rule 6 of State Regulation No. 34 is as follows:

STATE REGULATION NO. 34

Rule 6. Wholesale Price Lists published by the Director shall be printed in pamphlet form and mailed to all retailers not later than three (3) 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 which shall be paid by such manufacturer or wholesaler within sixty (60) days after the effective date of the prices listed in the pamphlet. Failure by any manufacturer or wholesaler to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings from such manufacturer or wholesaler while such proportionate cost remains unpaid.

Promulgated Monday, March 16, 1959.
Effective Wednesday, April 1, 1959.
Filed with the Secretary of State (N.J.) Monday, March 16, 1959.

3. ILLICIT ALCOHOLIC BEVERAGES - REFILLING WITH SAME BRAND CONSTITUTES UNLAWFUL BOTTLING - WARNING TO LICENSEES.

NOTICE TO ALL CONSUMPTION AND CLUB LICENSEES:

Recent investigation has disclosed that some licensees have been refilling quart bottles from half-gallon bottles of the same brand of alcoholic beverages, either for convenience in pouring drinks or to take advantage of the lower cost of the half-gallon as opposed to the quart.

Investigation also indicates that some solicitors are actively promoting the sale of half-gallons rather than quarts by representing to retailers either that such refilling is legal or that it cannot be detected.

In fact, all refilling, even with the same brand, is unlawful since it constitutes bottling without license, which is declared by the Alcoholic Beverage Law to be a misdemeanor, and cause not only for suspension or revocation of license, but also for arrest, fine and imprisonment, and seizure and forfeiture of all personal property and equipment in the place where such unlawfully bottled alcoholic beverage is found.

Furthermore, by recently improved techniques used in liquor gauging inspections, such refilling can be detected by our inspectors.

The penalties for refilling are heavy. Wise licensees will immediately discontinue the practice if they have been misled into engaging in it. Foolish licensees who persist in the practice will inevitably pay the price of their folly.

WILLIAM HOWE DAVIS
Director.

Dated: March 24, 1959.

4. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF TAXPAID ALCOHOLIC BEVERAGES - MOTOR VEHICLE RETURNED UPON APPLICATION IN ADVANCE OF STATUTORY HEARING FOR LACK OF CAUSE FOR FORFEITURE.

In the Matter of the Seizure on January 21, 1959 of five cases of whiskey and a Cadillac coupe at the intersection of South Orange and Springfield Avenues, in the City of Newark, County of Essex and State of New Jersey.	Case No. 9879 APPLICATION FOR RETURN OF SEIZED PROPERTY IN ADVANCE OF STATUTORY HEARING CONCLUSIONS AND ORDER

Leroy J. D'Aloia, Esq., Attorney for Anthony James Bentley.

BY THE DIRECTOR:

A petition has been filed, pursuant to Rule 1 of State Regulation No. 28, by Anthony James Bentley for return of his Cadillac coupe seized in this case, on the allegation that irreparable injury would result from awaiting a scheduled statutory hearing. Cf. Re Seizure Case No. 9616, Bulletin 1206, Item 6.

The petition sets forth that assuming the accuracy of the facts as they appear in the reports of the ABC agents in

the file, the motor vehicle is not properly subject to forfeiture under the pertinent provisions of R. S. 33:1-66.

It appears from such reports that two ABC agents, investigating a specific complaint that Bentley sold alcoholic beverages without a license and delivered such alcoholic beverages in his Cadillac automobile, became acquainted with Bentley, who, during the course of conversations with such agents, represented that he was in a position to obtain alcoholic beverages at less than the established retail price. Thereupon the agents developed such acquaintanceship to the point where Bentley agreed to obtain alcoholic beverages for them at such lesser price. The agents arranged to accompany him on January 21, 1959 to a retailer for that purpose.

Accordingly, on that date the two agents and Bentley, in the latter's car, arrived at the retailer's premises. En route Bentley received $235.00 in cash from the agents to be used in making the purchase. They encountered some delay in making the purchase because the retailer did not have the requested five cases of whiskey on hand and called his wholesaler for immediate delivery thereof. After observing such delivery, the ABC agents and Bentley entered the retailer's premises. The retailer told them that the whiskey was now available. Bentley asked the retailer the price of the whiskey and the retailer told him $233.75 (the correct price less permissible discount was $282.15). Bentley, in payment, gave the retailer the money which he had received from the agents. Bentley and the agents carried the five cases of whiskey from the licensed premises and placed them in Bentley's car. The agents ostensibly were to deliver the whiskey to another person or persons, for a higher price under a vague arrangement to pay Bentley some indefinite part of the proposed profits. Bentley proceeded to drive away with the agents as passengers and was halted within a short distance by another agent. The agents then disclosed their identity.

At this point the agents had incidentally developed an apparent violation by the retailer of State Regulation No. 30 prohibiting the sale of alcoholic beverages at less than the Division's Minimum Consumer Resale Price List. They were required to take into their possession the evidence of that or any other apparent violation of the Alcoholic Beverage Law.

Accordingly, the agents returned to the retailer's premises, regained possession of the $233.75 paid for the whiskey ($200.00 of which was in marked money) and obtained possession of a slip of paper on which such purchase price was noted. They also retained possession of the five cases of whiskey and in addition seized Bentley's motor vehicle pending the Director's determination as to whether it was subject to forfeiture. They arrested Bentley because he had actually transported alcoholic beverages without a requisite license or permit and in excess of the quantity permitted to be transported by an unlicensed transporter for personal consumption only. R. S. 33:1-2.

This is a case of novel impression and must be resolved by the application of the pertinent legal principles. It is, of course, reprehensible for Bentley, who does not hold any license to deal in alcoholic beverages, to interest himself in the sale and purchase of alcoholic beverages (for profit, large or small), whether as buyer and seller, or as

a broker arranging the sale of alcoholic beverages by a licensee to some other person. Nevertheless, he should be penalized therefor only to the extent provided for by law.

I am now called upon to determine the single question whether the Cadillac coupe was used by Bentley to transport alcoholic beverages in violation of the law, and thus subject his vehicle to forfeiture. I cannot in good conscience and fairness make such a finding. Realistically, Bentley was transporting the alcoholic beverages for the agents, at their request, express or implied, for the purpose of delivery to the Division for storage as evidence, although pretending otherwise to Bentley. In that respect it was as if the agents had hired a taxicab or placed the whiskey in their car. Although Bentley's car was not a taxicab and he was engaged in unlawful alcoholic beverage activities, the controlling factor is that he was the alter ego of the agents in so far as the transportation was concerned.

I am therefore impelled to direct the return of the Cadillac coupe to Anthony James Bentley upon payment of the costs of the seizure and storage. Cf. Seizure Case No. 8658.

Whether or not Bentley is responsible in criminal proceedings because technically he was transporting alcoholic beverages without a license, and not for his personal use, is a matter for determination by the law enforcement authorities of the county and upon which no opinion is expressed.

Accordingly, it is DETERMINED and ORDERED that if on or before the 27th day of February, 1959, Anthony James Bentley pays the costs incurred in the seizure and storage of the Cadillac coupe described in Schedule "A" attached hereto, such motor vehicle will be returned to him.

WILLIAM HOWE DAVIS
Director.

Dated: February 17, 1959.

SCHEDULE "A"

1 - Cadillac Coupe, Serial No. A45302,
Engine No. 576214530, New Jersey
Registration JB 41A.

5. DISCIPLINARY PROCEEDINGS - POSSESSING INDECENT MATTER ON PREMISES - CONTRACEPTIVES - POSSESSING CONTAINERS WITH LESS THAN MINIMUM STANDARD OF FILL - POSSESSING ALCOHOLIC BEVERAGES IN CONTAINER BEARING NO INDICIA OF TAX PAYMENT - PRIOR RECORD - MITIGATING CIRCUMSTANCES AS TO CONTAINERS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against EDISON TAVERN & GRILL, INC. t/a EDISON TAVERN 12 Edison Place Newark 2, N. J., Holder of Plenary Retail Consumption License C-686, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	CONCLUSIONS AND ORDER

Russell A. Riley, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On December 19, 1958, you allowed, permitted and suffered in and upon your licensed premises and had in your possession obscene, indecent, filthy, lewd, lascivious and disgusting matter in form of two objects, one of rubber and one of wood; in violation of Rule 17 of State Regulation No. 20.

"2. On December 19, 1958, you possessed prophylactics against venereal disease and contraceptives and contraceptive devices in and upon your licensed premises; in violation of Rule 9 of State Regulation No. 20.

"3. On December 19, 1958, you possessed alcoholic beverages in two original containers the fill of each of which was less than the minimum standard of fill prescribed for such alcoholic beverages, viz., One 1 5/8 ounce bottle labeled 'Supremo Tequila San Matias', and One 2 ounce bottle labeled 'J. A. Hennessy & Co. Cognac'; in violation of Rules 1(a) and 1(b), respectively, of State Regulation No. 23.

"4. On December 19, 1958, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, alcoholic beverages in a bottle which did not bear any indicia of tax payment as required by the laws of the United States, viz., One 1 5/8 ounce bottle labeled 'Supremo Tequila San Matias'; in violation of Rule 27 of State Regulation No. 20."

On December 19, 1958 an ABC agent, while in the course of a routine inspection of defendant's licensed premises, found two suggestive and indecent articles on the back bar and several contraceptive devices in a closet. Two miniature bottles containing alcoholic beverages (one of which contained no tax stamp) were also found on the back bar. An explanation on behalf of the defendant concerning the two miniatures aforementioned indicates that the items were presented to an employee of defendant as souvenirs and he inadvertently permitted them to remain on the premises.

Defendant has a prior adjudicated record. Effective January 3, 1955 its license was suspended for fifteen days by the local issuing authority for an "hours" violation, and hindering and failing to display license certificate.

Under the circumstances appearing herein and taking into consideration the defendant's prior dissimilar record occurring within the past five years, I shall suspend its license for twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 20th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-686, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Edison Tavern & Grill, Inc., t/a Edison Tavern, for premises 12 Edison Place, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Wednesday, February 25, 1959, and terminating at 2:00 a.m. Tuesday, March 17, 1959.

WILLIAM HOWE DAVIS
Director.

6. RETAIL CONSUMPTION LICENSEES - EGG NOG - EASTER DISPENSATION.

NOTICE TO ALL RETAIL CONSUMPTION AND CLUB LICENSEES:

Traditionally, every year during the Easter season, consumption and club licensees have been permitted to pre-mix egg nog in quantity and to serve such pre-mixed egg nog for on-premises consumption during a limited period of time.

I am glad to note that no abuse has developed from the exercise of this privilege.

The same privilege will therefore be granted this year beginning Thursday, March 26, 1959, and ending Monday, March 30, 1959, at midnight, on the understanding, of course, that the privilege will be used with reason and moderation.

WILLIAM HOWE DAVIS
Director.

Dated: March 24, 1959.

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against HARLYN, INC. t/a HARLYN CLUB 421 High Street Newark 2, N. J., Holder of Plenary Retail Consumption License C-270, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	CONCLUSIONS AND ORDER

Defendant-licensee, by Murray D. Krilov, President.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it possessed on its licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On January 12, 1959, an ABC agent seized four bottles of alcoholic beverages on defendant's licensed premises because their contents appeared to be low in proof. Subsequent analysis by the Division's chemist disclosed that the contents of two of said bottles when compared with samples of the genuine product of the labeled brands varied substantially in proof and acids.

Defendant has a prior record. Effective March 10, 1958, a twenty-five-day suspension imposed by the local issuing authority for sales to a minor was reimposed by me after the action of the local issuing authority was affirmed on appeal. See Bulletin 1217, Item 2. I shall suspend defendant's license for fifteen days, the minimum penalty in cases involving two bottles (Re Brygier, Bulletin 1239, Item 8), to which five days will be added because of the prior dissimilar violation within the past five years, making a total suspension of twenty days. Five days will be remitted for the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 17th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-270, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Harlyn, Inc., t/a Harlyn Club, for premises 421 High Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Tuesday, February 24, 1959, and terminating at 2:00 a.m. Wednesday, March 11, 1959.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against JOSEPH PAUL SANDOR t/a JOE'S BAR 74 Pershing Avenue Carteret, N. J., Holder of Plenary Retail Consumption License C-43, issued by the Mayor and Council of the Borough of Carteret.	)	CONCLUSIONS AND ORDER

Joseph Paul Sandor, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On January 15, 1959, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the playing of a pool game for stakes of money; in violation of Rule 7 of State Regulation No. 20."

On the evening of January 15, 1959 ABC agents visited the defendant's licensed premises. A short time after they entered, they observed two patrons engage in two pool games for stakes of $5.00 each per game. Thereafter, one of the agents played a game with each of the aforementioned contestants for stakes of $1.00 each and $5.00 each. Prior to the commencement of each match, defendant was given the stakes to hold and, when the games were finished, the winner thereof obtained his respective winnings.

Defendant has no prior adjudicated record. The minimum penalty imposed in cases involving gambling where the licensee or his agent participated in the violation has been a suspension of the license for twenty days. Re Joyce, Bulletin 1166, Item 3. In the present case the extent of the involvement in the violation by the licensee was the holding of the stakes of the players actually engaged in the contests. Under the circumstances, I shall suspend defendant's license for fifteen days. Cf. Re Holinda & Whelan, Bulletin 1134, Item 11. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 18th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-43, issued by the Mayor and Council of the Borough of Carteret to Joseph Paul Sandor, t/a Joe's Bar, for premises 74 Pershing Avenue, Carteret, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, March 2, 1959, and terminating at 2:00 a.m. Thursday, March 12, 1959.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against ELIZABETH LODGE #289, B.P.O. ELKS 17-21 Westfield Avenue Elizabeth 3, N. J., Holder of Plenary Retail Consumption License C-1056, issued by the Director of the Division of Alcoholic Beverage Control.	CONCLUSIONS AND ORDER

Defendant-licensee, by C. George Novitt, Exalted Ruler.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charge:

"On divers dates between June 13, 1958 and December 11, 1958, you sold at retail bottles of various kinds and brands of alcoholic beverages at less than the prices thereof listed in the then currently effective Minimum Consumer Resale Price List published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30."

On divers days between June 13, 1958 and December 11, 1958, the defendant made fourteen separate sales to members of sundry brands of alcoholic beverages substantially below the minimum consumer resale prices thereof as set forth in the then currently effective Minimum Consumer Resale Price List.

In sworn, written statements C. George Novitt, Exalted Ruler of the club licensee, and Raymond R. Fritts, member of the House Committee, admitted aforesaid violations and further stated that said sales were not made to promote the sale of alcoholic beverages, were limited to the officers and committee members of the licensee who rendered considerable services to the Lodge without compensation, and that this privilege was not extended to the membership in general. Mr. Novitt also stated that the officers of the Lodge did not know that said sales violated the Rule in question and that said sales have been discontinued.

Defendant has a prior adjudicated record. Effective April 12, 1942, its license was suspended by this Division for five days for possession of slot machines. See Bulletin 504, Item 2. Effective December 17, 1934, its license was suspended by the local issuing authority for one day for keeping open on Election Day. Since the prior dissimilar violations occurred more than five years ago, they will not be considered in fixing the penalty herein. Re Trenz, Bulletin 1221, Item 3. The minimum suspension imposed for a violation as set forth in the charge herein is ten days. Re Central Liquor Co., Inc., Bulletin 1261, Item 3. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 19th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-1056, issued by the Director of the Division of Alcoholic Beverage Control to Elizabeth Lodge #289, B.P.O. Elks, for premises 17-21 Westfield Avenue, Elizabeth, be and the same is hereby suspended for five (5) days, commencing at 6:00 a.m. Monday, March 2, 1959, and terminating at 6:00 a.m. Saturday, March 7, 1959.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against	)	
	)	
VIOLA DERSI GUINNESS t/a HILL BILLY HALL Hopewell-Rileyville Road Hopewell Township (Mercer County) PO RD Hopewell, N. J.,	)	CONCLUSIONS AND ORDER
	)	
Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Hopewell.	)	

Viola Dersi Guinness, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20.

It appears that on December 13, 1958, Robert ---, age 20, purchased a two-quart container of beer from a bartender at defendant's licensed premises, without being required to present any identification or sign any written representation as to his age. Later the minor directed ABC agents to the defendant's licensed premises, and there identified the bartender who sold the beer to him.

Defendant has no prior adjudicated record. I shall suspend the defendant's license for the minimum period of ten days. Re Boggetti, Bulletin 1246, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 2nd day of March, 1959,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Hopewell to Viola Dersi Guinness, t/a Hill Billy Hall, for premises on Hopewell-Rileyville Road, Hopewell Township, be and the same is hereby suspended for five (5) days, commencing at 2:30 a.m. Monday, March 9, 1959, and terminating at 2:30 a.m. Saturday, March 14, 1959.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
Stanley Izraelski t/a Tammannee Tavern 348 Pavonia Avenue Jersey City 2, New Jersey	)	CONCLUSIONS AND ORDER
Holder of Plenary Retail Consumption License C-174, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.	)	

Stanley Izraelski, Defendant-licensee, Pro se.
Dora P. Rothschild, Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that he sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On January 23, 1959, at about 12:22 a.m., an ABC agent who was in defendant-licensee's premises, purchased from the bartender therein six cans of beer for off-premises consumption. The agent identified himself and the bartender admitted the violation.

Defendant has no prior adjudicated record. I shall suspend his license for the minimum period of fifteen days. Re Golda, Bulletin 1261, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 9th day of March 1959,

ORDERED that Plenary Retail Consumption License C-174 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Stanley Izraelski, t/a Tammannee Tavern, for premises 348 Pavonia Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, March 16, 1959 and terminating at 2:00 a.m., Thursday, March 26, 1959.

William Howe Davis
Director