

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

BULLETIN 1157

MARCH 20, 1957.

TABLE OF CONTENTS

ITEM

1. STATE REGULATION NO. 30 - RULE 6 AMENDED - PRICE ADVERTISING OF MALT ALCOHOLIC BEVERAGES PROHIBITED.
2. NEW LEGISLATION - AMENDMENT OF PLENARY RETAIL CONSUMPTION AND PLENARY RETAIL DISTRIBUTION LICENSE PARAGRAPHS OF REVISED STATUTES 33:1-12 - LICENSE FEES.
3. DISCIPLINARY PROCEEDINGS (Union City) - FAILURE TO HAVE PREMISES CLOSED DURING PROHIBITED HOURS AND FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW, IN VIOLATION OF LOCAL ORDINANCE - HINDERING - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Jersey City) - CONDUCTING BUSINESS, PERMITTING PERSONS OTHER THAN THE LICENSEE AND EMPLOYEES ON LICENSED PREMISES AND FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - PERMITTING CONTRACEPTIVE DEVICES ON LICENSED PREMISES - EMPLOYMENT OF BARTENDER WITHOUT PERMIT IN VIOLATION OF A LOCAL ORDINANCE - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Penns Grove) - LEWDNESS AND IMMORAL ACTIVITIES (OBSCENE LANGUAGE - INDECENT DANCE) - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Trenton) - TRANSPORTATION WITHOUT REQUISITE INVOICE IN VIOLATION OF RULE 3 OF STATE REGULATION NO. 17 - TRANSPORTATION IN VEHICLE NOT BEARING INSIGNIA, IN VIOLATION OF RULE 2 OF STATE REGULATION NO. 17 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Newark) - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Lodi) - PERMITTING THE PLAYING OF RECORDED INDECENT SONGS ON LICENSED PREMISES - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Bloomfield) - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICES OF MALT ALCOHOLIC BEVERAGES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Paterson) - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Wayne Township) - SALES TO MINORS - CONTRACEPTIVE DEVICES - LICENSE SUSPENDED FOR 30 DAYS.
12. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 1157

MARCH 20, 1957.

1. STATE REGULATION NO. 30 - RULE 6 AMENDED - PRICE ADVERTISING OF MALT ALCOHOLIC BEVERAGES PROHIBITED.

On September 7, 1956 State Regulation No. 30 was amended to include malt alcoholic beverages pursuant to Section 5 of Chapter 110 of the Laws of 1956 (R. S. 33:1-39.2). Two recognized trading areas were established. In order to avoid possible confusion arising out of the difference in price in these two areas Rule 6 provided that, prior to April 1, 1957, no licensee could 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 the Minimum Consumer Resale Price List.

During recent months requests have been received from substantial numbers of trade associations at various levels of the alcoholic beverage industry representing brewers, wholesalers, state beverage distributors, and both plenary retail consumption and plenary retail distribution licensees urging the continuation of the prohibition against price advertising of malt alcoholic beverages and conferences have been held with representatives of such associations. Since it now appears that the lifting of the prohibition against price advertising of malt alcoholic beverages would constitute a serious threat to the present orderly market to the detriment not only of the industry but also the public, I have decided to continue indefinitely the prohibition against price advertisement of malt alcoholic beverages, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece. Consequently, Rule 6 of State Regulation No. 30 has been amended, effective immediately (see below).

WILLIAM HOWE DAVIS
Director.

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 of the Division of Alcoholic Beverage Control; provided, however, that nothing herein contained shall prohibit such price advertising of a private 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.

Promulgated Monday, March 11, 1957.

Effective Monday, March 11, 1957.

Filed with the Secretary of State (N. J.) Monday, March 11, 1957.

2. NEW LEGISLATION - AMENDMENT OF PLENARY RETAIL CONSUMPTION AND PLENARY RETAIL DISTRIBUTION LICENSE PARAGRAPHS OF REVISED STATUTES 33:1-12 - LICENSE FEES.

Assembly Bill No. 387 (1956) was approved by the Governor on January 11, 1957 and thereupon became Chapter 215 of the Laws of 1956, effective immediately. In amending Revised Statutes, 33:1-12, the Act makes no changes in that section's provisions concerning seasonal retail consumption licenses (Revised Statutes, 33:1-12(2)), limited retail distribution licenses (Revised Statutes, 33:1-12(3b)), plenary retail transit licenses (Revised Statutes, 33:1-12(4)), or club licenses (Revised Statutes, 33:1-12(5)). The Act's only change is in adding the following restriction upon fee increases for plenary retail consumption licenses (Revised Statutes, 33:1-12(1)) and plenary retail distribution licenses (Revised Statutes, 33:1-12(3a)):

"No ordinance shall be enacted which shall raise the fee to be charged for this license by more than 100% from that charged in the preceding license year or \$500.00, whichever is the lesser."

WILLIAM HOWE DAVIS
Director.

Dated: March 4, 1957.

3. DISCIPLINARY PROCEEDINGS - FAILURE TO HAVE PREMISES CLOSED DURING PROHIBITED HOURS AND FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW, IN VIOLATION OF LOCAL ORDINANCE - HINDERING - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

JEROME VILLAVECCHIA)
526 - 4th Street)
Union City, N. J.,)

CONCLUSIONS)
AND ORDER)

Holder of Plenary Retail Consump-)
tion License C-95, issued by the)
Board of Commissioners of the)
City of Union City.)

-----)
Jerome Villavecchia, Defendant-licensee, Pro se.)
Edward F. Ambrose, Esq., appearing for Division of Alcoholic)
Beverage Control.)

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Sunday, December 2, 1956, between 10:30 a.m. and 11:25 a.m., you had your licensed premises open; in violation of Section 11 of an Ordinance adopted by the Board of Commissioners of the City of Union City on February 6, 1936, as amended January 19, 1939.

"2. On Sunday, December 2, 1956, between 11:05 a.m. and 11:25 a.m., you failed to draw aside curtains and screens obscuring the view from the street to the interior of your licensed premises and failed to keep same open so that a free and unobstructed view might be afforded the public from the street to the interior of your said licensed premises; in violation of Section 11 of an Ordinance adopted by the Board of Commissioners of the City of Union City on February 6, 1936, as amended January 19, 1939.

"3. On Sunday, December 2, 1956, between 11:20 a.m. and 11:25 a.m., while Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey were conducting an investigation, inspection and examination at your licensed premises, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R. S. 33:1-35."

The file herein discloses that on Sunday, December 2, 1956 between 11:10 a.m. and 11:20 a.m., two ABC agents observed two men enter and four men leave the licensed premises through a side door which contained a window covered by a cloth curtain. One of the agents approached said door and by standing on a step in front of the same, was able to look over the curtain into the premises where he saw a bartender behind the bar occupied by five men with glasses in front of them. The agent, in an attempt to enter the premises, knocked on the door but was denied admission by the licensee. The agent thereupon identified himself and displayed his credentials but was again denied entry. After two further attempts to enter the premises, but not before five minutes had elapsed and the aforesaid five men had disappeared into a back room, the licensee finally admitted the agents. The agents found five empty glasses on the bar and detected an odor of alcohol from each of them. The agents then went into the back room (kitchen) which leads into a "boccie" alley where they found four men playing "boccie" and a fifth man climbing over a fence about ten feet high.

The licensee admitted that men had entered and left the premises as aforementioned.

The front of the premises has two windows, one in a door leading into the premises and one to the right of the door. These windows were covered by curtains. The side of the premises has three windows, one in the door of aforesaid side entrance and two others of frosted glass. The view through all of the said windows was obstructed by either cloth curtains, non-transparent glass, the construction of the premises, or by a combination of the same.

The local regulations prohibit the conduct of the licensed business between 3:00 a.m. and 12:00 noon on Sundays; prohibit persons other than the licensee and his actual employees and agents to be in and upon the licensed premises between such hours, and require the removal of all shades and screens and other obstructions so as to permit a clear view from the street to the interior of the licensed premises during such hours.

With respect to Charge 3 herein, the defendant says that he refused admittance to the agents because they appeared too youthful to be ABC investigators. This, in my opinion, is a very weak excuse. I have no doubt that the licensee intentionally hindered the agents in the conduct of their investigation and failed to facilitate the same.

The defendant has a prior adjudicated record. His license was twice suspended by the local issuing authority for an "hours" violation; once for five days, effective February 9, 1942, and again for ten days, effective June 12, 1944. However, since these violations occurred more than ten years ago, I shall

not consider them in fixing the penalty herein. Re Stefura, Bulletin 1090, Item 3. I shall suspend the defendant's license for twenty days on Charges 1 and 2, Re Russian American Regular Democratic Club, Inc., Bulletin 975, Item 6, and for ten days on Charge 3, Re Loyal Order of Moose, Plainfield Lodge #310, Bulletin 1108, Item 6, making a total suspension of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 14th day of January, 1957,

ORDERED that Plenary Retail Consumption License C-95, issued by the Board of Commissioners of the City of Union City to Jerome Villavecchia, 526 - 4th Street, Union City, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. January 21, 1957, and terminating at 3:00 a.m. February 15, 1957.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - CONDUCTING BUSINESS, PERMITTING PERSONS OTHER THAN THE LICENSEE AND EMPLOYEES ON LICENSED PREMISES AND FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - PERMITTING CONTRACEPTIVE DEVICES ON LICENSED PREMISES - EMPLOYMENT OF BARTENDER WITHOUT PERMIT IN VIOLATION OF A LOCAL ORDINANCE - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

SALVATORE ZIMBARDO)
371 Second Street)
Jersey City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-531, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Jersey City.)

Salvatore ZimbarDO, Defendant-licensee, Pro se.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charges:

"1. On Sunday, August 19, 1956, between 11:00 a.m. and 1:00 p.m., you conducted your licensed business; in violation of Section 4 of an ordinance adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950.

"2. On Sunday, August 19, 1956, between 11:00 a.m. and 1:00 p.m., you suffered and permitted persons other than yourself and your actual employees and agents in and upon your licensed premises; in violation of Section 4 of the above mentioned ordinance.

"3. On Sunday, August 19, 1956, between 11:00 a.m. and 1:00 p.m., you failed to remove all shades, screens and other obstructions whatsoever so as to permit a clear view of the bar inside your licensed premises; in violation of Section 4 of the above mentioned ordinance.

"4. On Sunday, August 19, 1956, you possessed and allowed, permitted and suffered prophylactics against venereal disease and contraceptive devices in and upon your licensed premises; in violation of Rule 9 of State Regulation No. 20.

"5. On Sunday, August 19, 1956, you engaged and employed on your licensed premises an agent and bartender in connection with your licensed business, who had not been issued an identification card by the Department of Public Safety of the City of Jersey City in conformity with Section 13 and 14 of the above mentioned ordinance; in violation of Section 15 of the above mentioned ordinance."

The file herein discloses that on Sunday, August 19, 1956, at about 11:00 a.m., three ABC agents arrived in the vicinity of the licensed premises and observed two men enter and leave the same by the front door. Shortly thereafter, one of the agents attempted to gain admittance to the premises but was turned away by a male in the premises. At about 12:00 noon, the three agents approached the premises and were admitted to the same by an attendant who responded to a knocking on the door by one of the agents. The premises were occupied by the licensee, a bartender and eight patrons at the bar. In front of the patrons were a number of glasses, some of which contained beer.

The agents made a search of the back bar and in it found a tin box that contained contraceptives.

The premises have a frosted window pane in its front door that connects with a glass front, the view to the interior of the premises being completely obstructed by a wooden partition and tightly drawn venetian blinds.

The local regulations prohibit the conduct of the business between 2:00 a.m. and 1:00 p.m. on Sunday, prohibit persons other than the licensee and his actual employees and agents to be in and upon the licensed premises between such hours, and require the removal of all shades and screens and other obstructions so as to permit a clear view of the bar inside the licensed premises during such hours.

The investigation of the case also discloses that the licensee, contrary to a local ordinance, employed a bartender, Anthony Viggiano of 412 Second Street, Jersey City, who had not been issued an identification card by the Department of Public Safety of Jersey City.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty days on Charges 1, 2 and 3, Re Russian American Regular Democratic Club, Inc., Bulletin 975, Item 6, for an additional ten days on Charges 4 and 5, making a total suspension of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 14th day of January, 1957,

ORDERED that Plenary Retail Consumption License C-531, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Salvatore Zimbardo, 371 Second Street, Jersey City, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. January 21, 1957, and terminating at 2:00 a.m. February 15, 1957.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES
(OBSCENE LANGUAGE - INDECENT DANCE) - LICENSE SUSPENDED FOR
30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against)

ANNA MERENDINO & ANDRES MERENDINO)
T/a CLUB MERANDA)
So. Virginia Ave. and Reginal Dr.)
Penns Grove, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-)
tion License C-12, issued by the)
Mayor and Council of the Borough)
of Penns Grove.)

Joseph Narrow, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to the following charge:

"On Friday night, November 16 and early Saturday morning, November 17, 1956, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises in that a male and a female entertainer performed in a lewd, indecent and immoral manner; in violation of Rule 5 of State Regulation No. 20."

The file herein discloses that at 11:00 p.m. on the evening of November 16, 1956 while ABC agents were in defendants' licensed premises, a Master of Ceremonies told a few jokes and then introduced a female dancer whose attire consisted of briefs, a bra, a small panel attached to the front of the briefs and a transparent scarf over her shoulders. The dancer first strutted about the floor and then she began a series of bumps and grinds in time with the music. At the conclusion of the first part of her performance, the Master of Ceremonies told more jokes and then removed all the clothing from the upper part of his body so that he was bare to his waist with the exception of a bra under which were "falsies". He concluded his performance by unzipping his trousers, permitting them to drop to his ankles so that he was standing in his long underwear. He thereupon pulled his trousers in place and as he was adjusting the zipper, he grimaced and made an indecent remark.

The female who had danced as described herein again appeared in a costume similar to that worn during her previous performance and repeated the bumps and grinds. She removed her shoes, scarf and panel and then lowered her body to a prone position on the floor and commenced to do "push-ups", finally sitting on the floor and alternately lifting one leg and then the other into the air while massaging them with her hands.

At the conclusion of her last number, the ABC agents identified themselves to the defendants, one of whom was observed in the room during the entire performance.

The attorney for the defendants in attempted mitigation of penalty advised the Division that the defendants have had very little experience as they have only operated the licensed premises for approximately six months, never having been

associated with the alcoholic beverage industry prior thereto. Further, he contended that the defendants had obtained the entertainers from a legitimate booking agent and they understood that a show similar to the one now under consideration had been performed in another licensed premises in this State. I cannot accept these excuses. Such indecent performances will not be tolerated on licensed premises.

Defendants have no prior adjudicated record. I shall suspend defendants' license for a period of thirty days. Re Flo-Mae, Inc., Bulletin 1119, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 21st day of January, 1957,

ORDERED that Plenary Retail Consumption License C-12, issued by the Mayor and Council of the Borough of Penns Grove to Anna Merendino & Andres Merendino, t/a Club Meranda, So. Virginia Ave. and Reginal Dr., Penns Grove, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. January 28, 1957, and terminating at 2:00 a.m. February 22, 1957.

WILLIAM HOWE DAVIS
Director.

- 6. DISCIPLINARY PROCEEDINGS - TRANSPORTATION WITHOUT REQUISITE INVOICE IN VIOLATION OF RULE 3 OF STATE REGULATION NO. 17 - TRANSPORTATION IN VEHICLE NOT BEARING INSIGNIA, IN VIOLATION OF RULE 2 OF STATE REGULATION NO. 17 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CLUB 149, INC.
149 Washington Street
Trenton, N. J.,

Holder of Plenary Retail Consumption License C-131, issued by the Board of Commissioners of the City of Trenton.

CONCLUSIONS
AND ORDER

Club 149, Inc., Defendant-licensee, by Ralph J. Smeraldi, Pres. Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On October 27, 1956, and on divers days prior thereto, you transported alcoholic beverages in a vehicle without the driver having in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill, or similar document stating the bona fide name and address of the purchaser or consignee and the brand name or size of the container and the quantity of each item of alcoholic beverages being transported; in violation of Rule 3 of State Regulation No. 17.

"2. On October 27, 1956, you transported alcoholic beverages in a vehicle having no transportation insignia affixed to it; in violation of Rule 2 of State Regulation No. 17."

The file herein discloses that on October 27, 1956, ABC agents observed a man carrying a cardboard carton come out of defendant's licensed premises and place the carton in an automobile parked in front of the premises. The man re-entered the premises and, while there, one of the agents looked into the car and saw that, in addition to the carton aforementioned, there were other alcoholic beverages on the back seat of the vehicle. The driver returned to the car and drove off. The agents followed him and observed him enter a dwelling, carry a case into the house, and return with a case of empty beer bottles. He then drove to another residence, went to the rear of the automobile and took out a case of four one-gallon bottles of wine, at which time the agents identified themselves. The man verbally admitted making the delivery at the first stop and stated that he had been making deliveries of alcoholic beverages for the licensee for the past two weeks as a favor to him. The driver did not have in his possession an invoice or manifest containing the information required by Rule 3 of State Regulation No. 17. Furthermore, the motor vehicle in which the alcoholic beverages were transported bore no transit insignia required by Rule 2 of State Regulation No. 17.

Defendant has no prior adjudicated record. I shall suspend its license for fifteen days (Re Red Circle Liquor, Inc., Bulletin 1005, Item 10). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 14th day of January, 1957,

ORDERED that Plenary Retail Consumption License C-131, issued by the Board of Commissioners of the City of Trenton to Club 149, Inc., for premises 149 Washington Street, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. January 21, 1957, and terminating at 2:00 a.m. January 31, 1957.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PAUL & SYLVIA EISENBERG)
T/A LEDERMAN'S FOOD STORE)
1 Foster Street)
Newark 5, New Jersey)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Distribution License D-93, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Saul C. Schutzman, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:

"On November 24, 1956, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one [21] years, viz., Michael ---, age 19; in violation of Rule 1 of State Regulation No. 20."

Acting upon information received from the New Jersey State Police, ABC agents obtained sworn written statements from two minors, dated November 30, 1956 -- one from Michael --- (age 19) and the other from Gerard --- (age 19). Michael in his statement says that on November 24, 1956, at about 9:15 p.m., he arrived in front of the defendants' licensed premises in an automobile driven by Gerard; that he alone entered the premises where he bought three quart-bottles of beer and a pint of wine for which he paid \$2; that no one on the premises questioned him about his age; that he carried the alcoholic beverages into the car; that they were later taken into custody by a New Jersey State Trooper who found two of the bottles of beer and the wine in the car; and that he had drunk the other bottle of beer. Gerard in his statement substantially corroborated Michael's statement.

Thereafter, on December 5, 1956, at about 7:30 p.m., the minors directed two ABC agents to the licensed premises. Michael and the two agents entered the premises where Michael identified Paul Eisenberg (one of the licensees) as the person who sold him the alcoholic beverages.

Defendants have no prior adjudicated record. I shall suspend their license for a period of fifteen days (the minimum suspension for the type of violation committed herein). Re Mondelli, Bulletin 1142, Item 8. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 14th day of January, 1957,

ORDERED that plenary retail distribution license D-93, issued by the Municipal Board of Alcoholic Beverage Control of

the City of Newark to Paul & Sylvia Eisenberg, t/a Lederman's Food Store, for premises 1 Foster Street, Newark, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. January 21, 1957, and terminating at 9:00 a.m. January 31, 1957.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - PERMITTING THE PLAYING OF RECORDED INDECENT SONGS ON LICENSED PREMISES - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
ANTHONY PERILLO & ANTHONY GRASSO)
T/a 2 TONY'S WHITE TAVERN)
171-173 South Main Street)
Lodi, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-30, issued by the Mayor and Council of the Borough of Lodi.)

Anthony Perillo & Anthony Grasso, Defendant-licensees, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that on November 16, 1956, they allowed, permitted and suffered the playing of recordings of songs, the titles and words of which had lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning, in violation of Rule 5 of State Regulation No. 20.

On November 16, 1956, ABC agents visited defendants' licensed premises and took seats at the bar. About 12:25 p.m., two men came into the premises carrying phonograph records. When played, the songs on six of these records were of the double-entendre variety and the language was disgusting and of suggestive import.

Defendants have no prior adjudicated record. Under the circumstances appearing in the case I shall suspend defendants' license for a period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Carbone, dated January 9, 1957 (Bulletin 1156, Item 7).

Accordingly, it is, on this 14th day of January, 1957,

ORDERED that Plenary Retail Consumption License C-30, issued by the Mayor and Council of the Borough of Lodi to Anthony Perillo & Anthony Grasso, t/a 2 Tony's White Tavern, 171-173 South Main Street, Lodi, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. January 21, 1957, and terminating at 3:00 a.m. January 31, 1957.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICES OF MALT ALCOHOLIC BEVERAGES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

SAFeway STORES, INC.
331 Broad Street
Bloomfield, N. J.,

CONCLUSIONS
AND ORDER

Holder of Limited Retail Distribution License DL-16, issued by the Town Council of the Town of Bloomfield.

Carpenter, Bennett, Beggans & Morrissey, Esqs., by Elmer J. Bennett, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On November 19, 1956, at your licensed premises, you sold at retail 3 - 32 ounce bottles [returnable] of Ballantine Extra Fine Beer, an alcoholic beverage, at less than the price thereof listed in the then currently effective pamphlet of New Jersey Minimum Consumer Resale Prices of Malt Alcoholic Beverages published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30.

"2. On November 19, 1956, at your licensed premises, you sold at retail a pack of 6 - 12 ounce cans of Pabst Blue Ribbon Beer, an alcoholic beverage, at less than the price thereof listed in the then currently effective pamphlet of New Jersey Minimum Consumer Resale Prices of Malt Alcoholic Beverages published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30."

The file herein discloses that on November 19, 1956, two ABC agents visited defendant's licensed premises. One agent purchased three 32-ounce bottles (returnable) of Ballantine Extra Fine Beer for \$1.11 plus 15¢ deposit for the bottles, or \$1.26. The current minimum consumer resale price at the time for a 32-ounce bottle of the beer in question was 39¢ per bottle plus 15¢ deposit on the bottles, making a total of \$1.32 for the three bottles of beer. The other agent purchased a pack of six 12-ounce cans of Pabst Blue Ribbon Beer for \$1.25, whereas the minimum resale price effective at the time for said item was \$1.29.

Defendant has no prior adjudicated record. The attorneys for defendant allege that the violation was inadvertent and was due to the fact that the manager of said store had no prior knowledge that minimum prices had been established for malt alcoholic beverages. I shall suspend defendant's license for the minimum period of ten days, less five days' remission for the plea entered herein, or a net suspension of five days (Re Romeo & Juliet, A Corporation, Bulletin 1099, Item 8).

Accordingly, it is, on this 16th day of January, 1957,

ORDERED that Limited Retail Distribution License DL-16, issued by the Town Council of the Town of Bloomfield to Safeway

11. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - CONTRACEPTIVE DEVICES - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against)
)
 MARIE RIGOLETTI)
 T/a "MT. VIEW INN")
 Boonton Road)
 Wayne Township)
 PO Mountain View, N. J.,)
)
 Holder of Plenary Retail Consumption License C-16, issued by the)
 Township Committee of the Township)
 of Wayne.)

CONCLUSIONS AND ORDER

 Nathan A. Whitfield, Esq., Attorney for Defendant-licensee.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

"Defendant pleaded not guilty to charges alleging that (1) she sold, served and delivered alcoholic beverages to two minors and permitted the consumption of such beverages by one of said minors in and upon her licensed premises, in violation of Rule 1 of State Regulation No. 20; and (2) she possessed and permitted contraceptive devices in and upon her licensed premises, in violation of Rule 9 of State Regulation No. 20.

"At the hearing herein the Division called as its witnesses two ABC agents and the alleged minors. The agents testified, in substance, that on Friday night, May 25, 1956, they visited defendant's licensed premises wherein they observed several males engaged in a game of pool; that two of them, apparently minors, approached the bar and each took a position in front of a glass of beer; that one of them (later identified as John ---) pushed away the glass in front of him and ordered a birch beer; that the other male (identified as Fred ---) consumed the beer in front of him; that John and Fred resumed their game and later, upon invitation of an unidentified person, Fred consumed another glass of beer served to him by the bartender who made no inquiry as to his age; that thereafter John left the premises and returned thereto in about a half-hour, at which time he purchased a pint of whiskey from the bartender without presenting written proof of age, and again departed; that they followed John from the premises but were unable to apprehend him; that they (the agents) returned to the licensed premises, identified themselves and, ascertaining that Fred (who had a glass of birch beer in his hand) was a minor, searched the premises and found two contraceptive devices in a drawer of the back bar; and that thereafter, accompanied by local police, they escorted Fred to Police Headquarters for questioning. On cross-examination the agents admitted that they were 'a little upset' because of their failure to apprehend John.

"John testified that he was twenty years of age on the date alleged; that he did not play pool on the occasion; that he alone went to the bar and ordered a birch beer; that there wasn't any glass of beer on the bar in front of him; that he didn't see Fred at the bar; and that, on the date alleged, he purchased a pint of whiskey from the bartender without presenting

written proof of his age. On cross-examination he testified that he twice previously visited defendant's licensed premises, and on each occasion signed a card stating that he was over twenty-one years of age. The cards were received in evidence.

"Fred testified that he was nineteen years of age on the date alleged; that he consumed two glasses of beer 'standing at the bar, I guess;' and that John was not one of those playing pool. On cross-examination he testified that he guessed that he walked up to the bar and had another glass of beer; that the beer 'was there on the bar so I drank it;' that it 'must have been on the bar;' that 'I think it was there [his companions'] beer I was drinking;' and that one of the agents 'was all excited over something' when he questioned him. He denied that he ordered or paid for or was served any beverages by the bartender.

"Defendant called as her witnesses Walter G. Miller (the bartender), John Brosh (the day bartender and manager of the licensed premises), George Roccesano and James Wildey.

"Miller testified that he served a pint of whiskey to John, believing him to be twenty-one years of age and relying upon the two previously signed statements to that effect; that, knowing Fred was a minor, he never served him any alcoholic beverages; that George Roccesano ordered two beers and two birch beers which he placed 'bunched together' on the bar after inquiring, 'Who gets what?', and being informed 'Jimmy [Wildey] and I [Roccesano] get beer; the other guys get birch.' On cross-examination he testified that he didn't see who picked up the beers that were ordered.

"Brosh testified that he requested John to sign the cards which he stated were thereafter kept with others on the back bar; that he showed the cards to Miller and told him that John was eligible to be served alcoholic beverages. He further testified that the contraceptive devices found on the licensed premises were his personal property.

"Roccesano testified that he is twenty-two years of age; that he, Fred, James Wildey and Sid Chalmers were the pool players; that he ordered two rounds of two beers and two birch beers which Miller placed in a group on the bar; and that he didn't know who, other than himself, consumed the beers.

"Wildey corroborated Roccesano's testimony in the main, and further testified that, when the agents returned to the licensed premises after failing to apprehend John, '*** they were a little shook up. It looked like excited.' On cross-examination he testified that Fred went to the bar and that he couldn't say what Fred drank.

"The licensee testified that, complying with her doctor's orders, she visits the licensed premises 'maybe once a week; maybe every other day;' and that her uncle (Brosh) manages the business.

"I have carefully reviewed the evidence herein, including the memorandum submitted by defendant's attorney, and, while there appears to be a conflict in the testimony of the Division's witnesses, I can see no reason for disbelieving the agents' version of the occurrence respecting the sale of alcoholic beverages to, and the consumption of such beverages by, the minor Fred. Despite the apparent discrepancies, the fact remains that Fred, by his own admission, consumed alcoholic beverages on the

licensed premises and, whether he did so surreptitiously or otherwise, it nevertheless constitutes a sale as well as service of the beer to him by the licensee. R. S. 33:1-1(w). It is no defense to assert, as did the bartender, that he placed two orders of alcoholic beverages and soft drinks 'bunched together' on the bar and inquired as to 'Who gets what?' It became his duty to supervise the distribution of the drinks, more especially when he knew that one of the pool players for whom the beverages were ordered was a minor. As was said in Re Morganstern and Oliner, Bulletin 292, Item 9:

'Where a licensee, as here, freely permits *** minors upon the premises it is his duty to see that liquor served at empty places at the tables is not intended for some of these minors. Were it otherwise, minors need but disappear temporarily in order to have licensees serve liquor to them with impunity.'

"With respect to the sale of the pint of whiskey to the other minor, I find from the evidence and the exhibits received in evidence that John falsely represented in writing that he was twenty-one years of age; that the statements to which he subscribed his name were supplied by the defendant; that John's physical characteristics were such that an ordinarily prudent person would believe him to be twenty-one years of age; and that the sale to John was made in good faith and in reliance upon the aforesaid written representations. I find, therefore, that there has been a compliance with all the requirements of R. S. 33:1-77. See Caruso v. Jersey City, Bulletin 694, Item 1; Re Sudzina and Pingicer, Bulletin 1138, Item 5.

"With respect to Charge 2, it is admitted that the contraceptive devices had been upon the licensed premises. The explanation offered by the manager does not excuse the violation. Rule 9 of State Regulation No. 20 is plain. For obvious reasons, no contraceptives may be upon licensed premises. No alibis will be accepted. Re Zukowski, Bulletin 1014, Item 3.

"In view of the aforesaid, I conclude that defendant is guilty as to Charge 2, and as to so much of Charge 1 as pertains to the sale of alcoholic beverages to and their consumption by the minor Fred.

"Defendant has a prior adjudicated record. Effective March 19, 1952, her license was suspended for ten days by the local issuing authority for an 'hours' violation. I recommend, therefore, that defendant's license be suspended for a period of fifteen days on Charge 1 (Re Increased Penalties, Bulletin 1095, Item 1; Re Goldere, Bulletin 1110, Item 1), and ten days on Charge 2 (Re Meller, Bulletin 1026, Item 3). Since the prior dissimilar violation occurred within a five-year period, an additional five days is indicated (Re Hunter, Bulletin 1121, Item 7), making a total suspension of thirty days to be imposed herein. I recommend that an order be entered accordingly."

No exceptions to the Hearer's Report were filed pursuant to Rule 6 of State Regulation No. 16, but defendant's attorney requested me to consider his memorandum (dated August 10, 1956) which "sets forth fully the contention of the licensee."

After careful consideration of all the evidence and the memorandum filed by defendant's attorney, I have decided to

adopt the conclusions of the Hearer as my conclusions in this case. I concur in the recommendation of the Hearer as to penalty and shall suspend defendant's license for thirty days.

Accordingly, it is, on this 23rd day of January, 1957,

ORDERED that Plenary Retail Consumption License C-16, issued by the Township Committee of the Township of Wayne to Marie Rigoletti, t/a "Mt. View Inn," for premises on Boonton Road, Wayne Township, be and the same is hereby suspended for thirty (30) days, commencing at 3:00 a.m. January 30, 1957, and terminating at 3:00 a.m. March 1, 1957.

WILLIAM HOWE DAVIS
Director.

12. STATE LICENSES - NEW APPLICATIONS FILED.

Fidelity Beverage Corporation
684 Scotland Road
Orange, N.J.

Application filed March 14, 1957 for person-to-person and place-to-place transfer of Limited Wholesale License WL-32 from Chester Distributing Co., Inc., 18-20 Mellon Street, Trenton, N.J.

International Wines, Inc.
841 Clinton Avenue
Kenilworth, N.J.

Application filed March 15, 1957 for Wine Wholesale License.

Union Cartage Company-Corp.
60 Quinsigamond Avenue
Worcester, Massachusetts.

Application filed March 18, 1957 for Transportation License.


William Howe Davis
Director.