

STATE OF NEW JERSEY  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street. Newark, 2, N. J.

BULLETIN 601

JANUARY 12, 1944.

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STATE OF NEW JERSEY  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark, 2, N. J.

BULLETIN 601 JANUARY 12, 1944.

1. DISCIPLINARY PROCEEDINGS - STATE LICENSEE - DISCRIMINATORY PRACTICES (FREE GOODS), IN VIOLATION OF R.S. 33:1-86 (P.L. 1939, C. 87, SEC. 2) AND RULE 4 OF STATE REGULATIONS NO. 34 - GIFT OF FREE MERCHANDISE, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 35 - ILLEGAL TRANSPORTATION, IN VIOLATION OF R. S. 33:1-28 - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO PETITION FOR AN ORDER REINSTATING THE LICENSE UPON EXPIRATION OF SEVEN DAYS AND PAYMENT OF COMPROMISE FEE.

In the Matter of Disciplinary Proceedings against

JOSEPH H. REINFELD, INC.,  
461-67 Frelinghuysen Avenue  
Newark, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Wholesale License  
W-11 issued by the State Commissioner  
of Alcoholic Beverage Control.

Milton, McNulty & Augelli, Esqs., by Joseph Keane, Esq., for the  
Defendant-Licensee.

Nathan Davis, Esq., Attorney for Department of Alcoholic Beverage  
Control.

BY THE COMMISSIONER:

The defendant, holder of a plenary wholesale license, has  
pleaded guilty to ten charges which, for convenience, may briefly be  
summarized as follows:

1, 4 and 7. That (in 1942) it gave to three licensed  
retailers, who were purchasing non-malt alcoholic beverages  
from it, free goods which were not available to all other  
retailers making similar purchases from it, thereby violat-  
ing P.L. 1939, c. 87, sec. 2 (R.S. Cum. Supp. \*33:1-86).

2, 5 and 8. That by giving such free gifts it violated  
Rule 3 of State Regulations No. 35.

3, 6 and 9. That by giving such free gifts it further vio-  
lated Rule 4 of State Regulations No. 34.

10. That it transported alcoholic beverages to one of the  
retailers in an unlicensed vehicle, thereby violating  
R. S. 33:1-28.

The facts are that on May 25, 1942, Harry Holtz, a licensed  
solicitor for the defendant, induced one of the retailers in question  
to purchase 25 cases of fifths of Hunter Rye Whiskey from the defend-  
ant on promise of getting as free goods two cases of pints of that  
same brand. The retailer received these free goods on July 29, 1942.  
Holtz made this delivery in an unlicensed vehicle.

Similarly, on June 10, 1942, Joseph Sarzinski, another of the  
defendant's licensed solicitors, induced a retailer to purchase 15  
cases of fifths of Hunter Rye Whiskey and 5 cases of fifths of Hunter  
Bourbon Whiskey from the defendant by offering the retailer 2½ cases  
of pints of Hunter Bourbon Whiskey free. These free goods were  
delivered within several weeks thereafter.

Sarzinski, during that same month of June, induced another retailer to purchase 32 cases of fifths of Hunter Rye Whiskey and 3 cases of fifths of Hunter Bourbon Whiskey from the defendant by offering the retailer as free goods 4 cases of pints of Hunter Bourbon Whiskey. Such free goods were delivered shortly thereafter.

As I gather the full picture, these instances were part of a promotional scheme which was initiated by Browne-Vintners (the manufacturer of the products in question) and in which the defendant participated.

To comprehend this picture, it must be remembered that, when the violations in question were committed, the prevailing market conditions in the liquor industry in New Jersey were considerably different from today. There was still, albeit in perhaps its last stages, a "buyer's market" in the industry. The provisions in the Alcoholic Beverage Law and regulations, which the defendant is here charged with having violated, had strong application to the industry at that time. Such provisions have at least a twofold purpose. They are intended to prohibit manufacturers and wholesalers from attracting retailers to their products by offer of free goods or similar benefits on quantitative purchases (and thus leading to overstocking by the retailers). They are also intended to prevent manufacturers and wholesalers from discriminating among retailers by furnishing free goods or similar benefits to favored customers.

Today, of course, there is, because of prevailing economic conditions, little likelihood that manufacturers or wholesalers will commit violations of the kind in question. It is common knowledge that, because of strictures put upon distilleries by the war, manufacturers and wholesalers are husbanding their supplies of alcoholic beverages and that a strong "seller's market" exists in the industry.

Hence, the conditions under which furnishing of "free goods" or similar inducements seeks to flourish no longer exist. However, this change in no way affects the defendant's culpability for the violations which it committed. The gravity of such violations must be judged in the light of conditions which prevailed when they were committed.

On the question of penalty for these violations, I have given considerable thought. I find and therefore rule that the penalty hereinafter imposed is most likely to ensure the "fair, impartial, stringent and comprehensive administration" of the Alcoholic Beverage Law during these troublesome days of supply in the liquor industry. Weighing all factors and keeping in mind the licensee's guilty plea, I shall suspend the defendant's wholesale license for the balance of its term but with leave reserved to the defendant to petition for a reinstatement of its license after at least seven days of the suspension have been served and upon payment of a compromise fee in the amount of \$3,000.00.

I am satisfied that the State Commissioner of Alcoholic Beverage Control, under his broad duties and powers conferred by R. S. 33:1-23, 39, has authority in this manner to compel any manufacturer or wholesaler which has committed violations to serve what, in net, amounts to an appropriate period of suspension and, in addition, the payment of a compromise fee for reinstatement of its license. See Re Majestic Wine and Spirits, Inc., Bulletin 600, Item 1.

In view of the informal rationing system now applicable in the industry and for the purpose of protecting the source of supply of

retail licensees, the defendant, upon the filing of the petition aforesaid and the payment of the compromise fee, will be permitted to receive alcoholic beverages at its licensed premises. However, the defendant, while its license remains under suspension, may not engage otherwise in the distribution or sale of alcoholic beverages or exercise any of its license privileges. See Re Majestic Wine and Spirits, Inc., supra.

Although these proceedings were instituted during the last licensing year, they do not bar or abate but remain fully effective against the defendant's current license. See State Regulations No. 15.

Affiliate proceedings against the manufacturer (Browne-Vintners) and the various solicitors involved in the instant case are being decided concurrently herewith.

Accordingly, it is, on this 30th day of December, 1943,

ORDERED, that Plenary Wholesale License W-11 issued by the State Commissioner of Alcoholic Beverage Control be and the same is hereby suspended for the balance of its term, effective at 8:00 A.M. January 6, 1944, but with leave reserved to the defendant to petition for the reinstatement of its license in accord with the finding and special ruling set forth in the Conclusions.

ALFRED E. DRISCOLL  
Commissioner.

2. DISCIPLINARY PROCEEDINGS - STATE LICENSEE - GIFT OF FREE MERCHANDISE, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 35 AND RULE 4 OF STATE REGULATIONS NO. 34 - PERMITTING DISQUALIFIED EMPLOYEE TO SOLICIT ORDERS, IN VIOLATION OF RULE 6 OF STATE REGULATIONS NO. 12 - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO PETITION FOR AN ORDER REINSTATING THE LICENSE UPON EXPIRATION OF TEN DAYS AND PAYMENT OF COMPROMISE FEE.

In the Matter of Disciplinary Proceedings against )

BROWNE-VINTNERS )  
50 Rockefeller Plaza )  
New York, N. Y., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Wholesale License )  
W-51 issued by the State Commissioner of Alcoholic Beverage Control. )

White & Case, Esqs., by Ezra Cornell, Esq., for the Defendant-Licensee.

William F. Wood, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant, holder of a plenary wholesale license, has pleaded guilty to three charges which, for convenience, may be briefly summarized as follows:

1. That (in 1942) it gave, through a missionary man, free goods to a licensed retailer as inducement for that retailer to purchase certain non-malt alcoholic beverages from Joseph H. Reinfeld, Inc., thereby violating Rule 3 of State Regulations No. 35.

2. That by furnishing such free goods, the defendant also violated Rule 4 of State Regulations No. 34.

3. That the defendant permitted its aforesaid missionary man, who did not hold a solicitor's permit, to solicit orders in this State for alcoholic beverages, in violation of Rule 6 of State Regulations No. 12.

Although the defendant is a wholesale licensee in New Jersey, it manufactures alcoholic beverages elsewhere which it markets in this State through its aforesaid license. Apparently, during the summer of 1942, it was engaged in a promotional scheme to push various of its products in New Jersey by offering retailers free goods (in violation of the State regulations in question) as inducement for buying those products. In this scheme it was aided by Joseph H. Reinfeld, Inc. (a New Jersey wholesale licensee and a "job er" of the defendant's products in this State). As is set forth in affiliate proceedings being decided concurrently herewith against Joseph H. Reinfeld, Inc., the market conditions which prevailed during the summer of 1942 were considerably different from today.

In furtherance of the defendant's aforesaid promotional scheme, William Clarken, one of the defendant's missionary men, visited the premises of a New Jersey retailer on June 15, 1942 with Joseph McEnroe, a licensed solicitor for Joseph H. Reinfeld, Inc. Clarken induced the retailer to place an order with the Reinfeld solicitor for 25 cases of fifths of Hunter Bourbon Whiskey (one of the defendant's products) by procuring for the retailer a case of pints of Hunter Bourbon Whiskey as free goods. These free goods were delivered on July 8, 1942.

By such transaction the defendant not only violated Regulations No. 34 and 35 in giving the free goods, but also violated R. S. 33:1-28 by allowing Clarken to act as a missionary man inducing orders in this State without a solicitor's permit. See Re Distilled Spirits Institute, Bulletin 89, Item 4; Re Batten, etc., Bulletin 279, Item 11.

I have carefully considered the question of penalty for these violations. After full thought, I find and therefore rule that the penalty hereinafter imposed is most likely to ensure the "fair, impartial, stringent and comprehensive administration" of the Alcoholic Beverage Law during these troublesome days of supply in the liquor industry. Weighing all factors and keeping in mind the licensee's guilty plea, I shall suspend the defendant's wholesale license for the balance of its term but with leave reserved to the defendant to petition for a reinstatement of its license after at least ten days of the suspension have been served and upon payment of a compromise fee in the amount of \$5,000.00.

I am satisfied that the State Commissioner of Alcoholic Beverage Control, under his broad duties and powers conferred by R. S. 33:1-23, 39, has authority in this manner to compel any manufacturer or wholesaler which has committed violations to serve what, in net, amounts to an appropriate period of suspension and, in addition, the payment of a compromise fee for reinstatement of its license. See Re Majestic Wine and Spirits, Inc., Bulletin 600, Item 1.

In view of the nature of the defendant's business, it is unnecessary to extend to it, during the period of suspension of its license, the privilege being extended to Joseph H. Reinfeld, Inc. in the affiliate proceedings against that wholesale licensee.

Although these proceedings were instituted during the last licensing year, they do not bar or abate but remain fully effective against the defendant's current license. See State Regulations No. 15.

Affiliate proceedings against the above mentioned licensed solicitor, Joseph McEnroe, are also being decided concurrently herewith.

Accordingly, it is, on this 30th day of December, 1943,

ORDERED, that Plenary Wholesale License W-51 issued by the State Commissioner of Alcoholic Beverage Control be and the same is hereby suspended for the balance of its term, effective 8:00 A.M. January 6, 1944, but with leave reserved to the defendant to petition for reinstatement of its license in accord with the finding and special ruling set forth in the Conclusions.

ALFRED E. DRISCOLL  
Commissioner.

3. DISCIPLINARY PROCEEDINGS - OFFERING FREE MERCHANDISE TO RETAILER AS AN INDUCEMENT TO PURCHASE ALCOHOLIC BEVERAGES, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 35 - SOLICITOR'S PERMIT SUSPENDED FOR 25 DAYS.

DISCIPLINARY PROCEEDINGS - PARTICIPATION IN ILLEGAL TRANSACTION, IN VIOLATION OF R. S. 33:1-87 (P.L. 1939, C. 87, SEC. 3) - OFFERING AND DELIVERING FREE GOODS TO RETAILER, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 35 - AIDING AND ABETTING WHOLE-SALER TO TRANSPORT ALCOHOLIC BEVERAGES IN UNLICENSED VEHICLE, IN VIOLATION OF R. S. 33:1-52 - SOLICITOR'S PERMIT SUSPENDED FOR 30 DAYS.

DISCIPLINARY PROCEEDINGS - PARTICIPATION IN ILLEGAL TRANSACTION, IN VIOLATION OF R. S. 33:1-87 (P.L. 1939, C. 87, SEC. 3) - OFFERING AND DELIVERING FREE GOODS TO RETAILER, IN VIOLATION OF RULE 3 OF STATE REGULATIONS NO. 35 - SOLICITOR'S PERMIT SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against )

JOHN JOSEPH McENROE )  
235 Elmwood Avenue )  
Maplewood, N. J., )

Holder of Solicitor's Permit )  
No. 1150, issued by the State )  
Commissioner of Alcoholic )  
Beverage Control. )

----- )  
In the Matter of Disciplinary Proceedings against )

HARRY HOLTZ )  
241 Leslie Street )  
Newark, N. J., )

Holder of Solicitor's Permit )  
No. 1124, issued by the State )  
Commissioner of Alcoholic )  
Beverage Control. )

----- )  
In the Matter of Disciplinary Proceedings against )

JOSEPH MARCEL SARZYNSKI )  
277 Washington Avenue )  
Rutherford, N. J., )

Holder of Solicitor's Permit )  
No. 1142, issued by the State )  
Commissioner of Alcoholic )  
Beverage Control. )

Milton, McNulty & Augelli, Esqs., by Joseph Keane, Esq.,  
for the Defendants.  
Nathan Davis, Esq., Attorney for the Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

In these affiliate proceedings, being decided together for convenience, the defendant-solicitor McEnroe pleads guilty to the charge that he offered free goods to a retailer as an inducement for such retailer to purchase certain non-malt alcoholic beverages from Joseph H. Reinfield, Inc., in violation of Rule 3 of State Regulations No. 35.

CONCLUSIONS  
AND  
ORDERS



The defendant-solicitor Holtz pleads guilty to the charges that (1) he participated in an illegal transaction whereby Joseph H. Reinfeld, Inc. gave to a retailer, who was purchasing non-malt alcoholic beverages from it, free goods not similarly available to other retailers, such participation by the solicitor being in violation of P. L. 1939, Chapter 87, Section 3 (R. S. Cum. Supp. \*33:1-87); that (2) he offered and delivered such free goods to the retailer, in violation of Rule 3 of State Regulations No. 35; and that (3) he knowingly aided and abetted Joseph H. Reinfeld, Inc. to transport alcoholic beverages in an unlicensed vehicle, in violation of R. S. 33:1-52.

The defendant-solicitor Sarzynski pleads guilty to charges that (1 and 3) he participated in illegal transactions whereby Joseph H. Reinfeld, Inc. gave to each of two retailers, who were purchasing non-malt alcoholic beverages from it, free goods not similarly available to other retailers, such participation by the solicitor being in violation of P.L. 1939, Chapter 87, Section 3 (R. S. Cum. Supp. \*33:1-87); and that (2 and 4) he offered and obtained delivery of such free goods to the retailers, in violation of Rule 3 of State Regulations No. 35.

These three cases are inter-related with proceedings being decided concurrently herewith against Joseph H. Reinfeld, Inc. and Browne-Vintners. The full facts appear in those decisions and need not be repeated here.

As to penalty, I shall, keeping in mind the guilty pleas, suspend the permit of each solicitor for twenty-five days for their connection with the furnishing of free goods to retailers. In addition, I shall impose a further five-day suspension upon Holtz's permit for his aiding in the delivery of alcoholic beverages in an unlicensed vehicle, thus totaling a thirty-day suspension in his case.

Accordingly, it is, on this 30th day of December, 1943,

ORDERED, that Solicitor's Permit No. 1150, issued to John Joseph McEnroe by the State Commissioner of Alcoholic Beverage Control, be and the same is hereby suspended for twenty-five (25) days, commencing at 8:00 A.M. January 6, 1944 and terminating at 8:00 A.M. January 31, 1944; and it is further

ORDERED, that Solicitor's Permit No. 1124, issued to Harry Holtz by the State Commissioner of Alcoholic Beverage Control, be and the same is hereby suspended for thirty (30) days, commencing at 8:00 A.M. January 6, 1944 and terminating at 8:00 A.M. February 5, 1944; and it is further

ORDERED, that Solicitor's Permit No. 1142, issued to Joseph Marcel Sarzynski by the State Commissioner of Alcoholic Beverage Control, be and the same is hereby suspended for twenty-five (25) days, commencing at 8:00 A.M. January 6, 1944 and terminating at 8:00 A.M. January 31, 1944.

ALFRED E. DRISCOLL  
Commissioner.

4. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - FAILURE TO KEEP BAR CLOSED, IN VIOLATION OF LOCAL ORDINANCE - FAILURE TO COOPERATE WITH AND HINDERING INVESTIGATION BY DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against )

ANGELA MASON )

T/a HILLTOP INN )

W/S Route 44,  $\frac{1}{4}$  mile N. of )

Penns Grove )

Upper Penns Neck Township )

P.O. Penns Grove, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )

License C-6, issued by the Township )

Committee of the Township of Upper )

Penns Neck. )

Angela Mason, Pro Se.

Edward F. Ambrose, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to charges alleging that, on Sunday, November 14, 1943, she (1) sold and delivered alcoholic beverages in original containers for consumption off the licensed premises, in violation of Rule 1 of State Regulations No. 38; (2) failed to keep her bar closed, in violation of local ordinance; and (3) hindered and failed to facilitate an investigation by agents of the Department of Alcoholic Beverage Control, in violation of R.S.33:1-35.

During the afternoon of Sunday, November 14, 1943, two ABC agents observed two men, each carrying a paper bag, leave the licensed premises through the rear door. The agents apprehended the two men and learned that each of the bags carried by them contained two quart bottles of beer.

The agents thereupon attempted to enter the tavern by way of the rear door but were refused admittance. They then observed, through a side window, that about 13 persons were at the bar with glasses of beverages in front of them. Calling out that they were State officers, the agents demanded that the licensee, who was behind the bar, permit them to enter. Instead of doing so, however, the licensee immediately extinguished the lights in the barroom, directed her patrons to remove themselves to the rear sitting room, and removed all the glasses from the bar and washed them.

Fully ten minutes elapsed thereafter before the rear door was opened by the licensee and the agents allowed to enter. They found about ten persons in the sitting room with no visible evidence of any drinking taking place. When the agents inquired of the licensee what these people were doing in her sitting room, she brazenly replied that they were her friends and were paying her a social call. She refused to make any statement concerning the service of beverages to the patrons at her bar as observed by the agents, and openly boasted that "you (the agents) didn't see them get anything to drink." The agents also found, in an ice-cooler under the bar, a quantity of quart beer bottles of the same brand as that contained in the paper bags which were delivered to the two men who had been apprehended by the agents.

This is the third time that disciplinary proceedings have been instituted against this licensee for selling alcoholic beverages, or being open, during prohibited hours. In May 1937 her license was suspended for five days because she was guilty of selling alcoholic beverages on Primary Election Day. In May 1943 she suffered a 15-day suspension for being open and selling during prohibited hours on a Sunday. For the instant violation, therefore, which includes not only an infraction of the local regulation against being open on Sunday but, as well, a violation of the State regulation prohibiting the sale or delivery of any alcoholic beverages in original containers for off-premises consumption on Sunday, the license, in view of such past record, might well be revoked. When, in addition, the licensee demonstrates an utter unfitness to hold a liquor license by her flagrant defiance of the orderly investigative processes of agents of this Department, it becomes patently clear that outright revocation of the license is the only proper penalty that may here be imposed.

Accordingly, it is, on this 29th day of December, 1943,

ORDERED, that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Upper Penns Neck to Angela Mason, t/a Hilltop Inn, for premises W/S Route 44, 1/4 mile N. of Penns Grove, Upper Penns Neck Township, be and the same is hereby revoked, effective immediately.

ALFRED E. DRISCOLL  
Commissioner.

5. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS,  
IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS  
NO. 20 - 15 DAYS' SUSPENSION.

In the Matter of Disciplinary )  
Proceedings against )  
JOSEPH N. SIRGANY )  
T/a ST. JAMES RESTAURANT & BAR )  
312 Cookman Avenue )  
Asbury Park, N. J., )  
Holder of Plenary Retail Consump- )  
tion License C-16 issued by the )  
City Council of the City of )  
Asbury Park. )  
----- )

CONCLUSIONS  
AND ORDER

Robert Friedlander, Esq., Attorney for Defendant-Licensee.  
Milton H. Cooper, Esq., Attorney for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded not guilty to charges which allege, in substance, that, on August 3, 1943, he sold and served to, and permitted the consumption of alcoholic beverages by, minors in his licensed premises, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

Senior Inspector Gold of the Department of Alcoholic Beverage Control testified that, on August 3, 1943, after he and Senior Inspector Boehm had been in defendant's premises for approximately a

half hour, he saw a party of six women enter the premises. He further testified that three of the women, all of whom were eventually found to be minors, took seats in a booth, and that the other three women, all apparently of full age, took seats at a table located about three feet from the booth; that thereafter he saw George Shalhoub carry three glasses of beer to the table at which the minors were sitting, and that he saw Shalhoub put the three glasses of beer on said table.

Senior Inspector Boehm testified that he was seated at the same table with Gold and with his back to the booth in which the minors were seated; that, when he turned around, he observed George Shalhoub in the act of serving two of the glasses of beer on his tray to two of the minors in the booth and that, when he and Gold went to the booth to identify themselves, he saw three glasses of beer on the table where the minors were seated. The three glasses of beer, which had been partly consumed by the minors, were seized.

The three minors testified that they were not served by any of defendant's employees but said that the three glasses of beer were passed to them by the women at the other table. One of these women, apparently of full age, who was seated at the other table, testified that she had ordered two separate rounds of three glasses of beer from George Shalhoub; that, after Shalhoub delivered to her table the second three glasses of beer, they were passed on to the minors who were seated at the table in the booth. This was substantially the same testimony which was given at the hearing by George Shalhoub, the bartender.

Both of the Senior Inspectors have been employed by this Department for many years and I believe their testimony that the bartender served the drinks directly to the minors. In any event, the testimony is sufficient to show that the three minors were permitted to consume alcoholic beverages upon the licensed premises. Hence I find defendant guilty as charged.

The usual penalty in cases of this kind, where there are no aggravating circumstances, is ten days. In this case two of the minors were eighteen years of age and the third was seventeen years of age. Under these circumstances, I shall suspend the license for a period of fifteen days. Cf. Re Frater, Bulletin 576, Item 2.

Accordingly, it is, on this 3rd day of January, 1944,

ORDERED, that Plenary Retail Consumption License C-16, issued by the City Council of the City of Asbury Park to Joseph N. Sirgany, t/a St. James Restaurant & Bar, for premises 312 Cookman Avenue, Asbury Park, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 A.M. January 6, 1944 and terminating at 2:00 A.M. January 21, 1944.

ALFRED E. DRISCOLL  
Commissioner.

6. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO A MINOR,  
IN VIOLATION OF R. S. 33:1-77 AND RULE 1 OF STATE REGULATIONS  
NO. 20 - 20 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary  
Proceedings against

MILITARY INN, INC.  
T/a MILITARY INN  
N/E cor. Main Street and  
Fort Dix Road  
Wrightstown, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump-  
tion License C-5 issued by the  
Borough Council of the Borough of  
Wrightstown.

Powell and Parker, Esqs., Attorneys for Defendant-Licensee.  
Milton H. Cooper, Esq., Attorney for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

Defendant-licensee, through its attorney, pleads guilty to  
charges that, on November 28, 1943, and on divers days prior thereto,  
alcoholic beverages were sold and served to a minor, in violation of  
R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

The facts in the case are that one Olga ---, a minor of the age  
of seventeen years, was served with alcoholic beverages by an  
employee of defendant on November 28, 1943 and on a number of Sundays  
prior to said date. Licensees are directly answerable for the vio-  
lations of their employees upon the licensed premises.  
Re Martins Inc., Bulletin 576, Item 8.

The usual penalty imposed for sale or service of alcoholic bev-  
erages to minors where no aggravating circumstances appear, or where  
the licensee has no previous adjudicated record, is ten days. In  
the instant case the minor to whom alcoholic beverages were served is  
only seventeen years of age. Furthermore, Louis Schwartz, President  
and owner of the majority of the shares of stock in the defendant  
corporation, has a previous record. His license was suspended by  
the Commissioner for ten days, effective June 3, 1942, for making  
false statements in his application for a liquor license when oper-  
ating the present tavern as Louis Schwartz, t/a Military Inn. See  
Re Schwartz, Bulletin 514, Item 8. Under all of the circumstances, I  
shall suspend the license for a period of twenty days, with remission  
of five days for the guilty plea, or a net suspension of fifteen days.

The licensee was also charged with the sale of alcoholic bev-  
erages to an intoxicated minor in the present case. A soldier who was  
a material witness for the Alcoholic Beverage Control Department was  
transferred prior to the date scheduled for hearing and was not  
available to testify. Without the testimony of this material witness,  
it is impossible to determine whether or not the girl was intoxicated  
at the time when alcoholic beverages were served to her. I shall,  
therefore, dismiss the third charge.

Accordingly, it is, on this 3rd day of January, 1944,

ORDERED, that Plenary Retail Consumption License C-5, issued by  
the Borough Council of the Borough of Wrightstown to Military Inn,  
Inc., t/a Military Inn, for premises N/E cor. Main Street and Fort Dix  
Road, Wrightstown, be and the same is hereby suspended for a period of  
fifteen (15) days, commencing at 2:00 A.M. January 6, 1944 and  
terminating at 2:00 A.M. January 21, 1944.

ALFRED E. DRISCOLL  
Commissioner

7. ACTIVITY REPORT FOR DECEMBER, 1943

To: Alfred E. Driscoll, Commissioner

ARRESTS: Licensees and employees - - - - - 5 Bootleggers - - - - - 22  
Total number of persons arrested - - - - - 27

SEIZURES: Still - 1 to 50 gallons daily capacity - - - - - 1  
50 gallons and more daily capacity - - - - - 1  
Total number of stills seized - - - - - 2  
Mash - gallons - - - - - 1,150  
Motor vehicles - Trucks - - - - - 4  
Passenger cars - - - - - 6  
Total number of motor vehicles seized - - - - - 10  
Beverage alcohol - gallons - - - - - 0  
Brewed malt alcoholic beverages (beer, ale, etc.) - gallons - - - - - 0.50  
Wine - gallons - - - - - 2.25  
Distilled alcoholic beverages (whiskey, brandy, etc.) - gallons - 420.52

RETAIL LICENSEES:  
Total number of premises inspected - - - - - 1,150  
Total number of bottles gauged - - - - - 7,621  
Total number of premises where violations were found - - - - - 69  
Total number of violations found - - - - - 71  
Type of violations found:  
Illicit (bootleg) liquor - - - - - 7 Improper beer tap markers - - - - - 0  
Gambling devices - - - - - 0 Stock disposal permits necessary - - - - - 6  
Prohibited signs - - - - - 0 No sign denoting legal sale hours - - - - -  
Unqualified employees - - - - - 11 off-premises consumption - - - - - 40  
"Fronts" (concealed ownership) - 4 Other types of violations - - - - - 3

MILITARY AREA PATROL INSPECTIONS: - - - - - 572

STATE LICENSEES:  
Premises inspected - - - - - 4  
License applications investigated - - - - - 14

COMPLAINTS:  
Investigated, reviewed and closed - - - - - 352  
Investigation assigned, not yet completed - - - - - 376

LABORATORY:  
Analyses made - - - - - 107  
"Shake-up" cases (alcohol, water and artificial coloring) - - - - - 14  
Liquor found to be not genuine as labeled - - - - - 5

IDENTIFICATION BUREAU:  
Criminal fingerprint identifications made - - - - - 17  
Persons fingerprinted for non-criminal purposes - - - - - 145  
Identification contacts with other enforcement agencies - - - - - 171  
Motor vehicle identifications via N. J. State Police Teletype - - - - - 19

DISCIPLINARY PROCEEDINGS:  
Cases transmitted to municipalities - - - - - 15  
Cases instituted at Department - - - - - 25

HEARINGS HELD AT DEPARTMENT:  
Total number of hearings held - - - - - 35  
Appeals - - - - - 1 Seizures - - - - - 8  
Disciplinary proceedings - 19 Tax revocations - - - - - 3  
Eligibility - - - - - 4

PERMITS ISSUED:  
Total number of permits issued - - - - - 580  
Unqualified employees - - - - - 133  
Solicitors - - - - - 53  
Social affairs - - - - - 109  
Home manufacture of wine - - - - - 141  
Disposal of alcoholic beverages - - - - - 60  
Miscellaneous permits - - - - - 84

Respectfully submitted,  
Sydney B. White  
Chief Inspector.

8. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BY CLUB LICENSEE TO PERSONS OTHER THAN BONA FIDE MEMBERS AND GUESTS, IN VIOLATION OF RULE 5 OF STATE REGULATIONS NO. 7 - 15 DAYS' SUSPENSION, LESS 5 FOR GUILTY PLEA.

In the Matter of Disciplinary Proceedings against

AMERICAN FEDERATION OF HOSIERY WORKERS, BRANCH #3  
Route 6 and Searing St.  
Dover, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Club License CB-44 issued by the State Commissioner of Alcoholic Beverage Control.

Defendant-Licensee, Pro Se.

Edward F. Ambrose, Esq., Attorney for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant, through its manager, pleads guilty to the sale of alcoholic beverages to persons other than bona fide members and their bona fide guests, in violation of Rule 5 of State Regulations No. 7 and R. S. 33:1-2.

The departmental file discloses that on Friday, November 12, 1943, the manager of the defendant club sold alcoholic beverages to agents of the Department of Alcoholic Beverage Control. Neither of the investigators are members of the club nor were they guests of a member or members at the time the sales were made.

Club licensees must scrupulously obey the law respecting sales of alcoholic beverages to non-members. Failure to do so warrants the imposition of severe penalties. See Re Dunellen Lodge No. 1488, B.P.O. Elks, Bulletin 582, Item 2. I shall, therefore, impose a penalty of fifteen days' suspension of the defendant's license for the within violation with a remission of five days for the guilty plea, or a net suspension of ten days.

Accordingly, it is, on this 4th day of January, 1944,

ORDERED, that Club License CB-44, issued by the State Commissioner of Alcoholic Beverage Control to American Federation of Hosiery Workers, Branch #3, for premises Route #6 and Searing St., Dover, N. J., be and the same is hereby suspended for a period of ten (10) days, commencing at 1:00 A.M. January 10, 1944, and terminating at 1:00 A.M. January 20, 1944.

ALFRED E. DRISCOLL

Commissioner

9. STATE BEVERAGE DISTRIBUTORS - RETAIL SALES - BEER IN HALF-BARRELS PICKED UP BY PURCHASER AT WAREHOUSE.

TRANSPORTATION - NO CHANGE IN LAW OR REGULATIONS CONCERNING TRANSPORTATION OF ALCOHOLIC BEVERAGES WITHIN THE STATE - TRANSPORTATION THROUGH THE STATE (RECENTLY AMENDED REGULATIONS NO. 17) DISTINGUISHED.

January 4, 1944

M. Rosenfield, Inc.  
Belmar, N. J.

Gentlemen:

I have your letter of December 28th, stating that under S.B.D. License No. 103, a good part of your business in half-barrels has been to private individuals for home consumption and picked up by them at your warehouse. You ask to be advised as to the recent ruling concerning this type of transaction.

There is nothing in the Alcoholic Beverage Law or State Regulations prohibiting the transaction described in your letter. Paragraph (2) of R.S. 33:1-11 provides, in part, that the holder of a State Beverage Distributor's license "may sell unchilled, brewed, malt alcoholic beverages in original containers only, in quantities of not less than one hundred forty-four fluid ounces, at retail; provided, however, that such sales shall be made only for consumption off the licensed premises."

Regarding an individual's picking up the half-barrel at your warehouse, the pertinent portion of R. S. 33:1-2 reads:

"....alcoholic beverages intended in good faith to be used solely for personal consumption may be transported in any vehicle from a point within this State to the extent of, not exceeding one-half barrel, or two cases containing not in excess of twenty-four quarts in all, of beer, ale or porter...."

In requesting "the recent ruling" as to half-barrel pick-ups at an S.B.D. warehouse, you may have had in mind the amendment on December 6, 1943, of Rule 2 of State Regulations No. 17. That rule deals with transportation through New Jersey when no delivery is made in the State; it has no bearing upon the situation presented in your letter.

You understand, of course, that a retail licensee may not pick up beer at your warehouse except in a vehicle bearing transportation insignia, or pursuant to Special Permit, issued by this Department. See R. S. 33:1-28 and State Regulations No. 16.

You are aware, also, of State Regulations No. 38, under which you may not sell or deliver, at retail, on Sunday, or before 9:00 A.M. or after 10:00 P.M. on any other day of the week.

Very truly yours,  
ALFRED E. DRISCOLL  
Commissioner.



10. DISCIPLINARY PROCEEDINGS - APPLICATION FOR A WRIT OF CERTIORARI  
HAVING BEEN DENIED BY THE SUPREME COURT OF THE UNITED STATES -  
ORDER ENTERED DETERMINING SUSPENSION PERIOD.

In the Matter of Disciplinary )  
Proceedings against )

GRANT LUNCH CORPORATION )  
197-199-201 Market Street and )  
6-8 Beaver Street )  
Newark, N. J., )

O R D E R

Holder of Plenary Retail Consump- )  
tion License C-57 for the fiscal )  
year 1941-42, and now holder of )  
Plenary Retail Consumption License )  
C-55 for the current fiscal year, )  
both issued by the Municipal Board )  
of Alcoholic Beverage Control of )  
the City of Newark. )  
----- )

BY THE COMMISSIONER:

It appearing that, by Conclusions and Order herein, dated June 12, 1942, the license of Grant Lunch Corporation was suspended for five days; and

It further appearing that, by Order dated June 17, 1942, Bulletin 518, Item 3, said suspension was stayed until final determination of any and all applications and proceedings for review; and

The matter herein having been finally determined by the Court of Errors and Appeals of the State of New Jersey and application for a writ of certiorari having been denied by the Supreme Court of the United States;

It is, on this 5th day of January, 1944,

ORDERED, that Plenary Retail Consumption License C-55, issued for the current fiscal year to Grant Lunch Corporation by the Municipal Board of Alcoholic Beverage Control of the City of Newark for premises 197-199-201 Market Street and 6-8 Beaver Street, Newark, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 A.M. January 10, 1944 and terminating at 2:00 A.M. January 15, 1944.

ALFRED E. DRISCOLL  
Commissioner.

11. DISCIPLINARY PROCEEDINGS - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO PETITION FOR REINSTATEMENT UPON THE EXPIRATION OF TEN DAYS AND PAYMENT OF COMPROMISE FEE - COMPROMISE FEE HAVING BEEN PAID, LICENSE ORDERED REINSTATED UPON THE CONCLUSION OF THE TEN DAYS' SUSPENSION.

In the Matter of Disciplinary )  
 Proceedings against )

MAJESTIC WINE & SPIRITS, INC. )  
 1423 Ferry Avenue )  
 Camden, N. J., )

ON PETITION  
 CONCLUSIONS AND ORDER

Holder of Plenary Wholesale )  
 License W-110, issued by the )  
 State Commissioner of Alcoholic )  
 Beverage Control. )  
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Frazer, Stoffer & Jacobs, Esqs., Attorney for the Defendant, by  
 David Stoffer, Esq.  
 Nathan Davis, Esq., Attorney for the State Department of Alcoholic  
 Beverage Control.

BY THE COMMISSIONER:

On December 23, 1943 I entered an order in this matter suspending the defendant's license for the balance of its term, effective 8:00 A.M., December 27, 1943, but with leave reserved to the defendant to petition for reinstatement of its license after ten full days of the suspension had been served and on payment of a compromise fee of \$5,000.00.

The defendant has filed such petition and posted the said fee.

In the exercise of my discretion, and in line with my decision heretofore rendered in this case, I shall grant the petition.

Accordingly, it is, on this 5th day of January, 1944,

ORDERED, that the suspension heretofore imposed on the defendant's license and which commenced at 8:00 A.M. December 27, 1943, shall terminate, and the defendant's license shall be deemed reinstated, at 8:00 A.M. January 6, 1944.

DEPARTMENT OF ALCOHOLIC  
 BEVERAGE CONTROL

*Alfred E. Briswell*  
 Commissioner.