

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

BULLETIN 800

APRIL 20, 1948.

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

BULLETIN 800

APRIL 20, 1948.

1. AUTOMATIC SUSPENSION - SELLING ALCOHOLIC BEVERAGES TO MINORS -  
LICENSE PREVIOUSLY SUSPENDED FOR 60 DAYS BY COMMISSIONER -  
APPLICATION TO LIFT GRANTED.

In the Matter of a Petition )  
by )

WILLIAM VASSOS and CHARLES )  
MURPHY )

T/a GOLDEN MOON CAFE )  
Route 39, Chambers Corner )  
Springfield Township )  
P.O. Mount Holly RFD, N. J., )

ON PETITION  
O R D E R

Holders of Plenary Retail Consump- )  
tion License C-2 issued by the )  
Township Committee of the Township )  
of Springfield. )

----- )  
John S. Conroy, 3rd, Esq., Attorney for Petitioners.

BY THE COMMISSIONER:

It appears from a petition filed herein that on March 4, 1948, William Vassos, a member of the above entitled partnership, was fined the sum of \$100.00 in the Burlington County Court of Quarter Sessions after he had pleaded non vult to an indictment for selling alcoholic beverages to minors.

Because of said criminal conviction the license held by petitioners herein has been automatically suspended for the balance of its term. R. S. 33:1-31.1. Petitioners request that the automatic suspension may be lifted.

It further appears that the criminal proceedings arose from the sale of alcoholic beverages to the minors mentioned in disciplinary proceedings entitled Re Vassos and Murphy, Bulletin 793, Item 7. In said disciplinary proceedings defendants' license was suspended by me for a period of sixty days, commencing at 2:00 a.m. February 22, 1948, and terminating at 2:00 a.m. April 22, 1948.

Under the circumstances, I shall grant the relief sought herein and lift the automatic suspension of the license at the time the suspension imposed in the disciplinary proceedings terminates.

Accordingly, it is, on this 7th day of April, 1948,

ORDERED that the automatic suspension of License C-2, issued by the Township Committee of the Township of Springfield to William Vassos and Charles Murphy, t/a Golden Moon Cafe, for premises on Route 39, Chambers Corner, Springfield Township, be lifted effective at 2:00 a.m. April 22, 1948. Until that time the license stands suspended.

ERWIN B. HOCK  
Commissioner.

2. SEIZURE - FORFEITURE PROCEEDINGS - ALCOHOLIC AND OTHER BEVERAGES, FIXTURES AND FURNISHINGS IN SPEAKEASY IN CLUB ORDERED FORFEITED - MUSIC BOX RETURNED TO OWNER WHO HAD NO CAUSE TO SUSPECT THAT UNLAWFUL LIQUOR ACTIVITIES WERE BEING CARRIED ON.

In the Matter of a Seizure on )  
 May 23, 1947, of a quantity )  
 of alcoholic beverages, furniture, )  
 fixtures and a music box at 687 )  
 State Street, in the City of Perth )  
 Amboy, County of Middlesex and )  
 State of New Jersey. )

Case No. 7131

ON HEARING  
 CONCLUSIONS AND ORDER

Nathan Duff, Esq., Attorney for Mosely McCoy Post #375,  
 American Legion.  
 Benjamin J. McFarland, Pro Se.  
 Harry Castelbaum, Esq., appearing for the Department of Alcoholic  
 Beverage Control.

BY THE COMMISSIONER:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1 of the Revised Statutes, to determine whether a quantity of alcoholic beverages and furniture, fixtures, a music box, and \$11.20 in cash, itemized in a schedule attached hereto, seized on May 23, 1947 in the club quarters of the Mosely McCoy Post #375, American Legion, located at 687 State Street, Perth Amboy, N. J., constitute unlawful property and should be forfeited.

It appears that this organization, in existence for about a year, unsuccessful in its efforts to obtain a liquor license, nevertheless sold alcoholic beverages in a misguided effort to raise funds. These illegal activities came to the attention of the State Department of Alcoholic Beverage Control.

Accordingly, on May 23, 1947, an ABC agent entered the club quarters and purchased a drink of whiskey and a bottle of beer from a person later identified as Queen Esther Moore, the historian of the organization. Shortly thereafter other ABC agents entered the place.

Richard Johnson, Service Officer, Queen Esther Moore, and Richard E. Carty, Finance Officer of the organization, were present when the alcoholic beverages were sold to the ABC agent. Miss Moore admitted that she had sold the alcoholic beverages to the agent. Mr. Johnson said that he had witnessed the sale; that the organization made a practice of selling alcoholic beverages, that the \$11.20 in the cash box was receipts realized from the sale of alcoholic beverages and soda; and that all of the receipts were turned over to the Finance Officer.

Carty, the Finance Officer, in a signed statement, admitted that he had witnessed the sale of beer by Miss Moore to the agent on the occasion in question; that the alcoholic beverages were purchased by the chairman of the house committee, and that alcoholic beverages had been sold in the club for about two months, without a license, to raise funds.

The ABC agents seized the whiskey, beer and soda, as well as a counter or bar, and other equipment in the place. Carty, Johnson and Miss Moore were arrested.

The seized alcoholic beverages were illicit because intended for unlawful sale. R. S. 33:1-1(i). Illicit alcoholic beverages and all personal property seized therewith on the premises constitute unlawful property subject to seizure and forfeiture. R. S. 33:1-1(y), R. S. 33:1-2, R. S. 33:1-66.

When the matter came on for hearing pursuant to R. S. 33:1-66, counsel entered an appearance for the organization, which sought return of the furniture and equipment. Benjamin J. McFarland also appeared and sought return of the music box. Forfeiture of the bar, whiskey, beer, and drinking glasses was not opposed.

The Commander of the Post testified that one of its objectives was a child welfare program; that, having little, if any funds, it attempted to get a liquor license as a means of income to carry out its aims; that whatever liquor activities were carried on at the place were for the purpose of raising money.

It is urged that the personnel of the organization are otherwise law-abiding, and of good reputation, and that the organization should not suffer the loss of the furnishings of their quarters because of its ill-considered unlawful liquor activities.

I am naturally in sympathy with the legitimate aims and objectives of the organization. However, its need for funds or, as suggested, the urgent need of having liquor available for members in the Post quarters, can under no circumstances justify disregard of the liquor laws. This applies to all clubs or organizations.

The law provides that all personal property seized on the premises where illicit alcoholic beverages are seized is subject to forfeiture. It is obvious that this penalty must apply with equal force to all types of establishments. There can be no distinction between an out-and-out speakeasy and a place in which there is being carried on both a legitimate enterprise and unlawful liquor activities, irrespective of whether the unlawful liquor activities are prompted by good or bad motives. See Seizure Case No. 6763; Seizure Case No. 6928, Bulletin 709, Item 9; Seizure Case No. 7127 and Seizure Case No. 7046, Bulletin 739, Item 6, involving clubs of various types. See also Seizure Case No. 6917, Bulletin 693, Item 1; Seizure Case No. 6989, Bulletin 734, Item 2; Seizure Case No. 7002, Bulletin 731, Item 2; Seizure Case No. 7003, Bulletin 731, Item 3; and Seizure Case No. 7041, Bulletin 745, Item 1, involving forfeiture of equipment seized in commercial restaurants.

The only authority I have to return property subject to forfeiture is where it is established to my satisfaction that the person seeking such return has acted in good faith and has unwittingly violated the law. R. S. 33:1-66(e). It is self-evident that such is not the instant case. Hence, irrespective of whatever sympathy I may have for the plight of the responsible members of the organization, I am compelled to deny its request for the return of any part of the property seized.

McFarland, on his part, must establish to my satisfaction that he acted in good faith and did not know or have any reason to suspect that illegal liquor activities were being carried on at the Post quarters. In that event, I am authorized to return the music box to him. R. S. 33:1-66(f).

According to McFarland, his machine was placed in the Post quarters in October 1946. He went there about a month later to repair the machine and observed that there was a store front, with ping pong tables, a counter and other equipment in the place. He assumed that the Post sold food and soda, and understood that it was attempting to get a liquor license. He made no effort thereafter to find out whether it actually obtained such a license. During the five months that his machine was there it was difficult for him to service the machine because the place was generally locked. The income was meagre but he left the machine there as an accommodation to the Post.

Where, as here, a music machine is placed in the quarters of an organization functioning under the auspices of a national or state

order, organization or association, the owner of the machine, unless he has specific knowledge to the contrary, may assume that its officials are law-abiding and that the activities carried on there are in accordance with law. If the organization has applied for a liquor license, he may reasonably assume that it will not engage in the sale of alcoholic beverages unless and until it has obtained such license.

Hence, it follows that McFarland exercised reasonable prudence when placing his machine at the Post quarters. Consequently, if he pays the costs of its seizure and storage, it will be returned to him.

Accordingly, it is DETERMINED and ORDERED that if, on or before the 18th day of April, 1948, the cost of the seizure and storage of the music machine is paid, it will be returned to Benjamin J. McFarland; and it is further

DETERMINED and ORDERED that the balance of the seized property, more fully described in Schedule "A", attached hereto, constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and that it be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part at the direction of the State Commissioner of Alcoholic Beverage Control.

Dated: April 8, 1948.

ERWIN E. HOCK  
Commissioner.

SCHEDULE "A"

- 5 - bottles of whiskey
- 83 - 12 oz. bottles beer
- 14 - bottles of soda
- 9 - wooden double chairs
- 9 - wicker chairs
- 3 - wooden booths
- 2 - wooden ping pong tables
- 2 - pianos
- 1 - Florence Oil Burner (3 burners)
- 38 - 1 oz . whiskey glasses
- 19 - assorted glasses
- 1 - Wurlitzer Juke Box, Model 500 A, Serial  
No. 653328, and currency therein.
- 1 - steel box with \$11.20 in currency
- 1 - wooden bar

3. SEIZURE - FORFEITURE PROCEEDINGS - ALCOHOLIC BEVERAGES IN SPEAKEASY IN PRIVATE RESIDENCE ORDERED FORFEITED - FURNITURE RETURNED TO ESTATE OF OWNER WHO WAS UNAWARE OF UNLAWFUL ACTIVITIES BECAUSE OF HER SERIOUS ILLNESS.

In the Matter of the Seizure on	)	Case No. 7185
October 26, 1947 of a quantity	)	
of whiskey and beer, and furniture	)	
and fixtures, at 2 Mill Street,	)	ON HEARING
in the City of Long Branch, County	)	CONCLUSIONS AND ORDER
of Monmouth and State of New Jersey.	)	
-----)		
Ira J. Katchen, Esq., Attorney for Mary Ella Boyd (now deceased).		
Harry Castelbaum, Esq., appearing for the Department of Alcoholic Beverage Control.		

BY THE COMMISSIONER:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1 of the Revised Statutes, to determine whether a quantity of whiskey and beer, and furniture and fixtures, itemized in the schedule attached hereto, seized on October 26, 1947 at 2 Mill Street, Long Branch, N. J., constitute unlawful property and should be forfeited.

It appears that on the day in question, ABC agents and local police officers executed a search warrant for the one-story, three-room dwelling at the above address. Seven or eight persons were in the place at the time. Empty beer bottles and a partly full bottle of beer were visible. Two of the persons who were there said that they had purchased beer and whiskey from Estelle Goldstein, sister of Mary Ella Boyd, the occupant of the premises, who was then confined to her bed by illness. One of the persons who made the above statement said that he had purchased beer at the place from Mary Ella Boyd in September 1947. Neither Estelle Goldstein nor Mary Ella Boyd held any license authorizing either of them to sell or serve alcoholic beverages and the premises were not licensed for the sale of alcoholic beverages.

Accordingly, Estelle Goldstein was arrested and the ABC agents seized whatever beer and whiskey were there, as well as a number of empty beer bottles, a radio, music box, and tables and chairs.

When the matter came on for hearing pursuant to R. S. 33:1-66, counsel entered an appearance for Mary Ella Boyd and sought return to her of the radio, music box, and tables and chairs.

At such hearing, Estelle Goldstein denied that she had sold alcoholic beverages at the place; that she had observed anyone drinking alcoholic beverages there; or was accountable for the empty beer bottles in the place. The force of her denial is diminished considerably by the fact that she has since been convicted in criminal court of selling alcoholic beverages unlawfully and fined \$100.00.

I find that on the day in question, Estelle Goldstein sold alcoholic beverages on the premises located at 2 Mill Street, Long Branch, in violation of the law, and that whatever alcoholic beverages were seized were intended for like unlawful sale and, hence, are illicit. R. S. 33:1-1(i). The illicit alcoholic beverages and the tables, chairs, radio and music box seized therewith are subject to forfeiture. R. S. 33:1-1(y), R. S. 33:1-2, R. S. 33:1-66.

The only authority I have to return property subject to forfeiture is in the case where it is established to my satisfaction that the

owner of such property acted in good faith and did not know, nor have any reason to suspect, that illegal liquor activities were being carried on at the place where such property was kept. R.S.33:1-66(f).

The nature of Mary Ella Boyd's illness appears to have been such as to have rendered her incapable of paying attention to everyday affairs. Estelle Goldstein says that she came to her sister's home the day before the seizure to care for her. Persons who were present when the seizure occurred testified that they came there to pray for Mary Ella Boyd because she was sick; that she had heart trouble, could not talk much -- was in "bad shape", and was awaiting the arrival of her doctor. The officers permitted Estelle Goldstein to remain at the premises to await the arrival of the doctor, and thereafter returned and placed her under arrest. Mary Ella Boyd died subsequently of a disease of the heart.

I may suspect that Mary Ella Boyd sold alcoholic beverages at the place at some time or other, although the only direct evidence to this effect is the somewhat sketchy statement of one of the persons in the place. It is likewise possible that Estelle Goldstein sold alcoholic beverages on Mary Ella Boyd's behalf, or with her knowledge or consent, even though she was confined to her bed. On the other hand, Mary Ella Boyd's physical condition strongly suggests that she lacked the ability to control her sister's activities in her household, or was even aware of their nature. The absence of any substantial quantity of alcoholic beverages in the place is also significant.

Under all the circumstances in the case I have decided to resolve the doubt in her favor, and find that the unlawful activities of her sister were without Mary Ella Boyd's knowledge or consent. Return of the items in question will benefit her estate, but whatever speakeasy activities she engaged in are at an end.

Accordingly, it is DETERMINED and ORDERED that if, on or before the 17th day of April, 1948, the costs of the seizure and storage of the radio, music box, and tables and chairs are paid, such articles will be turned over to the legal representative of the estate of Mary Ella Boyd; and it is further

DETERMINED and ORDERED that the beer, whiskey, empty beer bottles and whiskey glasses, more fully described in Schedule "A", attached hereto, constitute unlawful property and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and that it be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part at the direction of the State Commissioner of Alcoholic Beverage Control.

Dated: April 7, 1948.

ERWIN B. HOCK  
Commissioner.

SCHEDULE "A"

- 1 - bottle of whiskey
- 2 - bottles of beer
- 1 - empty whiskey bottle
- 1 - radio
- 1 - Wurlitzer music box
- 9 - chairs
- 3 - tables
- 11 - empty beer bottles
- 8 - whiskey glasses

4. DISCIPLINARY PROCEEDINGS - PERMITTING SLOT MACHINES ON PREMISES  
IN VIOLATION OF RULE 8 OF STATE REGULATIONS NO. 20 - LICENSE  
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

MANASQUAN RIVER GOLF CLUB  
Riverview Drive  
Brielle, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump-  
tion License C-179, issued by the  
State Commissioner of Alcoholic  
Beverage Control.

J. Stanley Herbert, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to a charge alleging that, on  
October 3, 1947, it possessed four slot machines on its licensed  
premises, in violation of Rule 8 of State Regulations No. 20.

The license will be suspended for ten days, less five days for  
the plea, leaving a net suspension of five days. Cf. Re Corp.  
Mathews-Purnell Post 518, Bulletin 770, Item 3.

Accordingly, it is, on this 5th day of April, 1948,

ORDERED that Plenary Retail Consumption License C-179, issued by  
the State Commissioner of Alcoholic Beverage Control to Manasquan  
River Golf Club, Riverview Drive, Brielle, be and the same is hereby  
suspended for a period of five (5) days, commencing at 2:00 a.m.  
April 12, 1948, and terminating at 2:00 a.m. April 17, 1948.

ERWIN B. HOCK  
Commissioner.



5. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

FELIX M. ORZECHOWSKI )  
T/a 64 TAVERN )  
64 Morris Street )  
Jersey City 2, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-266, issued by the )  
Board of Commissioners of the )  
City of Jersey City. )  
----- )

Felix M. Orzechowski, Defendant-licensee, Pro Se.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded non vult to charges that he sold alcoholic beverages below the established Fair Trade price, in violation of Rule 6 of State Regulations No. 30.

On March 19, 1948, and also on March 22, 1948, defendant's bartender sold on the licensed premises a pint bottle of Schenley Reserve Blended Whiskey to an inspector of the State Department of Alcoholic Beverage Control for the sum of \$2.50. The established minimum resale price of this product in pint bottles is \$2.54. Bulletin 765.

Defendant has a previous record. In 1947 his license was suspended for ten days by the local issuing authority when he was found guilty of sales during prohibited hours. The minimum penalty for unaggravated Fair Trade violations is ten days. Re Metz et al., Bulletin 764, Item 10. Because of the prior record, I shall suspend the license in the instant case for fifteen days. Remitting five days because of the plea will leave a net suspension of ten days.

Accordingly, it is, on this 9th day of April, 1948,

ORDERED that Plenary Retail Consumption License C-266, issued by the Board of Commissioners of the City of Jersey City to Felix M. Orzechowski, t/a 64 Tavern, for premises 64 Morris Street, Jersey City, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. April 19, 1948, and terminating at 2:00 a.m. April 29, 1948.

ERWIN B. HOCK  
Commissioner.

6. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

ISADORE BUSHKOFF  
T/a NICK'S TOWN TAVERN  
7921 River Road  
Pennsauken Township  
P.O. Delair, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump-  
tion License C-30 issued by the  
Township Committee of the Township  
of Pennsauken.

Isadore Bushkoff, Pro Se.

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

BY THE COMMISSIONER:

Defendant has pleaded non vult to a charge alleging that on February 10, 1948 he possessed an illicit alcoholic beverage at his licensed premises, in violation of R. S. 33:1-50.

On February 10, 1948, an inspector of the Alcohol Tax Unit, Internal Revenue Service of the United States Treasury Department, examined 69 opened bottles on defendant's premises and seized one 4/5 quart bottle of "Canadian Club Blended Whisky" when his test indicated that the contents thereof were not genuine as labeled. Subsequent analysis by the Federal Department's chemist disclosed that the contents of the seized bottle differed substantially in acids and solids from the contents of a genuine sample of the same product.

Defendant denies that he tampered with the contents of the seized bottle and states that he has no knowledge as to the manner in which the violation occurred. However, the mere possession of an illicit alcoholic beverage on licensed premises constitutes a violation. Cedar Restaurant and Cafe Co. v. Hock, 135 N.J.L. 156.

Defendant has no prior adjudicated record. I shall suspend his license for the minimum period of fifteen days, less five days for the plea entered herein, leaving a net suspension of ten days. Re Rudolph, Bulletin 680, Item 1.

Accordingly, it is, on this 9th day of April, 1948,

ORDERED that Plenary Retail Consumption License C-30, issued by the Township Committee of the Township of Pennsauken to Isadore Bushkoff, t/a Nick's Town Tavern, for premises 7921 River Road, Pennsauken Township, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. April 19, 1948, and terminating at 3:00 a.m. April 29, 1948.

ERWIN B. HOCK  
Commissioner.

7. DISCIPLINARY PROCEEDINGS - REBATE OR DISCOUNT GRANTED IN VIOLATION OF RULE 20 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

HYMAN WORMAN

T/a ACADEMY WINE & LIQUOR STORE  
68 Hudson Street, South Side,  
Hoboken, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribu-  
tion License D-21, issued by the  
Board of Commissioners of the City  
of Hoboken.

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Albert J. Shea, Esq., Attorney for Defendant-licensee.  
William F. Wood, Esq., appearing for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded non vult to the following charge:

"On March 3, 1948, you offered and furnished a discount with the sale of alcoholic beverages for consumption off the licensed premises in that you sold three cartons of cigarettes at a reduced price in connection with the sale of two 4/5 quart bottles of Philadelphia Blended Whiskey at the Fair Trade price; in violation of Rule 20 of State Regulations No. 20."

On March 3, 1948, an employee of defendant offered to sell to ABC agents cartons of cigarettes at \$1.23 each instead of \$1.35 each if the agents would also purchase three 4/5 quart bottles of Philadelphia Blended Whiskey at the minimum consumer price thereof, namely, \$3.95 a bottle. After some further conversation the employee agreed to sell to the ABC agents three cartons of cigarettes at the reduced price, together with two bottles of Philadelphia Blended Whiskey at the minimum consumer price. The agents purchased these items for the sum of \$11.97, whereas the regular price of these items would be \$12.03. Thus defendant, by this sale, permitted a discount on the quoted price of cartons of cigarettes conditioned on the purchase of alcoholic beverages, in violation of Rule 20 of State Regulations No. 20.

Defendant has no previous adjudicated record. I shall suspend his license for a period of ten days, less five days for the plea entered herein, leaving a net suspension of five days. Re Hoffenberg & Frankel, Bulletin 755, Item 1.

Accordingly, it is, on this 9th day of April, 1948,

ORDERED that Plenary Retail Distribution License D-21, issued by the Board of Commissioners of the City of Hoboken to Hyman Worman, t/a Academy Wine & Liquor Store, for premises 68 Hudson Street, South Side, Hoboken, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. April 19, 1948, and terminating at 9:00 a.m. April 24, 1948.

ERWIN B. ROCK  
Commissioner.

April 6, 1948

## 8. RECAPITULATION OF ACTIVITY FOR QUARTERLY PERIOD FROM JANUARY 1, 1948 through MARCH 31, 1948

	JAN.	FEB.	MAR.	TOTAL
<b>ARRESTS:</b>				
Licenseses and employees	4	2	0	6
Bootleggers	9	12	16	37
ABC agent impersonator	0	0	1	1
<b>SEIZURES:</b>				
Motor vehicles - cars	1	0	1	2
Stillis - 50 gallons or under	0	1	4	5
Alcohol - gallons	607.50	0	32.77	640.27
Mash - gallons	0	0	400.00	400.00
Distilled alcoholic beverages - gallons	5.06	2.23	15.93	23.22
Wine - gallons	0	646.25	67.96	714.21
Brewed malt alcoholic beverages - gallons	36.62	10.64	25.23	72.49
<b>RETAIL LICENSEES:</b>				
Premises inspected	887	704	651	2242
Premises where alcoholic beverages were gauged	677	722	770	2169
Bottles gauged	11,457	10,988	12,289	34,734
Premises where violations were found	42	32	30	104
Violations found	69	35	33	137
Type of violations found:				
Unqualified employees	22	13	10	45
Regulations #38 sign not posted	8	10	1	19
Gambling devices	16	0	2	18
Probable front	6	2	4	12
Disposal permit necessary	6	3	3	12
Prohibited signs	1	0	2	3
Other mercantile business	2	0	1	3
Improper beer taps	0	1	0	1
Other violations	8	6	10	24
<b>STATE LICENSEES:</b>				
Premises inspected	21	11	14	46
License applications investigated	13	14	17	44
<b>COMPLAINTS:</b>				
Complaints assigned for investigation	294	304	321	919
Investigations completed	288	305	366	959
Investigations pending	175	200	174	-
<b>LABORATORY:</b>				
Analyses made	110	107	130	347
"Shake-up" cases (alcohol, water and artificial color) - bottles	3	4	5	12
Liquor found to be not genuine as labeled - bottles	15	6	45	66
<b>IDENTIFICATION BUREAU:</b>				
Criminal fingerprint identifications made	13	12	22	47
Persons fingerprinted for non-criminal purposes	172	176	216	564
Identification contacts made with other enforcement agencies	174	191	162	527
Motor vehicle identifications via N.J. State Police Teletype	10	16	11	37
<b>DISCIPLINARY PROCEEDINGS:</b>				
Cases transmitted to municipalities	9	8	11	28
Violations involved:				
Sale during prohibited hours	3	4	4	11
Sale to minors	2	2	2	6
Permitting brawls on premises	0	2	2	4
Mislabeling beer taps	2	0	0	2
Licensee working while drunk	0	1	0	1
Permitting bookmaking on premises	0	0	1	1
Permitting lottery activity on premises (numbers)	1	0	1	2
Possessing chilled beer (DL licensee)	0	0	1	1
Possessing contraceptives on premises	1	0	0	1
Sale to intoxicated persons	0	0	1	1
Sale to non-members by clubs	0	1	0	1
Unqualified employees	0	0	1	1
Cases instituted at Department	12	12	19	43
Violations involved:				
Possessing illicit liquor	5	0	4	9
Fraud and front	2	2	3	7
Sale under Fair Trade price	1	2	4	7
Permitting immoral activity on premises	0	0	4	4
Sale to minors	1	3	0	4
Sale outside scope of license	0	3	0	3
Sale to non-members by clubs	0	2	1	3
Permitting pin-ball machines on premises	1	1	0	2
Sale during prohibited hours	1	0	1	2
Conducting business as a nuisance	0	0	1	1
Employment of solicitor by retailer	0	1	0	1
Hindering investigation	1	0	0	1
Mislabeling beer taps	0	1	0	1
Permitting bookmaking on premises	0	0	1	1
Permitting hostesses on premises	0	0	1	1
Purchase from improper source	1	0	0	1
Sale at discount	0	0	1	1
Sale to intoxicated persons	0	0	1	1
Serving women at bar	0	1	0	1
Storage off licensed premises	0	0	1	1
Unqualified employees	0	0	1	1

	JAN.	FEB.	MAR.	TOTAL
DISCIPLINARY PROCEEDINGS (Cont'd)				
Cases brought by municipalities	5	4	14	23
Violations involved:				
Sale to minors	3	2	8	13
Sale during prohibited hours	2	1	4	7
Failure to afford view into premises during prohibited hours	0	1	0	1
Permitting brawls on premises	0	0	1	1
Permitting gambling on premises (cards)	0	0	1	1
Permitting immoral activity on premises	0	0	1	1
Permitting persons of ill repute on premises	0	0	1	1
Permitting solicitation for immoral activity	0	0	1	1
Sale to intoxicated persons	0	0	1	1
HEARINGS HELD AT DEPARTMENT:				
Total number of hearings held	29	25	34	88
Appeals	6	2	1	9
Disciplinary proceedings	13	12	17	42
Eligibility	5	3	6	14
Seizures	1	5	4	10
Applications for license	0	0	4	4
Tax revocations	3	2	2	7
Hearings on petition	1	1	0	2
PERMITS ISSUED:				
Total number of permits issued	857	737	832	2426
Employment	95	83	114	292
Solicitors	155	154	159	468
Social affairs	301	251	316	868
Disposal of alcoholic beverages	194	181	154	529
Special wine	36	0	1	37
Miscellaneous	76	68	88	232

ERWIN B. HOCK  
Commissioner.

9. ADVERTISING - PROMOTIONAL CONTEST SPONSORED BY MANUFACTURER OR WHOLESALE DISAPPROVED.

April 8, 1948

Jefferson E. Peyser, Esq.  
San Francisco, California.

Dear Sir:

This acknowledges your letter of April 1st concerning proposal of the Petri Wine Company to run a contest among the general public.

Each participant in the contest is to vote for his favorite Petri wine poster and is to tell, in 50 words or less, why he has chosen such poster. There is to be a first prize of \$1,000.00, and 100 other prizes. The contest is to be promoted in retail establishments and will not, so you say, require the participant to buy any Petri wine product or to obtain any label or bottle top or the like in order to enter the contest.

This Department has long and consistently disapproved of any manufacturer or wholesaler of alcoholic beverages running this or any similar type of contest in New Jersey, irrespective of whether or not the participant is required to purchase the product or to furnish any label or bottle top, etc. For various of the decisions and the cogent reasons therefor, see the enclosed copies of Re Gooderham & Worts, Bulletin 156, Item 5; Re WEST, Bulletin 159, Item 12; Re Donnelley, Bulletin 161, Item 1; Re Hartman, Bulletin 172, Item 5; Re Brown Friar, Bulletin 199, Item 11; Re Frank Presbrey Company, Bulletin 246, Item 9; Re Continental Can Company, Bulletin 261, Item 10; Re White-Lowell Company, Bulletin 264, Item 12.

Hence, the proposed contest in question is not permissible in New Jersey.

Very truly yours,  
ERWIN B. HOCK  
Commissioner.

10. ADVERTISING - GIFTS - DISTRIBUTION OF COINS OR OTHER MONEY BY LICENSEES, WHETHER DESIGNATED AS "GOOD LUCK CHARMS" OR OTHERWISE, PROHIBITED.

April 12, 1948

Gentlemen:

You hold a plenary retail distribution license for your liquor store at the above address.

In your letter of April 7th, you ask whether you may give away "good luck pennies" to the public. These items are to consist of a penny fastened into a small circular frame bearing the words "Good Luck" on one side of the frame and the name of your liquor establishment on the other.

Under Rule 20 of State Regulations No. 20 you may give away only "advertising novelties of nominal value" to your trade or to the general public. This rule does not and should not contemplate or allow the distribution of any coin or other medium of exchange, no matter how small and even though permanently or temporarily dressed up as good luck charms. If a good luck penny were allowed, then what would stop the distribution of a good luck nickel or dime or perhaps even a quarter, all of which might be argued as being of "nominal value".

If money were thus to be permitted as furnishing the basis for an "advertising novelty", it would create unneeded problems, not the least of which would be the possibility of unscrupulous retail licensees cheating on the Fair Trade price structure. For, a retail liquor dealer could by this means sell a Fair Trade item at less than the permissible price by purportedly charging the Fair Trade price and then giving the patron one or more of the so-called good luck pieces.

Hence, your plan of distributing the good luck pennies in question is not permissible. We are appreciative of your good sense in checking up first concerning your plan before putting it into operation.

Very truly yours,  
ERWIN B. HOCK  
Commissioner.

11. STATE LICENSES - NEW APPLICATIONS FILED.

Elliott Bros. Trucking Co., Inc.  
24 James Ave.  
Jersey City, N. J.

Application for Transportation License filed April 12, 1948.

Frank Masino and Frank Masino, Jr.  
T/a Masino & Son  
55 Park St.  
Summit, N. J.

Application for State Beverage Distributor's License filed  
April 19, 1948.

ERWIN B. HOCK  
Commissioner.

12. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR-TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
 Proceedings against )

HARRY BLOCK & ALVIN I. MEYERS )  
 63 Pacific Street )  
 Newark 5, N. J., )

CONCLUSIONS  
 AND ORDER

Holders of Plenary Retail Distri- )  
 bution License D-150 issued by the )  
 Municipal Board of Alcoholic )  
 Beverage Control of the City of )  
 Newark. )

- - - - - )  
 Harry Block and Alvin I. Meyers, Defendant-licensees, Pro Se.  
 William F. Wood, Esq., appearing for Department of Alcoholic  
 Beverage Control.

BY THE COMMISSIONER:

Defendants plead non vult to a charge alleging that they sold a 4/5 quart bottle of Gaelic Old Smuggler Scotch Whisky below the established Fair Trade price, in violation of Rule 6 of State Regulations No. 30.

On March 30, 1948, an ABC agent purchased the liquor in question for the sum of \$5.65, whereas the minimum retail price of said item as established in Bulletin 795, effective March 2, 1948, was \$5.69.

The defendants have no previous adjudicated record. The license will be suspended for the usual ten-day period, less five days for the plea entered herein, leaving a net suspension of five days. Cf. Re Cascone, Bulletin 774, Item 11.

Accordingly, it is, on this 19th day of April, 1948,

ORDERED that Plenary Retail Distribution License D-150, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Harry Block & Alvin I. Meyers, for premises 63 Pacific Street, Newark, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. April 26, 1948, and terminating at 2:00 a.m. May 1, 1948.

ERWIN B. HOCK  
 Commissioner.

13. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR  
TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

CHARLES WEINSTEIN )

T/a BEVERAGE SUPPLY CO. )

16 South Broad Street )

Ridgewood, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distri- )  
bution License D-2 issued by the )  
Board of Commissioners of the )  
Village of Ridgewood. )  
- - - - - )

Charles Weinstein, Defendant-licensee, Pro Se.  
William F. Wood, Esq., appearing for Department of Alcoholic  
Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded non vult to a charge alleging the sale of  
alcoholic beverages at retail for a price below the minimum consumer  
price, in violation of Rule 6 of State Regulations No. 30.

On February 26, 1948, an investigator of the State Department of  
Alcoholic Beverage Control purchased from a clerk employed in defend-  
ant's premises one 4/5 quart bottle of Imperial whiskey for the price  
of \$3.45. The minimum retail price of said item as listed in Bulletin  
785, dated December 2, 1947, is \$3.54. In alleged mitigation the  
defendant, who was not present when the violation occurred, alleges  
that he recently moved his whiskey from the left side to the right  
side of his store and had not put the price tags on the bottle before  
the violation occurred. Defendant, however, is liable even if the  
violation was not deliberate. Grant Lunch Corp. v. Driscoll, 129  
N. J. L. 408.

Defendant has no prior adjudicated record. Hence I shall suspend  
his license for the minimum period of ten days, less five days for  
the plea, leaving a net suspension of five days.

Accordingly, it is, on this 19th day of April, 1948,

ORDERED that Plenary Retail Distribution License D-2, issued by  
the Board of Commissioners of the Village of Ridgewood to Charles  
Weinstein, t/a Beverage Supply Co., 16 South Broad Street, Ridgewood,  
be and the same is hereby suspended for five (5) days, commencing at  
1:00 a.m. April 26, 1948, and terminating at 1:00 a.m. May 1, 1948.

ERWIN B. HOCK  
Commissioner.



14. DAYLIGHT SAVING TIME EFFECTIVE THROUGHOUT THE STATE FROM LAST, SUNDAY IN APRIL UNTIL LAST SUNDAY IN SEPTEMBER.

April 20, 1948.

Under New Jersey law (R. S. 1:1-2.3) the standard of time in the state is Eastern Standard Time, except from the last Sunday in April until the last Sunday in September, when the standard time is Eastern Daylight Saving Time which is one hour in advance of Eastern Standard Time. This law is state-wide in its application and is binding on all municipalities.

Hence, from midnight Saturday, April 24, 1948 and throughout the five-month daylight saving period, the time will be one hour in advance of the present Eastern Standard Time.

This means that licensees, at midnight Saturday, April 24th, must immediately turn their clocks forward one hour to 1:00 a.m. and must govern themselves accordingly with respect to permissible hours of sale and closing. For example, if the regulations in the municipality require licensed premises to be closed between 2:00 a.m. and 7:00 a.m., the licensees in that municipality must close when the newly fixed time reaches 2:00 a.m. and must remain closed until the newly fixed time reaches 7:00 a.m.

Licensees should not be confused by the fact that in other states the change to Daylight Saving Time may take place at 2:00 a.m. Sunday morning, April 25th. Nor should they be confused by the fact that in some New Jersey municipalities there are ordinances or resolutions or executive proclamations which purport to make the change to Daylight Saving Time at 2:00 a.m. on the above Sunday morning. Any such municipal ordinance, resolution or proclamation notwithstanding, the change to Daylight Saving Time will, by reason of the above mentioned law, become effective in all New Jersey municipalities, not at 2:00 a.m. Sunday morning, April 25th, but at midnight Saturday, April 24th.

*Ernest B. Hook*  
Commissioner.