

PRELIMINARY STATEMENT

Under the Alcoholic Beverage Law, R. S. 33:1-1 et seq., as modified by R. S. 52:17-51 et seq., the Director of the Division of Alcoholic Beverage Control, hereafter in these regulations designated as "Director", is authorized to make such general rules and regulations and such special rulings and findings as may be necessary for the proper control of the alcoholic beverage industry in New Jersey.

To aid in administration, the various general rules and regulations, as revised, have been compiled from time to time under a single cover. The within contains mimeographed copies of our general State Regulations presently in effect. (State Regulations Nos. 22, 29, 33, 36, 37 and 40 are not included since those numbers are presently vacant.)

Reference should also be made to the official bulletins, issued periodically by the Director, for special rulings and findings, interpretations, decisions, various forms, and other material not contained herein. These bulletins are available at an annual fee of \$3.00. In addition, a pamphlet containing the Alcoholic Beverage Law is available upon request.

WILLIAM HOWE DAVIS
Director.

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

STATE REGULATIONS NO. 1

ADVERTISING NOTICE OF APPLICATION FOR STATE LICENSE

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

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

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

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

Manufacturer's Form

Take notice that _____
(Name of Applicant)

trading as _____
(Trade Name, if any)

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

license for the premises situated at

(No.) (Street) (City)

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

(City)

*

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

(Name of Applicant)

(Address of Applicant)

2.

STATE REGULATIONS NO. 1 (Cont'd.)

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

Wholesaler's Form

Take notice that _____
(Name of Applicant)

trading as _____
(Trade Name, if any)

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

license for the premises situated at

(No.) (Street) (City)

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

_____ and to maintain a salesroom at
(City)

(No.) (Street) (City)

*

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

(Name of Applicant)

(Address of Applicant)

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

Railroad Form

Take notice that _____
(Name of Applicant)

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

*

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

STATE REGULATIONS NO. 1 (Cont'd.)

(Name of Applicant)

(Address of Applicant)

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

Airplane Form

Take notice that

(Name of Applicant)

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

*

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

(Name of Applicant)

(Address of Applicant)

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

Boat Form

Take notice that

(Name of Applicant)

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

(Name of Boat)

while in transit within the State of New Jersey.

*

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

(Name of Applicant)

(Address of Applicant)

Rule 9. Where the premises sought to be licensed are located in the State of New Jersey, the Notice of Application shall be published once a week for two weeks successively in a newspaper printed in the English language, published and circulated in each municipality in which said premises or any portion thereof, e.g., office, warehouse, salesroom, are located. If, however, there shall be no such newspaper, then such notice shall be published in a newspaper printed in the English language, published and circulated in the county or counties in which the licensed premises or any portion thereof are located.

Rule 10. Where applicant does not maintain any licensed premises in the State of New Jersey, Notice of Application shall be published in the manner above described in the municipality wherein the duly authorized agent within the State upon whom service of process may be made, is located. If applicant is a corporation authorized to do business in New Jersey, said agent may be the registered agent.

Rule 11. The Director, immediately upon receipt of a written objection duly signed by an objector, will afford a hearing to all parties and forthwith notify the applicant and the objector of the date, hour and place thereof.

Rule 12. The date fixed for such hearing will be not less than two (2) days after the second insertion shall have been published, nor more than seven (7) days. For good cause, however, the Director in the exercise of sound and fair discretion may fix a date for hearing later than said seven (7) days or may adjourn the hearing.

Rule 13. No hearing need be held if no objection shall be lodged, or if the Director, after the requisite statutory investigation, shall have determined not to issue a license to such applicant.

Rule 14. Proof of publication of Notice of Application for a license shall be furnished forthwith upon second publication thereof and shall be substantially in the following form:

STATE OF NEW JERSEY }
COUNTY OF } ss.

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

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

(Signature of affiant)

(See next page for completion of form)

STATE REGULATIONS NO. 1 (Cont'd.)

5.

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

(Signature of officer administering oath)

(Title of such officer)

Rule 15. Applicants for transportation, public warehouse or warehouse receipts licenses are not required to advertise Notice of Application.

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

STATE REGULATIONS NO. 2

ADVERTISING NOTICE OF APPLICATION FOR MUNICIPAL LICENSE

Rule 1. Application for license must be filed with the issuing authority at or before the first insertion of advertisement on forms promulgated by the Director. If the application is for a building not yet constructed, plans and specifications of the proposed building shall accompany the application.

Rule 2. Notice of Application shall be published in the following form:

-NOTICE-

Take notice that _____ trading
as _____ (Name of Applicant)
(Trade Name, if any) has applied to _____ (Name of
Issuing Authority) of _____ (Municipality) for a
_____ (Type of License) license for premises situated
at _____ (No.) _____ (Street) _____ (Municipality).

See below *, **, ***, ****.

Objections, if any, should be made immediately in writing to:

_____, of _____
(Municipal Clerk) (Municipality)

(Name of Applicant)

(Address of Applicant)

*If applicant is a corporation, insert at this point the names and residences of all officers and all directors who have no other named office, and the names and residences of all stockholders holding more than ten per centum (10%) of any of the stock of said corporation.

**If applicant is a partnership, insert at this point the name of the partnership and the names and residences of all partners.

***If applicant is a club, insert at this point the names and residences of the officers and the offices they fill respectively, and the names and residences of the directors, trustees or other governing body.

****If the application is for a building not yet constructed, insert at this point "Plans and specifications of building to be constructed may be examined at the office of the Municipal Clerk."

Rule 3. Name of "issuing authority" in the above form usually means the governing board or body of the municipality, whatever the name may be, for instance, the Mayor and Common Council, the Township Committee, etc., except where a Municipal Board of Alcoholic Beverage Control has been created, in which case such board is the

issuing authority. If application is made by a member of any issuing authority or by a corporation, organization or association in which any member of an issuing authority is interested directly or indirectly, the Director is the issuing authority and in that event the notice must state that objections be addressed to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

Rule 4. "Type of License" in the above form means the name or kind of license applied for. It must be worded strictly in accordance with the statutory language, for instance, Plenary Retail Consumption, etc.

Rule 5. The Notice of Application shall be published once a week for two (2) weeks successively, in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises are located. If, however, there shall be no such newspaper, then such notice shall be published in a newspaper printed in the English language, published and circulated in the county in which the licensed premises are located.

Rule 6. Each municipal clerk shall immediately upon receipt of a written objection, duly signed by an objector, transmit forthwith to the issuing authority of the particular municipality said objection and everything pertaining thereto, whereupon it shall become the immediate duty of each issuing authority to afford a hearing to all parties and immediately notify the applicant and the objector of the date, hour and place thereof.

Rule 7. The date fixed for such hearing shall not be less than two (2) days after the second insertion shall have been published and should not be more than seven (7) days. For good cause, each issuing authority in the exercise of sound and fair discretion may (subject to appeal to the Director by the applicant if he proves that he is aggrieved by the delay), fix a date for hearing later than said seven (7) days or may adjourn the hearing.

Rule 8. No hearing need be held if no such objections shall be lodged (but this in nowise relieves the issuing authority from the duty of making a thorough investigation on its own initiative), or if the issuing authority, on its own motion, after the requisite statutory investigation, shall have determined not to issue a license to such applicant.

Rule 9. Proof of publication of Notice of Application to apply for license shall be furnished forthwith upon second publication thereof and shall be substantially in the following form:

STATE OF NEW JERSEY)
COUNTY OF) ss.

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

That he is a _____, employed by _____, (Name of newspaper) which is a newspaper printed in the English language, published and circulated in _____; that a Notice (Name of municipality or county) of Application, of which the annexed notice is a true copy, was published once a week for two (2) weeks successively in the said _____; and that the first insertion was (Name of newspaper) on the _____ day of _____, 19____, and that the second insertion was on the _____ day of _____, 19____, making

STATE REGULATIONS NO. 2 (Cont'd.)

two (2) insertions in all.

(Signature of affiant)

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

(Signature of officer administering oath)

(Title of such officer)

STATE REGULATIONS No. 3

ISSUANCE OF RETAIL LICENSES BY MUNICIPAL ISSUING AUTHORITIES

Rule 1. The issuing authority of each municipality shall cause license certificate forms to be printed in bound books in manner prescribed by the Director, similar to a stock certificate book, one book for each class of license; provided, however, that the several classes of license certificate forms may, at the option of each municipality, be printed each on a different color of paper and only one binding need be used. Each such certificate form shall have a stub bound permanently in the book from which the certificate is detachable by perforation. The stubs of all books shall be printed in the following manner:

License No. _____
Name _____
Trade Name, if any _____
Licensed Premises _____
Date Authorized _____
Effective Date _____
Fee Paid _____
Received by _____
Special conditions, if any _____

Rule 2. No license certificate shall be delivered until actual receipt therefor is signed in the stub of the appropriate license book by the licensee or his authorized agent.

Rule 3. All license certificates shall be serially numbered.

Rule 4. All stubs must be filled out to correspond exactly with the essential facts shown on the face of each particular certificate, including special conditions, if any.

Rule 5. All stubs must be carefully preserved for subsequent audit by the Division of Local Government in the Department of the Treasury, and not destroyed until permission in writing is first obtained from the Division of State Library, Archives and History in the Department of Education.

Rule 6. On all license certificates the name of the municipality shall be printed according to its exact corporate name, thus: "Township of Livingston." The name of the licensee and trade name, if any, the address of the licensed premises, the effective date of the license and the amount of the fee are to be filled in, either by typewriter or ink, upon the license certificate and the stub. The corporate seal of the municipality is to be affixed to each license certificate at the place indicated.

Rule 7. Each license certificate shall be signed either in the name of the municipality or of the municipal board, whichever is the issuing authority. It shall also bear the actual signature, at the place indicated, of such municipal officer or agent as the governing board or body of the municipality or the municipal board,

STATE REGULATIONS NO. 3 (Cont'd.)

as the case may be, shall have designated to sign and to deliver such certificate in its behalf.

Rule 8. No license certificate shall be signed, issued or delivered by any person unless and until expressly directed to do so by a resolution of the issuing authority, which resolution shall, among other things, specifically set forth (a) name and trade name, if any, of the person, association, firm or corporation adjudged thereby to be entitled to a license, and the kind thereof, (b) address of the licensed premises, and (c) effective date of the license, and shall order issuance and delivery of such license by such municipal officer or agent as the issuing authority shall, thereby or by some previous resolution, designate to sign and deliver such certificate in its behalf.

Rule 9. Each issuing authority shall make or cause to be made daily certification to the Director of all licenses granted during the preceding business day, which certification shall set forth: (a) name of licensee, (b) trade name, if any, (c) address of licensed premises, (d) license number, (e) kind of license, (f) date authorized, (g) effective date, (h) fee charged, and (i) special conditions, if any.

Rule 10. Each such daily certification shall be accompanied by a true copy of the resolution of the issuing authority directing the issuance of the license so certified. To be legally effective, any special condition imposed upon the license must be imposed by and set forth in the resolution. Where licenses are issued by the governing board or body of a municipality, the copy of the resolution shall be attested as true by the municipal clerk. Where licenses are issued by a municipal board, such attestation shall be made by the person specially designated for that purpose by resolution of the municipal board.

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

STATE REGULATIONS NO. 4

ISSUANCE OF AND TRANSFER OF MUNICIPAL RETAIL LICENSES
BY THE DIRECTOR

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

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

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

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

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

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

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

STATE REGULATIONS NO. 4 (Cont'd)

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

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

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

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

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

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

DATED: March 16, 1956

EFFECTIVE: April 1, 1956

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

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

STATE REGULATIONS NO. 5

EXTENSION OF LICENSE

Rule 1. In case of death, bankruptcy, receivership or incompetency of licensee, or if for any other reason whatsoever the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, the licensed business may not be operated prior to extension of the license except pursuant to a special permit issued by the Director of the Division of Alcoholic Beverage Control.

Rule 2. An application for extension of a license for a limited time, not exceeding its term, must be made in the form of a petition executed by the executor, administrator, trustee, receiver or other person upon whom operation of the business covered by the license shall have devolved by operation of law. Said petition shall be addressed to and acted upon by the authority which issued the license sought to be extended.

Rule 3. No fee is required to be paid for an extension of the license and petitioner is not required to publish a Notice of Application.

Rule 4. Petitioners for extension of a license must present satisfactory proof to the issuing authority of their appointment to act in their representative capacity.

Rule 5. Petitions for extension of a license must be accompanied by a certificate from the Division of Taxation, Department of the Treasury (dated not more than five days prior to the date on which petition is filed), certifying that the licensee is not delinquent in the payment of any tax or in the filing of any report required by the provisions of the Alcoholic Beverage Tax Act.

Rule 6. A license may not be extended to a receiver unless he has been authorized by an order of the court having jurisdiction therein to conduct the licensed business.

Rule 7. A license may not be extended to an assignee for the benefit of creditors, unless said assignee presents to the issuing authority an order authorizing him to continue assignor's business during a period set forth in said order, as provided for in Revised Statutes, Title 2:34-17.

Rule 8. The Director's issuance of a special permit to operate pending consideration of a petition for extension by a local issuing authority shall not indicate any opinion by him as to the desirability of extending the license.

Rule 9. If the petition for extension is granted by a local issuing authority, the license shall be endorsed as follows by the proper municipal official:

"This license is hereby extended, subject to all of its terms and conditions to _____, (Executor, or as the case may be) until _____, 19__".

Rule 10. A similar endorsement shall be noted upon the appropriate stub in the license book.

STATE REGULATIONS NO. 5 (Cont'd.)

Rule 11. Each issuing authority shall make or cause to be made daily certification to the Director of all licenses extended during the preceding business day, and each such daily certification shall be accompanied by a true copy of the resolution of the issuing authority granting the extension so certified. To be legally effective, any special condition imposed upon the extension must be imposed by and set forth in the resolution. Where licenses are issued by the governing board or body of a municipality, the copy of the resolution shall be attested as true by the municipal clerk. Where licenses are issued by a municipal board, such attestation shall be made by the person specially designated for that purpose by resolution of the municipal board.

STATE REGULATIONS NO. 6

TRANSFER OF STATE AND MUNICIPAL LICENSES

Rule 1. Any license heretofore or hereafter issued under the Alcoholic Beverage Law may be transferred either as to person or place or both in accordance with the provisions of said Law and these Rules.

Rule 2. Application for transfer of license to other premises, signed and sworn to by the licensee, must be filed with the Director or other issuing authority, as the case may be, at or before the first insertion of the advertisement of the Notice of Application on forms promulgated by the Director. If the application is for transfer of the license to a building not yet constructed, plans and specifications of the proposed building shall accompany the application.

Rule 3. Application for transfer of license to other person, or other person and other premises, signed and sworn to by the person to whom the transfer is sought, and bearing the consent in writing to such transfer by the licensee, must be filed with the Director or other issuing authority as the case may be, at or before the first insertion of the advertisement. Such application must be accompanied by a certificate from the Division of Taxation, Department of the Treasury (dated not more than five days prior to the date on which the application is filed) certifying that the transferring licensee is not delinquent in the payment of any tax or in the filing of any report required by the provisions of the Alcoholic Beverage Tax Act.

Rule 4. Notice of Application for transfer of municipal license shall be published in the following form:

--NOTICE--

Take notice that application has been made to _____ of _____ (Name of Issuing Authority) (Municipality) to transfer to _____ (Name of transferee) trading as _____ (Trade Name, if any) for premises located at _____ (Address of premises to which transfer is sought) the _____ (Type of License and Number) heretofore issued to _____ (Name of Licensee in full), trading as _____ (Trade Name, if any) for the premises located at _____ (No.) (Street) (Municipality)

See next page *, **, ***, ****.

Objections, if any, should be made immediately in writing to _____ of _____ (Municipal Clerk) (Municipality)

(Name of Applicant)

(Address of Applicant)

Notice of Application for transfer of State license should be published in the following form:

--NOTICE--

Take notice that application has been made to the Director of the Division of Alcoholic Beverage Control to transfer to _____
 (Name of Transferee)
 trading as _____ for premises
 (Trade Name, if any)
 located at _____
 (Address of premises to which transfer is sought)
 the _____ heretofore issued to
 (Type of License and Number)
 _____ trading as _____
 (Name of Licensee in full) (Trade Name, if any)
 for premises located at _____
 (No.) (Street) (Municipality)

See below *, **, ***, ****.

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

 (Name of Applicant)

 (Address of Applicant)

- * If applicant is a corporation, insert at this point the names and residences of all officers and all directors who have no other named office, and the names and residences of all stockholders holding more than ten per centum (10%) of any of the stock of said corporation.
- ** If applicant is a partnership, insert at this point the name of the partnership and the names and residences of all partners.
- *** If applicant is a club, insert at this point the names and residences of the officers and the offices they fill respectively, and the names and residences of the directors, trustees or other governing body.
- **** If the application is for transfer of a municipal license to a building not yet constructed, insert at this point "Plans and specifications of building to be constructed may be examined at the office of the Municipal Clerk."
 If the application is for a State license for a building not yet constructed, insert at this point "Plans and specifications of building to be constructed may be examined at the office of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J."

Rule 5. "Name of Issuing Authority" in the above form usually means the governing board or body of the municipality, whatever the name may be, for instance, the Mayor and Common Council, the Township Committee, etc., except where a Municipal Board of Alcoholic Beverage Control has been created, in which case such board is the issuing authority. If application is made by a member of any issuing authority, or by a corporation, organization or association in which any member of an issuing authority is interested directly or indirectly, or if the license sought to be transferred was issued in the first instance by the Director, he is the "issuing authority" and in that event the notice must state that objections be addressed to the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J.

Rule 6. "Type of License" in the above form means the name or kind of license sought to be transferred. It must be worded strictly in accordance with the statutory language, for instance, Plenary Retail Consumption, etc.

STATE REGULATIONS NO. 6 (Cont'd.)

Rule 7. The Notice of Application shall be published once a week, for two (2) weeks successively, in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises are located. If, however, there shall be no such newspaper, then such notice shall be published in a newspaper printed in the English language, published and circulated in the county in which the licensed premises are located.

Rule 8. Each municipal clerk shall immediately upon receipt of a written objection, duly signed by an objector, transmit forthwith to the issuing authority of the particular municipality said objection and everything pertaining thereto, whereupon it shall become the immediate duty of such issuing authority to afford a hearing to all parties and immediately notify the applicant, the licensee, and the objector of the date, hour and place thereof.

Rule 9. The date fixed for such hearing shall not be less than two (2) days after the second insertion shall have been published and should not be more than seven (7) days. For good cause, each issuing authority in the exercise of sound and fair discretion may, subject to appeal to the Director by the applicant, if he proves that he is aggrieved by the delay, fix a date for hearing later than said seven (7) days or may adjourn the hearing.

Rule 10. No hearing need be held if no such objections shall be lodged (but this in nowise relieves the issuing authority from the duty of making a thorough investigation on its own initiative), or if the issuing authority, on its own motion, after the requisite statutory investigation, shall have determined not to grant the transfer applied for.

Rule 11. Proof of publication of Notice of Application for transfer of license shall be substantially in the following form:

STATE OF NEW JERSEY }
 COUNTY OF } ss.

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

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

 (Signature of affiant)

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

 (Signature of officer administering oath)

 (Title of such officer)

Rule 12. Applications for transfers of licenses to other premises must set forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license as to said premises.

Rule 13. Applications for transfers of licenses to other persons must set forth the same matters and things with reference to the person to whom a transfer of license is sought as are required to be set forth in connection with an original application for license.

Rule 14. Transfers of licenses both as to person and place may be applied for simultaneously and in a single application.

Rule 15. Applications for transfers of licenses to other premises shall be accompanied by a fee of five dollars (\$5.00), which fee shall be retained by the Director or other issuing authority as the case may be, regardless of whether or not the transfer is granted, and is to be accounted for as are other license fees.

Rule 16. Applications for transfers of licenses to other persons shall be accompanied by a fee of ten per centum (10%) of the full annual or term license fee for said license, which fee shall be retained by the Director or other issuing authority as the case may be, whether the transfer is granted or not, and accounted for as are other license fees.

Rule 17. Applications for transfers of licenses to other premises and other persons shall be accompanied by a fee of ten per centum (10%) of the full annual or term license fee for said license plus five dollars (\$5.00), which fee shall be retained by the Director or other issuing authority as the case may be, whether the transfer is granted or not, and accounted for as are other license fees.

Rule 18. Upon the grant of a transfer, the Director or other issuing authority shall cause the following written endorsement to be made upon the face of the license certificate:

This license, subject to all of its terms and conditions, is hereby transferred, effective _____, 19____, from _____ to _____
(Date) (Address) (Address)

(Name of Issuing Authority)

By: _____
(Clerk, Secretary or other duly authorized official)

Dated: _____, 19____.

OR

This license, subject to all of its terms and conditions, is hereby transferred, effective _____, 19____, to _____ for premises located at _____
(Date) (Name of Transferee and trade name, if any) (Address of premises at which privileges of license are to be exercised)

(Name of Issuing Authority)

By: _____
(Clerk, Secretary or other duly authorized official)

Dated: _____, 19____.

Rule 19. A similar endorsement shall be noted upon the appropriate stub in the license book.

Rule 20. Each endorsement shall be signed in the name of the Director or other issuing authority, as the case may be, and shall bear the actual signature, at the place indicated, of such officer or agent as the Director or other issuing authority, as the case may be, shall have designated to execute such endorsements in his or its behalf.

Rule 21. No endorsement of transfer shall be executed by any person unless and until expressly directed by the Director or by a resolution of the issuing authority, which resolution shall, among other things, (a) specifically set forth the name and also trade name, if any, of the person, association, firm or corporation to whom the license shall be transferred and/or the address of the premises to which the license shall be transferred and specify the effective date of the transfer, and (b) order the execution of the endorsement of transfer by such municipal officer or agent as the issuing authority shall, thereby or by some previous resolution, designate to execute such endorsements on its behalf.

Rule 22. Each issuing authority shall make or cause to be made daily certification to the Director of all licenses transferred during the preceding business day, which certification shall set forth: (a) name of licensee, (b) trade name, if any, (c) address of licensed premises, (d) license number, (e) kind of license, (f) date authorized, (g) effective date, (h) fee charged, (i) special conditions, if any, (j) name of transferee, (k) trade name, if any, of transferee, and (l) address of premises to which license was transferred.

Rule 23. Each such daily certification shall be accompanied by a true copy of the resolution of the issuing authority directing the transfer of each such license so certified. To be legally effective, any special condition imposed upon the transfer must be imposed by and set forth in the resolution. Where licenses are issued by the governing board or body of a municipality, the copy of the resolution shall be attested as true by the municipal clerk. Where licenses are issued by a municipal board, such attestation shall be made by the person specially designated for that purpose by resolution of the municipal board.

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

STATE REGULATIONS NO. 7

CLUB LICENSES

Rule 1. For the purpose of these Rules, the following words and terms shall be deemed to have the meaning herein given to them:

"Club". An organization, corporation or association consisting of five (5) or more persons operating solely for benevolent, charitable, fraternal, social, religious, recreational, athletic or similar purposes, and not for private gain.

"Club Member". Any person in good standing who has been admitted to membership in the manner regularly prescribed by the by-laws of a club, and who maintains his membership in a bona fide manner, and whose name and address are entered on the list of members.

Rule 2. Club licenses shall be issued only to bona fide clubs.

Rule 3. Except as provided in Rule 5, no license shall be issued to any club unless it shall have been in active operation in the State of New Jersey for at least three (3) years continuously immediately prior to the submission of its application for a license.

Rule 4. Except as provided herein or in Rule 5, no license shall be issued to any club unless it shall have been in exclusive possession and use of a clubhouse or club quarters for at least three (3) years continuously immediately prior to the submission of its application for a license. A bona fide club which has been in active operation in this State for the period of time required as aforesaid, but which has been deprived of continuous possession and use of its clubhouse or club quarters by reason of foreclosure, dispossession or other removal for a cause other than the violation of the laws of the State or of municipal ordinance, shall not be prevented thereby from obtaining a club license upon presenting to the satisfaction of the issuing authority proof of said facts and proof that possession of suitable premises has been obtained.

Rule 5. Any constituent unit, chartered or otherwise duly enfranchised chapter or member club of a national or state order, organization or association, which is in possession of suitable premises, shall not be prevented from obtaining a club license by reason of the fact that the unit, chapter or member club has not been in active operation in this State for at least three (3) years continuously or has not been in exclusive continuous possession and use of a clubhouse or club quarters for the same period of time, provided said unit, chapter or member club obtains from the Director, and presents to the issuing authority at or before the issuance of the license, a certificate stating that satisfactory proof has been submitted to the Director that said unit, chapter or member club has been duly credentialed by a national or state order, organization or association which has been in active operation in this State for at least three (3) years continuously immediately prior to submission of the application for a license.

Nothing in Rules 3 or 4 shall prevent the issuance of a club license to a bona fide club provided that special cause for such issuance is shown in writing to the Director and provided that the Director's written approval of such issuance is first obtained.

STATE REGULATIONS NO. 7 (Cont'd)

Rule 6. No club license shall be issued to any corporation, association or organization unless all officers and members of the governing body qualify as individual applicants in all respects except as to residence or age.

Rule 7. A list containing the names and addresses of all members of the club as of date of filing a club license application shall be submitted together with the application. The charter or articles of association of the club shall also be presented for inspection or certified copy of the same submitted with the application.

Rule 8. No club licensee shall sell, serve or deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverage to any person not a bona fide member of the club or a bona fide guest of such member.

Rule 9. No club licensee shall sell, serve or deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverage except for consumption on the licensed premises.

Rule 10. No club licensee shall sell, serve or deliver, or allow, permit or suffer the sale, service, delivery or consumption of any alcoholic beverage on the licensed premises during hours or on days when plenary or seasonal retail consumption licensees in the same municipality are prohibited from such activity by municipal regulation or referendum.

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1060 Broad Street Newark 2, N. J.

STATE REGULATIONS NO. 8

WAREHOUSE RECEIPTS LICENSES

Rule 1. Application to the Director for a warehouse receipts license shall be made on forms prescribed by the Director, submitted in duplicate, and accompanied by the prorated annual license fee. No publication of Notice of Application shall be required.

Rule 2. Applicants for warehouse receipts licenses shall submit statements and questionnaires pursuant to State Regulations No. 12.

Rule 3. The holders of warehouse receipts licenses may sell receipts thereunder only to New Jersey licensed manufacturers and wholesalers authorized to sell the beverages covered by the receipts. Sales of receipts not in accordance with the foregoing may be made only pursuant to special permit issued by the Director.

Rule 4. No individual shall sell or offer for sale or solicit any order for the purchase or sale of any receipt, certificate, contract or other document given upon the storage of alcoholic beverages unless such individual is the holder of a solicitor's permit issued pursuant to State Regulations No. 14, provided, however, that this shall not apply to any individual licensee himself or the individual members of a partnership licensee.

Rule 5. Warehouse receipts licensees shall comply with all regulations promulgated by and all requirements pertaining to bonds and reports imposed by the Division of Taxation, Department of the Treasury.

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STATE REGULATIONS NO. 9

Plenary Winery Licenses and Retail Privileges

Rule 1. Application for the privilege of selling wine at retail by the holder of or by an applicant for a plenary winery license must be filed with the Director at or before the first insertion of advertisement of Notice of Application therefor on forms, promulgated by the Director, accompanied by the prorated annual fee.

Rule 2. Procedure prescribed in State Regulations No. 1 shall be followed so far as applicable and Notice of Application shall be published in whichever of the following forms is applicable:

Form A: Where applicant applies only for the additional retail privilege

TAKE NOTICE that _____
(Name of Applicant)

trading as _____
(Trade Name, if any)

holder of a plenary winery license for premises situated at

(Number, Street and Municipality)

has applied to the Director of the Division of Alcoholic Beverage Control for the privilege of selling wine at retail on the licensed premises but only for consumption off the licensed premises.

See below *, **, ***.

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

(Name of Applicant)

(Address of Applicant)

-continued-

*If applicant is a corporation, insert at this point the names and residences of all officers and all directors who have no other named office, and the names and residences of all stockholders holding more than ten per centum (10%) of any of the stock of said corporation.

**If applicant is a partnership, insert at this point the name of the partnership and the names and residences of all partners.

***If the application is for a building not yet constructed, insert at this point "Plans and specifications of building to be constructed may be examined at the office of the Director of the Division of Alcoholic Beverage Control, 1060 Broad Street, Newark 2, N. J."

Rule 3. Within any statutory limitation of the number of plenary winery licenses as to which the privilege of selling wine at retail may be granted, prior consideration will be given to applicants for such privilege who are engaged in growing and cultivating grapes upon land owned by the applicant and having an area of not less than three acres.

Rule 4. Whenever the holder of a plenary winery license is granted the privilege of selling wine at retail on the licensed premises, the license certificate shall thereupon be endorsed by the Director as follows, and no plenary winery licensee whose certificate does not bear such endorsement shall sell or deliver or allow, permit or suffer the sale or delivery of wine at retail upon the licensed premises:

"This license also permits the sale of wine at retail on the licensed premises for off-premises consumption."

Rule 5. No plenary winery licensee, even though having the privilege of selling wine at retail, shall sell or deliver or allow, permit or suffer the sale or delivery of any wine at retail unless such wine has been manufactured, blended, fortified or treated in New Jersey by such licensee and unless at least seventy-five per centum (75%) of the volume of such wine is derived from fresh grapes grown in New Jersey and unless the container in which such wine is sold is clearly and prominently labeled "New Jersey Wine".

Rule 6. Unless the container in which the wine is sold shall bear a label approved pursuant to the provisions of the Federal Alcohol Administration Act, each plenary winery licensee having the privilege of selling wine at retail shall attach a label to each container in which wine is sold to consumers for off-premises consumption, which label shall bear, in addition to the requirements of Rule 5 hereof, the brand name, type, alcoholic content of the wine stated in per centum of alcohol by volume within an accuracy of one per cent, net contents of the container, and name and address of the licensee.

Rule 7. No plenary winery licensee, even though having the privilege of selling wine at retail, shall engage in any such retail sale at any portion of the licensed premises other than that described in the application for license under the caption "Location of premises in New Jersey to be licensed".

Rule 8. No plenary winery licensee, even though having the privilege of selling wine at retail, shall sell or deliver or allow, permit or suffer the sale or delivery of such wine at retail on Sunday, or before 9:00 a.m. or after 10:00 p.m. on any other day of the week.

Rule 9. No plenary winery licensee shall allow, permit or suffer the consumption of wine on the licensed premises.

Fromulgated Monday, November 20, 1950.

Effective Friday, December 1, 1950.

Filed with the Secretary of State (H.J.) Monday, November 20, 1950.

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

STATE REGULATIONS NO. 10

LIMITED WINERY LICENSES AND RETAIL PRIVILEGES

Rule 1. Whenever the holder of a limited winery license qualifies for the privilege of selling wine at retail, the license certificate shall thereupon be endorsed by the Director as follows, and no limited winery licensee whose certificate does not bear such endorsement shall sell or deliver or allow, permit or suffer the sale or delivery of wine at retail.

"This license also permits sale at retail of naturally fermented wines manufactured only from fresh grapes or other fruit grown in New Jersey, to consumers for off-premises consumption."

Rule 2. No limited winery licensee shall sell or deliver, or allow, permit or suffer the sale or delivery of any wine at retail unless the winery at which the wine is manufactured is located and constructed upon a tract of land owned exclusively by such licensee and unless said tract of land has an area of not less than three acres and has growing and under cultivation upon said land at least 1200 grape vines.

Rule 3. No limited winery licensee shall sell or deliver, or allow, permit or suffer the sale or delivery of any wine at retail unless the wine is naturally fermented and is manufactured by the licensee only from fresh grapes or other fruit grown in New Jersey and unless the container in which such wine is sold is clearly and prominently labeled "New Jersey Wine".

Rule 4. Unless the container in which the wine is sold shall bear a label approved pursuant to the provisions of the Federal Alcohol Administration Act, each limited winery licensee shall attach a label to each container in which wine is sold to consumers, which label shall bear, in addition to the requirements of Rule 3, the brand name, type, alcoholic content of the wine stated in per centum of alcohol by volume within an accuracy of one per cent, net contents of the container, and the name and address of the licensee.

Rule 5. No limited winery licensee, even though qualified to sell wine at retail, shall engage in any such retail sale at any portion of the licensed premises other than that described in the application for license under the caption "Location of premises in New Jersey to be licensed".

Rule 6. No limited winery licensee, even though qualified to sell wine at retail, shall sell or deliver, or allow, permit or suffer the sale or delivery of any wine at retail on Sunday, or before 9:00 a.m. or after 10:00 p.m. on any other day of the week.

Rule 7. No limited winery licensee shall allow, permit or suffer the consumption of wine on the licensed premises.

Promulgated Monday, November 20, 1950.

Effective Friday, December 1, 1950.

Filed with the Secretary of State (N.J.) Monday, November 20, 1950.

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

STATE REGULATIONS NO. 11

WINE PERMITS

Rule 1. Wine for personal consumption may be manufactured only under the provisions of a Special Wine Permit, issuable by the Director, which authorizes the permittee to manufacture within the home of the permittee or other premises used in connection therewith, and during the permit period, wine in quantities of not more than two hundred (200) gallons. Wine manufactured under the authority of such permit may not be sold under any circumstances, nor may it be used for any purpose other than personal consumption at the permittee's home by the permittee and his family and their bona fide guests. The fee for this permit is three dollars (\$3.00).

Rule 2. No such permit shall be issued to the holder of any alcoholic beverage license.

Rule 3. No such permit shall be issued for the manufacture of wine on premises licensed for the retailing, wholesaling or manufacturing of alcoholic beverages.

Rule 4. No such permit shall be issued to any person under twenty-one (21) years of age.

Rule 5. No such permit shall be issued to any person who has been convicted of a violation of Revised Statutes, Title 33, involving the possession or operation of an illicit still, the possession of illicit alcoholic beverages other than wine or the sale of any illicit alcoholic beverages, except, in the discretion of the Director, after the lapse of twelve (12) months from the date of such conviction.

Rule 6. Not more than one such permit shall be issued to any individual during any fiscal year.

Rule 7. No such permit shall be transferable from person to person, and transfer from premises to premises may only be made with the written permission of the Director.

Rule 8. No such permit shall be issued unless all Federal requirements pertaining thereto have been complied with.

Rule 9. Violation of the provisions of such permit shall be ground for revocation.

Rule 1 amended as above May 20, 1954; filed with the Secretary of State of New Jersey May 20, 1954.

STATE REGULATIONS NO. 12

IDENTIFICATION OF STATE LICENSEES AND THEIR EMPLOYEES

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

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

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

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

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

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

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

Dated: March 26, 1956.

Effective: April 1, 1956.

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

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

STATE REGULATIONS NO. 13
EMPLOYMENT BY LICENSEES OF A PERSON FAILING TO QUALIFY AS A LICENSEE

Rule 1. No licensee shall knowingly employ or have connected in any business capacity with the licensee any person who has been convicted of a crime involving moral turpitude or who has been twice convicted in a court of criminal jurisdiction of violations of any provisions of Revised Statutes, Title 33.

Rule 2. No licensee shall knowingly allow, permit or suffer any person under the age of twenty-one (21) years to sell, serve or solicit the sale of any alcoholic beverage, or to participate in the manufacture, rectification, blending, treating, fortification, mixing, processing, preparing or bottling of any alcoholic beverage.

Rule 3. No licensee, except a retail licensee conducting a bona fide hotel or restaurant, shall knowingly employ or have connected in any business capacity with the licensee, any person under the age of twenty-one (21) years, unless such person shall have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control. The fee for such permit is Two Dollars (\$2.00) per annum, or any part thereof. The fact that a person under the age of twenty-one (21) is the holder of such an employment permit shall be no defense to a violation of Rule 2 hereof.

Rule 4. No retail licensee, except a plenary retail transit licensee or a retail licensee conducting a bona fide hotel or restaurant, shall knowingly employ or have connected in any business capacity with the licensee, any person who is not a bona fide resident of the State of New Jersey, unless such person shall have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control. The fee for such permit is Five Dollars (\$5.00) per annum, or any part thereof. No retail licensee conducting a bona fide hotel or restaurant shall allow, permit or suffer a person who is not a bona fide resident of the State of New Jersey to serve, sell or solicit the sale of any alcoholic beverage or to participate in the mixing, processing or preparation thereof, unless such person is the holder of an employment permit herein described.

Rule 5. No licensee shall knowingly employ or have connected in any business capacity with the licensee, any person who is not a citizen of the United States or a national of a country with which the United States has an existing trade treaty affording reciprocal privileges to respective nationals, unless such person shall have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control. The fee for such permit is Five Dollars (\$5.00) per annum, or any part thereof. Such employment permit may limit the capacity in which the alien may be employed on licensed premises.

Rule 6. No licensee shall employ in any manner whatsoever on the licensed premises any person under the age of fifteen (15) years.

Rule 7. Employment permits are not transferable from person to person. All such permits expire on the March 31st following their issuance unless otherwise specified therein. Each applicant for his

STATE REGULATIONS NO. 13 (Cont'd)

first such permit shall accompany his application with one (1) passport-type photograph, two (2) inches by two (2) inches, taken not more than thirty (30) days prior to the date of the application. Each applicant shall be fingerprinted, without charge, under the supervision of the Division of Alcoholic Beverage Control at such time and place as shall be designated from time to time by the Director. The fingerprints shall be marked "non-criminal" and shall be filed with the Director.

Rule 8. Whenever any change shall occur in any of the facts set forth in the application for such permit, the permittee shall file with the Director a notice in writing of such change within ten (10) days after its occurrence.

Rule 9. No permittee shall engage in any conduct which is prohibited to his employer by the Alcoholic Beverage Law or any regulation adopted thereunder.

Rule 10. Any employment permit may be cancelled or suspended or revoked by the Director for cause, including among others any of the following causes:

(a) Violation by the holder thereof of any provision of the Alcoholic Beverage Law or any regulation adopted thereunder;

(b) For any fraud, misrepresentation, false statement, misleading statement, evasion or suppression of a material fact in the application for said permit;

(c) Upon presentation of proof that the holder thereof has a prohibited interest in any license issued by the Director or any other issuing authority;

(d) If the Director concludes that the holder thereof is disqualified from being employed by a licensee for any reason other than the disqualification referred to in the employment permit.

Rule 7 re-amended as above April 25, 1955; filed with the Secretary of State of New Jersey April 25, 1955; effective May 1, 1955.

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Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1000 Broad Street Newark 2, N. J.

STATE REGULATIONS NO. 14

SOLICITORS' PERMITS

Rule 1. No individual shall offer for sale or solicit any order in this State for the purchase or sale of any alcoholic beverage, whether such sale is to be made within or without this State, unless such individual holds a Solicitor's Permit and has such permit upon his person at the time of such solicitation. This, however, does not prohibit such offer or solicitation by any individual licensee himself or by the individual members of a licensed partnership or by any employee of any retail licensee in connection with and in the course of the licensed business.

Rule 2. A Solicitor's Permit, issuable by the Director, authorizes the permittee to make offers and solicit orders for such sales of alcoholic beverages on behalf of the vendor or vendors represented by the solicitor and designated in the permit.

Rule 3. The fee for Solicitor's Permit is Ten Dollars (\$10.00) per annum for solicitors employed exclusively by licensees whose license permits sale of malt alcoholic beverages only, and is Fifteen Dollars (\$15.00) per annum for solicitors employed by other wholesale or manufacturing licensees. All such permits expire on the May 31st following their issuance unless otherwise specified therein. Each applicant for his first such permit shall accompany the application with one (1) passport-type photograph of the applicant, two (2) inches by two (2) inches, taken not more than thirty (30) days prior to the date of the application. The fingerprints shall be marked "non-criminal" and shall be filed with the Director.

Rule 4. Solicitors' Permits may be issued only to bona fide employees of duly licensed New Jersey manufacturers or wholesalers.

Rule 5. No holder of a Solicitor's Permit shall, in the State of New Jersey, offer for sale or solicit any order for the purchase or sale of any alcoholic beverage otherwise than to the extent duly allowed and permitted by law and by the New Jersey license of his employer nor shall any licensed New Jersey manufacturer or wholesaler allow, permit or suffer the holder of a Solicitor's Permit who is his agent or who is in his employ to do so.

Rule 6. No licensed New Jersey manufacturer or wholesaler shall allow, permit or suffer, in his behalf, any individual to offer for sale or solicit any order in the State of New Jersey for the purchase or sale of any alcoholic beverage whether such sale is to be made within or without the State, unless such person has a Solicitor's Permit.

Rule 7. No holder of a Solicitor's Permit shall be interested, directly or indirectly, in any retail license or any business conducted thereunder, or shall be employed by or connected in any business capacity with any retail licensee.

Rule 8. No Solicitor's Permit may be issued to any member of a municipal governing body or municipal issuing authority or to any person charged or entrusted with the enforcement of the laws concerning alcoholic beverages in any manner whatsoever.

Rule 9. Each Solicitor's Permit covers only the employment designated therein and is not transferable as to employer or employee or employment.

Rule 10. Whenever any change shall occur in any of the facts set forth in the Application for Solicitor's Permit, the permittee shall file with the Director a notice in writing of such change within ten (10) days after its occurrence.

Rule 11. Upon the termination of any employment for which a Solicitor's Permit has been granted, the permittee shall file with the Director a notice in writing of such termination and shall surrender for cancellation to the Director the permit covering such employment within ten (10) days after its occurrence.

Rule 12. No holder of a Solicitor's Permit shall engage in any conduct which is prohibited to his employer by the Alcoholic Beverage Law or any regulation adopted thereunder.

Rule 3 re-amended as above April 25, 1955; filed with the Secretary of State of New Jersey April 25, 1955; effective July 1, 1955.

STATE REGULATIONS NO. 15

APPEALS

Rule 1. All appeals to the Director shall be by a notice of appeal to the Director of the Division of Alcoholic Beverage Control, accompanied by a petition of appeal, setting forth the subject matter of the appeal, the action of the issuing authority, the relief sought and the grounds therefor.

Rule 2. The appellant shall first serve a copy of the notice and petition of appeal upon the respondent issuing authority and where the action appealed from is the granting or transfer or extension of a license or the refusal to revoke or suspend a license, a copy shall also be served upon the licensee, who shall also be joined as a respondent. The notice and petition of appeal together with an acknowledgment or affidavit of service, shall be filed with the Director forthwith.

Rule 3. Appeals from the issuance of a license and from the granting of an application for the extension or transfer of a license must be taken within thirty (30) days from the date of the action appealed from; all other appeals must be taken within thirty (30) days after the service or mailing of notice by the municipal issuing authority of the action appealed from.

Rule 4. Within five (5) days after service of the notice and petition of appeal, each respondent shall file an answer with the Director and serve a copy thereof on each of the parties to the appeal. The answer filed by the respondent issuing authority shall include a statement of the grounds for its action.

Rule 5. Upon the filing of the notice and petition of appeal, at least five (5) days' notice of the time and place fixed by the Director for the hearing of the appeal shall be given to the appellant, the respondent issuing authority, and where the action appealed from is the granting or transfer or extension of a license or the refusal to revoke or suspend a license, to the respondent licensee.

Rule 6. All appeals shall be heard de novo, except as otherwise provided in Rule 8 hereof, and the parties may introduce oral testimony and documentary evidence, but the burden of establishing that the action of the respondent issuing authority was erroneous and should be reversed shall rest with the appellant.

Rule 7. All appeals shall be heard at the Division of Alcoholic Beverage Control, and shall be open to the public, unless otherwise directed by the Director.

Rule 8. Where none of the material facts is disputed, the appeal may be presented, subject to the approval of the Director, upon an agreed statement of facts. Where there is available a stenographic transcript of the proceedings before the issuing authority, either party may, if at least three (3) days' notice of intention so to do has been given to opposing

STATE REGULATIONS NO. 15 (cont'd)

parties, or counsel therefor, offer the transcript of testimony of any witness or witnesses named in said notice in lieu of producing said witness or witnesses at the hearing of the appeal. In such event, any opposing party may subpoena such witness or witnesses to appear personally and any party may produce any additional evidence, oral or documentary, at the hearing of the appeal. Subject to the approval of the Director, the parties may agree to present the appeal solely upon such stenographic transcript.

Rule 9. Subpoenas and subpoenas duces tecum, signed by the Director, for the attendance of witnesses and the production of books, records and other documents at the hearing on the appeal, may be obtained by the parties upon request to the Director.

Rule 10. The failure of the appellant to appear at the time and place designated for the hearing of an appeal shall be cause for the dismissal of the appeal, and upon failure of the respondent to appear at such time and place, the Director may permit the appellant to proceed ex parte.

Rule 11. An appeal from a suspension or revocation of a license shall act as a stay of such suspension or revocation pending the determination thereof unless the Director shall otherwise order. All other appeals shall not stay the effect of the action appealed from unless otherwise ordered by the Director.

Rule 12. Upon appeal from the denial of an application for renewal of a license the Director may, in his discretion, upon application therefor by verified petition setting forth in detail the grounds for the application, issue an order upon respondent issuing authority to show cause why the term of the license should not be extended pending the determination of the appeal, together with ad interim relief extending the term of the license pending the return of the order to show cause and until further order of the Director. If it shall appear upon the return of the order to show cause that a substantial question of fact or law has been raised, and that irreparable injury to the appellant would otherwise result, the Director may, subject to such conditions as he may impose, order that the term of the license be extended pending a final determination of the appeal.

Rule 13. When appeal is taken in any matter, any transfer or extension or renewal of any license involved therein shall be subject to the ultimate outcome of such appeal, unless otherwise ordered by the Director for proper cause.

Rule 14. Hearings shall be conducted by the Director or a duly designated hearer. Each party may be represented by an attorney admitted to practice in the courts of this State and shall have the right to present his case by oral and documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Testimony shall be taken stenographically and transcribed in each case. Each party shall be afforded the opportunity to present argument, either orally before the hearer immediately upon the close of the evidence, or by written brief. Oral argument shall be limited to 15 minutes for each party, unless the hearer shall otherwise

STATE REGULATIONS NO. 15 (cont'd)

order. Briefs, if any, shall be submitted within the time fixed by the hearer. In cases where a hearer's report is not to be prepared, such fact shall be announced by the hearer at the close of the evidence. In other cases, the hearer shall, upon receipt of the transcribed record and briefs, if any, prepare a report containing recommended conclusions and order and file the original with the Director and forthwith transmit a copy, either personally or by mail, to the parties or their attorneys. Within 10 days of the receipt of the report, each party may file written exceptions and argument with the Director, together with proof of service of a copy thereof upon the other parties or their attorneys. Within 5 days after such service, answering argument may be filed with the Director, together with proof of service of a copy thereof upon the other parties or their attorneys. With respect to objectors appearing without an attorney, the provisions relating to the hearer's report shall apply only to one or more of such objectors as shall be designated by the hearer for such purpose. Except as otherwise provided herein, no oral argument may be had before the Director unless, on his own motion, the Director decides to hear oral argument and notifies the parties or their attorneys of the date and place fixed therefor.

The hearer's report shall not be binding upon the Director and the Director's decision may, in whole or in part, adopt, modify or reject the report, provided, however, that no material change in the result recommended by the hearer shall be made by the Director without first affording the parties or their attorneys an opportunity to present oral argument before the Director. The decision of the Director shall be in the form of a written opinion setting forth his conclusions, together with supporting reasons therefor, and his order, if any. A copy of the opinion shall be mailed forthwith to the parties or their attorneys.

Any of the provisions of this Rule relating to the presentation of his case or argument, or to the procedure in connection with the hearer's report, may be waived by any party or his attorney.

Rule 15. The Rules herein contained shall be considered as general rules governing the conduct of appeals and, since they are designed to facilitate the hearing of appeals and advance justice, they may be relaxed or dispensed with by the Director in any case where a strict adherence to them will result in injustice.

Amended Rule 3 - Promulgated and filed with the Secretary of State of New Jersey March 16, 1956.
Effective March 16, 1956.

Amended Rule 14- Promulgated and filed with the Secretary of State of New Jersey March 16, 1956.
Effective April 1, 1956.

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

STATE REGULATIONS NO. 16

DISCIPLINARY PROCEEDINGS

Rule 1. Disciplinary proceedings shall not be barred or abated by the expiration, transfer, surrender, renewal or extension of the license or permit.

Rule 2. Any license or permit may be suspended or revoked for proper cause, notwithstanding that such cause arose prior to transfer or extension of the license, or during the term of a prior license held by the licensee or his predecessor in interest or during the term of a prior permit held by the permittee.

Rule 3. Where disciplinary proceedings are instituted and the license is transferred, extended or renewed or the permit is renewed or extended during the pendency thereof, such proceedings shall be carried through to completion and any order of suspension or revocation therein shall apply without further proceedings to the license transferred, extended or renewed or to the renewed or extended permit.

Rule 4. Where the license expires or is surrendered and another license is issued or transferred to another person for the same premises during the pendency of disciplinary proceedings, the premises shall continue to be subject to any order made in the disciplinary proceedings declaring the premises ineligible to become the subject of a license during the period therein provided.

Rule 5. When any license has been suspended, such suspension shall continue in full force and effect notwithstanding any transfer of the license during the period of suspension.

Rule 6. Hearings in contested cases before the Division shall be conducted by the Director or a duly designated hearer. For the purposes of this Rule, the owner of the licensed premises, if he has been made a party, shall be considered a defendant. Each defendant may be represented by an attorney admitted to practice in the courts of this State. Testimony on behalf of the Division shall be presented by a prosecutor assigned by the Director, and such prosecutor and each defendant shall have the right to present his case or defense by oral and documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Testimony shall be taken stenographically and transcribed in each case. Each defendant shall be afforded the opportunity to present argument, either orally before the hearer immediately upon the close of the evidence, or by written brief. Oral argument shall be limited to 15 minutes for each defendant and the prosecutor, unless the hearer shall otherwise order. Briefs, if any, shall be submitted within the time fixed by the hearer. In cases where a hearer's report is not to be prepared, such fact shall be announced by the

STATE REGULATIONS NO. 16 (cont'd)

hearer at the close of the evidence. In other cases, the hearer shall, upon receipt of the transcribed record and written briefs, if any, prepare a report containing recommended conclusions and order and file the original with the Director and forthwith transmit a copy, either personally or by mail, to defendants or their attorneys and to the prosecutor. Within 10 days of the receipt of the report, any defendant or the prosecutor may file written exceptions and argument with the Director, together with a statement of service of a copy thereof upon the prosecutor or the defendants, as the case may be. Within 5 days after such service, answering argument may be filed with the Director, together with a statement of service of a copy thereof upon the prosecutor or the defendants, as the case may be. Except as otherwise provided herein, no oral argument may be had before the Director unless, on his own motion, the Director decides to hear oral argument and notifies the defendants or their attorneys of the date and place fixed therefor.

The hearer's report shall not be binding upon the Director and the Director's decision may, in whole or in part, adopt, modify or reject the report, provided, however, that the Director shall not increase any recommended penalty or term of disqualification of the premises, or change a recommended finding of not guilty or a recommendation of dismissal of the proceedings against the owner, without first affording defendants an opportunity to present oral argument before the Director. The decision of the Director shall be in the form of a written opinion setting forth his conclusions, together with supporting reasons therefor, and his order, if any. A copy of the opinion shall be mailed forthwith to defendants or their attorneys.

Any of the provisions of this Rule relating to the presentation of the defense or case or argument, or to the procedure in connection with the hearer's report, may be waived by any defendant or his attorney, or the prosecutor, as the case may be.

In uncontested cases before the Division, written argument as to penalty may be submitted to the Director within 5 days after entry of the plea. No oral argument may be had before the Director unless, on his own motion, the Director decides to hear oral argument and notifies the defendant or his attorney of the time and place fixed therefor.

Rule 6 (NEW) - Promulgated and filed with the Secretary of State of New Jersey March 16, 1956.
Effective April 1, 1956.

STATE REGULATIONS NO. 17

TRANSPORTATION BY LICENSEES -- TRANSPORTATION INSIGNIA

Rule 1. No transportation licensee shall transport alcoholic beverages into, out of, or within the State of New Jersey, unless each vehicle while so used shall have a transportation insignia affixed thereto as provided in Rule 11 hereof.

Rule 2. No licensee shall transport alcoholic beverages in any vehicle unless it is owned or leased or contracted for by the licensee. Each vehicle, while so used, shall have a transportation insignia affixed thereto as provided in Rule 11 hereof.

Rule 3. No licensee privileged to sell alcoholic beverages at retail shall deliver or transport any alcoholic beverages in any vehicle, unless the driver of the vehicle has 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, size of container, and quantity of each item of the alcoholic beverages being delivered or transported. No such licensee shall peddle, barter, or otherwise sell any alcoholic beverage from any vehicle.

Rule 4. No licensee shall allow, permit or suffer any vehicle bearing transportation insignia issued to him to be used for any purpose except solely for the licensee's own business. Every such vehicle must at all times remain within the exclusive possession and control of the licensee, and be operated only by the licensee or his bona fide employees.

Rule 5. No transportation insignia shall be issued to a bonded warehouse bottling licensee, plenary retail transit licensee, public warehouse licensee, or warehouse receipts licensee, unless such licensee also holds a license of some type not mentioned in this Rule.

Rule 6. Applications for transportation insignia shall be filed upon a prescribed form with the Director accompanied by the full fee of Four Dollars (\$4.00) for each insignia, in cash, money order or certified check to the order of the Division of Alcoholic Beverage Control.

Rule 7. Transportation insignia are not transferable and may be used only on the vehicle for which issued.

Rule 8. No transportation insignia shall be issued for any motor driven vehicle not registered as a commercial vehicle.

Rule 9. Applications for transportation insignia for leased vehicles must be accompanied by a copy of the lease, which must, in appropriate terms, transfer to the licensee exclusive possession, control and operation of such vehicle.

Rule 10. No insignia shall be issued until after the license is issued, and in case of a municipal retail licensee, until the issuance of the license shall have been certified to the Director by the municipal issuing authority.

Rule 11. Transportation insignia must be directly and securely affixed to the exterior of the body (and not on any window) of the vehicle on the left side thereof, and shall be clearly visible at all times.

Rule 12. When any transportation insignia shall become marred, defaced or damaged, the licensee shall forthwith notify the Director in writing, so that there may be appropriate replacement, if necessary, of such insignia.

Rule 13. No licensee shall sell or otherwise dispose of any vehicle to which is affixed transportation insignia without first having removed said insignia and having notified the Director of such removal.

Rule 14. All transportation insignia expire on the 30th day of April following their issuance unless previously terminated by order of the Director or by surrender, revocation or expiration of the license. Renewals must be applied for in the same manner as new insignia.

Rule 6 amended as above May 20, 1954; filed with the Secretary of State of New Jersey May 20, 1954.

Rule 14 amended as above April 25, 1955; effective July 1, 1955; filed with the Secretary of State of New Jersey April 25, 1955.

STATE REGULATIONS NO. 18

TRANSPORTATION OF ALCOHOLIC BEVERAGES INTO, THROUGH OR OUT
OF THE STATE

Rule 1. Alcoholic beverages owned by or sold to the holder of a New Jersey manufacturer's or wholesaler's license may be brought into this State by a licensed transporter, or in the licensee's vehicle bearing proper transportation insignia.

Rule 2. Alcoholic beverages in amounts not exceeding one-fourth barrel, or one case containing not in excess of twelve (12) quarts in all, of beer, ale or porter, and one gallon of wine, and one gallon of other alcoholic beverages, properly labeled and bearing such indicia of tax payment as is required by the laws of the United States, may be transported through this State in any vehicle provided no delivery is made in New Jersey, and provided further the beverages may lawfully be delivered and received in the State of destination. Alcoholic beverages in excess of the amounts hereinabove set forth, properly labeled and bearing the aforesaid indicia of tax payment, passing through this State, may be transported through this State in any vehicle: (a) which bears proper transportation insignia issued by the Director of the Division of Alcoholic Beverage Control, or (b) the driver of which has in his possession a special permit issued by the Director authorizing such transportation, or (c) the driver of which has in his possession bona fide, authentic and accurate waybills or similar documents stating the bona fide names and addresses of the consignee and consignor; the nature and quantity of the alcoholic beverages being transported, the place of origin and destination; provided further, the beverages may be lawfully delivered to and received by a consignee fully authorized by State and Federal laws to receive the same.

Rule 3. Alcoholic beverages may be brought into New Jersey by a licensed transporter where they are being delivered to a licensed public warehouse for temporary storage, and awaiting ultimate delivery without this State, or within this State to licensed manufacturers and wholesalers.

Rule 4. Alcoholic beverages intended for personal consumption and not for sale may, if properly labeled and bearing such indicia of tax payment as is required by the laws of the United States, be brought into this State by any individuals on their persons or in vehicles under their control, or by any licensed transporter, to the following extent, viz.: Not exceeding one-fourth barrel or one case containing not in excess of twelve (12) quarts in all, of beer, ale or porter and one gallon of wine, and one gallon of other alcoholic beverages within any consecutive period of twenty-four (24) hours provided, however, that no licensed transporter may accept any shipment of alcoholic beverages in any amount from or at the licensed premises of any retailer of alcoholic beverages licensed in any other state and thereafter deliver or cause to be delivered such shipment to any consumer within this State.

Rule 5. Alcoholic beverages may be brought or carried into New Jersey by a person having a special permit issued by the Director in any vehicle to the extent and subject to the conditions of such

STATE REGULATIONS NO. 18 (Cont'd)

special permit, without any transportation insignia.

Rule 6. Retail transit licensees may continue to bring alcoholic beverages into this State in connection with their licenses.

Rule 7. Alcoholic beverages sold without this State, pursuant to the laws of the place of sale, by the holder of a New Jersey manufacturer's or wholesaler's license and not intended for delivery, use or sale in New Jersey, may be transported from the licensed premises, warehouse, salesroom or office of such manufacturer or wholesaler in New Jersey or from a licensed public warehouse, to a point outside this State in any vehicle, provided that such vehicle carries a special permit issued by the Director, together with a waybill or similar document stating the names and addresses of the consignor and consignee, the nature and quantity of the alcoholic beverages being transported, the place at which they were received and the place of their destination.

Rule 8. Alcoholic beverages not intended for delivery, sale or use in New Jersey may be transported between points outside this State and piers of import or export located within this State in any vehicle, provided such vehicle carries a special permit issued by the Director, together with a waybill, consular invoice, or similar document stating the names and addresses of the consignor and consignee, the nature and quantity of the alcoholic beverages being transported, the place at which they were received and the place of their destination.

Rule 9. No alcoholic beverages shall be transported into, through or out of the State except in accordance with the foregoing Rules. Alcoholic beverages transported in violation of these Rules, and the vehicle containing the same, are unlawful property and are subject to seizure and forfeiture by the Director.

STATE REGULATIONS NO. 19

TRANSPORTATION OF ALCOHOLIC BEVERAGES BY RAILROAD CARRIERS

Rule 1. No railroad carrier shall transport alcoholic beverages into, through or out of New Jersey without a transportation license, except as follows:

- a. Alcoholic beverages not intended for delivery, sale or use in New Jersey may be transported through this State without such license where no delivery is made therein, provided that the carrier shall furnish to the Director, on demand, a waybill or copy thereof or similar document stating the names and addresses of the consignor and consignee and the nature and quantity of the alcoholic beverages being transported.
- b. Alcoholic beverages not intended for delivery, sale or use in New Jersey may be transported (1) from a licensed public warehouse or the licensed premises, warehouse, salesroom or office of a licensed New Jersey manufacturer or wholesaler to a point outside this State, and (2) between piers of import or export located within this State and points outside this State, without such license, provided that the railroad carrier is the holder of a special permit issued by the Director authorizing such transportation and shall furnish to the Director, on demand, a waybill or copy thereof or similar document stating the names and addresses of the consignor and consignee and the nature and quantity of the alcoholic beverages being transported.

Rule 2. Railroad carriers holding transportation licenses may transport alcoholic beverages into, through and out of New Jersey in vehicles controlled and operated by them, provided, however, that each of said vehicles transporting alcoholic beverages, except railroad cars, shall bear a proper transportation insignia.

Rule 3. No transportation license held by a railroad carrier shall authorize the transportation of alcoholic beverages in vehicles not controlled and operated by such carrier, even though operated by an independent contractor under exclusive contract to transport and deliver for such carrier; provided, however, that carriers holding special permits, in addition to transportation licenses, may use such vehicles in connection with their door to door deliveries to the extent and in the manner allowed by the special permits.

Rule 4. Railroad carriers holding transportation licenses may transport alcoholic beverages from a point outside this State to

STATE REGULATIONS NO. 19 (Cont'd)

a point within this State in the following cases, but not otherwise:

- a. Where the consignor or consignee of the alcoholic beverages is the holder of a New Jersey manufacturer's or wholesaler's license or a special permit issued by the Director; or
- b. Where the alcoholic beverages are delivered to a licensed public warehouse for ultimate delivery without this State or within this State to licensed manufacturers and wholesalers; or
- c. Where the carrier has mailed to the Director from a point not in excess of two hundred and fifty (250) miles from Newark, New Jersey, at least forty-eight (48) hours prior to the delivery of the alcoholic beverages, a statement of the shipment, including the names and addresses of the consignor and consignee and the nature and quantity of the alcoholic beverages being transported, the shipment may be completed unless otherwise specifically directed by the Director; provided, however, that in lieu of such statement the carrier may furnish the aforesaid information by telephone or telegraph at least twelve (12) hours prior to the completion of the shipment.

Rule 5. Nothing herein contained shall prohibit the holders of retail transit licenses from bringing alcoholic beverages into this State in connection with such licenses.

STATE REGULATIONS NO. 20

CONDUCT OF LICENSEES AND USE OF LICENSED PREMISES

Rule 1. No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person under the age of twenty-one (21) years or to any person actually or apparently intoxicated, or allow, permit or suffer the consumption of any alcoholic beverage by any such person in or upon the licensed premises.

Rule 2. No licensee shall sell or offer for sale at retail or deliver to any consumer any alcoholic beverage, or allow, permit or suffer the consumption of any alcoholic beverage in or upon the licensed premises, in any municipality in which a general, municipal, primary or special election is being held, while the polls are open or voting at such election.

Rule 3. No licensee shall directly or indirectly solicit from house to house, personally or by telephone, the purchase of any alcoholic beverage, or allow, permit or suffer such solicitation.

Rule 4. No licensee shall allow, permit or suffer in or upon the licensed premises any prostitute, female impersonator, pickpocket, windler, confidence man, or any notorious criminal, gangster, racketeer, or other person of ill repute; nor shall any licensee allow, permit or suffer the licensed premises or the licensed business to be used in furtherance or aid of, or in connection with any illegal activity or enterprise resulting in a conviction in a criminal prosecution.

Rule 5. No licensee shall allow, permit or suffer in or upon the licensed premises any lewdness, immoral activity, or foul, filthy or obscene language or conduct, or any brawl, act of violence, disturbance or unnecessary noise; nor shall any licensee allow, permit or suffer the licensed place of business to be conducted in such manner as to become a nuisance.

Rule 6. No licensee shall allow, permit or suffer in or upon the licensed premises any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale; nor shall any licensee possess, have custody of, or allow, permit or suffer any such ticket or participation right, in or upon the licensed premises. However, this Rule shall not apply to bingo or raffles, or tickets or participation rights therein, being conducted pursuant to appropriate permit under the Bingo Licensing Law (R. S. 5:8-24) or the Raffles Licensing Law (R. S. 5:8-50); but in any such instance of bingo at licensed premises, the licensee, during the period between the commencement of the first and the conclusion of the last game, shall not sell, serve or deliver or allow, permit or suffer the sale, service, delivery or consumption of any alcoholic beverage in any room or outdoor area where the bingo or any part thereof is being conducted.

Rule 7. No licensee shall engage in or allow, permit or suffer any pool-selling, book-making or any playing for money at faro, roulette, rouge et noir or any unlawful game or gambling of any kind, or any device or apparatus designed for any such purpose, or any machine or device commonly known as a bagatelle or pin ball machine, in or upon the licensed premises; provided, however, that bingo and raffles may be permitted in or upon the licensed premises to the same extent as is set forth in Rule 6 hereof.

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Rule 8. No licensee shall possess, allow, permit or suffer in or upon the licensed premises any slot machine or device in the nature of a slot machine which may be used for the purpose of playing for money or other valuable thing.

Rule 9. No licensee, except bona fide pharmacies to the extent that they may be duly authorized by law, shall possess, allow, permit or suffer the sale or distribution of any prophylactic against venereal disease or any contraceptive or contraceptive device, either chemical or mechanical, or possess, allow, permit or suffer any mechanical device for such sale or distribution, in or upon the licensed premises or any other premises used in connection therewith.

Rule 10. No licensee shall manufacture, transport, possess, sell, barter, give away, offer for sale or furnish any alcoholic beverage adulterated with methanol, alkaloids, acetone, phenols, formaldehyde, isopropyl or tertiary butyl alcohol or other harmful substance whatsoever.

Rule 11. No licensee shall manufacture, sell, offer for sale, possess, allow, permit or suffer in or upon the licensed premises any candy containing rum, cognac, brandy, cordial or other alcoholic beverage, generally known as liquored candy.

Rule 12. No licensee shall deliver within this State to any person not holding a license under the Alcoholic Beverage Law, any alcoholic beverage intended by such person for delivery, by gift or otherwise, to customers or prospective customers in the course of his business.

Rule 13. No licensee shall receive, possess or sell any alcoholic beverage transported into this State in violation of State Regulations No. 18.

Rule 14. No retail distribution licensee shall allow, permit or suffer any alcoholic beverage to be consumed in or upon the licensed premises nor shall such licensee possess or allow, permit or suffer any open containers of alcoholic beverage in or upon the licensed premises; provided, however, that opened bottles of alcoholic beverages returned by a customer as allegedly defective may be so possessed pending return to the manufacturer or wholesaler; and further provided the container is immediately resealed and labeled with the name and address of the customer and the date of return by the customer.

Rule 15. No retail licensee shall purchase or obtain any alcoholic beverage except from the holder of a New Jersey manufacturer's or wholesaler's license or pursuant to a special permit first obtained from the Director of the Division of Alcoholic Beverage Control. Purchase of alcoholic beverage by one retailer from another and sale of alcoholic beverage by one retailer to another are prohibited.

Rule 16. No retail licensee shall conduct the licensed business unless (a) the current license certificate is at all times conspicuously displayed on the licensed premises in such plain view as to be easily read by all persons visiting such premises, and, unless (b) commencing July 1, 1951, a photostatic or other true copy of the application for the current license is kept on the licensed premises available for inspection.

Rule 17. No licensee shall allow, permit or suffer in or upon the licensed premises or have in his possession or distribute or cause to be distributed any matter containing any obscene, indecent, filthy, lewd, lascivious or disgusting printing, writing, picture or other such representation.

Rule 18. No licensee shall sell or possess, or allow, permit or suffer in or upon the licensed premises any malt, hops, oak shavings or chips, flavoring or coloring agents, cordial or liquor extracts, essences or syrups, or any ingredient, compound or preparation of similar nature.

Rule 19. No licensee privileged to sell any alcoholic beverages at retail shall, directly or indirectly, sell or offer for sale at retail any alcoholic beverage for consumption off the licensed premises except at a specified price per bottle or specified price per case thereof, or both; "combination sales" of any kind, consisting of more than one article, whether it be an alcoholic beverage or something else, at a single aggregate price are prohibited.

Rule 20. No licensee privileged to sell any alcoholic beverages at retail shall, directly or indirectly, offer or furnish any gift, prize, coupon, premium, rebate, discount or similar inducement with the retail sale of any alcoholic beverage for consumption off the licensed premises; provided, however, that nothing herein shall prevent such licensees from furnishing advertising novelties of nominal value.

Rule 21. No limited retail distribution licensee shall possess or allow, permit or suffer any chilled malt alcoholic beverage in or upon the licensed premises.

Rule 22. No plenary or seasonal retail consumption licensee shall allow, permit or suffer any female employed on the licensed premises to accept any food or beverage, alcoholic or otherwise, at the expense of or as a gift from any customer or patron.

Rule 23. No licensee privileged to sell alcoholic beverages for consumption on the licensed premises shall serve or allow, permit or suffer the service of any alcoholic beverage other than ordered or substitute a non-alcoholic beverage when an alcoholic beverage has been ordered.

Rule 24. No licensee shall work in any capacity in or upon the licensed premises while actually or apparently intoxicated, or allow, permit or suffer any actually or apparently intoxicated person to work in any capacity in or upon the licensed premises.

Rule 25. No licensee shall store any alcoholic beverage except at his licensed premises, or at a public warehouse licensed under the Alcoholic Beverage Law, or at other premises pursuant to special permit first obtained from the Director of the Division of Alcoholic Beverage Control.

Rule 26. No licensee privileged to sell alcoholic beverages for consumption on the licensed premises shall allow, permit or suffer any tap on the licensed premises to be connected with any barrel or other container of a malt alcoholic beverage unless such tap bears a marker, not exceeding 3 1/2 inches by 3 1/2 inches or 12 1/4 square inches, which truly indicates the name or brand of the manufacturer of such malt alcoholic beverage, and unless such name or brand is in full view of the purchaser when the tap is located at a bar at which consumers are served.

Rule 27. No retail licensee shall possess, have custody of, or allow, permit or suffer in or upon the licensed premises any alcoholic beverage manufactured, distributed, bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, possessed or transported in violation of the Alcoholic Beverage Law, or any alcoholic beverage in any keg, barrel, can, bottle, flask or similar container which (a) does not bear any label describing its contents or (b) bears a label which does not truly describe its contents or (c) does not bear any indicia of tax payment as required by the laws of the United States.

Rule 28. No licensee shall place any order within this State for the purchase of any alcoholic beverage or allow, permit or suffer any of his employees to place any order for the purchase of any alcoholic beverage, with any individual soliciting in violation of State Regulations No. 14.

Rule 29. No retail licensee shall employ or have connected with him in any business capacity whatsoever, any person who is interested, directly or indirectly, in the manufacturing or wholesaling of any alcoholic beverages within or without this State.

Rule 30. No licensee, during the suspension of license, shall (a) allow, permit or suffer the sale, service, delivery or consumption of any alcoholic beverage in or upon the licensed premises; or (b) order or receive delivery of any alcoholic beverage; or (c) advertise that the licensed premises are closed or the licensed business stopped because of repairs or alterations or for any reason other than the suspension.

Rule 31. In disciplinary proceedings brought pursuant to the Alcoholic Beverage Law, it shall be sufficient, in order to establish the guilt of the licensee, to show that the violation was committed by an agent, servant or employee of the licensee. The fact that the licensee did not participate in the violation or that his agent, servant or employee acted contrary to instructions given to him by the licensee or that the violation did not occur in the licensee's presence shall constitute no defense to the charges preferred in such disciplinary proceedings.

Rules 6 and 7 amended as above May 25, 1954; filed with the Secretary of State of New Jersey May 25, 1954.

STATE REGULATIONS NO. 21

EQUIPMENT, SIGNS AND OTHER ADVERTISING MATTER

Rule 1. No manufacturer or wholesaler of alcoholic beverages shall, directly or indirectly, furnish by sale, loan, gift or otherwise, or deliver, service or repair any fixtures, equipment, signs, or advertising matter of any kind to any retail licensee or at any retail licensed premises in the State of New Jersey except as follows:

a. Manufacturers and wholesalers may furnish to retail licensees, but only for use at the licensed premises, (1) inside signs including window displays, (2) tap markers as described in Rule 26 of State Regulations No. 20, the cost or value of which shall not exceed One Dollar (\$1.00) each, (3) advertising trays, coasters, napkins, pourers, stirrers, scrapers and scraper holders, menu sheets and covers, scoring sheets, and calendars, and (4) other similar advertising specialties for which written approval has first been obtained from the Director of the Division of Alcoholic Beverage Control, and they may also furnish to retail licensees, for use at the licensed premises or for redistribution to the public for use off the licensed premises, (1) advertising pamphlets, recipe booklets, circulars, handbills, can openers and bottle openers, and (2) other similar matter for which written approval has first been obtained from the Director; provided, however, that all the above items shall bear on the face thereof the name, brand or trade-mark of the manufacturer or wholesaler and shall be furnished gratuitously, and further provided that the total aggregate cost or value of all such items does not exceed One Hundred Dollars (\$100.00) for any one retail licensed premises for any one license year; and

b. Manufacturers and wholesalers may clean and repair beer lines between barrels and faucets in retail premises and may furnish tapping accessories (such as rods, taps, hose, and pressure regulators); provided, however, that the aggregate cost or reasonable value of any service rendered and any material used in connection with the cleaning and repairing of coils and the tapping accessories furnished shall not exceed Twenty Dollars (\$20.00) for the first beer tap plus Ten Dollars (\$10.00) for each additional beer tap for each licensed premises in any one license year.

Rule 2. On and after September 1, 1950, no retail licensee shall possess, allow, permit or suffer in or upon the licensed premises any advertising matter or advertising specialties, furnished directly or indirectly by any manufacturer or wholesaler, other than the items specified in Rule 1(a) hereof.

Rule 3. No retail licensee shall allow, permit or suffer any sign, or other advertising matter bearing the name, brand or trade-mark of any manufacturer or wholesaler of any alcoholic beverage to be affixed to, placed or displayed on the exterior of the licensed premises or upon any exterior door or display or show window thereof.

Rule 4. No retail licensee shall allow, permit or suffer in or upon the licensed premises any sign or other matter advertising any particular brand or type of alcoholic beverage unless such brand or type of alcoholic beverage is actually available for sale at such premises.

Rule 5. No retail licensee shall directly or indirectly advertise or allow, permit or suffer the advertising of price of any alcoholic beverage, or size of other than the original container thereof, on the exterior of the licensed premises or in the show window or door thereof or in the interior thereof when visible from the street; except, however, that placards not exceeding 1 1/2 inches by 1 1/2 inches and advertising the price of alcoholic beverages being sold in original containers for consumption off the licensed premises and the containers themselves may be displayed within the show window of the licensed premises

STATE REGULATIONS NO. 23

MINIMUM STANDARDS OF FILL OF ALCOHOLIC BEVERAGES

Rule 1. No retail licensee, except a plenary retail transit licensee, shall purchase, accept delivery of, possess, sell or deliver any alcoholic beverage in the original container if the fill thereof is less than the following:

a. In distilled spirits, the minimum standard of fill shall be one-tenth gallon (sometimes known as a four-fifth pint or a half-fifth). "Distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, gin and other distilled spirits for beverage use, including all dilutions and mixtures thereof; but not including cordials, liqueurs, cocktails, gin fizzes and such similar alcoholic beverages as may be specified by the Director of the Division of Alcoholic Beverage Control from time to time. "Beverage use" means beverage, medicinal, culinary, or any other use except for industrial purposes.

b. In brandy and Holland gin, the minimum standard of fill shall be three-fourths pint.

c. In cordials, liqueurs, cocktails, gin fizzes, and bottled highballs, the minimum standard of fill shall be one-half pint.

d. In wines, the minimum standard of fill shall be six (6) fluid ounces, except champagnes and sparkling wines, as to which the minimum standard of fill shall be four (4) fluid ounces.

e. In beer and other malt alcoholic beverages, no minimum standard of fill is prescribed.

f. In all other types of alcoholic beverages not specified above, the minimum standard of fill shall be one (1) pint.

Rule 2. No plenary retail transit licensee shall purchase, accept delivery of, possess, sell or deliver whiskey or any other distilled spirits in original containers not complying with the foregoing minimum standards of fill except in containers of two (2) ounces or less solely for consumption on the licensee's vehicles while in transit.

Rule 3. No manufacturer or wholesaler shall sell or deliver to any retail licensee, except a plenary retail transit licensee, alcoholic beverages in containers not conforming with the foregoing minimum standards of fill; nor shall any manufacturer or wholesaler sell or deliver to any plenary retail transit licensee whiskey or other distilled spirits in containers not conforming with the foregoing minimum standards of fill except in containers of two (2) ounces or less.

Rule 4. No licensee shall possess, sell or deliver any alcoholic beverage in an original container having a content of fill less than that stated on the container or label thereof.

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

STATE REGULATIONS NO. 24

LABELING

Federal regulations, as amended or supplemented from time to time, relating to labeling of distilled spirits, wine and malt alcoholic beverages packaged for shipment in interstate or foreign commerce, are made a part hereof and shall also apply to alcoholic beverages packaged purely for intrastate shipment within New Jersey.

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

STATE REGULATIONS NO. 26
MISLEADING TRADE NAMES

Rule 1. No licensee of any class shall use any corporate name, trade name, or other name, sign or symbol, which is calculated to or may convey the false impression that the licensed business is owned or operated by or enjoys some special or official sanction from the United States Government, the State of New Jersey or any municipality thereof.

Rule 2. No licensee of any class shall use any corporate name, trade name, or other name, sign or symbol, which is calculated to or may mislead the general public to believe the licensee is conducting any operations or business pertaining to alcoholic beverages other than the operations or business actually being conducted by the licensee.

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

STATE REGULATIONS NO. 27

REGISTRATION OF STILLS

Rule 1. Every still, distilling apparatus and parts thereof, located within this State, whether set up, dismantled or in the process of construction, shall be registered with the Director of the Division of Alcoholic Beverage Control.

Rule 2. Such registration shall be upon prescribed forms, designated as registry certificates, which may be obtained from the Director upon request, and which shall set forth the description and location of the still, distilling apparatus and parts thereof, and the name and address of the owner and the person having possession, control or custody thereof.

Rule 3. Said certificates must be executed and transmitted to the Director in duplicate, and one of said certificates bearing due endorsement by the Director of the receipt thereof, shall be returned to the registrant and must at all times be kept on the premises where the still, distilling apparatus and parts thereof are located.

Rule 4. Said certificate, bearing endorsement by the Director, together with all registered stills, distilling apparatus and parts thereof described therein, and the premises in which they are contained, shall be subject to inspection by representatives of the Division of Alcoholic Beverage Control.

Rule 5. No registered still, distilling apparatus and parts thereof shall be transported, except under written permit first obtained from the Director and any registered still, distilling apparatus and parts thereof removed from the premises described in the registry certificate without such permit shall be deemed forthwith unregistered.

Rule 6. When any registered still, distilling apparatus and parts thereof are sold or become the subject of a contract of sale, the registrant shall forthwith notify the Director of the name and address of the purchaser and the place where said still, distilling apparatus and parts thereof are to be delivered.

Rule 7. None of the foregoing Rules shall apply to any still, distilling apparatus and parts thereof, possessed by or in the custody or control of any licensed distillery or rectifier and blender, when located at the licensed premises and used in connection with the operation of the licensed business, and such stills, distilling apparatus and parts thereof are hereby declared registered during the continuance of the license.

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

STATE REGULATIONS NO. 28

SEIZURE HEARINGS

Rule 1. All hearings to determine whether seized property constitutes unlawful property and shall be forfeited, shall be held at the offices of the Division of Alcoholic Beverage Control, and shall be open to the public. All applications for the return of seized property on the ground that it does not constitute unlawful property shall be made at the hearing. Where irreparable injury would result from awaiting the date set for hearing, such application may be made prior to the hearing, by verified petition, setting forth in detail the facts relied upon.

Rule 2. Within thirty (30) days from the date of seizure, but not thereafter, application for the return of property seized under Revised Statutes, Title 33:1-66 may be made to the Director upon payment in cash under protest of the retail value of the seized property, or the delivery of a proper bond.

Rule 3. The forfeiture of seized property after hearing terminates all property interests therein and any proceeds therefrom, including the interests of the owner, any conditional vendor, chattel mortgagee or other lienor and all other persons. Applications addressed to the discretion of the Director for the return of unlawful property or recognition of outstanding interests therein may be made as follows:

a. At or prior to the hearing, but not thereafter, application may be made for the return of seized property by verified petition setting forth facts establishing that the claimant has acted in good faith and has unknowingly violated the law. Where the Director is satisfied that the claimant has acted in good faith and has unknowingly violated the law, he may order the return of the property upon payment of reasonable costs incurred.

b. At or prior to the hearing, but not thereafter, application may be made by any person having a bona fide lien upon or interest in the seized property for the recognition of the validity and priority of such lien or interest, by verified petition setting forth facts establishing that the applicant has acted in good faith and had no knowledge of the unlawful use to which the property was put or of such facts as would have led a person of ordinary prudence to discover such use. Where the validity and priority of such lien or interest have been recognized and the claimant's good faith and lack of knowledge of the unlawful use or of such facts as would have led a person of ordinary prudence to discover such use have been established to the satisfaction of the Director, he may order the return of the property upon payment of reasonable costs or order the retention thereof for the use of the State conditioned upon the payment of the lien or interest, or the sale thereof and the payment of the lien or interest out of the proceeds of sale.

Rule 4. Determinations by the Director shall be in the form of written order, setting forth the conclusions and reasons therefor.

FOR IMMEDIATE RELEASE

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

July 6, 1954

IMPORTANT NOTICE OF RULING

TO ALL RETAIL LICENSEES (EXCEPT CLUB LICENSEES) AND MANUFACTURERS AND WHOLESALERS OF MALT ALCOHOLIC BEVERAGES:

MALT ALCOHOLIC BEVERAGES MAY NOT BE PRICE-ADVERTISED IN ANY PERIODICAL, PUBLICATION, CIRCULAR, HANDBILL OR DIRECT MAILING PIECE, EITHER DIRECTLY OR INDIRECTLY, ON AND AFTER JULY 15, 1954.

It is revealed in a flood of advertising matter in newspapers and other publications that predatory price wars among retail licensees who sell malt alcoholic beverages (beers and ales) in original containers have become so rampant in recent weeks as to endanger the public welfare and may well lead to undesirable practices at the retail level violative of the basic principles of the Alcoholic Beverage Law.

Since malt alcoholic beverages are presently excepted from the Rules of State Regulations No. 30, which make mandatory the listing of brands of alcoholic beverages in the Minimum Consumer Resale Price Pamphlet (no item may be sold below the prices listed therein), the current spectacle of wild and uncontrolled price competition of beers in original containers among retail licensees with the resulting dangerous impact and undue persuasions upon the consumer public makes drastic remedial action necessary.

In order to effectuate my determination to maintain an orderly distribution of all alcoholic beverages among consumers with equal fairness to all retailers, it is my ruling that on and after July 15, 1954, no brand of malt alcoholic beverage (including private brands owned or controlled by a retailer or exclusive brands confined to or distributed by one retailer) may be price-advertised at retail (including direct or indirect reference to price) in any periodical, publication, circular, handbill or direct mailing piece in this State by a manufacturer, wholesaler or retailer.

Violation of the ruling will be punishable by suspension or revocation of license.



William Howe Davis
Director.

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

STATE REGULATIONS NO. 30

MINIMUM CONSUMER RESALE PRICES OF ALCOHOLIC BEVERAGES

Rule 1. No manufacturer or wholesaler of alcoholic beverages shall sell, offer for sale or deliver to any retailer, any alcoholic beverage the container of which bears the brand or the name of the owner or producer, unless a schedule of minimum consumer resale prices for each such brand of alcoholic beverages shall first have been filed with the Director of the Division of Alcoholic Beverage Control for each quarter-annual period designated in Rule 3, by (1) the manufacturer or wholesaler who owns such brand, or (2) a wholesaler selling such brand who is appointed as exclusive agent by the brand owner for the purpose of filing such schedule, or (3) any wholesaler with the approval of the Director in the event that the owner of such brand does not file or is unable to file a schedule or designate an agent for such purposes; provided, however, that nothing contained herein shall require any manufacturer or wholesaler to file a schedule of minimum consumer resale prices for any brand of alcoholic beverages offered for sale or sold by its manufacturer or wholesaler exclusively to one New Jersey retailer.

Rule 2. Schedules of minimum consumer resale prices required to be filed with the Director shall be filed, in form to be prescribed by the Director, not later than the 20th day of February, May, August and November of each year.

Rule 3. Minimum Resale Price Lists shall be published quarterly annually by the Director, to become successively effective on and after the first day of January, April, July and October of each year, and shall list by type and brand name the minimum consumer resale prices listed with the Director by manufacturers and wholesalers in accordance with Rule 1. Said Minimum Resale Price Lists shall be printed in pamphlet form and mailed to all New Jersey retailers not later than three business days before the effective date of such price lists. All manufacturers and wholesalers who have filed minimum consumer resale price listings shall be chargeable with a proportionate cost of the printing and mailing of the pamphlet so published and mailed.

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

Rule 5. No licensee shall sell or advertise for sale at retail, directly or indirectly, any alcoholic beverage listed in the then currently effective Minimum Resale Price List published by the Director of the Division of Alcoholic Beverage Control at less than its listed price; provided, however, that a special permit so to do may be granted by the Director for special cause shown pursuant to Rule 7.

Rule 6. No licensee shall advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, the retail price of any alcoholic beverage not listed in the then currently effective Minimum 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 confined to, or owned, controlled or distributed by a single retailer, and stated to be such in the advertisement.

Rule 7. Application by a licensee privileged to sell alcoholic beverages at retail for a special permit authorizing the sale of any particular item affected by the price listed in the Minimum Resale Price List at less than the price stipulated therein will be entertained by the Director in the following situations: (a) where the item was actually possessed by the licensee prior to the initial listing of the item in the Minimum Resale Price List; (b) where the licensee is actually and permanently closing out his stock for the purpose of completely discontinuing sale of such item; (c) where the item is damaged or deteriorated in quality and notice is given to the public thereof; and (d) where sale of the item is by an officer acting under order of any court.

Rule 8. Nothing contained in these Regulations shall apply to malt alcoholic beverages.

Promulgated Friday, May 25, 1951.

Effective Friday, May 25, 1951.

Filed with the Secretary of State (N.J.) Friday, May 25, 1951.

STATE REGULATIONS NO. 31

ALCOHOL PERMITS

Rule 1. The possession and sale of alcohol by the holders of retail liquor licenses, and also the sale of alcohol at retail by all other persons, is prohibited, except pursuant to special alcohol permit issued by the Director of the Division of Alcoholic Beverage Control.

Rule 2. Special alcohol permits are issuable only to (a) owners of registered pharmacies or (b) holders of a plenary retail distribution license in municipalities which do not, by ordinance, prohibit the conduct of other mercantile business by such licensees.

Rule 3. The permit fee is Ten Dollars (\$10.00) per annum, without proration. The term of the permit is from July 1st each year through the following June 30th.

Rule 4. Each permit will be issued subject to the following conditions:

- a. Alcohol may be sold for non-beverage purposes only.
- b. Alcohol may be possessed and sold only in containers of not less than four ounces nor more than thirty-two ounces.
- c. Not less than four ounces nor more than thirty-two ounces of alcohol may be sold to any one person in any consecutive period of twenty-four hours.
- d. Each container shall have affixed thereto a printed label, in type not smaller than 6-point, bearing the brand name, type of alcohol, proof, net contents in ounces, name and address of bottler, and a cautionary statement, reading:

"This is non-beverage alcohol. Its use by any person without proper license or permit for the manufacture of alcoholic beverages, by the addition of flavoring extract or otherwise, is in violation of R. S. 33:1-2 and subjects the violator to a maximum penalty of imprisonment for three years and a fine of \$1,000."

The cautionary statement may appear on a separate label. Nothing on any label shall, directly or indirectly, represent the contents of the container to be palatable, potable, or otherwise suitable for internal consumption or beverage use.

e. Permittee shall not sell any alcohol to consumers except in the original sealed container received from the manufacturer, bottler or wholesaler.

f. Permittee shall not sell or deliver, nor allow, permit or suffer the sale or delivery of alcohol, directly or indirectly, to any person actually or apparently intoxicated, or to any person under the age of twenty-one (21) years.

g. Permittee shall demand and receive from the purchaser, with respect to each purchase of alcohol, a certificate signed by the purchaser that the alcohol is intended for non-beverage use. Said certificates shall be consecutively numbered and executed in triplicate in form prescribed by the Division of Taxation, Department of the

STATE REGULATIONS NO. 31 (con't)

Treasury. One copy of each executed certificate shall be retained by permittee in a permanent binding and kept at all times at the premises. The original and one copy of each executed certificate received during each month shall be transmitted to the said Division of Taxation not later than fifteen days after the last day of that month.

h. Permittee shall maintain a register of his purchases of alcohol in a permanently bound book which shall be kept at all times at the premises. Said register shall contain, with respect to each purchase of alcohol, the name and address of the manufacturer, bottler, or wholesaler from whom the alcohol is purchased, the name and address of the bottler, the brand name, the type of alcohol, the proof, the quantity purchased in wine gallons, the number of containers, the net contents in ounces per container, the strip stamp numbers, the date of purchase, and the date of delivery. Permittee shall report in duplicate to the Division of Taxation, Department of the Treasury, on forms to be supplied by it, not later than fifteen days after the last day of each month during the term of the permit, such information with respect to his purchases of alcohol, as the said Division of Taxation shall from time to time require.

Rule 5. By the acceptance of the permit, the permittee will confer upon the Division of Alcoholic Beverage Control, and the Division of Taxation, Department of the Treasury, and each of their investigators and agents, the authority to investigate at any time any purchase and any sale of alcohol made thereunder, and further, will consent to the amendment of the conditions of the permit by the Director of the Division of Alcoholic Beverage Control, and the imposition of such additional conditions as said Director may from time to time deem necessary or desirable.

Rule 6. The permit will be subject to cancellation by the Director of the Division of Alcoholic Beverage Control.

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Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street New Jersey, N. J.

STATE REGULATIONS NO. 32

SALE OF ALCOHOLIC BEVERAGES IN ORIGINAL CONTAINERS BY
CONSUMPTION LICENSEES

Rule 1. All holders of plenary retail consumption licenses or seasonal retail consumption licenses who, on May 27, 1948, sold alcoholic beverages in original containers for consumption off the licensed premises, either to the exclusion of sale for consumption on the licensed premises or upon a portion of the licensed premises other than the public barroom, must make written declaration of such fact and file the same with the license issuing authority not later than June 18, 1948.

Rule 2. The declaration required by Rule 1 shall be in form of a notice to the license issuing authority advising of an amendment to the question in the application for current license which asks, "Describe building containing licensed premises in detail:...(b) For what purpose used", to set forth in addition to any other matters therein stated, "Alcoholic beverages were sold on May 27, 1948, in original containers for off-premises consumption from portion of licensed premises other than public barroom as designated on sketch attached" and having attached thereto a sketch of the entire licensed premises with indication thereon of that portion of the licensed premises other than the public barroom in which alcoholic beverages were being sold on May 27, 1948, in original containers for off-premises consumption. Said notice shall be accompanied by an affidavit of the licensee attesting the truth of the statements made therein and a photograph not less than five by seven inches in size showing the interior of that portion of the licensed premises other than the public barroom in which alcoholic beverages were being sold on May 27, 1948, in original containers for off-premises consumption. Subsequent applications for license, including applications for transfer of license from person to person or place to place shall be similarly answered where appropriate.

Rule 3. Upon receipt of the declaration, sketch and photograph as required by Rule 1 in form prescribed by Rule 2, the license issuing authority shall attach the same to the application upon which the current license has been issued and shall cause immediate investigation to be made to verify the facts stated and represented therein. Thereafter and not later than June 30, 1948, each municipal license issuing authority shall certify to the State Commissioner of Alcoholic Beverage Control (now Director of the Division of Alcoholic Beverage Control) the names of the licensees and addresses of the licensed premises as to which declaration has been made as required by Rule 1, at the same time certifying its compliance with the provision hereof requiring investigation of the truth of the declaration.

Rule 4. Upon completion of investigation and certification as required by Rule 3, the license issuing authority shall cause the following notation to be made on the face of each license certificate involved which will be in effect on July 1, 1948, and thereafter:

"This license permits sale of alcoholic beverages in original containers for consumption off the licensed premises from portions of the licensed premises other than the public barroom, pursuant to P.L. 1948, ch. 98 and State Regulations No. 32."

License certificates issued or endorsed for transfer on the basis of subsequent applications shall bear similar notation where appropriate. Future daily certifications of license issuance or transfer required by Rule 9 of State Regulations No. 3 and Rule 22 of State Regulations

No. 6 shall include, where appropriate, under the caption "Special Conditions, if any", the notation "Broad package privilege" to denote compliance with Rules 2 and 4 of these regulations.

Rule 5. Holders of plenary retail consumption licenses or seasonal retail consumption licenses not eligible to make the declaration required by Rule 1 because on May 27, 1948 they were not actually engaged in the sale of alcoholic beverages in original containers for off-premises consumption from a portion of the licensed premises other than the public barroom by reason of (1) building alteration or construction in progress, (2) prior destruction or loss of possession of the licensed premises, or (3) non-operation of the entire licensed business, but who, prior to May 28, 1948, (a) had sold alcoholic beverages in original containers for off-premises consumption from a portion of the licensed premises other than the public barroom, or (b) had actually undertaken alteration or construction of the licensed premises or premises to be licensed, intending and making provision thereon for the sale of alcoholic beverages in original containers for off-premises consumption from a portion of the premises other than the public barroom, may, by verified petition, request the State Commissioner of Alcoholic Beverage Control (now Director of the Division of Alcoholic Beverage Control) to permit amendment of the license application and notation of the license certificate in manner set forth in Rules 2 and 4. Said petition must bear the consent, in writing, of the municipal license issuing authority and must be filed with the State Commissioner of Alcoholic Beverage Control (now Director of the Division of Alcoholic Beverage Control) not later than June 18, 1948.

Rule 6. From and after July 1, 1948, no holder of a plenary retail consumption license or seasonal retail consumption license shall sell any alcoholic beverages in original containers for off-premises consumption except from the public barroom of the licensed premises unless the then current license certificate bears a notation as set forth in Rule 4 and the application for the then current license contains a statement as set forth in Rule 2, provided, however, that in the event that sale of alcoholic beverages by the glass or other open receptacle is prohibited by law in any particular municipality, holders of plenary retail consumption licenses and seasonal retail consumption licenses in such municipality may sell alcoholic beverages in original containers for off-premises consumption from any portion of the licensed premises notwithstanding that such sale was, prior to such prohibition, limited to the public barroom.

Rule 7. No holder of a plenary retail consumption license or seasonal retail consumption license having a public barroom existing on the licensed premises on May 28, 1948, or any transferee of such license, shall sell any alcoholic beverage in original containers for off-premises consumption from any additional public barroom thereafter established on such premises or any premises to which the license may be transferred, except in so far as the privilege may be afforded pursuant to Rule 6.

Rule 8. Each municipal license issuing authority is required and directed to notify, in writing, every holder of a plenary retail consumption license or seasonal retail consumption license issued within its municipality of the provisions of the foregoing Rules not later than June 11, 1948.

STATE REGULATIONS NO. 54

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

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

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

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

STATE REGULATIONS NO. 34 (Cont'd)

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

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

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

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

STATE REGULATIONS NO. 34 (Cont'd)

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

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

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

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

STATE REGULATIONS NO. 34 (Cont'd)

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

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

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

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

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

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

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

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

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

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

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

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

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

Promulgated March 12, 1956.

Effective April 1, 1956.

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

STATE REGULATIONS NO. 35

CONTRACTS OF EMPLOYMENT AND CONDUCT OF SOLICITORS

Rule 1. No manufacturer or wholesaler of alcoholic beverages other than malt alcoholic beverages shall, directly or indirectly, give to any holder of a solicitor's permit for the State of New Jersey any cash bonus, allowance or other inducement over and above the salary and commission or other compensation of any kind fixed by written contract of employment between the solicitor and his employer.

Rule 2. Between the twenty-fifth day of March and the first day of April of each year, as to the holder of New Jersey solicitors' permits then employed, and within five days after the issuance of such solicitors' permits to solicitors thereafter employed, each manufacturer and wholesaler engaged in the sale in New Jersey of alcoholic beverages other than malt alcoholic beverages, employing persons who hold such solicitors' permits, shall file with the Director of the Division of Alcoholic Beverage Control a copy of the contract of employment pursuant to which said solicitor is employed, which contract shall set forth truly the salary and commission or other compensation of any kind agreed to be paid to such solicitor. Written notice of modification of such contracts together with the provisions thereof shall be filed with the Director within five days after such modification is effected. Any modification of a contract of employment between a manufacturer or wholesaler and any solicitor whereby the solicitor's salary or commission or compensation of any kind is increased with respect to sales of any particular kind of alcoholic beverages for a period of less than ninety days shall be deemed a bonus, allowance or other inducement prohibited by Rule 1.

Rule 3. No holder of a solicitor's permit employed by a manufacturer or wholesaler of alcoholic beverages other than malt alcoholic beverages shall furnish, directly or indirectly, to any retailer any gift, rebate or allowance of money or any thing of value (whether by sale, loan, gift or otherwise) or other discount or inducement including free goods, deals, combination sales, and similar merchandising devices; nor shall such holder of a solicitor's permit sell or offer to sell to any retailer, or solicit from any retailer any order for, any particular brand or brands of alcoholic beverages tied in with, or contingent upon the retailer's purchase of, some other beverage, alcoholic or otherwise, or any other merchandise or service.

Rule 4. No holder of a solicitor's permit employed by a manufacturer or wholesaler of alcoholic beverages other than malt alcoholic beverages shall participate in any promotional contest in connection with the sale or distribution, or any contest promoting the sale or distribution, of alcoholic beverages other than malt alcoholic beverages.

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

STATE REGULATIONS NO. 38

LIMITATION OF HOURS FOR SALE AND DELIVERY BY RETAIL LICENSEES
OF ALCOHOLIC BEVERAGES IN ORIGINAL CONTAINERS FOR OFF-PREMISES
CONSUMPTION

Rule 1. No licensee shall sell or deliver, or allow, permit or suffer the sale or delivery of any alcoholic beverage at retail in original containers for consumption off the licensed premises, on Sunday, or before 9:00 A.M. or after 10:00 P.M. on any other day of the week.

Rule 2. Rule 1 shall not be construed to permit the sale or delivery of any alcoholic beverage during hours when such sale or delivery is prohibited by an applicable municipal regulation or referendum.

Rule 3. Each licensee permitted to sell at retail for off-premises consumption shall keep prominently displayed, on or near the entrance to the licensed premises and clearly visible from the exterior, a sign not less than 10 x 12 inches in size stating clearly and legibly the legal hours during which the sale of alcoholic beverages in original containers for off-premises consumption is permitted.

A licensee who, though privileged under his license to do so, sells no alcoholic beverages in original containers for off-premises consumption may, in lieu of the notice required in the first paragraph of this Rule, post a notice of the same size and in the same location stating clearly and legibly that no alcoholic beverages are sold for off-premises consumption.

Rule 4. Any violation of these Rules, and any sale contrary to a notice posted pursuant to Rule 3, shall subject the license to suspension or revocation.

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

STATE REGULATIONS NO. 39

EXTENSION OF CREDIT BY MANUFACTURERS AND WHOLESALERS TO
RETAIL LICENSEES

Rule 1. No manufacturer or wholesaler shall sell or offer for sale to any retail licensee any alcoholic beverages, and no retail licensee shall purchase or offer to purchase from any manufacturer or wholesaler any alcoholic beverages except for payment upon delivery of such alcoholic beverages or on credit terms which require that payment therefor be made within a period not in excess of thirty (30) days after date of delivery; provided, however, that nothing in these regulations shall require any manufacturer or wholesaler to extend credit to any retail licensee.

Rule 2. For the purpose of these regulations:

(a) A retail licensee shall be in default if he has failed to make payment for alcoholic beverages within thirty (30) days after delivery to him of such alcoholic beverages.

(b) "Payment" means the full legal discharge of the debt by cash or its equivalent, including ordinary and recognized means for discharge of indebtedness excepting notes, pledges or other promises to pay at a future date and excepting credit memoranda issued for the purpose of circumventing these regulations. A check not promptly deposited for collection or a check dishonored on presentation for payment shall not be deemed payment.

(c) "Payment in cash" means full legal discharge of a debt by delivery of cash, money order, certified check, or a cashier's or treasurer's or similar bank officer's check. Ordinary checks may not be accepted as payment of a defaulted account, or as payment for any alcoholic beverages delivered to a retailer who is at time of delivery listed on the Default List.

(d) A retail licensee shall continue to be in default from the time he becomes in default until he shall make full payment in cash for all alcoholic beverages delivered to him more than thirty (30) days prior to payment therefor.

Rule 3. On Wednesday of each week (or on the next business day thereafter in the event that Wednesday is a legal holiday) the Director of the Division of Alcoholic Beverage Control shall cause to be published and mailed to each manufacturer and wholesaler a Default List setting forth the names and addresses of the retail licensees reported and continuing in default as of the preceding Saturday at 5:00 P.M. Such weekly Default List shall become effective on the Monday following its publication.

Rule 4. (a) No manufacturer or wholesaler shall sell or deliver any alcoholic beverages except for payment in cash on delivery to any retail licensee who is at the time of delivery listed on the Default List.

(b) No retail licensee who is at the time listed on the Default List shall purchase or accept delivery of any alcoholic beverages except for payment in cash on delivery.

Rule 5. (a) Each manufacturer or wholesaler, excepting manufacturers or wholesalers of malt alcoholic beverages only, shall give written warning notice, personally or by first-class mail, to each retail licensee indebted to him for the purchase of alcoholic beverages, not earlier than ten (10) days and not later than five

2.

STATE REGULATIONS NO. 39 (Cont'd.)

(5) days before the expiration of the credit period provided in Rule 1. The warning notice shall contain the following statement:

"Pursuant to Rule 5(a) of State Regulations No. 39, you are hereby given advance notice that payment for alcoholic beverages delivered to you on _____

(Date)

invoiced in the amount of \$_____, has not as yet been made in full. Unless full payment is made by (here insert date when the credit period expires), a notice of default must be filed against you with the Director of the Division of Alcoholic Beverage Control. Any single default brings into operation the restrictions of Rule 4 of said Regulations which provides that a retail licensee in default may purchase only for cash."

(b) Each manufacturer or wholesaler shall, within three (3) days after a retail licensee becomes in default to such manufacturer or wholesaler under Rules 1 and 2, file with the Director a notice of default in the following form:

"Pursuant to Rule 5(b) of Regulations No. 39, notice is hereby given that a default in payment for purchase of alcoholic beverages has occurred as follows:

Name of Licensee _____

Address _____

Date of Delivery _____

Amount Unpaid _____"

Manufacturers and wholesalers required to serve warning notices on retail licensees shall add the following certification:

"The undersigned certifies that a warning notice as required by Rule 5(a) was sent to said retail licensee on the _____ day of _____, 19____."

(c) On or before Wednesday of each week each manufacturer or wholesaler who has filed with the Director pursuant to Rule 5(b) a notice of default occurring during the preceding calendar week ending Saturday at 5:00 P.M., shall mail by first-class mail to the retail licensee named therein a copy of such notice of default containing the following additional notice over the signature of such manufacturer or wholesaler:

"NOTICE TO RETAIL LICENSEE: The original of the foregoing notice of default having been filed with the Director of the Division of Alcoholic Beverage Control, Rule 4 of State Regulations No. 39 prohibits you from accepting delivery of any alcoholic beverages from any manufacturer or wholesaler except for cash, commencing Monday, the _____ day of _____, 19____, until you have paid in full the amount of default shown in this notice and your name has been removed from the Default List."

(d) When a retail licensee ceases to be in default to a manufacturer or wholesaler, such manufacturer or wholesaler shall, within three (3) days thereafter, file with the Director a notice to that effect. The notice shall state the name and address of the retail licensee, the date of delivery in respect to which the default existed, the amount paid to terminate the default, and the date and form of such payment.

(e) If a notice of default and a notice of payment of such default are received by the Director during the same calendar week, the default shall be listed in the Default List to be published the following Wednesday, and the notice of payment shall be given effect in the Default List to be published the succeeding week.

(f) Manufacturers or wholesalers who are hereinabove required to file notices of default and notices of payment shall be chargeable with a proportionate cost of publishing and mailing the weekly Default List pursuant to Rule 3 hereof.

(g) Notices required to be filed with the Director pursuant hereto shall be 8 inches in width and 5 inches in length. They shall be available for inspection at the Director's offices during regular business hours.

Rule 6. No manufacturer or wholesaler shall deliver or transport, directly or indirectly, any alcoholic beverage to any retail licensee unless such beverage is accompanied by a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill or similar document stating the name and address of the retail licensee, the brand, size of container and quantity of each kind of alcoholic beverages being delivered or transported, and the price and terms of sale, and bearing a printed or stamped legend reading as follows:

"The undersigned retail licensee hereby acknowledges that all of the alcoholic beverages itemized above have been ordered and were received on _____.
(Date)

(Signature by or for retail licensee)"

Two (2) copies of such delivery slip, invoice, manifest, waybill or similar document shall be truly dated and signed by the retail licensee or his agent at the time and on the date of actual delivery of any alcoholic beverage, one of which copies shall be retained for a period of one year from the date thereof by the manufacturer or wholesaler and the other by the retail licensee for a like period at their respective licensed premises, available for inspection by agents of the Director, unless the Director shall have granted written permission to the manufacturer or wholesaler to keep his copies at a designated place outside of the State of New Jersey.