

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

BULLETIN 755

MARCH 26, 1947.

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

BULLETIN 755

MARCH 26, 1947.

1. DISCIPLINARY PROCEEDINGS - REBATE OR DISCOUNT GRANTED IN VIOLATION OF RULE 20 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR ADMISSION OF FACTS.

In the Matter of Disciplinary)
Proceedings against)
JACK HOFFENBERG & HARRY FRANKEL)
T/a SEISE'S LIQUOR STORE)
177 Boulevard)
Hasbrouck Heights, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-)
bution License D-2 issued by the)
Borough Council of the Borough of)
Hasbrouck Heights.)
- - - - -)

Winne and Banta, Esqs., Attorneys for Defendants.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

Defendants were served with charges alleging that:

"1. On December 23, 1946, you sold three bottles of alcoholic beverages for consumption off the licensed premises, not at the specified price per bottle in that you sold one 4/5 quart bottle of Teacher's Highland Cream Scotch Whisky and two 4/5 quart bottles of Don Q Puerto Rican Rum, at an aggregate price for the combination which was less than the total of the prices of the individual bottles; in violation of Rule 19 of State Regulations No. 20.

"2. On the occasion aforesaid, in connection with the above sale of alcoholic beverages for consumption off licensed premises, you offered and furnished a discount in price, in violation of Rule 20 of State Regulations No. 20."

The case was submitted upon the following stipulation of facts:

"The defendants conduct a retail liquor store duly licensed for consumption off the premises, at 177 Boulevard, Hasbrouck Heights, New Jersey. On December 23rd, 1946, an agent of the Department of Alcoholic Beverage Control solicited the sale of one bottle of scotch whisky and was advised that the price thereof was \$9.30. The agent then asked if anything better could be done on the price. The defendants then offered to sell the agent the scotch for \$5.66 if he would also buy two bottles of Don Q Rum at \$3.72 each, the total price for the three bottles being \$13.10. The agent purchased the three bottles by paying \$13.10 to the defendants and the defendants delivered in a paper bag the three bottles aforesaid with the figures noted on the bag as \$5.66, \$3.72, \$3.72 - total \$13.10."

Defendants have filed a brief wherein they contend that the stipulated facts do not disclose a violation of either Rule 19 or Rule 20 of State Regulations No. 20.

Since the facts were not disputed, the Department agreed that the defendants would be granted a remission of the period of suspension if the question of law was decided against them.

Rule 19 of State Regulations No. 20 provides:

"No retail licensee shall, directly or indirectly, sell or offer for sale 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."

In the present case, each of the three items was sold at a specified price per bottle and no violation of Regulations No. 30 is involved because none of the items was sold below the minimum consumer price.

Rule 20 of State Regulations No. 20 provides:

"No retail licensee shall, directly or indirectly, offer or furnish any gifts, prizes, coupons, premiums, rebates, discounts or similar inducements with the sale of any alcoholic beverage for consumption off the licensed premises; provided, however, that nothing herein contained shall prohibit retail licensees from furnishing advertising novelties of nominal value."

The facts herein do disclose that a rebate or discount upon the quoted price of the Scotch whisky was granted upon condition that the customer would also buy two bottles of rum. Hence, under the circumstances I must find defendants guilty of violating Rule 20 of State Regulations No. 20.

Since this is a case of first impression, I shall suspend defendants' license for a period of five days, less two days for saving the Department the expense and trouble of a trial, making a net suspension of three days. However, in any cases hereafter arising the minimum penalty for similar violations will be ten days, less five days for a confessional plea.

Accordingly, it is, on this 18th day of March, 1947,

ORDERED that Plenary Retail Distribution License D-2, issued by the Borough Council of the Borough of Hasbrouck Heights to Jack Hoffenberg & Harry Frankel, t/a Seise's Liquor Store, for premises 177 Boulevard, Hasbrouck Heights, be and the same is hereby suspended for three (3) days, commencing at 9:00 a.m. March 24, 1947, and terminating at 9:00 a.m. March 27, 1947.

ERWIN B. HOCK
Deputy Commissioner.

2. DISCIPLINARY PROCEEDINGS - PERMITTING GAMBLING AND LOTTERIES ON LICENSED PREMISES IN VIOLATION OF RULES 6 AND 7 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GOVERNOR BAR & GRILL, INC.)
132 Governor Street)
Paterson 1, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-271, issued by the Board of Alcoholic Beverage Control of the City of Paterson.)

Saul R. Alexander, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

Defendant has pleaded guilty to charges, namely, that it allowed, permitted and suffered the sale of "tickets" in a lottery commonly known as the "numbers game", and allowed, permitted and suffered gambling, to wit, "numbers writing", on its licensed premises, in violation of Rules 6 and 7 of State Regulations No. 20.

On all six days in January 1947, while the investigation was under way, agents observed "numbers slips" or tickets in a lottery known as the "numbers game" being offered for sale and sold to patrons on the licensed premises. The agents actually purchased some of the "slips" and one of the defendant's bartenders joined in one of the purchases.

It would appear that the licensed premises was at least one of the regular places where a "number writer" plied his "trade". In view of the open manner in which the gambling was permitted and the obvious knowledge of the licensee's bartender, I shall suspend the license for twenty days, and remit five days thereof because of the plea, making a net suspension of fifteen days. Re Keilp, Bulletin 655, Item 7. Any future violations of this kind in defendant's premises will warrant a severe penalty.

Accordingly, it is, on this 17th day of March, 1947,

ORDERED that Plenary Retail Consumption License C-271, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Governor Bar & Grill, Inc., 132 Governor Street, Paterson, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3:00 a.m. March 25, 1947, and terminating at 3:00 a.m. April 9, 1947.

ERWIN B. HOCK
Deputy Commissioner.

3. DISCIPLINARY PROCEEDINGS - REBATE OR DISCOUNT GRANTED IN VIOLATION OF RULE 20 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HUDSON LIQUOR CO., INC.)
6901 Bergenline Avenue)
Guttenberg, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-1, issued by the Mayor and Board of Council of the Town of Guttenberg.)
-----)

Vanderbach & Vanderbach, Esqs., by Harry W. Vanderbach, Esq., Attorneys for Defendant-licensee.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

Defendant has pleaded non vult to the following charges:

"1. On December 21, 1946, you sold four bottles of alcoholic beverages for consumption off the licensed premises not at the specified price per bottle in that you sold one 4/5 quart bottle of Teacher's Highland Cream Scotch Whisky and three 4/5 quart bottles of Don C Puerto Rican Rum, at an aggregate price for the combination which was less than the total of the prices of the individual bottles; in violation of Rule 19 of State Regulations No. 20.

"2. On the occasion aforesaid, in connection with the above sale of alcoholic beverages for consumption off licensed premises, you offered and furnished a discount in price, in violation of Rule 20 of State Regulations No. 20."

On December 21, 1946, Max Cleiff, President of defendant corporation, offered to sell to an ABC agent one 4/5 quart bottle of Teacher's Highland Cream Scotch Whisky at \$8.50. When the agent would not buy, Cleiff offered to sell him the Scotch at \$5.65 if the agent was willing to take three bottles of rum at the ceiling price. The agent agreed and purchased the Scotch at \$5.65 and three 4/5 quart bottles of Don C Puerto Rican Rum at \$3.72 each. Thus defendant, by its agent, granted a rebate or discount on the quoted price of the whisky, in violation of Rule 20 of State Regulations No. 20.

Defendant has no prior record. I shall suspend its license for a period of five days, less two days for the plea, making a net suspension of three days. Re Hoffenberg and Frankel, Bulletin 755, Item 1.

Accordingly, it is, on this 18th day of March, 1947,

ORDERED that Plenary Retail Distribution License D-1, issued by the Mayor and Board of Council of the Town of Guttenberg to Hudson Liquor Co., Inc., for premises 6901 Bergenline Avenue, Guttenberg, be and the same is hereby suspended for three (3) days, commencing at 9:00 a.m. March 24, 1947, and terminating at 9:00 a.m. March 27, 1947.

ERWIN B. HOCK
Deputy Commissioner.

4. DISCIPLINARY PROCEEDINGS - REBATE OR DISCOUNT GRANTED IN VIOLATION OF RULE 20 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against ADOLFO SARGENTI T/a A. SARGENTI & SON 7110 Bergenline Avenue North Bergen, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-13 issued by the Board of Commissioners of the Township of North Bergen.

W. Leo Batten, Esq., Attorney for Defendant-licensee. William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

Defendant has pleaded non vult to the following charges:

"1. On December 20, 1946, you sold three bottles of alcoholic beverages for consumption off the licensed premises not at the specified price per bottle, in that you sold one 4/5 quart bottle of Teacher's Highland Cream Scotch Whisky and two 4/5 quart bottles of Ronrico Puerto Rican Rum at an aggregate price for the combination which was less than the total of the prices of the individual bottles; in violation of Rule 19 of State Regulations No. 20.

"2. On the occasion aforesaid, in connection with the above sale of alcoholic beverages for consumption off licensed premises, you offered and furnished a discount in price, in violation of Rule 20 of State Regulations No. 20."

On December 20, 1946, Armando Sargenti, an employee of defendant-licensee, offered to sell to ABC agents one 4/5 quart bottle of Teacher's Highland Cream at \$10.00. When the agents refused to buy the whisky at that price, Armando Sargenti told the agents that, if they bought two bottles of rum at the regular price, he would bring the price of the Scotch from \$10.00 to \$7.65. He quoted the rum at \$3.99 per bottle if bought separately. Thereupon the agents purchased the whisky and the two bottles of rum for the sum of \$15.63. Thus defendant, by his agent, granted a rebate or discount on the quoted price of the whisky, in violation of Rule 20 of State Regulations No. 20. - Re Hoffenberg & Frankel, Bulletin 755, Item 1.

Defendant has no prior record. In alleged mitigation he states that he had purchased the business only two days before the violation occurred, but this fact cannot be accepted as an excuse for the violation. I shall suspend the license for a period of five days, less two days for the plea, making a net suspension of three days.

Accordingly, it is, on this 18th day of March, 1947,

ORDERED that Plenary Retail Distribution License D-13, issued by the Board of Commissioners of the Township of North Bergen to Adolfo Sargenti, t/a A. Sargenti & Son, for premises 7110 Bergenline Avenue, North Bergen, be and the same is hereby suspended for three (3) days, commencing at 9:00 a.m. March 24, 1947, and terminating at 9:00 a.m. March 27, 1947.

ERWIN B. HOCK Deputy Commissioner.

5. DISCIPLINARY PROCEEDINGS - COMBINATION SALE - REBATE OR DISCOUNT GRANTED IN VIOLATION OF RULES 19 AND 20 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HARRY ZIGMAN)
61 Pennsylvania Avenue)
Newark 5, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-104, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

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

Defendant has pleaded non vult to the following charges:

"1. On December 19, 1946, you sold two bottles of alcoholic beverages for consumption off the licensed premises not at the specified price per bottle in that you sold one 4/5 quart bottle of Teacher's Highland Cream Scotch Whisky and one 4/5 quart bottle of Riondo Rum at an aggregate price for the combination which was less than the total of the prices of the individual bottles; in violation of Rule 19 of State Regulations No. 20.

"2. On the aforesaid occasion, in connection with the above sale of alcoholic beverages for consumption off licensed premises, you offered and furnished a discount in price, in violation of Rule 20 of State Regulations No. 20."

On December 19, 1946, defendant offered to sell to an ABC agent one 4/5 quart bottle of Teacher's Highland Cream Scotch Whisky at \$10.00. When the agent refused to buy the whisky at that price, defendant offered to sell to him the bottle of whisky and one 4/5 quart bottle of Riondo Rum for the sum of \$12.25, although the price of the rum was \$4.09 a bottle. The agent purchased both items for the sum of \$12.25. Thus, defendant made a "combination sale" of more than one article at a single aggregate price, in violation of Rule 19 of State Regulations No. 20, or in the alternative sold a bottle of whisky at a discount, in violation of Rule 20 of State Regulations No. 20. Defendant is guilty as charged.

Defendant has no prior record. I shall suspend his license for a period of five days, less two days for the plea, leaving a net suspension of three days. Re Hoffenberg & Frankel, Bulletin 755, Item 1.

Accordingly, it is, on this 18th day of March, 1947,

ORDERED that Plenary Retail Distribution License D-104, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Harry Zigman, for premises at 61 Pennsylvania Avenue, Newark, N. J., be and the same is hereby suspended for a period of three (3) days, commencing at 9:00 a.m. March 24, 1947, and terminating at 9:00 a.m. March 27, 1947.

ERWIN B. HOCK
Deputy Commissioner.

6. DISCIPLINARY PROCEEDINGS - COMBINATION SALE - REBATE OR DISCOUNT GRANTED IN VIOLATION OF RULES 19 AND 20 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LOUIS SHENKMAN & SARAH SHENKMAN)
T/a RELIABLE LIQUORS CO.)
6407 Bergenline Avenue)
West New York, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License No. D-12, issued by the Board of Commissioners of the Town of West New York.)

Samuel Moskowitz, Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

Defendants have pleaded non vult to the following charges:

"1. On December 19, 1946, you sold four bottles of alcoholic beverages for consumption off the licensed premises not at the specified price per bottle, in that you sold 1 - 4/5 quart bottle of Teacher's Highland Cream Scotch Whisky and 3 - 4/5 quart bottles of Carioca Rum at an aggregate price for the combination which was less than the total of the prices of the individual bottles, in violation of Rule 19 of State Regulations No. 20.

"2. On the occasion aforesaid, in connection with the above sale of alcoholic beverages for consumption off licensed premises, you offered and furnished a discount in price, in violation of Rule 20 of State Regulations No. 20."

On December 19, 1946, Louis Shenkman offered to sell to an ABC agent one 4/5 quart bottle of Teacher's Highland Cream Scotch Whisky at \$8.50, which was the price of said item as displayed in the window of the licensed premises. When the agent did not buy, Louis Shenkman told him that he could not sell the Scotch at the Fair Trade price unless the agent wanted to take three bottles of rum with it. After quoting the price of the rum at \$4.14 per bottle, Louis Shenkman finally sold the bottle of whisky and the three bottles of rum to the agent for the sum of \$18.00. Thus defendants made a "combination sale" of more than one article at a single aggregate price, in violation of Rule 19 of State Regulations No. 20, or, in the alternative, gave a rebate or discount on the quoted price of the whisky, in violation of Rule 20 of State Regulations No. 20.

Defendants have no prior record. I shall suspend their license for a period of five days, less two days for the plea, making a net suspension of three days. Re Hoffenberg & Frankel, Bulletin 755, Item 1.

Accordingly, it is, on this 18th day of March, 1947,

ORDERED that Plenary Retail Distribution License D-12, issued by the Board of Commissioners of the Town of West New York to Louis Shenkman and Sarah Shenkman, t/a Reliable Liquors Co., for premises 6407 Bergenline Avenue, West New York, be and the same is hereby suspended for three (3) days, commencing at 9:00 a.m. March 24, 1947, and terminating at 9:00 a.m. March 27, 1947.

ERWIN B. HOCK
Deputy Commissioner.

7. DISCIPLINARY PROCEEDINGS - REBATE OR DISCOUNT GRANTED IN VIOLATION OF RULE 20 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

NOAH BUDIN & ELIJAH BUDIN)
T/a LINCOLN WINES & LIQUORS CO.)
3 West Grand Street)
Elizabeth 4, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-22, issued by the)
Municipal Board of Alcoholic Beverage Control of the City of)
Elizabeth.)
-----)

Defendant-licensees, by Noah Budin, Partner.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

Defendants have pleaded guilty to the following charges:

"1. On December 19, 1946, you sold three bottles of alcoholic beverages for consumption off the licensed premises not at the specified price per bottle in that you sold one 4/5 quart bottle of Dewar's White Label Scotch Whisky and two 4/5 quart bottles of Carioca Rum at an aggregate price for the combination which was less than the total of the prices of the individual bottles; in violation of Rule 19 of State Regulations No. 20.

"2. On the occasion aforesaid, in connection with the above sale of alcoholic beverages for consumption off licensed premises, you offered and furnished a discount in price, in violation of Rule 20 of State Regulations No. 20."

On December 19, 1946, Elijah Budin, one of the defendant-licensees, offered to sell to an ABC agent one 4/5 quart bottle of Dewar's White Label Scotch Whisky at \$9.00. When the agent did not buy the item, Elijah Budin told him that, if he was willing to take two bottles of rum at \$4.14 each, he would be able to sell the Scotch at the Fair Trade price of \$5.53. The agent purchased the bottle of whisky and the two bottles of rum for the sum of \$13.81. Thus defendants gave a rebate or discount on the quoted price of the whisky, in violation of Rule 20 of State Regulations No. 20.

Defendants have no prior record. I shall suspend their license for a period of five days, less two days for the plea, making a net suspension of three days. Re Hoffenberg & Frankel, Bulletin 755, Item 1.

Accordingly, it is, on this 18th day of March, 1947,

ORDERED that Plenary Retail Distribution License D-22, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Noah Budin & Elijah Budin, t/a Lincoln Wines & Liquors Co., for premises 3 West Grand Street, Elizabeth, be and the same is hereby suspended for three (3) days, commencing at 9:00 a.m. March 24, 1947, and terminating at 9:00 a.m. March 27, 1947.

ERWIN B. HOCK
Deputy Commissioner.

8. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PREVIOUS RECORD MORE THAN FIVE YEARS AGO - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PAUL SMIDHUM)
T/a BIG PAUL'S CAFE)
279 Second Street)
Elizabeth, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-73, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth.)
-----)

John L. McGuire, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

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

On January 22, 1947, an investigator of the State Department of Alcoholic Beverage Control seized a 4/5 quart bottle labeled "Black & White Blended Scotch Whisky" on defendant's licensed premises when his field tests indicated that the contents therein were not genuine as labeled. Subsequent analysis by the Department Chemist confirmed the field test.

The minimum suspension for an unaggravated violation similar to the instant case is fifteen days (Re Rudolph, Bulletin 680, Item 1). In August 1941, defendant's license was suspended for three days by the local issuing authority for permitting gambling on his licensed premises. However, since the violation occurred more than five years ago, it will not be considered in determining the penalty herein. I shall suspend the license for fifteen days and remit five days thereof because of the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 18th day of March, 1947,

ORDERED that Plenary Retail Consumption License C-73, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Paul Smidhum, t/a Big Paul's Cafe, for premises 279 Second Street, Elizabeth, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. March 25, 1947, and terminating at 2:00 a.m. April 4, 1947.

ERWIN B. HOCK
Deputy Commissioner.

9. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WILLIAM WINK and PAUL LEITNER)
36 North West Street)
Paterson, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-241, issued by the Board of Alcoholic Beverage Control of the City of Paterson.)
-----)

Abraham Feltman, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

The defendants pleaded non vult to a charge alleging that they sold and served alcoholic beverages to minors, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

Two minors are involved in these proceedings, one being eighteen and the other twenty years of age. Since the defendants have no prior record, and the violation herein does not appear to be an aggravated one, the usual ten-day penalty will be imposed. Five days will be remitted for the plea, leaving a net penalty of five days.

Accordingly, it is, on this 18th day of March, 1947,

ORDERED that Plenary Retail Consumption License C-241, issued by the Board of Alcoholic Beverage Control of the City of Paterson to William Wink and Paul Leitner, for premises 36 North West Street, Paterson, N. J., be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 a.m. March 24, 1947, and terminating at 3:00 a.m. March 29, 1947.

ERWIN B. HOCK
DEPUTY COMMISSIONER.

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

In the Matter of Disciplinary Proceedings against)

BRONIS & ANNA GUIS)
529 Market Street)
Newark 5, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-31, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)
-----)

Defendant-licensees, by Anna Guis, partner.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

Defendants have pleaded non vult to a charge alleging that they possessed illicit alcoholic beverages at their licensed premises, in violation of R. S. 33:1-50.

On February 27, 1947, an investigator of the State Department of Alcoholic Beverage Control seized, on the licensed premises, a 4/5

quart bottle labeled "Old Overholt Straight Rye Whiskey", when his field test indicated that the contents of said bottle were not genuine as labeled. Subsequent analysis by the Department Chemist disclosed that the characteristics of the whiskey in the seized bottle varied substantially from the characteristics of genuine samples of the same product.

Defendants have no prior adjudicated record. I shall suspend the license for fifteen days, Re Rudolph, Bulletin 680, Item 1, and remit five days thereof because of the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 20th day of March, 1947,

ORDERED that Plenary Retail Consumption License C-31, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Bronis & Anna Guis, for premises 529 Market Street, Newark, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. March 31, 1947, and terminating at 2:00 a.m. April 10, 1947.

ERWIN B. HOCK
Deputy Commissioner.

11. APPELLATE DECISIONS - BAYSIDE TRAINING SCHOOL INC. ET AL. v. TOWNSHIP OF UPPER AND THOMPSON AND MILLER.

BAYSIDE TRAINING SCHOOL, INC.,)
GRACE KELLY and LESLIE W. KELLY,)
Appellants,)

-vs-

ON APPEAL
O R D E R

TOWNSHIP COMMITTEE OF THE TOWNSHIP)
OF UPPER, and JACK THOMPSON and)
VICTOR MILLER, trading as BEESLEY'S)
POINT HOTEL,)
Respondents.)

This is an appeal from the issuance by respondent Township Committee of a plenary retail consumption license to respondents Thompson and Miller for premises located at Beesley's Point, Township of Upper.

The attorneys for the respective parties have consented, in writing, to the entry of an order for the dismissal, without costs to either party, of the above appeal.

No reason appearing to the contrary,

It is, on this 19th day of March, 1947,

ORDERED that the appeal herein be and the same is hereby dismissed.

ERWIN B. HOCK
Deputy Commissioner.

12. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GLADYS BALDWIN)
139½ West Broadway)
Paterson 2, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-39, issued by the Board of Alcoholic Beverage Control of the City of Paterson.)

Gladys Baldwin, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

The defendant pleaded non vult to a charge alleging that she sold and served alcoholic beverages to minors, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

For a period of almost six months beginning in July 1946, an 18-year-old female frequented the defendant's tavern and was served with alcoholic beverages either by the defendant, or her husband or the bartender. She went to the premises daily and spent practically all of her time there. She was never questioned concerning her age although her appearance stamped her as an obvious minor.

In addition, a 20-year-old male visited the tavern almost every night during the same period and also was served with alcoholic beverages.

This is not the usual case of an isolated or occasional sale of alcoholic beverages to minors. Here, a female, unquestionably under the age of twenty-one years, was permitted to make the licensed premises a "hangout" and was served indiscriminately with liquor by the licensee and her employees. Such deliberate misconduct indicates a callous disregard for the salutary law designed to prohibit the sale of liquor to minors. A thirty-day penalty may teach the licensee that the Alcoholic Beverage Law and the State Regulations must be obeyed. With remission of five days for the plea, the net suspension will be for a period of twenty-five days.

Accordingly, it is, on this 18th day of March, 1947,

ORDERED that Plenary Retail Consumption License C-39, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Gladys Baldwin, for premises 139½ West Broadway, Paterson, N. J., be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. March 24, 1947, and terminating at 3:00 a.m. April 18, 1947.

ERWIN B. HOCK
Deputy Commissioner.

13. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF STATE REGULATIONS NO. 38 - FAIR TRADE VIOLATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HOWARD A. SOHN & FRANK J. MENZOLINI)
T/a ST. GEORGE BAR & GRILL)
6 Charles Street)
Lodi, N. J.,)

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-31, issued by the Mayor and Council of the Borough of Lodi.)
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Benjamin P. Galanti, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

Defendants have pleaded non vult to charges alleging (1) sale of alcoholic beverages in original containers for off-premises consumption, in violation of State Regulations No. 38, and (2) sale of alcoholic beverages below the minimum consumer price, in violation of Rule 6 of State Regulations No. 30.

On Saturday, February 15, 1947, at about 11:00 p.m., an employee of the defendants sold to an investigator of the State Department of Alcoholic Beverage Control a 4/5 quart bottle of Philadelphia Blended Whisky in its original container for consumption off the licensed premises, charging and receiving payment therefor the sum of \$3.85.

State Regulations No. 38, Rule 1, prohibits any such sale or delivery before 9:00 a.m. or after 10:00 p.m. on any weekday. The minimum resale price of the 4/5 quart bottle of Philadelphia Blended Whisky on said day was \$3.86. Bulletin No. 600.

Defendants have no prior adjudicated record. The minimum suspension for violations similar to that set forth in charge (1) is fifteen days, Re Dallio, Bulletin 753, Item 12, and for the Fair Trade violation ten days, Re Revallo, Bulletin 303, Item 2. I shall suspend the license for twenty-five days and remit five days thereof because of the plea, leaving a net suspension of twenty days.

Accordingly, it is, on this 20th day of March, 1947,

ORDERED that Plenary Retail Consumption License C-31, issued by the Mayor and Council of the Borough of Lodi to Howard A. Sohn & Frank J. Menzolini, t/a St. George Bar & Grill, for premises 6 Charles Street, Lodi, be and the same is hereby suspended for a period of twenty (20) days, commencing at 4:00 a.m. March 27, 1947, and terminating at 4:00 a.m. April 16, 1947.

ERWIN B. HOCK
Deputy Commissioner.

14. IMPORTANT NOTICE OF COMPLETE NEW WHOLESALE PRICE AND DISCOUNT PAMPHLET TO BECOME EFFECTIVE ON JUNE 1, 1947 - MAY 1947 SUPPLEMENTAL PAMPHLET OMITTED - CURRENT WHOLESALE PRICES ON FILE AS OF APRIL 1, 1947 ARE FROZEN.

TO MANUFACTURERS AND WHOLESALERS:

It is the Department's decision that a complete new wholesale price pamphlet superseding all previous publications shall be published to become effective on June 1, 1947.

Because of the many burdensome mechanical operations and the additional time element necessary to the publication of a complete wholesale price pamphlet, wholesalers and manufacturers are placed on notice that price and discount statements to be published in the forthcoming complete pamphlet effective June 1, 1947 shall be filed with the Department not later than Tuesday, April 15, 1947. No price filings for the June publication will be accepted thereafter.

Wholesalers and manufacturers are cautioned that since the forthcoming pamphlet of wholesale prices and discounts effective June 1, 1947 will be a complete one superseding all previous filings, those who fail to file a complete listing of their prices and discounts with the Department on or before April 15, 1947 will be unable to offer their products to retailers in this State on and after June 1, 1947.

Ordinarily, pursuant to the requirements of Regulations No. 34, the next supplemental wholesale price publication would become effective on May 1, 1947. However, in order that retailers may not be confused and burdened by reference to further supplements, the supplemental wholesale price pamphlet for May 1, 1947 will be omitted. In effect, therefore, all wholesale prices now on file in the complete publication of May 1946 and in the monthly supplements issued thereafter to April 1, 1947 remain in full force and effect and are frozen until June 1, 1947.

Price statements should be submitted in duplicate and should set forth the wholesaler's products in the following order:

Spirit Blended Whiskies, Blend of Straight Whiskies, Straight Whiskies - Rye and Bourbon, Bottled in Bond Whiskies, Canadian Whiskies, Irish Whiskey, Scotch Whisky, Scotch Type Whiskey, American Brandies, Imported Brandies, Apple Brandies, American Gins, Imported Gins, American Rums, Imported Rums, Cordials & Liqueurs (American & Imported), Rock & Rum, Rock & Rye, Prepared Cocktails, Fruit Flavored Brandies, American Champagnes & Sparkling Burgundies, Imported Champagnes & Sparkling Burgundies, Imported Wines, American Wines, American Vermouth, Imported Vermouth, Specialties.

Brands must be alphabetized under each classification. Prices must include all State and Federal taxes, including the new State tax increase. Each statement of prices and discounts should be accompanied by a supplemental statement setting forth terms and discounts, if any, and a clear explanation of the application of prices to bottle and broken case lot purchases.

ERWIN B. HOCK
Deputy Commissioner.

Dated: March 24, 1947.

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

In the Matter of Disciplinary Proceedings against)

JOSEPH MAKUTENAS)
515 Jackson Avenue)
Elizabeth, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-61, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Elizabeth.)
-----)

Joseph Makutenas, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

Defendant pleaded non vult to a charge alleging that he possessed illicit alcoholic beverages at his licensed premises, in violation of R. S. 33:1-50.

On February 17, 1947, an ABC investigator seized one 4/5 quart bottle labeled "Teacher's Highland Cream Perfection of Blended Scotch Whisky" when preliminary tests thereof indicated that the contents of the bottle were not genuine as labeled. Subsequent analysis of the contents of the bottle in question by the Department Chemist revealed differences in characteristics between the whisky described on the label and that in the bottle.

Defendant has no previous adjudicated record. I shall, therefore, impose a minimum suspension of fifteen days, less five days' remission for the plea entered herein, or a net suspension of ten days. Re Turansky, Bulletin 749, Item 5.

Accordingly, it is, on this 21st day of March, 1947,

ORDERED that Plenary Retail Consumption License C-61, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Joseph Makutenas, for premises 515 Jackson Avenue, Elizabeth, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. March 26, 1947, and terminating at 2:00 a.m. April 5, 1947.

ERWIN B. HOCK
Deputy Commissioner.

16. EGG NOG - SERVICE BY RETAIL CONSUMPTION LICENSEES PERMITTED
APRIL 3, 1947-APRIL 7, 1947, INCLUSIVE.

March 25, 1947.

Thomas J. Sweeney, Inspector
Department of Revenue and Finance
Atlantic City, N. J.

Dear Mr. Sweeney:

I have your letter dated March 24th.

Each year during the Easter Season the Department has permitted consumption licensees to serve egg-nog for a limited period of time. This year the privilege will be permitted commencing Thursday, April 3rd and ending Monday, April 7th, at midnight.

In connection with this ruling, I again call to the attention of all licensees the fact that overindulgence in any form is not to be tolerated.

Very truly yours,

Erwin B. Hoek
Deputy Commissioner.