

STATE OF NEW JERSEY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

744 Broad Street,

Newark, N. J.

BULLETIN NUMBER 14.

February 7, 1934

Item #1: TEMPORARY LICENSES EXTENDED.

The Supplement provides:

1. All temporary licenses issued pursuant to the provisions of "An Act Concerning Alcoholic Beverages", passed December 8, 1933 shall continue in full force and effect, subject to the conditions and limitations upon which same originally were issued, until midnight March tenth, one thousand nine hundred and thirty-four.

2. This act shall take effect immediately.

This means that temporary licenses which have been previously issued and have not been suspended, revoked or surrendered are sufficient warrant for the licensee to continue doing business until but not later than midnight March 10th next. The supplement dispenses with the necessity of a licensee having in his hands after February 6th and until March 10th a permanent license. It affords temporary licensees who are applicants for permanent licenses further time in which to properly advertise and it gives the municipalities additional time in which to conduct the necessary hearings on protests and complete their own investigations of the worthiness of applicants.

It does NOT give permission to any municipality to issue any new temporary licenses after February 6th, 1934. Beginning today only permanent licenses may be issued which in turn means that every condition precedent must be complied with in advance.

Item #2: SERVICE OF ALCOHOLIC BEVERAGES AT SOCIAL FUNCTIONS.

Question: "Can an organization, such as Veterans Post, political, social or other club conduct an affair at which lunch and beer are served 'free' or at least without additional cost.

"The specific case, is a card party planned by the local Veterans Post. It is the custom here to charge for admission, a number of prizes are awarded to the players with the highest scores and lunch is served usually consisting of sandwich, coffee and cake, all for the one price. In this case it is desired to substitute sandwiches and beer for lunch. The cost of the ticket is to be 50¢, which indicates that no additional cost has been added indirectly to pay for the beer."

Answer: "Section 1 (v) defines the sale of alcoholic beverages as every delivery of an alcoholic beverage 'otherwise than by purely gratuitous title,' etc.

"The beer furnished at the social function cannot be said to have been furnished purely gratuitously, since it is included in the original admission charge. The Alcoholic Beverage Control Act in its present form contains no special provisions with respect to club licenses and, accordingly, it will be necessary that a retail license be obtained before alcoholic beverages may be served at social functions where admission is charged."

- Item #3: In answer to the question: "One of the fire companies here holds dances to which they charge 25¢ admission and on the second floor they charge 30¢ for a ticket which gives them pretzels and beer. Should it be stopped?", the Commissioner wired: "Fire company holding dance charging admission which includes pretzels and beer requires retail consumption license. Unless licensed it is illegal and should be stopped."
- Item #4: In response to the following question: "I am enclosing a ticket for a drawing that I am told is being used by the American Legion at their Club. They have not taken out any license to sell any kind of liquor. They sell the enclosed ticket for 10¢. It is good for one chance on a Dark Horse. The stub of the chance ticket entitles the purchaser to a free glass of beer. Should they not be required to take out a license the same as anyone else or is this selling of chances and getting a glass of beer for ten cents legal?", the Commissioner ruled the same as in item #2 above.
- Item #5: The Trenton Board of Alcoholic Beverage Control after investigation refused to issue a temporary license and now inquires whether in view of the extension of temporary licenses it is necessary to afford the applicant a hearing because, after the refusal of his application, he had completed his advertising.
- The Commissioner ruled that the supplement had no operation in cases where temporary licenses had been refused; that the case was governed by rules for advertising (Bulletin #9, item 10) which provide that if the issuing authority on its own motion shall, after investigation, determine not to issue a license, no hearing need be held. See also Bulletin #10, item 4.
- February 8, 1934
- Item #6. At the conclusion of a hearing conducted by John J. Meehan, Attorney for the Department, before George M. Mitchell, Jr., Senior Inspector, on objections filed against issuance of a license to Monmouth Tobacco and Confectionary Co. of Asbury Park, it appeared that the applicant had qualified in every detail with all the provisions of the Control Act; that the only objection to the granting of the license was based on a restrictive covenant in the deed for the licensed premises which provided that the grantee should not "cause or procure, permit, or suffer any intoxicating liquors to be sold on said lot of land."
- The finding of Mr. Mitchell based on the advice of Mr. Meehan that the license should be granted was approved. The Commissioner ruled: "The Control Act had been complied with in every respect. The only jurisdiction of the Department concerning licensed premises is to see to it that they conform with the alcoholic beverage law and the rules and regulations made pursuant to it; that private controversies relating to the enforcement of restrictive covenants are cognizable only in the courts and do not concern this Department."

Item #7.

NOTICE TO MUNICIPAL CLERKS

We are in receipt of several lists of licenses issued by municipalities, the information contained in which is totally insufficient. In some cases these lists fail to include the name of the municipality transmitting them. In others, the title of the person certifying the list does not appear. In the interest of uniformity, it is requested that the following form be used by all municipal issuing authorities for the purpose of daily reports of permanent licenses issued.

DAILY CERTIFICATION REPORT OF PERMANENT RETAIL LICENSES ISSUED

NAME OF MUNICIPALITY

COUNTY

PERMANENT PLENARY RETAIL CONSUMPTION

NAME OF LICENSEE	ADDRESS OF LICENSED PREMISES	LICENSE NUMBER	DATE ISSUED	FEE CHARGED	SPECIAL CONDITIONS IF ANY
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PERMANENT PLENARY RETAIL DISTRIBUTION

NAME OF LICENSEE	ADDRESS OF LICENSED PREMISES	LICENSE NUMBER	DATE ISSUED	FEE CHARGED	SPECIAL CONDITIONS IF ANY
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Signed _____

(Title of Office)

D. FREDERICK BURNETT,

Commissioner