

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

BULLETIN 367

DECEMBER 8, 1939.

1. NON-BEVERAGE ALCOHOL - CUMULATIVE REPORT OF PERMITS ISSUED.

December 1, 1939

To: D. Frederick Burnett, Commissioner  
From: Erwin B. Hock

Herewith report of Plenary Retail Distribution Licensees and Pharmacies who presently hold Special Permits to possess and sell alcohol for non-beverage purposes:

ATLANTIC COUNTY

<u>MUNICIPALITY</u>	<u>PERMITTEE'S NAME AND ADDRESS</u>	<u>DATE ISSUED</u>	<u>PERMIT NUMBER</u>
Atlantic City	Plum, Incorporated 101 South Indiana Avenue	9/7/39	AL-86
Ventnor City	Ralph Berger 5206 Ventnor Avenue	11/13/39	AL-110

BERGEN COUNTY

Englewood	Alfred J. Tipping Incorporated 26 North Dean Street	8/7/39	AL-34
Hackensack	Arnold Bahnsen, T/a Bahnsen's Wines & Liquors, 242-242A Main St.	8/18/39	AL-61
	Brooks Cut Rate Drug Company 135 Main Street	8/4/39	AL-8
	Anthony & Ralph Esposito 3-5-7 Banta Place	9/7/39	AL-84
	Packard-Bamberger & Company Incorporated, 630 Main Street	8/23/39	AL-72
Palisades Park	Abraham & Alexander Levine 298 Broad Avenue	8/29/39	AL-68
	Palisade Drug Company 301 Broad Avenue	9/26/39	AL-81
Westwood	J. H. Goodwin & Company 48 Westwood Avenue	8/7/39	AL-20

BURLINGTON COUNTY

Mount Holly	Charles A. Akins S.W. Cor. White & Washington Sts.	9/22/39	AL-99
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CAMDEN COUNTY

Merchantville	Max Goodis 17 West Park Avenue	11/21/39	AL-113
Pennsauken	Howard, Incorporated 4100 Maple Street	8/25/39	AL-80

CAPE MAY COUNTY

None

CUMBERLAND COUNTY

None

ESSEX COUNTY

Bloomfield	Otto Burneleit, Incorporated 404 Broad Street	9/27/39	AL-97
	Kiwa Haselnus 149 Grove Street	10/16/39	AL-103
Irvington	Paramount Liquors Inc. 1000 Springfield Avenue	10/17/39	AL-105
	18th Ave. Delicatessen Inc. 859 - 18th Avenue	11/15/39	AL-111
Maplewood	Arthur W. Feddersen, T/a Maplewood Cordial Shop, 164 Maplewood Avenue	8/14/39	AL-47
	Charles E. Weber 164 Maplewood Avenue	11/22/39	AL-112
Montclair	Post Office Delicatessen Inc. 377 Bloomfield Avenue	10/31/39	AL-109
Newark	Jacob Alboum, T/a Ironbound Wine & Liquor Store, 167 Ferry Street	8/14/39	AL-48
	Chris G. Alevras 359 $\frac{1}{2}$ South Orange Avenue	8/11/39	AL-45
	Joseph Beredon 308 - 16th Avenue	8/21/39	AL-87
	George H. DeGiovanni 119 Wilson Avenue	9/5/39	AL-91
	Franklin Stores Company 852 Broad Street	8/18/39	AL-66
	Franklin Stores Company 180 Ferry Street	8/18/39	AL-65
	Franklin Stores Company 261 $\frac{1}{2}$ -263 Springfield Avenue	8/18/39	AL-64
	Abraham Colub 367 Springfield Avenue	8/29/39	AL-76
	Moc J. Grabelle 117 Washington Street	8/18/39	AL-56
	Theodore K. Janulis 486 Orange Street	9/9/39	AL-95

ESSEX COUNTY (Cont'd)

	Theodore P. Janulis 381 Springfield Avenue	8/18/39	AL-60
	Lustbader & Company 175 Spruce Street	8/8/39	AL-24
	Owl Liquors Inc. 400 Springfield Avenue	10/16/39	AL-102
	The Rosenbluth Pharmacy Incorporated, 109 Springfield Avenue	8/18/39	AL-46
	Royal Wine & Liquor Stores 496 Clinton Avenue	8/14/39	AL-52
	Samuels Pharmacy, Incorporated 132 South Orange Avenue	8/21/39	AL-96
	Emil Sawczuk & Mike Szarko, T/a Ferry Wine & Liquor Store 158 Ferry Street	8/7/39	AL-27
	Abraham Scherman 102 Prince Street	8/7/39	AL-26
	Schwarz Druggists, Incorporated 867 Broad Street	8/18/39	AL-51
	Abraham Weiss 236 Market Street	8/4/39	AL-10
	Weston & Company, Incorporated 77 Jones Street	8/4/39	AL-14
West Orange	Harry Schiffman T/a State Delicatessen 591 Valley Road	8/29/39	AL-50

GLOUCESTER COUNTY

None

HUDSON COUNTY

Harrison	Sam Feinsmith 607 N. 4th Street	8/4/39	AL-3
	Harrison Products Corporation 219 Harrison Avenue	8/8/39	AL-35
	Joseph Kraus 202 Harrison Avenue	8/7/39	AL-7
Hoboken	Acme Wines & Liquors Inc. 1200 Washington Street	10/2/39	AL-101
	Fair Wine & Liquor Stores, Inc. 538 Washington Street	8/14/39	AL-55

HUDSON COUNTY (Cont'd)

Hoboken (Cont'd)	Fair Wine & Liquor Stores, Inc. 1128 Washington Street	8/29/39	AL-67
	Hoboken Wine & Liquor Co. 403 - First Street	10/31/39	AL-108
Jersey City	William Gusskind 500 Jersey Avenue	8/7/39	AL-25
	Holz Brothers 162 Newark Avenue	8/10/39	AL-23
	Leon L. Honiberg, T/a Honiberg Drug & Surgical Supply Co., 199 Warren Street	8/11/39	AL-43
	Morris Kahnowitz 228 - 7th Street	8/10/39	AL-38
	Benham & Company Incorporated 1561 Hudson Boulevard	8/9/39	AL-19
	Palace Drug Stores Incorporated 172 Newark Avenue	8/9/39	AL-6
	Herman Saferstein 360 Central Avenue	8/7/39	AL-22
	Hilda Straus 110 Morris Street	8/4/39	AL-1
Kearny	Monaco's Catering Service Incor- porated, 179-181 Midland Avenue	8/22/39	AL-74
West New York	Charles Colombo & Tullo Raparelli T/a West New York Trading Company 696 Bergenline Avenue	8/14/39	AL-57

HUNTERDON COUNTY

None

MERCER COUNTY

None

MIDDLESEX COUNTY

None

MONMOUTH COUNTY

Allenhurst	Allenhurst Pharmacy Incorporated 321 Main Street	8/11/39	AL-36
Asbury Park	Pierce Incorporated 200 Main Street	8/9/39	AL-30
Freehold	Emanuel Sosnow 2 West Main Street	10/14/39	AL-89
Red Bank	Sanders Cohen 61 Broad Street	8/29/39	AL-88

MORRIS COUNTY

Dover	Samuel Gurny 17 No. Blackwell Street	10/21/39	AL-106
	Abraham Shapiro 13 South Sussex Street	8/8/39	AL-32
Morristown	Norman Davis 2 South Street	8/29/39	AL-73

OCEAN COUNTY

Point Pleasant Beach	Ralph Borden N.W. Cor. Arnold & Richmond Ave.	9/5/39	AL-40
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PASSAIC COUNTY

Clifton	Guido B. Toscani 262 $\frac{1}{2}$ Parker Avenue	8/9/39	AL-42
Passaic	Max Starr 174 Passaic Street	8/11/39	AL-41
Paterson	Frederick T. W. Bowne 291 Market Street	9/9/39	AL-77
	Joseph Cacsone 353 - 21st Avenue	10/21/39	AL-107
	Jacob M. Jacobs, T/a Mort Jacobs 506 Park Avenue	8/18/39	AL-59
	Sam Janowitz 37 $\frac{1}{2}$ Main Street	8/25/39	AL-78
	Patrons, Incorporated 201 Main Street	9/15/39	AL-92
Pompton Lakes	Sharr Drug Company 135 Wanaque Avenue	8/14/39	AL-17

SALEM COUNTY

None

SOMERSET COUNTY

Bernardsville	Adolph V. Palumbo T/a Hemmendinger Pharmacy 16 Mine Brook Road	9/18/39	AL-93
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SUSSEX COUNTY

Newton	Sussex County Drug Company 217 Spring Street	9/29/39	AL-70
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UNION COUNTY

Hillside	Mike Szarko 1317 Liberty Avenue	8/10/39	AL-39
Rahway	Irving Barenberg 1539 Main Street	8/24/39	AL-31

UNION COUNTY (Cont'd)

Rahway (Cont'd)	Saul Bell 1561 Irving Street	8/26/39	AL-82
Summit	S. Balish & Son 41 Union Place	10/17/39	AL-104

WARREN COUNTY

Washington	Clarence E. Stover 1 W. Washington Avenue	11/24/39	AL-114
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Respectfully submitted,  
Erwin B. Hock,  
Deputy Commissioner.

2. HOURS OF SALE - EXTENSION FOR SUNDAY TO CELEBRATE CHRISTMAS EVE AND NEW YEAR'S EVE MAY BE MADE ONLY BY ORDINANCE.

December 4, 1939

Thomas Quinn,  
Clerk of Deptford Township,  
R. F. D. Westville, N. J.

My dear Mr. Quinn:

It is permissible for the Township Committee to extend the hours for Christmas and New Year's provided it is done by ordinance. See Re Devin, Bulletin 365, Item 9, and Re Mills, Bulletin 364, Item 16.

I am willing to go along with calling all wraps off on New Year's when New Year's falls on a weekday. But I recommend that you make no extension for Christmas, whether it comes on a weekday or a Sunday, after 3:00 A.M., or for New Year's after 5:00 A.M. when New Year's falls on a Sunday. See Bulletin 286, Item 1. That's far enough! All of this has been settled before.

The real question this year is not so much Christmas and New Year's, which come on Mondays, but rather what and how much may be allowed on the Sunday evenings preceding. If the municipality already allows such selling there is nothing to be done on that score, but if it now prohibits sales on Sunday evenings no change may be made, even for Christmas or New Year's Eve, except by ordinance.

I shall be glad to go over such ordinance as you may prepare, prior to formal introduction, if the Township Committee wishes.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner.

3. SEIZURES - CONFISCATION PROCEEDINGS - LIEN DENIED, PROPERTY FORFEITED.

In the Matter of the Seizure of	:	Case #4563
Antonia Lombardi's Stewart Truck	:	On Hearing
and a gallon jug of alcohol found	:	
therein, on Stockman Place, in the	:	CONCLUSIONS AND ORDER
Town of Irvington, County of Essex,	:	
and State of New Jersey.	:	

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Michael Santa Maria, Esq., Attorney for Mary Patras, Francesco Lombardi, and Antonia Lombardi  
Harry Castelbaun, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

On January 30, 1938, investigators of this Department saw Francesco Lombardi load various articles on a Stewart truck at his grocery and vegetable store at 389 - 15th Avenue, Newark. They followed the truck until it stopped on Stockman Place, Irvington. Lombardi denied that there was any alcohol in the truck, but the investigators found therein a gallon jug of alcohol bearing no indicia of tax payment.

The officers seized the truck, the alcohol, and 44 bottles of flavoring extract, and thereafter one of the officers returned to Lombardi's store, where he seized in the cellar of the premises about seven gallons of alcohol in cans which bore no indicia of tax payment. All of the alcohol was subsequently analyzed by the Department's chemist and found to be high proof alcohol, fit for beverage purposes when diluted. The alcohol found in the store has since been determined to be illicit, ordered confiscated and disposed of. (Seizure case No. 4564).

At the hearing held herein, Francesco Lombardi appeared with counsel, contested forfeiture of the Stewart truck, and sought its return to his wife, Antonia Lombardi, the registered owner. Mary Patras also appeared and sought recognition of her chattel mortgage covering the motor vehicle.

Francesco Lombardi's defense is that he had purchased the alcohol for use as an anti-freeze and not for beverage purposes, and that in any event, his wife did not consent to and had no knowledge that he was transporting the alcohol in her vehicle.

He testified that a few months prior to the seizure, he had purchased about ten gallons of alcohol, at his store, at ten o'clock in the evening, from a strange man, who was peddling it; that he did not examine the alcohol, but took a chance that it was fit for anti-freeze; that the alcohol in the truck was part of this alcohol, and that it had been there for about two months; and that his wife, although familiar with the store

activities, was unaware of his outside activities. Antonia Lombardi did not testify.

The alcohol is prima facie illicit, because, although fit for beverage purposes, the jug in which it was contained bore no indicia of tax payment. This presumption is confirmed by the subsequent conviction of Francesco Lombardi on the charge of possessing and transporting illicit alcoholic beverages. It is therefore adjudged that the alcohol and the Stewart truck used in its transportation are unlawful property and subject to forfeiture pursuant to R.S.33:1-66.

No credible evidence of Antonia Lombardi's innocence has been presented. Indeed, from their relationship, and joint business activities, in which the truck was used, she can hardly disavow responsibility for her husband's actions. Her request for return of the truck is, therefore, denied.

As to Mary Patras' claim: The chattels described in her mortgage consist of fixtures and merchandise in the store, an Oldsmobile sedan and the Stewart truck. The gist of her testimony is that from time to time she loaned money to Antonia Lombardi; that on June 19, 1935, Antonia Lombardi gave her the chattel mortgage to secure the sum of \$1500, the amount then due to her; that she could not state with certainty what was the balance due to her but guessed that it was about \$875. She never asked for nor received the note, which was the principal obligation recited in the mortgage, or any fire or other insurance policies covering her interest in the chattels. Furthermore, when Mary Patras discovered that Antonia Lombardi had disposed of the Oldsmobile sedan covered by the mortgage, she made no effort to ascertain where it was or to impress her lien thereon.

R.S.33:1-66 (e, f), gives me the discretionary power to recognize, upon certain showings, the validity of a lien on forfeited property. This is for the benefit of innocent persons who would otherwise suffer substantial harm.

In the instant case, the evidence shows that Mary Patras has treated her mortgage as of little, if any value. She is hazy as to what is due to her; has not, until the seizure, made any effort to enforce her lien although the time fixed for the repayment has expired; and has not displayed any concern at the disappearance of part of the property covered by her mortgage. If her claim is denied she will suffer no substantial harm, since she apparently does not rely upon the chattels covered by the mortgage for the repayment of whatever amount, if any, is due to her. It is reasonable to infer that her present application is intended to benefit the Lombardis rather than to protect any financial interest she may have in the motor vehicle. I am, therefore, not satisfied that she has a bona fide and valid lien, and her claim will not be allowed.

Accordingly, it is ORDERED that the Stewart truck described in Schedule "A" annexed hereto, be and hereby is forfeited in accordance with the provisions of R.S.33:1-66, and that it be retained for the use of hospitals, and State, county

and municipal institutions. It is further ORDERED that the flavoring extract and the illicit alcohol be destroyed.

D. FREDERICK BURNETT,  
Commissioner.

Dated: December 4, 1939.

SCHEDULE "A"

4 - boxes with 44 bottles flavoring  
1 - 1 gallon jug alcohol  
1 - Stewart Truck, Serial 30746,  
Engine WRJ 22245, 1938 New Jersey  
Registration X94267

4. LABELS - FOR SAMPLES - WHEN STICKER WILL SUFFICE.

Dear Sir:

May we have your advice as to the acceptance by you of a small sticker label, with the designated wording "Sample - Not for Sale" in letters not less than one-half inch high and of proportionate width, to be affixed to sample bottles which may be used under the F.A.A. for sample purposes?

Our home office advises that our company has a certificate of label approval covering application of this type sticker and that these stickers have been used in various other states.

It would be exceedingly difficult to stamp with ink on our Four Roses labels since they are of a metallic material.

Very truly yours,  
Frankfort Distilleries, Inc.

December 2, 1939

Frankfort Distilleries, Inc.,  
Newark, N. J.

Gentlemen:

If label approval has been received from the Federal Alcohol Administration, you may use a small sticker label with the designated wording "Sample - Not for Sale" on sample bottles. Your attention, however, is called to the fact that sample bottles delivered to licensees must conform to the provisions of State Regulations No. 23, as contained in Rules and Regulations September 1939.

While miniatures may be carried by your salesmen and displayed to the retailer, they must, under no circumstances, be delivered to retail licensees. Re Wilkinson & Gaddis, Bulletin 100, Item 11.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner.

By: Edward J. Dorton,  
Deputy Commissioner  
and Counsel.

4-A. SEIZURES - CONFISCATION PROCEEDINGS - PROPERTY FORFEITED.

In the Matter of the Seizure on August 3, 1939, of a still and a Chevrolet truck in the vicinity of Pine Brook - Shark River Station Road, in the Township of Atlantic, County of Monmouth and State of New Jersey.	)	5533
	)	ON HEARING
	)	CONCLUSIONS AND ORDER
	)	

Harry Castelbaum, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

On August 3, 1939, an investigator of this Department, investigating a report that a still was in operation in the woods along the Pine Brook-Shark River Station Road in Atlantic Township, Monmouth County, observed a heavily-loaded, canvas-covered Chevrolet truck emerge from a woods road. The driver and his helper were apprehended and search of the truck disclosed that it was loaded with still parts. The truck and still parts were seized and the driver and his helper arrested. Subsequently, investigators discovered that the road from which the truck had emerged led to the site of a still which was in process of dismantling. Additional still parts and equipment at the site were also seized. The entire seizure is described in Schedule "A", annexed hereto.

Records of this Department indicate no still registration certificate issued to Angelo Musante, Antonio Massa or Joe Passo, the driver, helper and owner of the truck, the only persons involved whose names could be ascertained. No one appeared at the hearing to contest the forfeiture.

It is determined that the unregistered still and parts thereof, together with all articles, implements or paraphernalia used in connection therewith, are unlawful property. R. S. 33:2-2.

Accordingly, it is ORDERED that the seized property described in Schedule "A" be and hereby is forfeited in accordance with the provisions of R. S. 33:2-5, and that it be retained for the use of hospitals and State, County and municipal institutions, or destroyed in whole or in part at the direction of the Commissioner.

Dated: December 5, 1939. D. FREDERICK BURNETT, Commissioner.

SCHEDULE "A"

- 1 - Steam boiler
- 1 - Pressure tank
- 66 - 5-gallon empty cans
- 3 - Bags of lime
- 7 - Wooden vats
- 40 - Bags of coke
- 2 - Coils of hose
- 1 - Steel cooker
- 1 - Boiler bonnet
- Miscellaneous Pipes and Fittings
- 1 - Chevrolet Truck, Engine 461805, Serial 2SD03.9410, New Jersey 1939 Registration XL9479.

5. DISCIPLINARY PROCEEDINGS - FEMALE TENDING BAR - 3 DAYS ON CONFESSION OF GUILT.

In the Matter of Disciplinary Proceedings against  
 MAKARY TARASEWICH,  
 148 Delancy Street,  
 Newark, New Jersey,  
 Holder of Plenary Retail Consumption License C-467, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.  
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CONCLUSIONS AND ORDER

Klein & Klein, Esqs., Attorneys for the Defendant-Licensee.  
 Charles Basile, Esq., Attorney for the State Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Licensee has pleaded guilty to charge of allowing his wife to tend bar and sell and serve alcoholic beverages to patrons in the licensed premises after 6:00 P.M., contrary to local resolution.

The usual penalty for this violation is five days.

By entering this plea in ample time before the day fixed for hearing, the Department has been saved the time and expense of proving its case. The license will, therefore, be suspended for three days.

Accordingly, it is, on this 2nd day of December, 1939,

ORDERED, that plenary retail consumption license C-467, heretofore issued to Makary Tarasewich by the Municipal Board of Alcoholic Beverage Control of the City of Newark, be and the same is hereby suspended for a period of three (3) days, commencing December 6, 1939, at 5:00 A.M.

D. FREDERICK BURNETT,  
 Commissioner.

6. WINE - MANUFACTURE - THE HOLDER OF A RETAIL LICENSE IS NOT ELIGIBLE TO OBTAIN EITHER A LICENSE OR A SPECIAL PERMIT TO MANUFACTURE WINE.

Dear Sir:

Will you kindly let me know what kind of a license I need to make wine in the amount 1000 gallons. I am now holding a Plenary Retail License.

And if there is a license permitted will you kindly mail me the form to be filled out.

Respectfully yours,  
 Antonio De Pasquale

December 2, 1939

Mr. Antonio DePasquale,  
126 Warren Street,  
Paterson, N. J.

Dear Mr. DePasquale:

The Commissioner has referred to me yours of November 20th. I note from our records that you hold Plenary Retail Consumption License No. C-256 in Paterson.

As a retail licensee, you are not eligible to obtain any license or special permit to manufacture wine.

The only licenses presently available for the manufacture of wine are the Special Wine Permit and the Plenary Winery License. The former allows, at a cost of \$1.00, the manufacture of not in excess of 200 gallons of wine within the permit year for personal consumption only. The latter costs \$500.00 a year and authorizes its holder to manufacture and process wine and to sell his products to New Jersey licensed wholesalers and retailers and to persons without this State, all without limit as to quantity. Rule 2 of State Regulations No. 13 provides that no Special Wine Permit shall be issued to the holder of any alcoholic beverage license and R. S. 33:1-45 prohibits anyone from being interested in the manufacture and retailing of alcoholic beverages at the same time.

Very truly yours;  
D. FREDERICK BURNETT,  
Commissioner.

By: Edward F. Ambrose,  
Attorney.

7. APPLE BRANDY - MAY BE BOTTLED AT 188<sup>o</sup> PROOF BUT MAY BE SOLD AT SUCH HIGH PROOF ONLY TO THE TRADE AND NOT TO RETAILERS FOR RESALE TO CONSUMERS.

Dear Sir:

Under the Federal Alcohol Administration, and Tax Unit regulations, apple brandy at 188 proof is labeled as apple brandy. There is a definite demand for apple brandy at this proof, to be sold in bottles.

Kindly let us know if, under the State of New Jersey regulations, we are permitted to bottle apple brandy at 188 proof and sell it to licensees in this state for subsequent retail consumption.

Very truly yours,  
Eagle Distillery Co., Inc.

December 2, 1939

Eagle Distillery Co., Inc.,  
New Brunswick, N. J.

Gentlemen:

Under the provisions of the Federal Alcohol Administration Act, brandy must be distilled at less than 190° proof and bottled at not less than 80° proof or 72° proof in certain cases. There appears to be no maximum proof at which apple brandy may be bottled and hence, under your limited distillery license, you may bottle apple brandy at 188° proof.

It is my understanding that high proof apple brandy is used in the trade for the purpose of fortifying wine. The sale of the item for retail consumption involves other problems. I doubt very much that anyone could drink it straight; it is 94% alcohol by volume. The Legislature, by enacting P.L. 1939, c. 173, effective July 11, 1939, has seen fit to prohibit the sale to consumers of alcohol for any purpose except pursuant to and within the limitations of a special permit issued by me. Your proposed plan is at variance with the spirit of the Act to which reference has been made.

I suggest, therefore, that you restrict your sales of this high proof brandy to the trade, and refrain from selling it to retailers for resale to consumers. If necessary, I shall adopt rules and regulations to prohibit such sales.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner.

8. LICENSED PLACES - SANITARY REGULATIONS - HEREIN OF PRACTICAL COOPERATION WITH THE HEALTH AUTHORITIES WITHOUT TRESPASSING ON THEIR TERRITORY.

December 2, 1939

Dr. Charles V. Craster,  
Health Officer,  
Department of Health,  
Newark, N. J.

My dear Dr. Craster:

I have before me your letter of November 15th reporting violation of health regulations at the tavern of John Gotsill, Jr., 966 Bergen Street, Newark, which, according to my records, is licensed to Ann's Inc.

There is nothing at present in the Alcoholic Beverage Law or the State Regulations which imposes any health or sanitary requirements upon barrooms or any other licensed premises, nor do I have any record of any regulation adopted by the City of Newark applicable to the conduct of the alcoholic beverage business which imposes such requirements on liquor licensees. In the absence of both State and local regulation, there is nothing that I can do with respect to revocation or suspension of the license.

It may strike you as odd that State regulations establishing standards of health and sanitation on licensed premises have not been adopted. However, experience has shown that the provisions of the State health laws and the local health ordinances are generally sufficient to insure the maintenance of minimum standards. So far as health and sanitation are concerned, licensed premises are in the same category as ice cream parlors, soda fountains, restaurants, etc., - and rightly so. There is no reason why a saloon should be held to higher standards than a soda fountain or vice versa.

There is, however, one thought that may be of help to you in the event that enforcement of the State and local health regulations is ineffective with respect to the particular licensee of whom you complain. It is the duty of the license issuing authority to inspect premises sought to be licensed. R. S. 33:1-24. If the premises are in fact unsuitable to be licensed by reason of unsanitary conditions, the issuing authority may deny the application, subject, of course, as with all other denials, to appeal if the applicant believes the denial to be unreasonable or arbitrary. Consequently, if you have any difficulty in making these people comply with your reasonable regulations, I cordially suggest that you call it to the attention of the Newark Excise Board so that a notation is made by them of the fact of your complaint, to the end that when the renewal comes up for reconsideration next June the matter will be automatically called to their attention and they can insert such conditions as they deem in the public interest.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner.

9. SEIZURES - CONFISCATION PROCEEDINGS - PROPERTY FORFEITED - BUNGALOW PADLOCKED.

In the Matter of the Seizure on ) 5506  
July 24, 1939 of a number of still )  
parts on premises owned and occu- )  
pied by Louis Ferland, located on )  
Route 50, near Beladona Avenue, ) ON HEARING  
South Egg Harbor, Township of ) CONCLUSIONS AND ORDER  
Galloway, County of Atlantic and )  
State of New Jersey. )  
- - - - - )

Harry Castelbaum, Esq., Attorney for the Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

On July 24, 1939, officers of this Department, with the consent of Louis Ferland, searched his farm on Route 50 near Beladona Avenue, South Egg Harbor, Galloway Township, and found in the attic of a small bungalow unregistered still parts described in Schedule "A", annexed hereto. The still parts were seized pursuant to R. S. 33:2-3 and Ferland was arrested and charged with violation of R. S. 33:2-10.

At the hearing, no one appeared to contest the forfeiture of the seized property.

It is determined that the unregistered still parts are unlawful property. R. S. 33:2-2.

As to padlocking: Ferland represented by letter under oath that he was physically and financially unable to appear at the hearing; that the still was found in the unfinished attic of a small dwelling which he had rented to different persons for six dollars per month; that the dwelling had been vacant and unlocked for ten months preceding the seizure; that his only income is the rental from the dwelling; that he is sixty-four years old, has been unemployed for two years and has been unable to secure employment with the W.P.A.

Ferland's explanation, however, does not convince me of his innocence. It can hardly be believed that a total stranger surreptitiously visited his farm and cached the still parts in the attic. The bungalow involved is not the residence of Ferland, who lives in another house on the farm. The padlocking of the bungalow will in no wise interfere with the operation of the farm, and its diminution of use will serve as a deterrent to future violations.

Accordingly, it is ORDERED that the seized property be and hereby is forfeited in accordance with the provisions of R. S. 33:2-5 and that it be retained for the use of hospitals and State, County and municipal institutions, or destroyed in whole or in part at the direction of the Commissioner.

It is further ORDERED that the bungalow wherein the still parts were heretofore seized on the farm of Louis Ferland on Route 50 near Beladona Avenue, South Egg Harbor, Galloway Township, N.J., shall not be occupied or used for any purpose whatsoever for a period of three months commencing January 4, 1940.

D. FREDERICK BURNETT,  
Commissioner.

Dated: December 4, 1939.

SCHEDULE "A"

- 1 - copper cooker
- 1 - copper gooseneck
- 1 - galvanized cooler and coils
- 1 - copper dephlegmator

10. DISCIPLINARY PROCEEDINGS - SALE ON SUNDAYS DURING PROHIBITED HOURS - LICENSE REVOKED.

December 4, 1939

W. S. Corker,  
Borough Clerk,  
Fort Lee, N.J.

My dear Mr. Corker:

I have before me your letter of November 24th re disciplinary proceedings conducted upon municipal initiative against Max Puttrich, t/a Royal Tavern, 168 Main Street, charged with sale of alcoholic beverages during prohibited hours on Sunday morning, and note that his license was revoked.

While I do not entertain, let alone express, any opinion on the merits of this case because I have no knowledge of the facts, I have no hesitancy in requesting you to convey to the members of the Borough Council my appreciation for their institution of these proceedings on their own initiative and for the substantial penalty imposed.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner.

11. DISQUALIFICATION - APPLICATION TO LIFT - GRANTED.

In the Matter of an Application ) to Remove Disqualification be- ) cause of a Conviction, pursuant ) to R. S. 33:1-31.2 (as amended by ) Chapter 350, P.L. 1938). )	CONCLUSIONS AND ORDER
Case No. 38. ) ----- )	

BY THE COMMISSIONER:

A former petition filed herein was denied because at that time five years had not elapsed from the date upon which the petitioner was released from prison, and thus he was unable to show that he had conducted himself in a law-abiding manner for the preceding five years. In said proceedings leave was granted to file a new petition on or after September 29, 1939. Re Rehabilitation Case No. 38, Bulletin 279, Item 7.

Such petition has been filed and hearing has been held thereon. In the previous proceeding it was determined that the evidence presented therein showed that petitioner had led an exemplary life from the time of his release on parole in September 1934 until the date of the hearing. In the present proceedings petitioner and the Chief of Police of the municipality in which petitioner resides gave further testimony, from which I conclude that petitioner has now established to my satisfaction that he has conducted himself in a law-abiding manner for at least five years since his release from prison and that his association with the alcoholic beverage industry will not be contrary to the public interest.

It is, therefore, on this 4th day of December, 1939,

ORDERED, that petitioner's disqualification from holding a license or being employed by a licensee because of the conviction set forth in the previous proceedings be and the same is hereby removed in accordance with R. S. 33:1-31.2, as amended.

Commissioner.