

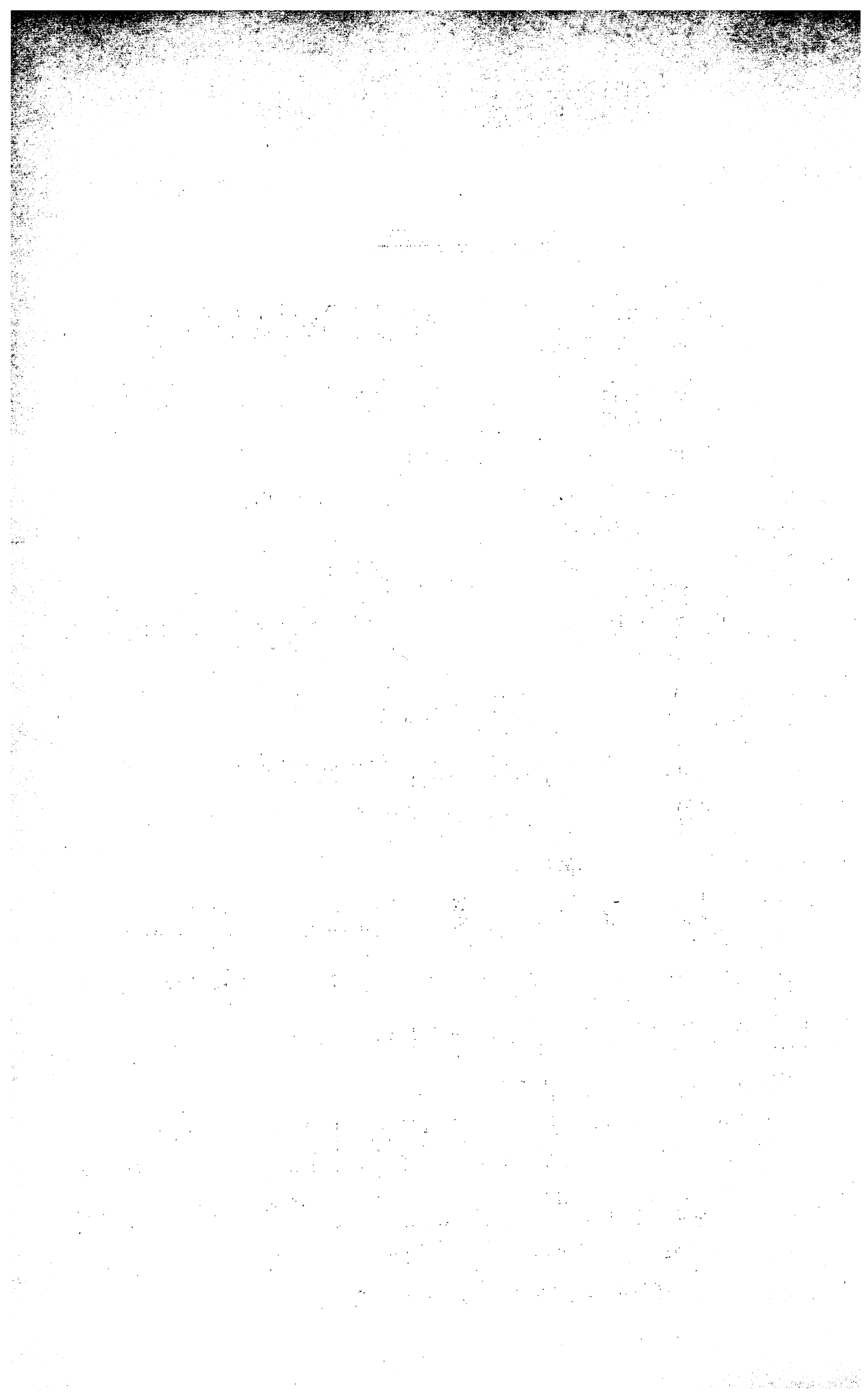
TABLE OF CONTENTS

ITEM

1. COURT DECISIONS - TRAYMORE OF ATLANTIC CITY, INC. v. HOCK - ORDER OF DIRECTOR IN DISCIPLINARY PROCEEDINGS AGAINST HOTEL TRAYMORE COMPANY AFFIRMED.
2. NEW LEGISLATION - AMENDMENT OF R. S. 33:1-10 CONCERNING RETAIL PRIVILEGE OF PLENARY WINERY LICENSE AND LIMITING NUMBER THEREOF WITH SUCH PRIVILEGE.
3. APPELLATE DECISIONS - BLACK v. BRIELLE.
4. APPEAL CASES - JULY 1, 1949 THROUGH JUNE 30, 1950.
5. ACTIVITY REPORT FOR JULY 1950.
6. DISCIPLINARY PROCEEDINGS (Estell Manor) - SALE TO MINOR - HOSTESS - SALE DURING PROHIBITED HOURS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - POSSESSING AND SELLING TICKETS FOR A DRAWING, IN VIOLATION OF RULE 6 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 90 DAYS.
7. DISCIPLINARY PROCEEDINGS (Camden) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Gloucester Township) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Lodi) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. MORAL TURPITUDE - BURGLARY.

DISQUALIFICATION - APPLICATION TO LIFT - FALSE STATEMENTS IN QUESTIONNAIRES - APPLICATION DENIED, WITH LEAVE TO REAPPLY AFTER OCTOBER 30, 1950.
11. DISCIPLINARY PROCEEDINGS (Fairview) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Lodi) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
13. MORAL TURPITUDE - GRAND LARCENY.

DISQUALIFICATION - APPLICATION TO LIFT - FAILURE TO DISCLOSE COMPLETE RECORD OF CONVICTION IN QUESTIONNAIRE AND AFFIDAVIT - APPLICATION DENIED WITH LEAVE TO REAPPLY AFTER OCTOBER 1, 1950.
14. MORAL TURPITUDE - COMMERCIALIZED GAMBLING AND WIRETAPPING HELD TO INVOLVE MORAL TURPITUDE UNDER FACTS OF CASE.
15. STATE LICENSES - NEW APPLICATIONS FILED.
16. FAIR TRADE - NOTICE OF COMPLETE PUBLICATION.



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

BULLETIN 883

AUGUST 8, 1950.

1. COURT DECISIONS - TRAYMORE OF ATLANTIC CITY, INC. v. HOCK - ORDER OF DIRECTOR IN DISCIPLINARY PROCEEDINGS AGAINST HOTEL TRAYMORE COMPANY AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
No. A518-49, September Term, 1949

TRAYMORE OF ATLANTIC CITY, INC.,)
formerly Hotel Traymore Company,)
trading as Hotel Traymore,)

Defendant-Appellant,)

-vs-)

ERWIN B. HOCK, Director of the)
Department of Alcoholic Beverage)
Control of the State of New)
Jersey,)

Respondent.)
-----)

Argued July 17, 1950; decided July 27, 1950.

Before McGeehan, Colie and Eastwood, JJ.

Mr. Frank P. Mulligan argued the cause for Appellant (Messrs. Kirkman, Mulligan & Harris, Attorneys).

Mr. Samuel B. Helfand, Deputy Attorney General, argued the cause for Respondent (Mr. Theodore D. Parsons, Attorney General of the State of New Jersey, Attorney).

PER CURIAM

This appeal is from an order of the Director of the Division of Alcoholic Beverage Control suspending the appellant's plenary retail consumption license for a period of ten days. The appellant was charged with serving alcoholic beverages to a minor, and after hearing was found guilty.

The appellant argues that the respondent has not met the burden of establishing by a preponderance of the evidence that the appellant is guilty of the charge preferred against it. While we may review the facts and make independent findings thereon, when the interests of justice so require (Rule 3:81-13), we find no occasion here for the exercise of this power. There was substantial evidence to support the finding below, and it will not be disturbed. Passarella v. Board of Commissioners, 1 N. J. Super. 313 (App. Div. 1949).

The contention that the suspension of the license for ten days is so harsh, oppressive and unjust as to constitute an abuse of discretion, is without merit. Grant Lunch Corp. v. Driscoll, 129 N. J. L. 408 (Sup. Ct. 1943), aff'd. 130 N. J. L. 554 (E. & A. 1943), cert. den. 88 L. Ed. 484, 320 U. S. 801 (1944).

The order is affirmed.

2. NEW LEGISLATION - AMENDMENT OF R. S. 33:1-10 CONCERNING RETAIL PRIVILEGE OF PLENARY WINERY LICENSE AND LIMITING NUMBER THEREOF WITH SUCH PRIVILEGE.

Assembly Bill No. 424 was, after having been provisionally vetoed, approved by the Governor on July 24, 1950, and thereby became Chapter 340 of the Laws of 1950.

The Act amends R. S. 33:1-10 and is expressly made effective as of July 1, 1950. The only part of R.S. 33:1-10 which is amended is R.S. 33:1-10(2)a -- more particularly such part thereof as deals with the retail privilege of a plenary winery license. Under the amendment, R.S. 33:1-10(2)a now reads as follows:

"Plenary winery license. 2a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be five hundred dollars (\$500.00). Upon the payment of an additional fee of one hundred dollars (\$100.00) the holder of this license shall have the right to sell wine at retail on the licensed premises; provided, however, that such sales shall be made only for consumption off the licensed premises; and, provided further, that such wines shall be manufactured or blended, fortified or treated from fresh grapes grown in this State. The combined total number of plenary winery licenses having retail privileges, shall not exceed three per each million of population in the State as shown by the last preceding Federal census. In the granting of such plenary winery licenses, the Director of the Division of Alcoholic Beverage Control may, in the exercise of his discretion and pursuant to such rules and regulations as he may adopt, give prior consideration to applicants engaged in growing and cultivating grapes upon land owned by the applicant, having an area not less than three acres. The containers of all wine sold at retail by such licensee shall have attached thereto a label setting forth such information as shall be required by the rules and regulations of the director of alcoholic beverage control."

ERWIN B. HOCK
Director.

3. APPELLATE DECISIONS - BLACK v. BRIELLE.

JAMES A. and JOHN R. BLACK,)
 trading as JOHNNY'S MOON MIST,)
 Appellants,)
 -vs-)
 MAYOR AND COUNCIL OF THE BOROUGH)
 OF BRIELLE,)
 Respondent.)

ON APPEAL
 CONCLUSIONS AND ORDER

Edward F. Juska, Esq., by William Throckmorton, Esq., Attorney for Appellants.

Durand, Ivins & Carton, Esqs., by O. Ernest Gatta, Esq., Attorneys for Respondent.

BY THE DIRECTOR:

Appellants appeal from the action of the respondent whereby their License C-6 issued for the 1949-50 licensing year for premises on State Highway No. 35, near River View Drive, was suspended for a period of thirty days. The suspension was imposed after appellants had been found guilty of selling and serving alcoholic beverages to three minors on June 12, 1950, in violation of Rule 1 of State Regulations No. 20.

At the time of the filing of the appeal an order was entered by the Director staying the effect of the suspension until the entry of a further order herein. R.S. 33:1-31.

At the hearing held herein, Sanford ---, nineteen years of age, testified that he and two companions visited appellants' licensed premises on the evening of June 12, 1950; that they arrived there between 9:30 and 10:00 p.m.; and that they remained on the licensed premises for approximately two to three hours, during which time he purchased and consumed four or five shots of whiskey. Joseph --- and Theodore ---, both nineteen years of age, corroborated the testimony of Sanford --- in so far as being on appellants' licensed premises at the time in question. Joseph --- testified that he had one glass of whiskey and about six or seven glasses of beer. Theodore --- testified that he purchased and consumed about five beers. Joseph --- and Theodore --- identified August Gylling, a former employee at appellants' licensed establishment, as the person who was tending bar at the time and who had made service of the drinks to them.

Joseph Geiges, a police officer employed by the municipality wherein the licensed premises in question are located, testified that, in response to telephone calls, he apprehended the three minors in the vicinity of appellants' licensed premises. During the course of the investigation he learned from the three youths that they had been served alcoholic beverages in appellants' premises on the evening of June 12, 1950. Sergeant Westervelt of the Brielle Police Department testified that the boys had also told him that they had been served alcoholic beverages at appellants' premises.

James A. Black, one of the licensees, testified that he arrived at the licensed premises on June 12, 1950 at about ten o'clock; that a few minutes thereafter he observed the three minors in question enter the premises and that they appeared to be "definitely drunk". One of the boys, according to the witness, asked for a bottle but was refused by the bartender. The boys became very boisterous and, as a result thereof, the witness testified that he instructed his bartender to "put them out". James A. Black testified that they were not

sold or permitted to consume any alcoholic beverages on the licensed premises. His testimony indicates that the boys had been in his premises for nearly an hour. The testimony of this licensee was corroborated by August Gylling, the bartender. The bartender further said that although they requested drinks, he did not pay any attention to them. Three other witnesses, who testified that they were in the licensed premises on the evening in question and who had observed the three youths in the premises, denied that the minors had been sold any alcoholic beverages at the time in question.

After carefully considering all the testimony, I am satisfied that the appellants are guilty as charged. The testimony of the three minors at the instant hearing was unshaken and, in my opinion, presented a true picture as to the events which occurred on the evening in question. Hence, the finding of guilt is affirmed.

The present appeal will, therefore, be dismissed and the thirty-day suspension reinstated.

Accordingly, it is, on this 1st day of August, 1950,

ORDERED that the order entered on June 29, 1950 be and the same is hereby vacated, effective at 3:00 a.m. August 7, 1950; and it is further

ORDERED that Plenary Retail Consumption License C-7, issued for the 1950-51 licensing year, in renewal of License C-6 for the 1949-50 licensing year, by the Mayor and Council of the Borough of Brielle to James A. and John R. Black, t/a Johnny's Moon Mist, for premises on State Highway No. 35, near River View Drive, Brielle, be and the same is hereby suspended for a period of thirty (30) days, commencing at 3:00 a.m. August 7, 1950, and terminating at 3:00 a.m. September 6, 1950.

ERWIN B. HOCK
Director.

4. APPEAL CASES - JULY 1, 1949 THROUGH JUNE 30, 1950.

Cases undecided June 30, 1949.	10
Cases filed for period July 1, 1949 through June 30, 1950.	<u>55</u>
Total.	65

DISPOSITION

Affirmed.	34
Reversed	15
Remanded	2
Withdrawn.	5
Closed (question moot)	1
Undecided (2 cases heard, 6 cases unheard)	<u>8</u>
Total.	65

Edward J. Dorton
Deputy Director.

Dated: July 31, 1950.

August 1, 1950

5.

ACTIVITY REPORT FOR JULY 1950

ARRESTS:

Total number of persons arrested	-----	31
Licensees and employees	----- 7	
Bootleggers	----- 24	

SEIZURES:

Motor vehicles - cars	-----	2
Stills - 50 gallons or under	-----	4
Mash - gallons	-----	310.00
Distilled alcoholic beverages - gallons	-----	33.35
Wine - gallons	-----	18.24
Brewed malt alcoholic beverages - gallons	-----	29.53

RETAIL LICENSEES:

Premises inspected	-----	576
Premises where alcoholic beverages were gauged	-----	573
Bottles gauged	-----	10,883
Premises where violations were found	-----	15
Violations found	-----	15
Type of violations found:		
Unqualified employees	----- 6	
Other mercantile business	----- 4	
Reg. #38 sign not posted	----- 1	
Disposal permit necessary	----- 1	
Other violations	----- 3	

STATE LICENSEES:

Premises inspected	-----	4
License applications investigated	-----	19

COMPLAINTS:

Complaints assigned for investigation	-----	371
Investigations completed	-----	302
Investigations pending	-----	167

LABORATORY:

Analyses made	-----	91
"Shake-up" cases (alcohol, water and artificial color) - bottles	-----	9
Liquor found to be not genuine as labeled - bottles	-----	8

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made	-----	42
Persons fingerprinted for non-criminal purposes	-----	302
Identification contacts made with other enforcement agencies	-----	266
Motor vehicle identifications via N.J.State Police Teletype	-----	16

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	-----	12	
Violations involved:			
Sale to minors	----- 6	Permitting bookmaking on premises	----- 1
Permitting brawls on premises	----- 2	Permitting gambling on premises (cards)	----- 1
Sale outside scope of license	----- 2	Sale by retailer on credit	----- 1
Sale to intoxicated persons	----- 1	Permitting female to tend bar	----- 1
Cases instituted at Division	-----	8	
Violations involved:			
Possessing illicit liquor	----- 7		
Delivery without bona fide invoices	----- 1		
Sale outside scope of license	----- 1		
Employee soliciting without permit	----- 1		
Wholesaler failing to notify of change of employees	----- 1		
Cases brought by municipalities on own initiative and reported to Division	-----	3	
Violations involved:			
Sale to minors	----- 1		
Permitting gambling on premises (dice)	----- 1		
Sale during prohibited hours	----- 1		

HEARINGS HELD AT DIVISION:

Total number of hearings held	-----	34	
Appeals	----- 6	Application for license	----- 1
Disciplinary proceedings	----- 13	Application for special permit	----- 1
Eligibility	----- 7	Order to show cause	----- 1
Seizures	----- 5		

PERMITS ISSUED:

Total number of permits issued	-----	5,769	
Employment	----- 1,747	Social affairs	----- 339
Solicitors	----- 2,785	Special wine	----- 86
Disposal of alcoholic beverages	----- 104	Miscellaneous	----- 708

ERWIN B. HOCK, DIRECTOR

- 6. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - HOSTESS - SALE DURING PROHIBITED HOURS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - POSSESSING AND SELLING TICKETS FOR A DRAWING, IN VIOLATION OF RULE 6 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary Proceedings against
 BETTY ANLAUF, JACK HANNA,
 JENNIE HANNA
 T/a ESTELL MANOR INN
 Route 50
 Estell Manor
 P.O. Woodbine, N. J.,

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption License C-2 for the 1949-50 and 1950-51 licensing periods, issued by the Common Council of the City of Estell Manor.

 Betty Anlauf, Jack Hanna and Jennie Hanna, Defendant-licensees, by Betty Anlauf.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants plead non vult to charges which may be summarized as follows:

- (1) and (2) You sold, served and delivered alcoholic beverages and permitted the consumption thereof on the licensed premises by seven minors, in violation of Rule 1 of State Regulations No. 20.
- (3) You allowed, permitted and suffered a female employee to accept beverages at the expense of and as a gift from customers and patrons, in violation of Rule 22 of State Regulations No. 20.
- (4) You sold and delivered alcoholic beverages in an original container for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulations No. 38.
- (5) You sold alcoholic beverages below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.
- (6) You had custody of and allowed, permitted and suffered tickets and participation rights in a "drawing" to be sold and offered for sale on and about your licensed premises, in violation of Rule 6 of State Regulations No. 20.

The file in the instant case discloses that on May 1, 1950, six minors, one - 16 years of age, one - 17 years of age, and four - 18 years of age, purchased and were served and permitted to consume several glasses of beer apiece at defendants' licensed premises. On May 3, 1950, the 16-year-old youth, one of the 18-year-old youths, and another minor 18 years of age who had not been on the licensed premises on May 1, 1950, purchased and were served with several glasses of beer, and in addition thereto, purchased divers pints of whiskey for off-premises consumption.

On the night of May 10, 1950 and early morning of May 11, 1950, ABC agents observed a female employee of the defendants accepting beverages at the expense of and as a gift from customers and patrons. At about 12:10 a.m., on May 11, 1950, an ABC agent purchased a pint bottle of Carstairs White Seal Blended Whiskey at retail in its original container for consumption off the licensed premises for \$2.25. The then effective minimum resale (consumer) price, as published in the pamphlet issued by the State Division of Alcoholic Beverage Control and effective April 1, 1950, was \$2.26.

On May 11, 1950 Betty Anlauf, one of the licensees, sold to one of the agents a ticket for a drawing to be held at a future date. After the ABC agents had made known their identity, several books of tickets for said drawing were seized on the licensed premises.

It is apparent from the violations permitted herein that the defendants' licensed premises were conducted in a highly improper manner. However, defendants have no previous adjudicated record. Under all of the circumstances and considering the plea entered herein, I shall suspend defendants' license for a period of 90 days.

Although this proceeding was instituted during the 1949-50 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1950-51. State Regulations No. 16.

Accordingly, it is, on this 2nd day of August, 1950,

ORDERED that Plenary Retail Consumption License C-2, issued for the 1950-51 licensing period by the Common Council of the City of Estell Manor to Betty Anlauf, Jack Hanna and Jennie Hanna, t/a Estell Manor Inn, for premises Route 50, Estell Manor, be and the same is hereby suspended for a period of ninety (90) days, commencing at 3:00 a.m. August 10, 1950, and terminating at 3:00 a.m. November 8, 1950.

ERWIN B. HOCK
Director.

7. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JULIUS & WILLIAM LEVIN)
T/a BILL'S BAR & LIQUORS)
783 Spruce Street)
Camden, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-189, issued by the)
Municipal Board of Alcoholic Beverage Control of the City of)
Camden.)
-----)

Benjamin J. Dzick, Esq., Attorney for Defendant-licensees.)
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.)

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they possessed on their licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 28 of State Regulations No. 20.

On June 7, 1950, an agent employed by the State Division of Alcoholic Beverage Control seized on defendants' licensed premises two 4/5 quart bottles labeled "Seagram's Seven Crown Blended Whiskey"; one quart bottle labeled "Calvert Reserve Blended Whiskey"; one 4/5 quart bottle labeled "Four Roses Fine Blended Whiskey", and one 4/5 quart bottle labeled "Imported Seagram's V. O. Canadian Whisky A Blend", when his field tests indicated a variance between the label on each of the said bottles and the contents of the bottles. An analysis by the Division chemist established that the contents of each of the seized bottles were not as described on the label.

Each of the defendants denied that he tampered with the contents of the seized bottles. Nevertheless, licensees are responsible for any "refills" found in their stock of liquor.

Defendants have no previous adjudicated record. I shall, therefore, suspend their license for a period of twenty-five days. Re Marrone, Bulletin 719, Item 4. Remitting five days for the plea will leave a net suspension of twenty days.

Accordingly, it is, on this 2nd day of August, 1950,

ORDERED that Plenary Retail Consumption License No. C-189, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Julius & William Levin, t/a Bill's Bar & Liquors, for premises 783 Spruce Street, Camden, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. August 10, 1950, and terminating at 2:00 a.m. August 30, 1950.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

GERTRUDE M. BEVAN)
T/a ERIAL GRILL)
New Brooklyn Rd., Erial)
Gloucester Township)
P.O. RFD, Sicklerville, N.J.,)

CONCLUSIONS AND ORDER.

Holder of Plenary Retail Consumption License C-3 issued by the Township Committee of the Township of Gloucester.)

Gertrude M. Bevan, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that she possessed on her licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 28 of State Regulations No. 20.

On June 15, 1950, two inspectors employed by the Alcohol Tax Unit, Internal Revenue Service, Treasury Department, examined thirty-four bottles of alcoholic beverages on defendant's premises and seized a 4/5 quart bottle of "I. W. Harper Kentucky Straight Bourbon Whiskey bottled in Bond" when field tests indicated that the contents thereof were not genuine as labeled. Subsequent analysis by a Federal chemist disclosed that the contents of the seized bottle varied substantially in proof, acids, solids and color from the contents of a genuine sample of the same product.

Defendant and her husband denied tampering with the contents of the seized bottle. Nevertheless, the licensee is strictly responsible for any "refills" found in her stock of liquor.

Defendant has no prior adjudicated record. I shall, therefore, suspend defendant's license for the minimum period of fifteen days, less five days' remission for the plea entered herein, leaving a net suspension of ten days. See Bulletin 877, Item 9.

Accordingly, it is, on this 31st day of July, 1950,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Gloucester to Gertrude M. Bevan, t/a Erial Grill, for premises on New Brooklyn Road, Erial, Gloucester Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. August 7, 1950, and terminating at 2:00 a.m. August 17, 1950.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against)

SALVATORE PACI)
T/a SAL'S BAR & GRILL)
112 Main Street)
Lodi, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-19, issued by the Mayor and Council of the Borough of Lodi.)

-----)
Salvatore Paci, Defendant-licensee, Pro Se.)
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.)

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that, in violation of Rule 28 of State Regulations No. 20, he possessed two 4/5 quart bottles labeled "Canadian Club Blended Canadian Whisky", which bottles bore labels which did not truly describe their contents.

On June 27, 1950, an investigator of the Division of Alcoholic Beverage Control tested 44 open bottles of alcoholic beverages and seized the two bottles mentioned in the charge when his preliminary test indicated that the contents thereof appeared to be too dark in color. Subsequent analysis by the chemist employed by the Division of Alcoholic Beverage Control disclosed that the contents of the seized bottles varied substantially in solids and color from the contents of a genuine bottle of the same product.

Defendant denied that he tampered with the contents of the seized bottles. Nevertheless, a licensee is responsible for any "refills" found in his stock of liquor.

Defendant has no prior adjudicated record. I shall suspend his license for a period of fifteen days, less five days for the plea, leaving a net suspension of ten days. See Bulletin 828, Item 11.

Accordingly, it is, on this 31st day of July, 1950,

ORDERED that Plenary Retail Consumption License C-19, issued by the Mayor and Council of the Borough of Lodi to Salvatore Paci, t/a Sal's Bar & Grill, for premises 112 Main Street, Lodi, be and the same is hereby suspended for a period of ten (10) days, commencing at 4:00 a.m. August 7, 1950, and terminating at 4:00 a.m. August 17, 1950.

ERWIN B. HOCK
Director.

10. MORAL TURPITUDE - BURGLARY.

DISQUALIFICATION - APPLICATION TO LIFT - FALSE STATEMENTS IN QUESTIONNAIRES - APPLICATION DENIED, WITH LEAVE TO REAPPLY AFTER OCTOBER 30, 1950.

In the Matter of an Application)
to Remove Disqualification)
because of a Conviction, Pursuant)
to R. S. 33:1-31.2.)
Case No. 831.)
- - - - -)

CONCLUSIONS
AND ORDER

BY THE DIRECTOR:

On March 6, 1937, a solicitor's permit held by petitioner was revoked by the State Commissioner. The permit was revoked because petitioner denied, in a questionnaire filed prior to the issuance of his solicitor's permit, that he had ever been convicted of a crime, whereas, in fact, he had pleaded non vult in 1929 to burglary, a crime involving moral turpitude. See Case No. 142, Bulletin 166, Item 6.

At the hearing herein, seven witnesses who have known petitioner for five or more years testified that petitioner bears a reputation for being a law-abiding person.

I would have no hesitancy in granting relief in this case were it not for the fact that despite the aforementioned revocation of his solicitor's permit, petitioner thereafter worked as a truck driver for a transportation licensee and a state beverage distributor. In 1940 he drove a truck for a transportation licensee and thereafter worked in a shipyard until August 1945 when he obtained his present employment with a state beverage distributor. On August 28, 1945, petitioner filed another employment questionnaire wherein he denied that he had ever been convicted of a crime. The reason given by petitioner for again denying that he had ever been convicted of a crime was that his employer suggested that due to the length of time which had elapsed since his conviction it was not necessary that petitioner make mention of it. That advice, if given, was incorrect.

I cannot overlook petitioner's apparent disregard for the truth. During his employment by the state beverage distributor he has filed two "questionnaires" and on each he answered "No" to a question which asks: "Have you ever been convicted of any crime?" There is no excuse for being untruthful.

It appears that petitioner has been convicted of a crime involving moral turpitude. Because of his false answers I shall not grant his request for relief at this time. Petitioner may, however, renew his application for relief after October 30, 1950. Cf. Case No. 775, Bulletin 858, Item 12.

Accordingly, it is, on this 31st day of July, 1950,

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

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against

GEORGE JAMES MOORE
T/a MOORE'S TAVERN
201-201A Broad Avenue
Fairview, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Fairview.

George James Moore, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he possessed on his licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 28 of State Regulations No. 20.

On June 29, 1950, an agent of the State Division of Alcoholic Beverage Control tested thirty-four opened bottles on defendant's premises and seized one 4/5 quart bottle labeled "Bottled in Bond Old Overholt Straight Rye Whiskey" when his field tests indicated that the contents of the bottle did not conform with the description on the label. Analysis by the Division chemist established that the contents of the seized bottle had a proof of 92.8 instead of a proof of 100 as indicated by the label, and was in fact a blended whiskey instead of a natural colored whiskey as indicated by the label.

Defendant alleges that the seized bottle was purchased about four years ago when his father operated the tavern, and that the bottle was opened by defendant-licensee about six months ago. From other evidence in the file it appears that defendant was of the opinion that a porter tampered with the contents of the seized bottle. Nevertheless, a licensee is responsible for any "refills" found in his stock of liquor.

Defendant has no previous adjudicated record. I shall suspend his license for the minimum period of fifteen days. See Bulletin 680, Item 1. Remitting five days for the plea will leave a net suspension of ten days.

Accordingly, it is, on this 4th day of August, 1950,

ORDERED that Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Fairview to George James Moore, t/a Moore's Tavern, for premises 201-201A Broad Avenue, Fairview, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. August 14, 1950, and terminating at 3:00 a.m. August 24, 1950.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against
 THOMAS MASTROFILIPO &
 JOHN VAGELL
 T/a THE CORRAL BAR
 23 Columbia Avenue
 Lodi, N. J.,
 Holders of Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Lodi.

CONCLUSIONS AND ORDER

 Thomas Mastrofilipo & John Vagell, Defendant-licensees, by
 John Vagell.
 William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they possessed on their licensed premises alcoholic beverages in bottles bearing labels which did not truly describe the contents thereof, in violation of Rule 27 of State Regulations No. 20.

On July 13, 1950, an agent of the State Division of Alcoholic Beverage Control seized in defendants' licensed premises one quart bottle labeled "Carstairs White Seal Blended Whiskey" and one quart bottle labeled "Calvert Reserve Blended Whiskey" when his field tests indicated a variance between the labels on each of the two bottles and the respective contents thereof. An analysis by the Division Chemist confirmed this variance and established that neither of said bottles contained genuine whiskey as described on its respective label. See Rule 27 of State Regulations No. 20.

Defendants have no previous adjudicated record. I shall suspend the license for the minimum period of fifteen days. Re Nurse, Bulletin 680, Item 7. Remitting five days because of the plea will leave a net suspension of ten days.

Accordingly, it is, on this 4th day of August, 1950,

ORDERED that Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Lodi to Thomas Mastrofilipo & John Vagell, t/a The Corral Bar, 23 Columbia Avenue, Lodi, be and the same is hereby suspended for a period of ten (10) days, commencing at 4:00 a.m. August 14, 1950, and terminating at 4:00 a.m. August 24, 1950.

ERWIN B. HOCK
Director.

13. MORAL TURPITUDE - GRAND LARCENY.

DISQUALIFICATION - APPLICATION TO LIFT - FAILURE TO DISCLOSE COMPLETE RECORD OF CONVICTION IN QUESTIONNAIRE AND AFFIDAVIT - APPLICATION DENIED WITH LEAVE TO REAPPLY AFTER OCTOBER 1, 1950.

In the Matter of an Application)
to Remove Disqualification)
because of a Conviction, Pursuant) CONCLUSIONS
to R. S. 33:1-31.2.)
Case No. 848.)
-----)

BY THE DIRECTOR:

Petitioner, in 1938, when 19 years of age, was sentenced to 90 days in a New Jersey County Penitentiary, after being convicted of "Petty Larceny". In 1939 he was sentenced to an indeterminate term at the New Jersey Reformatory at Annandale, after being convicted of "Grand Larceny" (auto). He was paroled in March of 1940. In September 1941 he again was convicted of Grand Larceny and two charges of violation of the Motor Vehicle Law and sentenced to 12 months in a County Penitentiary. He was returned to Annandale in December 1942 for breach of parole conditions and transferred to the State Reformatory at Rahway. He was paroled again in August 1943. There can be no doubt that the Grand Larceny convictions are convictions of crimes involving moral turpitude and that, consequently, applicant is ineligible under the Statute, R.S. 33:1-25, 26, to be employed by the holder of a liquor license in this State.

Since August 1943 petitioner has no further record of arrests or convictions and the Police Department of his home community certifies that there are no complaints against him or investigations of him pending, and that they know of no reason why he should not be connected with the alcoholic beverage industry. Petitioner has married and is the father of two small children. He produced three witnesses, neighbors in his home community; one is a policeman, another the Borough Clerk. They testified that during the last five years petitioner has been a law-abiding person.

I would have no hesitancy in granting the relief sought were it not for the fact that petitioner failed to disclose his complete record of convictions (he did disclose enough of it to put the Division on notice of his disqualification), both in his questionnaire filed as an employee of a liquor licensee in this State and in an affidavit filed to induce me to permit a continuation of his employment pending hearing hereon. Petitioner says he was ashamed of his record. I can understand his feeling in the matter but I cannot overlook his untruthfulness under oath. He must cease his employment immediately. If he desires removal of his disqualification, he may make application therefor after October 1, 1950.

The petition is denied.

ERWIN B. HOCK
Director.

Dated: August 3, 1950.

14. MORAL TURPITUDE - COMMERCIALIZED GAMBLING AND WIRETAPPING HELD TO INVOLVE MORAL TURPITUDE UNDER FACTS OF CASE.

August 4, 1950.

Re: Case No. 621

Investigation discloses that applicant entered the premises during the course of a raid on an alleged bookmaking establishment. He attempted to run away but was apprehended and placed under arrest. Subsequently he was indicted by the Grand Jury for bookmaking and wiretapping. On May 13, 1949, after pleading non vult to said indictments, he was sentenced in a County Court to pay a fine of \$1,000.00 and received a suspended sentence of from one to two years on the bookmaking charge and a suspended sentence on the wiretapping charge.

At a hearing held herein, applicant testified that he visited the premises merely to place a bet. However, a substantial sum of money was found in his possession at the time of his arrest, although he was then unemployed, and it appears that a cable had been run to the alleged bookmaking establishment from another telephone some distance away. In view of his plea, the question of applicant's guilt may not be redetermined in this proceeding. On the facts appearing herein, I conclude that he has been convicted of crimes involving moral turpitude.

Under the circumstances, I recommend that the applicant be advised that, in the opinion of the Director, he has been convicted of crimes involving moral turpitude; that he is disqualified, by virtue of R.S. 33:1-25, from holding a liquor license in this State, and that, in the opinion of the Director, any licensee who employs him, or permits him to be connected in any capacity with his business, would subject his license to suspension or revocation. R. S. 33:1-26.

Edward F. Hodges
Attorney.

APPROVED:
ERWIN B. HOCK
Director.

15. STATE LICENSES - NEW APPLICATIONS FILED.

American Wine Company
Room 406, 595 Madison Avenue
New York, New York.

Application filed July 27, 1950 for Wine Wholesale License.

Ruth Orris
T/a Wine Specialists Co.
426 Morris Avenue
Newark, N. J.

Application filed July 28, 1950 for transfer of Wine Wholesale License WW-37 from Alexander Orris, t/a Wine Specialists Co.

Inlet Hotel Bar Cafe Inc.
S/E Cor. 1st & Central Aves.
North Wildwood, N. J.

Application for Public Warehouse License filed on August 2, 1950.

ERWIN B. HOCK
Director.

16. FAIR TRADE - NOTICE OF COMPLETE PUBLICATION.

August 7, 1950.

The next official publication of minimum resale prices pursuant to Fair Trade rules (Revised Regulations No. 30) will become effective on October 1, 1950. Prices to be listed must be filed with the office of this Division not later than August 20, 1950. The publication will be a complete pamphlet in accordance with Rule 3 of Regulations No. 30, providing for issuance of quarterly complete publications.

In submitting price listings it is important to note the following:

1. The importance of listing all brands of alcoholic beverages (including malt beverages) is emphasized in light of Rule 6 of Revised Regulations No. 30 which prohibits price advertising of any brand not listed in Fair Trade.
2. It is suggested that close attention be given to the importance of a fair and adequate markup for the retailer.
3. Only manufacturers and wholesalers owning brands or wholesalers having specific written authorization of the owner of brands, may file price listings for publication in minimum resale price pamphlets.
4. Where listers of brands choose to publish a permissive case lot discount, the phrase "Discount of _____% permitted on case lot purchases" should be used.
5. True copies of labels or photostats of labels of brands listed in Fair Trade must be submitted with the price listings, if such labels have not been previously submitted.
6. Price listings may be submitted by letter in the same form as heretofore but must bear a statement certifying the existence of a Fair Trade contract between the manufacturer or wholesaler and a licensed New Jersey retailer. It is important to note that copies of such Fair Trade contracts need no longer be filed with the Division.

Notification of the proportionate share of aggregate expenses involved in the publication of the complete pamphlet will be made to participating companies as soon as the pamphlet is mailed to all retail licensees.

Erwin J. Hook
Director.

New Jersey State Library