

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

IN THE MATTER OF THE ) ORDER PERMITTING EXTENSION OF  
APPLICATION TO EXTEND ) DECEMBER 2015 CURRENT PRICE LIST  
DECEMBER 2015 PRICES FOR THE ) THROUGH MONDAY, JANUARY 4, 2016  
CURRENT PRICE LISTING )  
)

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BY THE DIRECTOR:

N.J.A.C. 13:2-24.6(a)4 provides that a Current Price List (“CPL”) shall be filed no later than the 15<sup>th</sup> of each calendar month, and shall become effective the first day of the following calendar month and shall remain effective for the entire month.

On October 30, 2015, the Division of Alcoholic Beverage Control (the “Division”) received a request from Jeffrey A. Warsh, Esquire, Executive Director and General Counsel to the New Jersey Wine and Spirits Wholesale Association (“NJWSWA”) seeking an extension of the prices contained in the December 2015 CPL until the close of business on Monday, January 4, 2016. If granted, this would enable wholesalers to continue to utilize the prices listed in the December 2015 CPL for orders that were received by a wholesaler on or before the close of business on Monday, January 4, 2016.

The reason given for this request is that New Year’s Eve falls on a Thursday (12/31/15), New Year’s Day (a legal holiday) falls on Friday (1/1/16), and then a weekend follows. Mr. Warsh explained that there would be a hardship on wholesalers and their families if prices had to be changed over on a legal holiday.

In accordance with N.J.A.C. 13:2-9.1, the Director of the Division has the authority to relax the provisions of N.J.A.C. 13:2-24.6(a)(4) upon a showing of undue hardship (economic or otherwise); that the waiver of the rule would not unduly burden any affected parties; and that the waiver is consistent with the underlying purposes of Title 33 and its implementing regulations.

I have reviewed the request to extend the expiration date of the December 2015 CPL in light of the standards contained in N.J.A.C. 13:2-9.1. I do believe that requiring wholesalers to complete the change over to the January 2016 prices on New Year’s Day (a legal holiday) would create a certain degree of hardship on wholesalers and their families. I also note that the Division has a long-standing policy, such that if a CPL’s due date falls on a weekend or legal holiday, the due date is extended to the next business day. Thus, I believe it is not unreasonable to apply the reasoning behind that similar policy to the instant request.

Since the extension of the December 2015 prices would apply to all wholesale and retail

licensees on a non-discriminatory basis, I do not believe that the requested approval would unduly burden any affected parties, or would undermine the purposes of Title 33, which are to prevent discrimination in the sale of alcoholic beverages and to maintain trade stability.

I note that wholesalers who choose to exercise the extension granted herein must extend the December 2015 prices on a uniform basis for all products and for all retail licensees.

Accordingly, it is on this 16<sup>th</sup> day of December, 2015,

ORDERED that wholesalers are authorized to extend prices listed in the December 2015 CPL for retail orders received on or before the close of business on Monday, January 4, 2016, provided that all such prices are extended in a uniform, non-discriminatory basis to all retail accounts.



JONATHAN A. ORSEN  
ACTING DIRECTOR