

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

IN THE MATTER OF THE)	SR 2022-17
APPLICATION TO RELAX A)	SPECIAL RULING GRANTING THE
REQUIREMENT OF THE SPECIAL)	RELAXATION OF SCHEDULE A,
RULING AUTHORIZING CERTAIN)	PARAGRAPH 3(a)(6) OF THE SPECIAL
ACTIVITIES BY HOLDERS OF)	RULING AUTHORIZING CERTAIN
LIMITED BREWERY LICENSES AND)	ACTIVITIES BY HOLDERS OF LIMITED
THE SPECIAL CONDITIONS.)	BREWERY LICENSES AND SPECIAL
<hr style="width:30%; margin-left:0"/>)	CONDITION NO. 12 OF THE SPECIAL
		CONDITIONS

BY THE DIRECTOR:

The Division of Alcoholic Beverage Control (Division) has received a request from the New Jersey Brewers Guild on behalf of limited-brewery licensees seeking a change to the 10-day ABC POSSE¹ notification for on-premise special events, in order to televise the 2022 World Series involving the local Philadelphia Phillies against the Houston Astros.

The May 28, 2019 Special Ruling Authorizing Certain Activities by Holders of Limited Brewery Licenses (Special Ruling), provides² that licensees may hold 25 “on-premise special events,” which are defined as one-day events that are open to the public and promoted or advertised by way of any type of media, including social media. If an on-premises special event occurs on the premises of a Limited Brewery, the Limited Brewery is to give 10-day notification through

¹ ABC POSSE is the Division’s on-line licensing system.

² The Special Ruling serves, with very limited exceptions predicated specifically on N.J.S.A. 33:1-10(1)(b), to provide to limited breweries “guidance” that will only be strictly enforced against “flagrant and repeated violations” of its terms.

POSSE. The Special Ruling provides that ABC considers live-televised championship sporting events displayed or shown on the licensed premises of a Limited Brewery to be on-premises special events for which the Limited Brewery is to provide ABC POSSE notification.

Under the Special Ruling, the Limited Brewery is to provide 10-day notification to the Division (via POSSE), the clerk, and the chief law-enforcement officer of the municipality in which the limited brewery is located. With the World Series scheduled to commence on October 28, 2022, licensees have requested a relaxation of the 10-day ABC POSSE notification for these specific on-premise special events.

In accordance with N.J.S.A. 33:1-39, the Director has the authority to make such special rulings and findings “as may be necessary for the proper regulation and control of the manufacture, sale and distribution of alcoholic beverages and . . . [to] alter, amend, repeal and publish the same from time to time.” This authority is implemented, in part, by N.J.A.C. 13:2-9.1, which allows the Director to relax certain special rulings if there will not be undue hardship, economic or otherwise, if the relaxation will not unduly burden any affected parties and it is consistent with the underlying purposes of the Alcoholic Beverage Control Act. N.J.S.A. 33:1-1 to -97 (Act).

Based on its review of the request presented by the New Jersey Brewers Guild, the Division FINDS that in this context relaxing the 10-day notification in the Special Ruling is consistent with the Act. With the Philadelphia Phillies making an unexpectedly strong showing in the playoffs to qualify for the World Series, many licensees could not have foreseen the need timely to notify the Division of its intention to televise the games of the World Series for their customers. Relaxation of the 10-day notification will not unduly burden competitors (e.g., licensees who operate sports bars), and failure to relax in this context would visit undue economic hardship on limited brewers.

Accordingly, the Division will GRANT the request and relax the 10-day ABC POSSE advance notification for on-premise special events in the Special Ruling and the Special Conditions for those licensees that intend to televise the games of the World Series. This relaxation shall apply to the showing of the games of the World Series only. Moreover, each televised game shall be considered a distinct on-premise event, as is existing practice, and shall count toward the 25-event-per-year limit. Licensees should be aware that up to 7 on-premise events may be used in televising this World Series if it should extend to a seventh game. Licensees are to submit a POSSE notification for an on-premise event for each game that they intend to televise.

The Director may withdraw or modify the relief granted in this ex parte matter at his discretion.


JAMES B. GRAZIANO
DIRECTOR

DATED: October 27, 2022