

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

IN THE MATTER OF THE)
APPLICATION TO RELAX A)
REQUIREMENT OF THE SPECIAL)
RULING AUTHORIZING CERTAIN)
ACTIVITIES BY HOLDERS OF)
LIMITED BREWERY LICENSES AND)
THE SPECIAL CONDITIONS.)

SR 2023-03
SPECIAL RULING GRANTING THE
RELAXATION OF SCHEDULE A,
PARAGRAPH 3(a)(6) OF THE SPECIAL
RULING AUTHORIZING CERTAIN
ACTIVITIES BY HOLDERS OF LIMITED
BREWERY LICENSES AND SPECIAL
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 2023 NFC Championship Game involving the local Philadelphia Eagles against the San Francisco 49ers.

The May 28, 2019 Special Ruling Authorizing Certain Activities by Holders of Limited Brewery Licenses (Special Ruling) provides 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 ABC POSSE. The Special Ruling provides that ABC considers live-televvised championship

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

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 also is to provide 10-day notification to the clerk and the chief law-enforcement officer of the municipality in which the limited brewery is located. With the NFC Championship Game scheduled for Sunday, January 29, 2023, licensees have requested a relaxation of the 10-day ABC POSSE notification for this specific on-premise special event.

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 not inconsistent with the Act. With the Philadelphia Eagles having qualified for the NFC championship with its victory over the New York Giants on January 21, 2023, licensees could not have timely notified the Division of its intention to televise the NFC Championship Game on January 29, 2023, 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.

Moreover, in order to eliminate the need for another Special Ruling and to accommodate Limited Brewery licensees, the Division FINDS that relaxing the 10-day notification for the Super Bowl on February 12, 2023, is also not inappropriate. To be sure, licensees will have 14 days for notification of the on-premise event from the NFC and AFC Championship Games, but this relaxation will provide Limited Brewery licensees with some flexibility in planning for this event.

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 2023 NFC Championship Game and/or the AFC Championship Game on January 29, 2023, and the Super Bowl on February 12, 2023. This relaxation shall apply to the showing of the 2023 NFC Championship Game and/or the AFC Championship Game along with the Super Bowl only. Moreover, these games shall be considered a distinct on-premise event, as is existing practice, and each shall count toward the 25-event-per-year limit.

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


JAMES B. GRAZIANO
DIRECTOR

DATED: January 26, 2023