

MAY 13, 1952.

HON. PERCY A. MILLER, JR.,
Commissioner of Labor and Industry,
State House,
Trenton 7, N. J.

FORMAL OPINION—1952. No. 7.

MY DEAR COMMISSIONER MILLER:

Receipt is acknowledged of your letter of April 4, 1952, in which you request a clarification and legal interpretation of section 17, chapter 153, P. L. 1940 (Child Labor Law) as amended by chapter 139, P. L. 1941, with respect to certain questions propounded by you and hereinafter set forth.

Your first question is:

Would the employment of minors under eighteen years of age be excluded from only that portion of the premises licensed by the Alcoholic Beverage Control Law?

The answer is yes. Said section provides "no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a public bowling alley, or in a pool or billiard room; *provided, however*, this section shall not apply to minors 16 years of age and over employed as pin-setters only in public bowling alleys."

The question in controversy concerns itself with the meaning of the phrase "on the premises." The term "premises" has in legal parlance a meaning so broad and varied that its interpretation in a given case must be ascertained from and governed by the context.

The New Jersey Alcoholic Beverage Control Law defines "premises" as "The physical place at which a licensee is or may be licensed to conduct and carry on the manufacture, distribution or sale of alcoholic beverages . . ."

Accordingly, the operation and effect of every license is confined to the licensed premises. Therefore, we are of the opinion that the employment of minors under 18 years of age is excluded, or prohibited, from only that portion of the building licensed under the Alcoholic Beverage Control Law to conduct and carry on the manufacture, distribution or sale of alcoholic beverages.

Your second question is:

Would the employment of minors under eighteen years be permitted in barber shops, dress shops, drug stores, beauty parlors or other trades occupying leased space, but which have no relation to the operation of that portion of the building where liquor is sold such as in hotels and similar establishments?

The answer is yes. In the case of *Dowman vs. State*, 14 Ala. 242, it was held that the word "premises" relating to illegal sale of spirituous liquors to be drunk on

the premises meant some place over which the shopkeeper had the legal right to exercise authority and control.

In cases where space is leased in a hotel structure to individuals for barber shops, dress shops, drug stores, beauty parlors or other trades in no manner appurtenant to the operation of the business of the hotel, and not under the control and authority of the hotel management, the term "on the premises" as used in the Child Labor Law has no application. Therefore, the employment of minors under 18 years is permitted in other trades occupying leased space in hotels or similar establishments but which have no relation to the operation of that portion of the building where liquor is served; *provided, however*, that such employment is not otherwise prohibited by the Child Labor Law.

Your third question is:

Would the employment of minors under 18 years of age be permitted in the executive offices and maintenance departments of hotels and similar establishments where liquor is served?

This question must be answered in the negative. Since the question sub judice deals with the employment of minors in hotels or similar establishments it becomes necessary to distinguish between the use of the word hotel in its application to the actual, physical structure of the building and the operation of the business of a hotel, namely to furnish food and lodging to transients. Thus since the lawful sale and delivery of alcoholic beverages to guests of a hotel in those portions of the structure over which the owner or occupant has the right and does exercise authority and control, is an integral part of the regular hotel business, and since the owner or occupant has the right and does exercise control and authority over the executive offices and maintenance departments in the management of hotels or similar establishments where liquor is served, the employment of minors under 18 years of age is not permitted.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: GRACE J. FORD,
Assistant Deputy Attorney General.