

INDEX—ALCOHOLIC BEVERAGE CONTROL*

Adams Express Co. v. Ky., 710.

ADMINISTRATIVE LAW

hearing procedure under Federal Alcohol Adm'n Act: in general, 593-98, on applications for permits and proceedings to suspend, annul or revoke, 593-97, promulgation of regulations, 597-98; in the operation of the licensing system: in general, 621-44, delegation of legislative powers, 622-30, discretion in administrative agencies, 623-24, legislative standards, 626-27, participation of local authorities, 627-29; administrative review of control authority, 637-38; judicial review of control authority: in general, 638-44, on appeal, 640, by mandamus proceedings, 640-42, by *certiorari*, 642, by injunction, prohibition and *habeas corpus*, 642-43; statutory method of review as exclusive, 643; stay of administrative order pending review, 644.

ADVERTISING

extent of, by alcoholic beverage industry, 570-71; controls over, under F. A. C. A., 646-67; purposes of control over, under Federal Alcohol Adm'n Act, 647-48; issuance of regulations concerning, 652-53; requirements under Federal Alcohol Adm'n Act, 653-55; controls over, by Federal Trade Commission, 655-58; controls over, by states, 660-62; adoption of federal regulation by states, 662; proposed legislation to restrict, over radio, 662-64; furnishing of signs, restrictions on, 669-70; controls over, to protect dry areas, 698-700.

ALCOHOL TAX UNIT

control over bottle manufacture, 578; functions, in general, 581-93; transfer of functions of F. A. A. to, 583; decentralized control under, 584-85; controls over construction and equipment of plants, 585-86; activity with reference to permits, 588; controls over: production, storage and tax payment, 588-91, bottling, 591, merchandising, 591-92, industrial alcohol, 592-93, exportation of alcoholic beverages, 599. See also FEDERAL ALCOHOL ADMINISTRATION.

Arrow Distilleries, Inc., v. Alexander, 576, 649.

Atlanta Beer Distributing Co., Inc., v. Alexander, 576, 577.

BASIC PERMITS

see PERMIT SYSTEM.

BEER

consumption of, 570; interstate barriers affecting sale of, 722-23; purposes of interstate barriers concerning, 724; effect of interstate barriers on, 726; suggested favoring of, in taxation, 731; tax rate on, 733; state and local rates, 734-36; effect of taxation on consumption of, 737-38.

BOOTLEGGERS

relation of tax program to, 738-42; production of, 741. See BREWERS.

BOTTLES

regulation of size and manufacture, 578-79.

BREWERS

number of, 570; controls over production, storage and tax payments by Alcohol Tax Unit, 589; what may be furnished by, to retailers, 668-69; self-regulation of, 689-95; restrictions on, as to control of retail outlets, 690. See BEER.

BULK SALES

restrictions on, 577-78.

CHOATE, JOSEPH H., JR., quoted, 647-48.

CIVIL DAMAGE ACTS

imposition of, prior to 18th Amendment, 548.

Clark Distilling Co. v. Western Md. Ry. Co., 709.

Collins v. Yosemite Park and Curry Co., 637, 714.

CONSTITUTIONAL LAW

permit requirements of Federal Alcohol Adm'n Act upheld, 576-77; due process of law: and denial of application for license, 631, and revocation of license, 632-33; state regulation of commerce in alcoholic beverages prior to 18th Amendment, 709-10. See ADMINISTRATIVE LAW and TWENTY-FIRST AMENDMENT.

CONSUMERS

restrictions on, in colonial times, 545; protection of interest of, advocated, 568; restrictions on, in monopoly states, 618-19.

CREDIT SALES

prohibition against, prior to 18th Amendment, 547.

DeLucca's Liquor License Case, 633, 635.

DISTILLED SPIRITS

consumption of, 570; experiments in limitation of volume produced, 573; interstate barriers affecting, 724-25; tax rate on, 732-33; state and local rates, 734-36; effect of taxation on consumption of, 737-38; illegal production of, 741.

DISTILLERS

requirements concerning, prior to 18th Amendment, 552; number of, 570; restrictions on enlargement of capacity, 573; restrictions on competition between, 573-74; restrictions on construction and equipment of plants, 585-86; bonds given by, 586-88; controls over production, storage, and tax payments by Alcohol Tax Unit, 589-91; competition between, 674.

Dr. Miles Medical Co. v. Park & Sons Co., 678.

DRY AREAS

protection of, 696-708; extent of, 696-98; controls over advertising to protect, 698-700; controls over transportation, 700-02; payment of federal occupational tax in, 702-03; local enforcement, 703-04; local option legislation, 706-08.

* F. A. A. and F. A. C. A. used in this index for Federal Alcohol Administration and Federal Alcohol Control Administration respectively.

FAIR-TRADE ACTS

in general, 677-79; application of, in alcoholic beverage field, 679-87; state by state analysis, 680-85. See **PRICE CONTROL**.

FEDERAL ALCOHOL ADMINISTRATION (F. A. A.)

creation of, 572; abolition of, under President's Reorganization Plan, 582-84; regulations governing labeling and advertising, 649. See **ALCOHOL TAX UNIT**.

FEDERAL ALCOHOL ADMINISTRATION ACT

hearing procedure under, in general, 593-98; on applications for permits and proceedings to suspend, annul or revoke, 593-97, promulgation of regulations, 597-98; trade practices prohibited under, 666-73.

FEDERAL ALCOHOL CONTROL ADMINISTRATION (F. A. C. A.)

establishment of, under National Industrial Recovery Act, 572; purposes of, 572; controls over labeling and advertising, 646-47; controls over trade practices under, 666.

FEDERAL TRADE COMMISSION

controls over labeling and advertising, 655-58; complaint against liquor retailers, 686.

Finch & Co. v. McKittrich, 712.**FOOD AND DRUG LEGISLATION**

use of, to prevent misbranding of liquor, 553-55, 658-60.

Fry v. Rosen, 627, 631.*Gain v. Burnett*, 682.*Indianapolis Brewing Co. v. The Liquor Control Comm'n of the State of Michigan*, 711, 712.**INDUSTRIAL ALCOHOL**

control over, by Alcohol Tax Unit, 592-93.

IMPORTERS

allocation of products imported, 574; permit requirements of, 598.

INTERSTATE BARRIERS

possible remedies for, 716; in general, 717-27; under the Articles of Confederation, 718; protection of, in alcoholic beverage field, under 21st Amendment, 719; definition of, in alcoholic beverage field, 721; retaliatory and anti-discriminatory legislation against, 723; motivations for, 723-25; decline of, 726-27; national conference on, 727.

Jameson & Co. v. Morgenthau, 715, 716.*Julius Weistein v. Irving Silverman*, 686.*Keller v. Kentucky A. B. C. Board*, 630.**LABELING**

controls over, prior to 18th Amendment, 552-55; under Bottling in Bond Act, 646; under F. A. C. A., 646-47; purposes of control over, under Federal Alcohol Adm'n Act, 647-48; label approval system, 649-50; leaks in present label approval system, 650; beverages for intrastate sale, 651; issuance of regulations concerning, 652-53; controls over, under federal food and drug laws, 658-60;

misbranding defined, 659; controls over, by states, 660-62; adoption of federal regulation by states, 662.

Leisy v. Hardin, 709.**LICENSING CONTROL**

in colonial times, 544-45; prior to 18th Amendment, 548-51; "high license" laws under, 550-51; revenue emphasis v. control emphases, 603; analysis of eight states using, 605-12; mechanics of, 605; characteristics of licensing agencies, 606-07; interrelation of state and local control in, 607-09; scope of administrative authority under, 609; statutory provisions for, in New York, 610-11; trends in administrative action under, 611-12; legal questions in operation of: in general, 621-44, delegation of legislative powers, 622-30, discretion in administrative agencies, 623-24, legislative standards, 626-27, participation of local authorities, 627-29, constitutional attack: on denial of application for license, 631, on revocation of license, 632-33; inspection of licensed premises, 635; administrative review of control authority, 637-38; judicial review of control authority, 638-44.

LOCAL OPTION

beginnings of, 558; legislation concerning, prior to 18th Amendment, 559-60; changes in areas, 697-98; legislation concerning, 706-08.

Loggisci v. Liquor Control Commission, 625.*Mahoney v. Joseph Triner Corp.*, 711.*McNeill v. Joseph Triner Corp.*, 678.**MONOPOLY CONTROL**

prior to 18th Amendment, 556-58; South Carolina experience under, 556-58, reason for failure, 557; advocacy of, at Repeal, 567; as a pattern of state control, 603-04; examination of, in general, 612-19; nature of, 612-14; administrative organization under, 614-15; scope of activities, 615-16; operations of, 617-19.

Old Dearborn Distributing Co. v. Seagram Distillers Corp., 678.**PERMIT SYSTEM**

inauguration of, after Repeal, 575; inclusion of, in Federal Alcohol Adm'n Act, 575; administrative procedure for, 576; activities of Alcohol Tax Unit concerning, 588; hearing procedure: in general, 593-97, investigation of applications, 593-94, requests for hearings, 594, notice of contemplated denial, 594, evidence, 595, arguments of counsel, 595, administrative review, 596, judicial review, 596-97.

Plainos v. State, 636.**PRICE CONTROL**

by legislature, in colonial times, 545; combination of liquor producers to effect, 555; practice of, under fair-trade acts, 677-87; state by state analysis, 680-85; effect of horizontal agreements, 685-86; activity of retailers in, 686-87. See **FAIR-TRADE ACTS**.

PROHIBITION

as a method of control prior to 18th Amendment, 558-63; in states, 560-62; federal legislation in aid of, in states, 562-63; in war time, 563-64; national prohibition: reasons for, 564, results of, 564-65.

PUBLIC FINANCE

taxation of alcoholic beverages and, 742-47.

RADIO

proposals to restrict advertising of alcoholic beverages over, 662-64.

RAW MATERIALS

controls over sources of supply, 580-81.

RECTIFIERS

number of, 570; restrictions on issuance of permits to, 574.

REED AMENDMENT, 563, 710.

Reichelderfer v. Johnson, 641.

REPEAL

reasons for, 566; public attitudes toward legislation after, 567-69, 600-01; presidential proclamation, 571.

RETAILERS

controls over, in colonial times, 544-47; licensing of, before 18th Amendment, 548-51; number of, 570; prohibition against controls over, by vendors, 666-68; furnishing things of value to, 668-69; furnishing of signs to, 669-70; activity of, in connection with price control, 685-87.

Reylon Nail Enamel Corp. v. Charmley Drug Shop, 679.

ROOSEVELT, FRANKLIN D.

repeal proclamation, 571.

SALOONS

restrictions on conduct in, prior to 18th Amendment, 547-48.

Schechter Brothers Poultry Co. v. U. S., 572, 577, 647.

Scott v. Township Board of Arcada Township, 627, 628.

SELF-REGULATION

in brewing industry, 689-95.

SOUTH CAROLINA

government dispensaries in, 556-58.

State Board of Equalization v. Young's Market Co., 711, 712.

State v. Harrison, 669.

STILLS

number seized, 571, 739, 740-41; drop in seizures of, explained, 739-41.

STOREKEEPER-GAUGER

supervision exercised over distilleries, 589-91.

TAFT, WILLIAM HOWARD

definition of whisky by, 553-55.

TAXATION

purpose of, in colonial times, 546-47; recommendations for, after Repeal, 567-68; revenues from alcoholic beverages, 570; use of strip stamps to denote payment, 579-80; effect of payment of federal occupational tax in dry areas, 702-03; theory of, in alcoholic beverage field, 729-30; effect of pyramiding in, 730; recommendations for, after Re-

peal, 730-32; federal rates, past and present, 732-34; state and local rates, 734-36; consumption of alcoholic beverages and, 736-38; law enforcement and, 738-42; public finance and, 742-47; federal and state revenues from, 743-44; local revenues from, 744-45; sharing by governmental units, 745; earmarking of taxes, 745; administration of, in alcoholic beverage field, 747.

"TIED-HOUSES"

existence of, prior to 18th Amendment, 555-56; as a factor in bringing about Prohibition, 665; state laws against, 667; relation of, to price control legislation, 685. See TRADE PRACTICES.

TRADE PRACTICES

"tied-house" relationship prior to 18th Amendment, 555-56; controls over, under F. A. C. A., 666; prohibition against furnishing things of value to retailers, 668-70; controls over extension of credit, 670-71; restrictions on consignment sales, 672; federal jurisdiction over, 673-75; restrictions on price concessions, 675-77.

TWENTY-FIRST AMENDMENT

reasons for adoption, 566; Congressional debates on, 710; comparison with Webb-Kenyon Act, 710-11, 714; effect of, on Commerce Clause, 711; effect of, on equal protection clause, 711; effect of, on transportation through a state, 712; effect of, on exportation of liquor, 714; power of state under, on federal territory, 714; validity of trade practice provisions in Federal Alcohol Adm'n Act under, 715-16; treatment of interstate barriers, 716.

U. S. v. Curtis-Wright Export Co., 715.

U. S. v. Goldsmith, 581.

U. S. v. Hill, 710.

Van De Vegt v. Board of Commissioners, 640.

WAREHOUSE RECEIPTS

legal treatment of, 687-88; proposed uniform statute, 688.

WEBB-KENYON ACT

562-63, 709; comparison with 21st Amendment, 710-11, 714.

WHISKY

President Taft's definition of, 553-55, 645.

WHOLESALEERS

number of, 570; discrimination against out-of-state, 722.

WILSON ACT, 562, 709.

WINE

consumption of, 570; excise tax differentials affecting, 722-23; purposes of interstate barriers concerning, 723-24; effect of interstate barriers on, 725; suggested favoring of, in taxation, 731; tax rate on, 733; state and local rates, 734-36; effect of taxation on consumption of, 737-38.

WINERIES

number of, 570; controls over production, storage and tax payment by Alcohol Tax Unit, 588.

Yacht Club Catering v. Bruckman, 644.

Ziffrin, Inc. v. Reeves, 713.

