



## STATE OF NEW JERSEY

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

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*Governor*

JEFFREY S. CHIESA  
*Attorney General*

KIM GUADAGNO  
*Lt. Governor*

MICHAEL I. HALFACRE  
*Director*

August 23, 2012

NJGCA – New Jersey Gasoline, Convenience Store, Automotive Association  
Executive Director Sal Risalvato  
66 Morris Avenue, Suite 1E  
Springfield, NJ 07081

Re: **Attorney General Chiesa Orders Retailers to Remove and Cease Sales of “Extracto de Malta”, an Unregistered Alcoholic Beverage**

Dear Mr. Risalvato,

On Thursday, August 23, Attorney General Jeffrey S. Chiesa announced criminal charges against two individuals in connection with a scheme to sell an illicit alcoholic beverage called **“Extracto de Malta”** to retail shops across New Jersey that do not have liquor licenses.

We are writing to request that you share this information, including the attached “Alert to Retailers” poster, to members of the New Jersey Gasoline, Convenience Store, Automotive Association. By educating New Jersey’s retail business community about this alcoholic drink, you can aid our efforts to eradicate this illegal enterprise and put a stop to an imminent threat to New Jersey’s public health and safety.

It is imperative we get this unlawful drink off the shelves. The Division of Alcoholic Beverage Control is allowing a 10-day period for all establishments to remove and cease selling Extracto de Malta. The beverage must be removed by September 1 or retailers can face fines of up to \$1,000 and/or a maximum jail term of three years for selling alcohol without a license.

The ABC is alleging that Condal Distributors Inc., of Bronx, N.Y., has been selling Extracto de Malta, a beverage with an alcohol by volume content of 3.5 to 4 percent (the equivalent of a light beer), to small retail food and drink shops, also known as bodegas, throughout the state, with many clients concentrated in Hispanic communities in northern New Jersey. Investigators found the drink in at least 15 supermarkets and bodegas in Newark, Jersey City, Elizabeth, Plainfield, Bridgewater, Garfield, North Bergen and as far south as Pennsauken.



Nelson A. Fernandez, 63, of Bloomfield, is the owner of Condal and was charged with selling an alcoholic beverage without a license. Elbio A. Fanas, 44, of Yonkers, N.Y., was working as a salesman for Condal when ABC Investigators arrested him in Elizabeth on August 13 for soliciting the sale of alcohol without a license and selling an alcoholic beverage without a license. Fernandez and Fanas will both appear in Superior Court in Union County to face the charges. The investigation is ongoing, and more charges may be brought as it proceeds.

At all the establishments visited by the Division, Extracto de Malta was stocked on shelves among soft drinks and specifically placed next to the soft drink Malta. Malta is a carbonated, non-alcoholic beverage brewed from barley, malt and hops. Malta is popular in Hispanic communities and is distributed by many companies, including Goya.

Extracto de Malta is brewed by Bavaria-St. Pauli in Hamburg, Germany, and imported by Condal. Its label does not include an "Alcohol by Volume" percentage, but the Surgeon General's Warning about the dangers of alcoholic beverages can be found stickered on the back of the 12-ounce bottles.

The ABC and Division of Consumer Affairs are also issuing a "Consumer Alert" to New Jersey residents warning them about the alcohol content in Extracto de Malta. The Division of Consumer Affairs, through its network of Consumer Affairs Local Assistance Offices, will issue flyers to bodegas, warning shop owners of the beverage and the consequences facing them for selling it. Residents are encouraged to call the ABC's Investigations tip line (1-866-713-8392) to report establishments selling Extracto de Malta.

The product has not been brand registered in the state. The ABC requires that all alcoholic beverage brands sold in New Jersey be registered. The ABC requires brand registration as a consumer protection, so that if a problem arises with the beverage, the ABC has the ability to contact the brand owner and manufacturer.

Any person or establishment selling liquor in New Jersey is required to have a license. Potential licensees are required to disclose a wide range of personal information, including financial and criminal history, before they are allowed to own a license.

For more information about this order, or to obtain a copy of the poster online, visit the ABC's web site at <http://www.nj.gov/oag/abc/index.html>.

Thank you for your anticipated cooperation.

Sincerely,



Michael I. Halfacre  
Director, ABC



Eric T. Kanefsky  
Acting Director, Consumer Affairs

# Attention Retailers:

## Notice to Remove & Cease Sales of **Extracto de Malta** by Sept. 1, 2012



**Alcoholic Beverage**

### Warning:

- 1. Extracto de Malta is an Alcoholic Beverage** with an Alcohol By Volume of 3.5% to 4%, the equivalent of a light beer.
- 2. Extracto de Malta** should not be confused with the non-alcoholic soft drink "Malta".
- 3.** The State of New Jersey considers **Extracto de Malta** an "illicit beverage", because it has not been registered as an alcoholic product in New Jersey.
- 4.** It is illegal in New Jersey to sell an alcoholic beverage without a license and the penalties for doing so include a fine of up to a **\$1,000 and up to three years in jail for each count**.
- 5.** Retailers must have **Extracto de Malta REMOVED** from their shelves by Saturday, **September 1, 2012**. Note: It is also illegal to give away alcoholic beverages for free.
- 6.** If you see **Extracto de Malta** being sold in New Jersey, contact the ABC Investigations Bureau at **1-866-713-8392**.

**NJ Office of the Attorney General  
Division of Alcoholic Beverage Control**

[www.nj.gov/oag/abc](http://www.nj.gov/oag/abc)





# Atención comerciantes:

**Aviso para remover y dejar de vender el **Extracto de Malta**® empezando el día 1 de Septiembre del 2012**



**Bebida alcohólica**

## Advertencia:

1. El **Extracto de Malta**® es una **bebida alcohólica** con un volumen de alcohol de 3.5% a 4%, lo equivalente a una cerveza *light*.
2. El **Extracto de Malta**® no debe confundirse con la bebida "Malta" que no tiene alcohol.
3. El Estado de Nueva Jersey considera el **Extracto de Malta**® una "bebida ilícita", porque no está registrada como un producto alcohólico en Nueva Jersey.
4. Es ilegal en Nueva Jersey vender una bebida alcohólica sin licencia y las multas por hacerlo incluyen **\$1,000 y tres años en la cárcel por cada cargo**.
5. Los comerciantes al por menor tienen que **REMOVERLAS** de los estantes antes del Sábado día **1 de Septiembre del 2012**. Nota: Es también ilegal dar gratis bebidas alcohólicas.
6. Si usted ve que se está vendiendo el **Extracto de Malta**® en Nueva Jersey, contacte el Buró de Investigaciones de la ABC: **1-866-713-8392**.

**Oficina del Fiscal General de New Jersey**  
**División de Control de Bebidas Alcohólicas**  
[www.nj.gov/oag/abc](http://www.nj.gov/oag/abc)

