

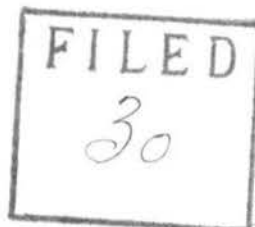
Holder of a \$5.00 permit for the sale of non-intoxicating beer cannot allow the original package to be broken upon premises described in the permit. Holder of Ten dollar permit cannot sell in the original package non-intoxicating beer to be taken away from premises where sold.

May 4, 1933

13139Z6

13139Z12

} laws 33 ✓



Honorable Ted Frossard  
Prosecuting Attorney  
Barry County  
Cassville, Missouri

Dear Sir:

Your letter reads as follows:

"In regard to the new beer law, I would like to have your opinion on the following questions:

Can the holder of a \$5.00 license to sell beer to be carried away from the premises take bottles from the cases he receives the beer in and wrap them in three, six and twelve bottle packages and sell them to be carried away from the premises.

Can the holder of a \$10.00 license to sell beer sell it, not only to be consumed on the premises, but also like the holder of a \$5.00 license, sell it in the original package to be taken away from the premises.

I would appreciate your opinion on the above questions at your earliest convenience. A distributor in this territory has circulated a letter to his customers containing an excerpt from a letter obtained from the Food and Drug Department holding in the affirmative on the second question above set out, and containing a further statement purported to have been given by your department to the Food and Drug Department answering in the affirmative the first question above set out. The retailers in this district are very anxious to know positively about so your early reply will be appreciated."

May 4, 1933

Section 13139z6, reads as follows:

"It shall be unlawful for any person holding a permit authorizing the sale of non-intoxicating beer in the original package, to allow such original package to be broken, or to allow any of such non-intoxicating beer to be consumed, in or upon the premises described in such permit."

Section 13139z12, reads:

"The phrase 'original package' as used in this article shall be construed and held to refer to any package containing three, six, twelve, or twenty-four small standard beer bottles, and any package containing three, six or twelve large standard beer bottles, when such bottles contain non-intoxicating beer as defined by this article."

It is my opinion, that the holder of a permit to retail non-intoxicating beer in the original package under a five dollar permit cannot legally take bottles from the original package in which he receives the beverage and wrap them in three, six and twelve bottle packages, and sell them to be carried away from the premises.

It is my further opinion, that the holder of a permit to sell non-intoxicating beer to be consumed on the premises where sold cannot sell such beer in the original package to be taken away from the premises and consumed.

Very respectfully,

EDWARD C. CROW.

APPROVED \_\_\_\_\_  
Attorney General.