

LIQUOR CONTROL:

What may be displayed in show
windows. AND SUPPLEMENT.

August 15, 1938

8-16



Mr. Roy L. Kay,
Prosecuting Attorney,
Moniteau County,
California, Missouri.

Dear Sir:

This will acknowledge receipt of your letter of July 28, 1938 requesting an opinion on the legality of a liquor licensee displaying the following advertising in his show windows: Two paper signs, in which no liquor of any kind was contained advertising Mr. Boston Gin; one picture on cardboard of a liquor bottle advertising Mr. Boston liquor and one electric sign made out of cardboard in which no liquor was contained, advertising Mr. Boston Gin.

Section 22-a-1, Laws of Missouri, 1935, page 276 is as follows:

"It shall be unlawful to display in any street window or show window any intoxicating liquor, or any package, bottle or container bearing the label or brand of any intoxicating liquor. Whosoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor."

Under the broad powers to make rules and regulations granted the supervisor of liquor control by the laws of this state, there has been promulgated the following rule:

August 15, 1938

"Regulation 12. No person, firm or corporation engaged in the sale of intoxicating liquors, at wholesale or retail, shall display in any street window, show window or any other window, any intoxicating liquor in any package, or in any bottle commonly used for intoxicating liquors; nor shall any window display, on cardboard or placard, show any persons holding any bottles or containers in their hands or glasses containing intoxicating liquors; nor shall any facsimile of any particular brand or brands of intoxicating liquors be displayed; nor shall any display of intoxicating liquors within any building or store room be placed within such close proximity of such street window, show window or any other window as to be viewed from any sidewalk or street."

It will be noticed that this rule prohibits the display in show windows on cardboard or placards advertising which shows any persons holding bottles or containers containing intoxicating liquor and also prohibits the display of facsimile of any particular brand or brands of intoxicating liquors.

Therefore, it is the opinion of this department that a liquor licensee is not permitted to display in his show windows advertising on cardboard or placards which shows any person holding any bottles or containers in their hands or glasses containing intoxicating liquor, nor shall they be permitted to display any facsimile of any particular brand or brands of intoxicating liquor.

Respectfully submitted,

APPROVED:

TYRE W. BURTON
Assistant Attorney General

J. E. TAYLOR
(Acting) Attorney General

LLB:DA

August 22, 1938

8-20

Mr. Roy L. Kay,
Prosecuting Attorney,
Moniteau County,
California, Missouri.

Dear Sir:

On August 15th, 1938, at your request, this department rendered an opinion relative to the kind and type of advertising which a liquor licensee may display in his show windows.

Since the opinion referred to was written, it has been called to our attention that Rule 12 has been amended by the Supervisor of Liquor Control. At the time the above referred to opinion was prepared, this department was unaware of said amendment. Rule 12, as it now stands, reads as follows:

"No person, firm or corporation engaged in the sale of intoxicating liquors, at wholesale or retail shall display in any street window, show window or any other window, any intoxicating liquor in any package, or in any bottle commonly used for intoxicating liquor or container bearing the label, or brand of intoxicating liquor; nor shall any window display on cardboard or placard, show any persons holding any bottles or containers in their hands containing intoxicating liquors; nor shall any display of intoxicating liquors within any building or store room be placed within such close proximity of such street window, show window or any other window as to be viewed from any sidewalk or street."

Mr. Roy L. Kay

-2-

August 22, 1938

In view of the above rule as it now reads, we desire to restate our conclusion in our former opinion and make this a supplement thereto.

It is to be noticed that the above rule prohibits the display on cardboard or placards, pictures showing persons holding bottles or containers in their hands containing intoxicating liquor, and that there has been eliminated therefrom the provision pertaining to the display of facsimiles of any particular brand or brands of intoxicating liquor.

Therefore, it is the opinion of this department that a liquor licensee is not permitted to display in his show windows advertising on cardboard or placards which shows any person holding any bottles or containers in their hands containing intoxicating liquor.

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

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