

Wholesale permittee cannot sell to another wholesale permittee --
Permittee for consumption where sold cannot sell in original package to
be consumed elsewhere than where sold.

April 15, 1933



Hon. Dan M. Hee
Prosecuting Attorney
Springfield, Missouri

ATTENTION MR. CHAS. L. CHALENDER!

Dear Sir:

Your letter reads:

"Confirming our telephone conversation this morning, I would like to ask for an opinion from your department concerning the new beer law. The Springfield Grocery Company, of this city, has a permit under 'B' of Section 13139-B, known as Distributors and Wholesalers License. This company is distributor for a Milwaukee brewer. They have a large number of counties in southwest Missouri, and desire to sell to other wholesalers who hold permits under paragraph 'B', the wholesalers, in turn, selling to retailers.

I would like to know whether or not, under your interpretation, this can be done.

I would also like to call your attention to the license permit in paragraph 'C', and to the construction of said license permit in Section 13139-U. Please advise whether the holder of a \$10.00 permit for consumption on the premises, can also sell in the original package to be taken away.

Also advise whether Mr. Ralph Crover, who runs a lunch stand in the basement of the Landers Building, and has a \$10.00 permit, can sell and deliver beer to the offices in the building."

Wholesale permittee cannot sell 3.2 per cent beer to person or corporation having a wholesalers permit under the act approved March 15, 1933

Section 13139ee of House Bill No. 23 (known as Beer Bill) approved March 15, 1933 forbids sale by wholesale permittee to another wholesale permittee. A wholesale dealer can sell only to a grocer or other merchant permittee or to a permittee for sale for consumption on premises where sold.

Section 13139cc provides as follows:

"A permit authorizing any distributor or wholesaler to sell non-intoxicating beer in this state shall be construed to authorize the sale thereof only to holders of permits authorizing the sale of non-intoxicating beer to consumers, not for resale, but shall not be construed to authorize the sale by any such distributor or wholesaler of non-intoxicating beer direct to consumers."

Permittee for sale for consumption on premises where sold cannot sell in an original package to be taken from permittee's premises and consumed elsewhere.

The undersigned have no personal knowledge of Mr. Crover's lunch stand and Mr. HornBostel is not in Jefferson City at this time. But I will say if the officery mentioned in the building are not a part of Mr. Crover's premises which he either rents or owns and controls and uses in connection with his business of conducting a lunch stand he cannot sell and deliver 3.2 per cent beer to occupants of offices in the Laniers Building.

Very respectfully

EDWARD C. CROW
Assistant Attorney General.

APPROVED:

Attorney General

BCC:SW