

SALE OF NON-INTOXICATING BEER for consumption on premises and sale for consumption off of premises by holders of the two classes of retail permits -- WHEN ILL^{EGAL}.

May 2, 1933.



Hon. L. D. Rice
Prosecuting Attorney
Newton County
Neosho, Missouri

Dear Sir:

Your letter reads as follows:

"(1) Is the holder of a permit allowing persons to sell non-intoxicating beer for consumption on the premises allowed to sell under that permit in the original package as defined in the act?

(2) Can holders of permits allowing them to sell in the original package as defined in Section 13139212 put three or six bottles of beer in a sack and sell them as original package, or must it be the original package as delivered to such permit holder from the jobber or manufacturer?

I have been told here that your office has given an opinion in which you have held that a holder of a permit allowing the sale of non-intoxicating beer on the premises is allowed to put three bottles in a sack and seal it in some way and deliver it to a customer to be taken away as an original package. I had been holding contrary to that, and I would like to be straightened out on the proposition. My construction has been that it must be in the original package as delivered to the holder of the permit, as defined in the above section."

Holder of permit to sell non-intoxicating beer for consumption on premises in my opinion cannot sell non-intoxicating beer in original package as defined in the act where same is to be removed from the premises and be consumed.

May 2, 1933.

Holder of a grocer's or other merchant's permit to sell in the original package for consumption off the premises cannot legally, in my opinion, put three or six bottles of beer in a sack and sell same as original package. I construe the term "original package" to mean just what the statute says it is.

Very respectfully yours,

EDWARD C. CROW.

APPROVED:

ROY McKITTRICK
Attorney-General.

ECC:EG