

No. 208

LIQUOR CONTROL BOARD—ADVERTISING—
NEON SIGNS

Held: The use of signs advertising beer, whether by brewer or retailer, is not a violation of Section 2815.51, Revised Codes of Montana, 1935.

August 20, 1941.

Mr. Ray L. Wahl
Administrator
Liquor Control Board
Helena, Montana

Dear Mr. Wahl:

I have your request for an opinion as follows:

“A brewer has put up a Neon sign, advertising his products, on a building where beer is sold at retail. The brewer pays for the installation and for the light and power used in illumination, and all expenses for maintaining the sign. Is this, in your opinion, a violation of the provisions of Section 2815.51 of the Montana Beer Act?”

Section 2815.51, Revised Codes of Montana, 1935, to which you refer provides as follows:

“It shall be unlawful for any brewer or wholesaler to lease, furnish, give or pay for any premises, furniture, fixtures, equipment or other property to any retail licensee, used or to be used in the dispensation of beer. No brewer or wholesaler shall advance, furnish money for or pay for any license or tax which may be required to be paid for any retailer, and no brewer or wholesaler shall be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer as herein defined.”

The signs referred to, to come within the words of this statute, must be “furniture, fixtures, equipment or other property . . . used or to be used in the dispensation of beer.” While it might be said such a sign is a fixture, yet it can hardly be said it is “used in the dispensation of beer.”

We think this statute was designed to prevent the old practice existing before prohibition by which the owners of breweries and distilleries financed the retailer by paying for his license, bar fixtures and furniture necessary to the conduct of the business, rather than to prevent the advertisement of the product.

It is therefore my opinion the use of signs advertising beer, whether by brewer or retailer, is not a violation of Section 2815.51, Revised Codes of Montana, 1935.

Sincerely yours,

JOHN W. BONNER
Attorney General