



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

August 15, 1949

Hon. John Lawhon
Administrator
Texas Liquor Control Board
Austin, Texas

Opinion No. V-884

Re: Whether alcoholic
beverages may be
advertised by
streamers attached
to an airplane.

Dear Mr. Lawhon:

Your letter of July 8, 1949, requesting an opinion, reads as follows:

"I am inclosing a letter from Bryan, Suhr and Bering of Houston in which they request that clients of theirs be permitted to advertise alcoholic beverages by towing streamers attached to an airplane. An explanation of their proposed method of operation is fully set out in the letter and a sample photograph is attached thereto.

"There has never been a Departmental interpretation of this particular method of advertising alcoholic beverages. In my opinion this method of advertising alcoholic beverages would be prohibited in view of the definition of outdoor advertising contained in Article 667, Section 24-A1, Penal Code of Texas.

"Please give us your valued Opinion as to whether their method is permissible under the provisions of the Texas Liquor Control Act."

From the descriptive material, we gather that the streamers are of a type which have come into recent use for advertising purposes. They consist of large letters and figures made of rigid material of sufficient size to be intelligible from the ground when displayed at various flying altitudes. The letters are joined together by wires or lines attached to each and arranged so that when the plane is in flight they stream advertising messages.

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Section 1 of Article 667-24a, V.P.C., defines "outdoor advertising" as follows:

"The term 'outdoor advertising' as used herein shall mean any sign bearing any words, marks, description or other device and used to advertise the alcoholic beverage business of any person engaged in the manufacture, sale or distribution of alcoholic beverages, or in the advertisement of any beverage containing alcohol in excess of one-half of one per cent ($\frac{1}{2}$ of 1%) by volume, when such sign is displayed anywhere outside the walls or enclosure of any building or structure where there exists a license or permit to sell alcoholic beverages. . . ."

That definition was construed in Attorney General Opinion V-305, rendered July 16, 1947, to include all outdoor signs displayed anywhere other than inside the walled premises of a permittee.

Section 2 of the same Article prohibits all such outdoor advertising except as expressly provided. Certain billboards, election signs, and other signs are authorized under stated circumstances, none of which include the type of sign proposed to be used in the manner described.

You are therefore advised that, in our opinion, the use of such streamers is prohibited.

SUMMARY

Airplane streamer signs may not be lawfully used to advertise alcoholic beverages, Article 667-24a, V.P.C.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED:

Price Daniel
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NMc/rt

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