



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

April 24, 1963

**WAGGONER CARR
ATTORNEY GENERAL**

Hon. Frank Briscoe
District Attorney
Harris County
Houston, Texas

Opinion No. C-65

Re: Whether the Texas Liquor Control Act prohibits the advertising of alcoholic beverages by employment of handbills where such handbills are delivered on privately owned property.

Dear Sir:

You have requested an opinion of this office on the following question:

"Whether the Texas Liquor Control Act prohibits the advertising of alcoholic beverages by employment of handbills where such handbills are delivered on privately owned property."

Article 666-50, Vernon's Penal Code, reads as follows:

"It shall be a violation of the law for any person to advertise any alcoholic beverage or the sale of any alcoholic beverage by the employment or use of a sound vehicle, sound truck or hand bills on any public street, alley, or highway in this State."

There are no court decisions or Attorney General's opinions contruing Article 666-50, Vernon's Penal Code. Further, other sections of the Texas Liquor Control Act pertaining to advertising are not helpful in answering the question presented.

The definition of Public Highway found in Black's Law Dictionary, fourth Edition, does not include privately owned property. The definition is as follows:

"PUBLIC HIGHWAY, One under the control of and kept by the public, established by regular proceedings for the purpose, or generally used by the public for twenty years, or dedicated by the owner of the soil

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and accepted by the proper authorities and for the maintenance of which they are responsible. State v. Gross, 119 N.C. 868, 26 S.E. 91.

"It includes roads, streets, alleys, lanes, courts, places, trails, and bridges, laid out or erected as such by the public, or, if laid out and erected by other, dedicated or abandoned to the public, or made such in actions for the partition of real property. Patterson v. Munyan, 93 Cal. 128, 29 P. 250."

It appears that the language of Article 666-50, Vernon's Penal Code does not prohibit the advertising of alcoholic beverages by employment of hand bills, as long as other regulations pertaining to advertising are complied with, where such hand bills are delivered on privately owned property.

S U M M A R Y

The Texas Liquor Control Act does not prohibit the advertising of alcoholic beverages by employment of hand bills when such hand bills are delivered on privately owned property.

Yours very truly,

WAGGONER CARR
Attorney General of Texas

By 
Irwin R. Salmanson
Assistant Attorney General

IRS:cjs

APPROVED:
OPINION COMMITTEE:
W. V. Geppert, Chairman
Scott Harrison
Edward R. Moffett
Malcolm Quick

APPROVED FOR THE ATTORNEY GENERAL
By: Stanton Stone