



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

May 26, 1954

**Hon. Coke R. Stevenson, Jr.
Administrator
Texas Liquor Control Board
Austin, Texas**

Letter Opinion No. MS-133

Dear Mr. Stevenson:

In your recent letter you ask an opinion involving the construction of Section 24 of Article 667, Penal Code, which reads in part as follows:

"Section 24(1). It shall be unlawful for any manufacturer or distributor directly or indirectly, or through a subsidiary or affiliate, any agents or any employee, or by any officer, director, or firm member:

"(g) Prizes and Premiums: To offer any prizes, premiums, gifts or other inducement to any dealer in or consumer of brewery products."

You ask this construction in regard to its applicability to the following situations:

Permitting beer manufacturers and distributors to:

(1) rent space for "hospitality suites" or for exhibition purposes from the trade association rather than from the hotel; and

(2) become an associate or regular member by paying an annual fee for such,

(a) where the trade association is made up solely of retail beer dealers;

(b) where the trade association has members who are consumers of brewery products and/or who hold beer licenses, but such licenses are not a prerequisite for membership; for example, a member of the Texas Restaurant Association who also holds a retail beer dealer's license.

Hon. Coke R. Stevenson, Jr., page 2 (MS-133)

The situations described are not declared illegal in said Section (1) (g) of Article 667, Penal Code, not being the character of inducement contemplated in such language, unless the charges therefor are of such size as to constitute a premium, gift or other inducement. This would be a question of fact.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General of Texas

By
Horace Wimberly
Assistant

HW/rt/cg