

Application of the “unlimited drink” and temperance policy  
on “Beer Pong” tournaments in licensed premises.

DECLARATORY  
RULING

Preliminary Statement

Section 98.1 of the Rules of the State Liquor Authority, (9 NYCRR subtitle B) provides that any person may request the Authority to issue a declaratory ruling on the application of the Alcoholic Beverage Control Law, or the Rules of the Authority, on any person, property or state of facts. Section 117-a(1)(c) of the Alcoholic Beverage Control Law prohibits licensees from advertising, promoting or charging a price for drinks that, in the judgment of the Authority creates an offering of alcoholic beverages in violation of the purposes and intent of the statute or is an attempt to circumvent the intent and purposes of the statute. Section 2 of the Alcoholic Beverage Control Law prohibits the sale and distribution of alcoholic beverages in a manner which does not foster and promote temperance in the consumption and respect for and obedience to the law.

By letter received November 21, 2008, a request was submitted by Peter Altholz, President of World Beer Pong Tour, LLC. His company promotes and produces “beer pong” tournaments in various licensed establishments. Mr. Altholz

requests a declaratory ruling as to whether this tournament style “beer pong” event is in compliance with current Alcoholic Beverage Control Laws. After considering the record before the Full Board in this matter, as well as the relevant statutory and case law, the Members of the Authority find that “beer pong” tournaments, as described herein, is not permissible under the aforesaid provisions of the Alcoholic Beverage Control Law.

*The proposed “Beer Pong” tournament*

“Beer pong” refers to a game where two teams stand at opposing ends of a table with cups placed at the end of each side in a triangle shape. The cups are then filled with liquid, traditionally beer, and the object is to throw the ping-pong ball into a cup on the opposite side of the table. If the ping-pong ball lands in the opposing team’s cup they must drink the liquid from the cup.

The rules provided by Mr. Altholz differ from how “beer pong” is commonly played in that it does not require the players to use beer or drink the contents of the cup once a ball lands in it. Further, Mr. Altholz makes it clear that no alcohol will be provided by his company and all beer must be purchased from the licensed premises.

The game is usually played in a single elimination type format, where the winning team continues to play until there are only two teams left to play a final

game. The tournament proposed by Mr. Altholz will require teams to pay entry fees and prizes will be awarded to winning teams.

*Determination of the Authority*

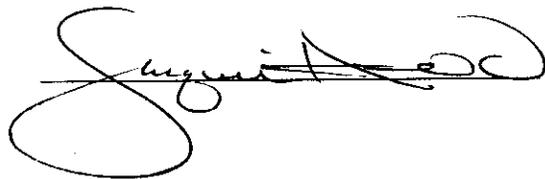
The purpose of the law with respect to unlimited drink offers is to prevent sales on the licensed premises which may encourage intoxication that adversely affects the health, welfare, or safety of the patrons and those within the vicinity of the licensed premises. As presented to the Authority, the party has created a competition that, although differs in some respects from the traditional model in which “beer pong” is played, constitutes an attempt to circumvent the intent and purposes of “unlimited drink” law. The Authority is aware of the fact that “beer pong” almost always involves the placing of beer in the cups by participants, the name in itself connotes the game is to be played with beer. Selling beer to individuals in order to play a game which encourages drinking constitutes offering drinks in a manner which encourages intoxication that adversely affects the health, welfare, or safety of patrons and those within the vicinity of the licensed premises, thus constituting an attempt to circumvent the intent and purposes of this section.

Further, the policy of the state and purpose of Alcoholic Beverage Control Law is to regulate and control the distribution of alcoholic beverages for the purpose of fostering and promoting temperance and respect for and obedience to law. As prizes are awarded to winning teams, competitiveness is unquestionably

fostered. Coupled with the fervor individuals have for playing with beer, as inherent to the traditional roots of the game, this competitiveness in itself encourages individuals to consume alcohol while playing in the tournament and poses an unwarrantable risk in that individuals will feel pressure to buy beer from the licensed premises in order to play "beer pong." Encouraging a competition which is routinely played with cups filled with beer and the requirement that the opponent must drink the beer if their adversary throws the ping-pong ball in one of their cups does not foster and promote temperance and respect for and obedience to the law.

In this specific case, given the nature of the tournament, the Authority finds that the proposed "beer-pong" tournament violates both the intent and purposes of "unlimited drinks" law and the policy of the state and its purpose to promote temperance as well as respect for and obedience to the law.

Dated: 9/11/09

A handwritten signature in black ink, appearing to read "Suzanne" followed by a stylized flourish.