

SERIES 1967
BULLETIN #427
JULY 6, 1967

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: ALL PACKAGE STORE LICENSEES

SUBJECT: GIFTS OF LIQUOR BY WIRE OR MAIL, PARTICIPATION
OF PACKAGE STORE LICENSEES.

It has come to the attention of the Authority that some of the package store licensees are members of an organization, or organizations, who deal with gifts of liquor by wire or mail.

The mail or telegraph service relates to package store licensees receiving and writing orders in the State of New York, to be filled by other liquor dealers, either in the State of New York or in other States. It also relates to acceptance of orders, by mail or telegraph, from liquor stores in other states, or in the State of New York, for delivery by package store licensees in New York State.

It is the opinion of the Authority that licensees are violating one or more of the following sections of the Alcoholic Beverage Control Law if engaging in such services.

Section 63 (4): "No licensee under this section shall be engaged in any other business on the licensed premises."

Section 100 (1): "No person shall manufacture for sale or sell at wholesale or retail any alcoholic beverage within the state without obtaining the appropriate license therefor required by this chapter."

Section 111: "A license issued to any person, pursuant to Chapter one hundred and eighty of the laws of nineteen hundred thirty-three or this chapter, for any licensed premises shall not be transferable to any other person or to any other premises or to any other part of the building containing the licensed premises except in the discretion of the authority. It shall be available only to the person therein specified, and only for the premises licensed and no other except if authorized by the authority..."

It is also the Authority's opinion that it is a violation of the following in the event licensees accepted an order on behalf of another package store licensee in the State of New York:

Section 105 (16): "No retail licensee to sell liquors and/or wines for off-premises consumption shall be interested, directly or indirectly, in any premises where liquors, wines or beer are manufactured or sold at wholesale or any other premises where liquor or wine is sold at retail for off-premises consumption, by stock ownership, interlocking directors, mortgage or lien on any personal or real property or by any other means..."

Continued involvement of licensees in this type of an operation will result in disciplinary proceedings and may jeopardize the license of such package store owner.

STATE LIQUOR AUTHORITY



D. S. HOSTETTER
Chairman