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SYLLABUS:

Manufacturers and wholesale distributors of alcoholic beverages do not violate Section 4301.24, Revised Code, by sponsoring bowling teams bowling on retail permit premises.

Columbus, Ohio, October 4, 1963

Hon. Donald D. Cook
Director
Department of Liquor Control
State of Ohio
Columbus, Ohio

Dear Sir:

I am in receipt of your request for my opinion in which you ask whether the practice of manufacturers and wholesale distributors of alcoholic beverages of sponsoring, and otherwise financially supporting, bowling teams on liquor permit premises is a violation of that part of Section 4301.24, Revised Code, which provides:

“No manufacturer or wholesale distributor shall have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion of the business of any retail dealer; nor shall any manufacturer or wholesale distributor or any stockholder thereof acquire, by ownership in fee, leasehold, mortgage, or otherwise, directly or indirectly, any interest

in the premises whereon the business of any other person engaged in the business of trafficking in beer or intoxicating liquor is conducted.”

The answer to your question would seem to turn on the meaning to be given to the term “financial interest.” The phrase is not defined by statute and I have been unable to find any helpful judicial definitions in this or other jurisdictions.

In its common usage, however, the term connotes participation, through ownership or contract, in a business venture. It implies an element of control and not merely a fortuity or a gratuity.

From the context in which it is used in Section 4301.24, *supra*, I am of the opinion the legislature intended this common and more restricted meaning.

It will be noted that the prohibition in Section 4301.24, *supra*, is of a financial interest “by stock ownership, or through interlocking directors in a corporation, or otherwise.” It would seem fair to assume that the legislature intended, by the use of the language “or otherwise”, to include only interests similar in nature to stock ownership or interlocking directorates, *viz.*, participating rights. An assumption which may be expressed in terms of statutory construction as the doctrine of *ejusdem generis*.

While the use of the language “directly or indirectly” makes this phrase awkward, I am of the opinion that it defines only the proximity of the financial relationship and not its character.

This construction is strengthened by the fact that Section 4201.24, Revised Code, (Section 6064-24, General Code) was enacted originally, using substantially the same wording, to prevent a return of pre-prohibition abuses through control of retail outlets by manufacturers or distributors through extensions of credit or outright ownership. Opinions No. 2945 and No. 3600, Opinions of the Attorney General for 1934.

I am of the conclusion, accordingly, that the tenuous relationship between bowling team sponsor and bowling alley proprietor does not give the former a “financial interest” in the latter.

Your request indicates that you have evidence that bowling team sponsorship by manufacturers and wholesalers of alcoholic

beverages is, in some instances, actively solicited by retail permit holders accompanied by threats of economic reprisals if sponsorship is not forthcoming. Such a practice on the part of a retail permit holder may well be in violation of other provisions of the Liquor Control Act or of other statutes. It does not, however, cause a participating manufacturer or distributor to have a "financial interest" in the permit premises.

I have also examined Regulation 43A, of the Ohio Liquor Control Commission, but fail to find any violation of this regulation in the factual situation you have outlined in your request.

In specific answer to your question, therefore, it is my opinion that manufacturers and wholesale distributors of alcoholic beverages do not violate Section 4301.24, Revised Code, by sponsoring bowling teams bowling on retail permit premises.

Respectfully,
WILLIAM B. SAXBE
Attorney General