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LIQUOR CONTROL ACT—BREWER OR DISTILLER UNAUTHORIZED TO PAY FOR INSTALLATION OF SIGN AT PERMITTEE'S PLACE OF BUSINESS OR OUTFIT OR FURNISH ATHLETIC TEAMS SPONSORED BY PERMITTEE.

SYLLABUS:

1. *Under section 24 of the Liquor Control Act (section 6064-24, General Code), adopted in the second special session of the 90th General Assembly, a manufacturer or wholesale distributor of beer or intoxicating liquor cannot give or loan to a person authorized to sell beer or intoxicating liquor at retail in Ohio, a sign advertising the product of the manufacturer or wholesale distributor, or advertising the place of business of the retail permit holder. Likewise, a manufacturer or wholesale distributor cannot pay for the cost of installing any sign either on the inside or on the outside of a place of business operated by the holder of a retail permit issued pursuant to the provisions of the Liquor Control Act.*

2. *A manufacturer or wholesale distributor of beer or intoxicating liquor cannot under section 24 of the Liquor Control Act (section 6064-24, General Code) outfit or furnish equipment for athletic teams, such as football, basket ball, baseball or bowling teams, sponsored by or playing for a person authorized to sell beer or intoxicating liquor at retail in Ohio.*

COLUMBUS, OHIO, December 8, 1934.

Board of Liquor Control, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your letter of recent date, which reads in part:

"1. The Board would appreciate an opinion as to whether or not the brewer or distiller is permitted under the above section (section 24 of the Liquor Control Act) to pay for the installation of a sign, outside or inside the permittee's place of business and as to whether or not it is a violation of the above section of the Act for a brewer or distiller to pay for such sign and loan it to the permittee.

2. Is it permissible under the above Act for a brewer or distiller to outfit a base ball, basket ball or foot ball team which is sponsored by a permittee."

Section 24 of the Liquor Control Act (section 6064-24, General Code), enacted in the second special session of the 90th General Assembly, provides, in so far as pertinent to this opinion, as follows:

"It shall be unlawful for any manufacturer or wholesale distributor to aid or assist the holder of any permit for sale at retail by gift or loan of any money or property of any description or other valuable thing, or by giving of premiums or rebates; and it shall be unlawful for the holder of any such permit to accept the same."

It is a well established rule of statutory construction that a statute, the lan-

guage of which is unequivocal, unambiguous and expressing clearly the intent of the lawmaking body, is not subject to interpretation nor can the plain meaning of such a statute be extended by judicial or administrative interpretation. The rule of law is stated in the second paragraph of the syllabus of the case of *Slingluff, et al. vs. Weaver, et al.*, 66 O. S. 621, as follows:

“But the intent of the law-makers is to be sought first of all in the language employed, and if the words be free from ambiguity and doubt, and express plainly, clearly and distinctly, the sense of the law-making body, there is no occasion to resort to other means of interpretation. The question is not what did the general assembly intend to enact, but what is the meaning of that which it did enact. That body should be held to mean what it has plainly expressed, and hence no room is left for construction.”

To the same effect, see *In re Hathaway*, 4 O. S. 383, 385; *King, et al., vs. Cemetery Association*, 67 O. S. 240, 244; *Sipe vs. State, ex rel.*, 86 O. S. 80, 87; *State ex rel., vs. Lynch*, 87 O. S. 444; *Guear vs. Stechschulte*, 119 O. S. 1, 7; *Smith vs. Buck*, 119 O. S. 101, 104.

An examination of that portion of section 24 of the Liquor Control Act herein under consideration clearly reveals that there is nothing doubtful, ambiguous or confusing in the wording of that paragraph. In fact, there can be no doubt of the meaning of every word used therein or of the intent of the legislature, since the language used is clear, explicit and unequivocal. Thus, there is no room or need for construing or interpreting the language employed in that section, inasmuch as there can be no doubt as to the natural meaning of the words used.

The import of that part of the section under consideration is that neither a manufacturer nor wholesale distributor of beer or intoxicating liquor is to be interested in the business of any person licensed to sell beer or intoxicating liquor at retail, either directly or indirectly, by a loan or gift of money, or property or otherwise. The section in question was no doubt intended to prevent manufacturers and wholesale distributors of beer and intoxicating liquor from securing or getting control of retail outlets or subsidizing the same either by giving or loaning signs, equipment, property or money to persons operating retail outlets, which acts prior to prohibition were commonly used as a means of securing the control of retail outlets. It was no doubt the intention of the legislature by the enactment of section 24 of the Liquor Control Act to prevent a repetition of the abuses that were prevalent in the beer and liquor traffic prior to prohibition.

The inhibitions contained in that part of section 24 of the Liquor Control Act quoted herein are broad enough to apply and do apply to such acts of manufacturers or wholesale distributors of beer or intoxicating liquor as paying for the installation of signs, either within or without the premises of a retail permit holder, the loaning of signs to retail permit holders or outfitting athletic teams which are sponsored by the holder of a retail beer or intoxicating liquor permit issued by the Department of Liquor Control. Incidentally, the provisions of section 24 of the Liquor Control Act do not apply to athletic teams, such as football, basket ball, baseball and bowling teams, sponsored by or playing for manufacturers or wholesale distributors of beer or intoxicating liquor. However, before a manufacturer or wholesale distributor can advertise his or its products or create good will by means of his or its own sponsored athletic teams, it will be necessary for the Board of Liquor Control to promulgate by virtue of the

authority conferred upon the Board of Liquor Control by that part of section 3 of the Liquor Control Act (section 6064-3, General Code), which provides in part:

"The board of liquor control shall have power:

1. To adopt and promulgate, repeal, rescind, and amend, in the manner herein required, rules, regulations, standards, requirements, and orders necessary to carry out the provisions of this act, including the following:

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(f) Uniform rules and regulations governing all advertising with reference to the sale of beer and intoxicating liquor throughout the state and advertising upon and in premises licensed for the sale of beer or intoxicating liquor."

a regulation permitting such advertising.

Specifically answering your questions, I am of the opinion that:

1. Under section 24 of the Liquor Control Act (section 6064-24, General Code), adopted in the second special session of the 90th General Assembly, a manufacturer or wholesale distributor of beer or intoxicating liquor cannot give or loan to a person authorized to sell beer or intoxicating liquor at retail in Ohio, a sign advertising the product of the manufacturer or wholesale distributor, or advertising the place of business of the retail permit holder. Likewise, a manufacturer or wholesale distributor cannot pay for the cost of installing any sign either on the inside or on the outside of a place of business operated by the holder of a retail permit issued pursuant to the provisions of the Liquor Control Act.

2. A manufacturer or wholesale distributor of beer or intoxicating liquor cannot under section 24 of the Liquor Control Act (section 6064-24, General Code), outfit or furnish equipment for athletic teams, such as football, basket ball, base-ball or bowling teams, sponsored by or playing for a person authorized to sell beer or intoxicating liquor at retail in Ohio.

Respectfully,

JOHN W. BRICKER,
Attorney General.

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APPROVAL, BONDS OF ARCHER TOWNSHIP RURAL SCHOOL DISTRICT, HARRISON COUNTY, OHIO—\$975.64.

COLUMBUS, OHIO, December 8, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.