

STATE OF NEW YORK  
LIQUOR AUTHORITY

Series 1967  
Bulletin #424  
March 15, 1967

TO: ALL PACKAGE STORE LICENSEES

SUBJECT: MISLEADING AND DECEPTIVE ADVERTISEMENTS

The Authority recognizes that responsible advertising of alcoholic beverages by retail licensees is firmly established and constitutes a proper medium of information to the general public. Responsibility for advertisements, and the contents thereof, rests with the licensee.

The Authority has reviewed advertisements which do not list the name of any licensee and convey to the public the misleading impression that a group of licensed package stores constitute a chain enterprise, or are jointly operated, or are owned by a common interest.

The Alcoholic Beverage Control Law prohibits advertising of alcoholic beverages except by licensed persons. The law also prohibits the ownership of more than one package store by any person nor may any package store licensee have an interest in another package store in this State. It is the province of the Authority to assure that the intent and purpose of the law are effectuated.

In the considered judgment of the Authority, advertisements which tend to promote the belief that multiple package stores are being operated as a liquor store chain, or are jointly operated or owned by the same interest, are misleading, deceptive and contrary to the public interest. A licensee participating in such advertisements, even though his name does not appear therein or who does not directly place the advertisement, is not relieved from responsibility therefor; and, to the contrary, the omission of the licensee's name from the advertisement contributes to the deception.

The Authority construes the intent and purpose of the Alcoholic Beverage Control Law as requiring the name of the licensee to be stated in all advertisements to assure compliance with the provisions of the law that only licensed persons may advertise in this State.

The Authority deems an advertisement which lists an unlicensed name as the apparent advertiser to be a violation of the Alcoholic Beverage Control Law. Licensees involved in such advertisements are aiding and abetting a violation of the Alcoholic Beverage Control Law.

The Authority also regards as misleading and deceptive advertisements stating that listed package stores are independently owned where the impact of the advertisements nonetheless suggests a chain of liquor stores, common ownership or joint operation.

Involvement of licensees in false, deceptive or misleading advertisements will result in disciplinary proceedings and may jeopardize the license of such package store owner.

STATE LIQUOR AUTHORITY



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