



THE ATTORNEY GENERAL  
OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON  
ATTORNEY GENERAL

August 10, 1961

Honorable Nelson Quinn  
County Attorney  
Taylor County  
Courthouse  
Abilene, Texas

Opinion No. WW-1109

Re: Whether placing outdoor signs  
in a dry area advertising the  
name of a business but not  
showing alcoholic beverages  
for sale is in violation of  
Article 667-24a, V.P.C.

Dear Mr. Quinn:

You have requested the opinion of this Department relative to  
the above subject. Your letter of inquiry is quoted in part as follows:

"Under Article 667-24a, Section 1, the term 'out-  
doors advertising' is defined as 'a sign bearing any  
words, marks, description, or any other device as  
used to advertise the alcoholic beverage business of  
any person engaged in the manufacture, sale, or distri-  
bution of alcoholic beverages, or the advertisement of  
any beverage containing alcohol in excess of one-half  
of one percent (1/2 of 1%) by volume. . .'. Does this  
Statute include the indirect advertising by placing on  
the sign the name of a business which sells alcoholic  
beverages and a map which directs the party to a par-  
ticular place in another county, and the sign does not  
indicate or show that alcoholic beverages are sold and  
distributed at that place of business?"

"In our County, which is a dry area, several signs  
are being placed in this area which are described as  
follows:

(Illustration of sign)

". . . I request an opinion from your office as to  
whether the foregoing facts mentioned come within the  
provisions of Article 667-24a."

In order to determine whether or not such sign as illustrated  
in your letter is illegal it is necessary to examine the laws relating  
thereto.

The principle definitions are found in Section 1, Article 667-  
24a, which reads in part as follows:

"The term 'outdoor advertising' as used herein shall mean any sign bearing any words, marks, description or other device and used to advertise the alcoholic beverage business of any person engaged in the manufacture, sale or distribution of alcoholic beverages, or in the advertisement of any beverage containing alcohol in excess of one-half of one per cent (1/2 of 1%) by volume, when such sign is displayed anywhere outside the walls or enclosure of any building or structure where there exists a license or permit to sell alcoholic beverages . . .

"The word 'billboard' as used herein shall mean a structure directly attached to the land, or to any house or building, and having one (1) or more spaces used for displaying thereon a sign or advertisement of the alcoholic beverage business of any person engaged in the manufacture, sale or distribution of alcoholic beverages, or for the advertisement of any beverage containing alcohol in excess of one-half of one per cent (1/2 of 1%) by volume, whether or not such structure or sign be illuminated by artificial means. The term 'billboard' shall not be inclusive of any wall or other part of any structure used as a building, fence, screen, front or barrier. (Emphasis added.)

". . ."

The same Article in Section 4 thereof provides as follows:

"It shall be unlawful for any person to erect, maintain or display any outdoor advertising, billboard, or electric sign not conforming in all respects to the provisions of this Act; and any billboard or electric sign displayed contrary thereto is hereby declared illegal equipment and subject to seizure and forfeiture as provided for such action in respect to illicit beverages and other illegal equipment under the provisions of this Act."

After carefully observing the printed matter as shown on the exhibit of the sign contained in your letter there is no indication that the sign bears any "words, marks, description or other device used to advertise the alcoholic beverage business". Apparently the sign only bears the name of the establishment where something is sold since it uses the name Cecil's County Line Store. The geographical location is shown, however, such sign does not indicate that the store is a package store or a store where alcoholic beverages are sold.

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In Opinion No. V-305 the Attorney General discusses the definitions of "signs" and "outdoor advertising", a copy of such opinion is attached hereto for your information.

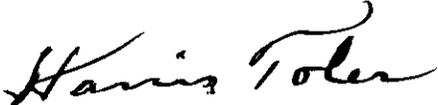
Since the sign does not bear any words, marks, description or other device which are used to advertise the alcoholic beverage business, we do not believe that such sign under the stated facts violates the provisions of Article 667-24a, V.P.C.

SUMMARY

Outdoor advertising by billboard or electric sign which does not bear any words, marks, description or other device to advertise the alcoholic beverage business, does not violate Article 667-24a, V.P.C.

Very truly yours,

WILL WILSON  
Attorney General of Texas

By   
Harris Toler  
Assistant Attorney General

HT/br

APPROVED:

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REVIEWED FOR THE ATTORNEY GENERAL  
By: Houghton Brownlee