



John T. Steen, Jr.
Chairman-San Antonio
Gail Madden
Member-Dallas

Alan Steen
Administrator

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MARKETING PRACTICES BULLETIN – MPB 072004005as
Retail Seller/Server Policies & Procedures

To: Alcohol Beverage Retail Industry
ALL CAPTAINS & COMPLIANCE SUPERVISORS

The Retail Industry has petitioned the Agency to consider an interpretative exception to Rule 50.10 (d)(2) which grants licensees/permittees exemption from Administrative Action. To claim exemption from administrative action the retailer bears burden of proof that it did not indirectly or directly encourage its employees to violate the law.

An element of Rule 50.10 proclaims that prima facie evidence of indirect encouragement exists if “the licensee or permittee fails to adopt and post within view of its employee, policies and procedures designed to prevent the sale, service or consumption of alcoholic beverages by or to minors and intoxicated persons, and that express a strong commitment by the licensee/permittee to prohibit such sales, service or consumption.”

It has been proposed that a Retailer’s policies designed to prevent sales, service or consumption of alcoholic beverages by or to minors and intoxicated persons, be allowed to appear on a computerized cash register at the point of sale. Notwithstanding any other provision of Rule 50.10, Section (d) (2) of said rule shall be interpreted to give *analogous consideration* to Retailer Seller/Server Policies appearing on a cash register in conspicuous view of the retailer’s employee at the point of sale as being prominently displayed on a wall in the licensed premises.

In other words, all other things being equal, the above referenced policies and procedures appearing on a computerized cash register, in view of the sales clerk every time an alcohol sale is attempted, will be given the same consideration as the same policies and procedures hanging on the wall in a prominent location within the licensed establishment.

If you should have any questions concerning the posting of seller/server policies and procedures please contact the Compliance Department - Seller Server Training Section at seller.training@tabc.state.tx.us or by phone at 512-206-3420.

Regards,

Alan Steen
Administrator