



COMMONWEALTH of VIRGINIA

Department of Alcoholic Beverage Control

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Circular Letter 16-03

Issue Date: April 5, 2016

To: Virginia Licensees with On –Premises consumption privileges and Mixed Beverage Restaurant privileges.

Purpose: Language to Clarify Entrée Meals and Food Availability at Substantially all Hours

Background: The definition of meals with entrees needs to reflect a community's norms and practices. The concept of what constituted a meal twenty years ago, a substantial entrée such as meat with two substantial sides, is only one example of what constitutes a meal in today's dining establishments. In order to provide Bureau personnel and the licensee community with interpretations and guidance that is consistent with modern dining practices, the following criteria will be utilized as of the effective date of this circular letter.

Held: Virginia Administrative Code (VAC), specifically 3VAC 5-50-110, requires that establishments with mixed beverage licenses must be "Bona fide, full-service restaurants". In order to meet this requirement, establishments will, at a minimum, meet the following requirements:

1. Contain adequate facilities and equipment for the cooking, preparation and service of meals;
2. Meals will be served at tables, in dining areas, by wait staff for on premises consumption (buffets may be approved if table service exists for both alcoholic and non-alcoholic beverages);
3. Be open to the public during those hours that meals are typically sold.

Preparation (on the premises): Terminology on the preparation of meals must also evolve into modern usage. Preparation no longer solely indicates that food is prepared from “scratch” on the premises. Many restaurants today purchase foods, dishes and meals from food service companies that are previously prepared. In these instances, only a few simple steps may be required for food to be prepared for consumption by the patron. Preparation on the premises for the purposes of mixed beverage licenses does not need to be complex and need only be enough to bring the food to the point of being ready for consumption.

In order to determine meal requirements, the following is offered:

1. An establishment must offer “meals” as defined in §4.1-100 to be “an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day.” Pursuant to 3 VAC 5-50-110 such meals must contain a protein source, accompanied by vegetable, fruit, grain or starch product. A single dish, or a combination of dishes, in which the above components are present in a portion size that would reasonably constitute a principal meal of the day will be considered a meal. Serving variations on a single food type, (pizza, for example) qualifies as providing an assortment of foods that will qualify as a meal.
2. Additionally, an establishment must comply with the ratio (§4.1-210) and minimum sales requirements (3VAC 5-50-110).
3. The following items are examples of what may be counted toward meals sales for the purposes of 3VAC 5-50-110:
 - a. Sandwiches
 - b. Pizzas
 - c. Substantial Pasta Dishes
 - d. Meal salads topped with a protein (fish, steak, chicken or other protein source)
 - e. “Cold/Vegetable” plates served with a protein (chicken salad, tuna salad, hummus or other protein source)

In addition to the above, some level of confusion exists in the licensee community as to the meaning or interpretation of the requirement in 3VAC 5-50-110 that food must be available at substantially all hours that alcohol is served. In order to clarify and more clearly define this principal, the following is offered:

1. The intent of the requirement is to ensure persons consuming alcohol have access to food, thus decreasing the likelihood of intoxication, a public safety concern.
2. Licensees must offer a full menu until at least 10:00PM.
3. After 10:00PM, licensees may offer a limited menu containing a variety of offerings.

4. The limited menu must be available until at least 30 minutes prior to an establishment's closing.

Going forward, the Department of Alcoholic Beverage Control will focus its efforts on ensuring that establishments are meeting the food sales requirements set by the regulations, maintaining the statutorily mandated ratio of food and spirits and that food is available at substantially all hours the establishment is open.

Questions regarding this topic should be addressed to your assigned Special Agent, regional office or enforcement@abc.virginia.gov.

A handwritten signature in black ink, appearing to read "Travis G. Hill". The signature is stylized and cursive.

Travis G. Hill
Chief Operating Officer/Secretary to the Board