



**COMMONWEALTH of VIRGINIA**  
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November 14, 2003

W. Curtis Coleburn, III, Chief Operating Officer  
Alcoholic Beverage Control Board  
2901 Hermitage Road  
Richmond, Virginia 23261

Re: *Proposed Revisions to Label Approval Regulations*

Dear Mr. Coleburn:

In response to your request, I have reviewed the Alcoholic Beverage Control Board's proposed revisions to the Label Approval regulations.

Based on that review, I find that the Virginia Alcoholic Beverage Control Board ("the Board") has the authority to promulgate the amendments to 3VAC 5-40-20 (A)(1), 3VAC 5-40-20 (D), 3VAC 5-40-40 B, 3VAC 5-40-50 (A)(1), 3VAC 5-40-50 B, and 3VAC 5-40-50 (D)(8), pursuant to Sections 4.1-103 (9) and 4.1-111 A of the 1950 Code of Virginia, as amended. Those provisions also authorize the Board to repeal 3VAC 5-40-20 (A)(2), 3VAC 5-40-20 (A)(4), 3 VAC 5-40-20 (A)(5), 3VAC 5-40-50 (A)(2), and 3VAC 5-40-50 (A)(4).

I also find that the proposed amendments are consistent with the statutory grant of authority to promulgate them, are consistent with the statutes, and are internally consistent. The proposed amendments do not appear to run afoul of state or federal statutes. I further find that the proposed amendments have no Constitutional defect.

Thank you for your time and kind consideration of this matter. Please do not hesitate to call me at (804) 225-3194 if you have any questions in this regard.

Sincerely,

Carla R. Collins,  
Assistant Attorney General