

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION
RICHMOND

March 26, 1985

CIRCULAR LETTER
85-5

TO: ALL RETAIL LICENSEES
SUBJECT: THE REQUIREMENT FOR FOOD TO BE AVAILABLE IN RETAIL ESTABLISHMENTS

PURPOSE: The purpose of this circular is to provide clarification on the above subject.

BACKGROUND: From time to time the Commission receives complaints from citizens that they have been unable to obtain food in licensed retail places, usually late in the evening.

Section 51, Regulations, requires a restaurant serving wine and beer to sell meals with entrees and those selling beer only to sell food prepared on the premises. Further, establishments licensed to sell mixed beverages must sell meals in dining rooms at substantially all hours that mixed beverages are offered for sale therein. Further, mixed beverage licensees who have designated rooms must have food prepared on the premises available for purchase in such rooms at all times that mixed beverages are offered for sale therein.

HELD: In a retail establishment licensed to sell wine and beer as a restaurant, meals with entrees prepared on the premises must be available during normal meal time and food prepared on the premises must be available the entire time the licensee is permitted to sell alcoholic beverages. In restaurants licensed to sell beer only, food prepared on the premises must be available at all times alcoholic beverages are served.

In a restaurant licensed to sell mixed beverages, food prepared on the premises must be available in the designated room the entire time the licensee is permitted to sell alcoholic beverages.

In restaurants licensed to sell wine and beer only and those licensed to sell mixed beverages, the licensee is permitted to cease selling meals with entrees at a reasonable time after the usual dinner hours, but food prepared on the premises, such as sandwiches, must be available in the designated room the entire time alcoholic beverages are sold in that room. Of course, if the dining room remains open, food must be available there as well.

In summary, the basic rule is that food prepared on the premises must be available for purchase at all times alcoholic beverages are available.

INQUIRIES: Inquiries concerning this circular letter should be addressed to Mr. Frank E. Reed, Director of the Regulatory Division, in writing or by phone at (804) 257-0333.

VIRGINIA ALCOHOLIC BEVERAGE CONTROL COMMISSION
Larry Gilman
Secretary