

BEER RULED NOT A FOOD

A defence lawyer argued successfully Monday that beer is not food.

That convinced the judge, who acquitted 39-year-old Michael Warner Montgomery of a charge of fraudulently obtaining food at the Four Seasons Hotel — five bottles of Heineken beer.

Vancouver provincial court Judge W.J. Diebolt was told that Montgomery went to the Terrace Bar at the hotel Nov. 12 and drank the imported brew. But the accused didn't have the \$15 to pay when the waitress came to collect.

He only had \$2 on him, so police were called and he wound up spending the night in jail.

Montgomery, of no fixed address, was charged under Section 322 of the Criminal Code, which states that "every one who fraudulently obtains food, lodging or other accommodation at a hotel or inn or at a lodging, boarding or eating house is guilty of an offence punishable on summary conviction."

On Monday, defence lawyer Tony Serka argued that "food" does not include "drink" so there were no provisions under that section to convict his client.

The judge agreed.