

Daniel Sattelle

VIA E-MAIL: mayfairdan@comcast.net

RE: Ladies Night

Dear Mr. Sattelle:

ISSUE: This office received your e-mail dated November 27, 2013, wherein you indicate that your American Legion Memorial Association of Campbelltown would like to have a "Ladies Night Out" function. You further indicate that you were told you could not promote or conduct such a function because it would constitute gender discrimination. You ask if this is true.

Records maintained by the Pennsylvania Liquor Control Board ("Board") indicate that The American Legion Memorial Association of Campbelltown holds Catering Club Liquor License No. CC-5211 (LID 2410) for premises located at 155 Palmyra Road, Campbelltown, Pennsylvania.

OPINION: Please note that the Pennsylvania Human Relations Act ("PHRA") prohibits discrimination on the basis of gender or sex. [43 P.S. Section 951, *et seq.*]. It is unlawful to offer only one (1) sex a benefit or to deny admission based on sex. A promotion in which females receive a benefit that is not also offered to men is not permissible: both men and women must receive the same benefit. Therefore, you may entitle an event "Ladies Night," but both men and women must be able to receive the same specials or benefits. This office is not authorized to opine as to whether any specific conduct definitively would or would not violate the PHRA. The Pennsylvania Human Relations Commission ("PHRC") would have authority in these circumstances. You may wish to contact the PHRC for more information regarding the PHRA at www.phrc.state.pa.us or at 717-787-4410.

Although you may simply call an event "Ladies Night" without running afoul the PHRA, there may nonetheless be concerns about advertising such an event. Section 498(b) of the Liquor Code prohibits any false, deceptive or misleading statements in price advertisements, disparaging statements of the products of a competitor, or statements referring to monetary comparisons between brands. The prices that are advertised or displayed on the licensed premises shall be those that are in effect at the time of the advertisement or display. [47 P.S. Section 4-498(b)(1)-(3), (c)]. You must ensure that any advertising or promotion of a "Ladies Night" must not deceptively suggest that there are promotions or specials when there are, in fact, none.

Should you have any additional questions, do not hesitate to contact this office.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Pennsylvania State Police,
Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

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