

June 26, 2014

Telephone: (717) 783-9454

Fax: (717) 787-8820

Melissa Johnson

**RE: Military and Cash Discounts at Distributor**

Dear Ms. Johnson:

ISSUE: This office is in receipt of your e-mail of June 4, 2014, in which you state that you work for an unidentified beer distributor. You ask whether it is permissible to offer a military discount. You also ask if it is permissible to offer a discount for customers who pay with cash as opposed to credit cards.

OPINION: Section 493(24)(i) of the Liquor Code prohibits any licensee of the Board to offer or give or solicit or receive anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverage, or for any licensee to offer or give to trade or consumer buyers any prize, premium, gift or other inducement to purchase liquor or malt or brewed beverages, except advertising novelties of nominal value (i.e., with a wholesale value of fifteen dollars (\$15.00) or less). [47 P.S. § 4-493(24)(i)].

However, neither the Liquor Code nor the Pennsylvania Liquor Control Board's Regulations regulate the manner in which distributors set or change the price they charge to customers. Please note that the Pennsylvania Human Relations Act prohibits discrimination based on such things as age, gender and ethnicity. [43 P.S. § 955]. Accordingly, for a more definitive answer to your question, you should contact the Pennsylvania Human Relations Commission at [www.phrc.state.pa.us](http://www.phrc.state.pa.us) or at (717) 787-4410, or a private attorney versed in unlawfully discriminating practices.

If you have any further questions or concerns regarding the Liquor Code or the Board's Regulations, please feel free to again contact this office.

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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

LCB Advisory Opinion No. 14- 388