

July 1, 2014

Telephone: 717-783-9454

Fax: 717-787-8820

Rob Mastro
Director of Sales and Marketing

RE: Hotel Amenities

Dear Mr. Mastro:

ISSUE: This office is in receipt of your email of June 4, 2014, wherein you relate the hotel practice of providing amenities to VIPs at conferences. The amenities vary and can include a bottle of wine or a six(6)-pack of beer. The alcohol items are part of the hotel's inventory and have been purchased legally. The amenity is free for the guest, with the cost charged against the hotel department's statement/budget. You inquire if this is a lawful practice in Pennsylvania.

Pennsylvania Liquor Control Board ("Board") records indicate that White Lodging Services Corporation is the holder of Hotel Liquor License No. H-06128 (LID 59546) for use by it at premises located at 55 West Bay Avenue, Erie, Pennsylvania.

OPINION: With regard to free alcohol, section 13.53 of the Board's Regulations allows a retail licensee, which includes a hotel licensee, to offer one (1) free standard-sized alcoholic beverage per patron in any offering, as long as the giving of the free drink is not contingent upon the purchase of any other alcoholic beverage. [40 Pa. Code § 13.53]. A standard-sized alcoholic beverage is twelve (12) fluid ounces of malt or brewed beverage, four (4) fluid ounces of wine (including fortified wine), and one and one half (1.5) fluid ounces of liquor. [Id.]. The practice, as you described it, would not be permissible if the alcohol provided exceeds the aforementioned standard amounts. While there is nothing to prohibit the hotel from providing the aforementioned complimentary alcohol in the room to someone twenty-one (21) years of age or older, the hotel should be cautioned that it may be held strictly liable for any violations of the liquor laws on its licensed premises such as allowing alcohol to be furnished to minors.

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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. 14-393