

August 21, 2014

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**RE: Static Cooler Clings/Stickers**

Dear Mr. Libunao:

ISSUE: This correspondence is in response to your e-mail of August 13, 2014, wherein you inquire whether static cooler clings/stickers are treated as ordinary and usual point-of-sale (“POS”) material in Pennsylvania or whether there are any specific regulations regarding their usage.

For purposes of this response, it is assumed that the static cooler clings/stickers to which you are referring would contain advertisements for malt or brewed beverage products and would be affixed to display coolers located inside wholesale or retail licensed premises.

OPINION: Section 493(20)(i) of the Liquor Code provides, in pertinent part, that:

Nothing herein shall prohibit a licensee from displaying inside his licensed premises point of sale displays advertising brand names of products sold by him, other than a window or door display: Provided, that the total cost of all such point of sale advertising matter relating to any one brand shall not exceed the dollar amount set forth by the board through regulation. All such advertising material, including the window and door signs, may be furnished by a manufacturer, distributor or importing distributor.

[47 P.S. § 4-493(20)(i)]. Thus, items which qualify as interior POS advertising material (other than window and door displays) may be provided by a supplier to a

distributor or retail licensee at no charge. However, the total cost of all POS advertising material relating to any one (1) brand of any one (1) manufacturer displayed at any one (1) time may not exceed three hundred dollars (\$300.00) on retail licensed premises. [Board Advisory Notice No. 10 (6<sup>th</sup> Revision)].

Static cooler clings/stickers that contain advertisements for malt or brewed beverage products and which are to be affixed to display coolers located inside wholesale or retail licensed premises would be considered interior POS displays and would be subject to the restrictions set forth above.

Should you have any additional questions regarding this matter, the Liquor Code, or the Board's Regulations, please do not hesitate to again 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

LCB Advisory Opinion No. 14-483