

October 21, 2014

Zahi Elhaj  
222 West Beaver Avenue  
State College, PA 16801-4835

**RE: State College Advertising**

Dear Sir/Madam:

ISSUE: This office is in receipt of your e-mail correspondence of September 16, 2014, wherein you ask if a “happy hour sign” that does not mention prices may be posted outside your licensed establishment within three hundred (300) feet of a church.

Records of the Pennsylvania Liquor Control Board (“Board”) provide that Tussey Building Inc. and Chrome Lounge, LLC, holds Restaurant Liquor License No. R-19808 (LID 67488) for the premises located at 222 West Beaver Avenue, State College, Pennsylvania.

OPINION: Section 498 of the Liquor Code provides that licensees are permitted to advertise their products and prices subject to certain limitations. [47 P.S. § 4-498(a)]. The term “advertisement” includes advertising of alcoholic beverages through the medium of outdoor advertisement. [47 P.S. § 4-498(g)]. Under section 498(b), advertisement of price shall not contain any statement that is false, deceptive or misleading; any statement that is disparaging of the products of a competitor; or any statement referring to monetary comparison between brands. [47 P.S. § 4-498(b)(1)-(2)]. Furthermore, the entity responsible for the advertisement must be clearly identified in the advertisement, and the advertisement cannot be obscene. [47 P.S. § 4-498(e)(1) and (6)]. Finally, no print advertisement of alcoholic beverages shall be permitted within three hundred (300) feet of any church, school, or public playground. [47 P.S. § 4-498(e)(3)].

Therefore, it would not be permissible to place a “happy hour sign” outside of the licensed premises within three hundred (300) feet of the church. This prohibition

shall not preclude any point of sale advertisement, menus or other print advertisement regarding alcoholic beverages inside the licensed premises

Should you have any further questions or concerns, 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  
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. 14-549