

November 6, 2014

Jessica Fike
Regulatory Compliance Specialist
North American Breweries
50 Fountain Plaza Suite 900
Buffalo, New York 14202
ike@nabreweries.com

RE: Labatt Pittsburgh Penguins Bottle Opener Offer

Dear Ms. Fike:

ISSUE: This correspondence is in response to your e-mail sent October 16, 2014, in which you request approval to conduct a winter/spring in-pack promotion in Pennsylvania.

Through the promotion, consumers can receive a Pittsburgh Penguins bottle opener, which will also bear the logo of Labatt Blue or Labatt Blue Light, by purchasing a specially-marked case containing twenty-eight (28) bottles (having a volume of eleven and one half ounces (11.5oz) each) of Labatt Blue or Labatt Blue Light. Each specially-marked case will include one (1) of four (4) bottle openers available. The average wholesale value of each opener is one dollar and forty-three cents (\$1.43).

OPINION: Generally, the Liquor Code prohibits providing anything of value as an inducement to purchase alcohol. [47 P.S. § 4-493(24)]. However, there is an exception to this general prohibition which allows the offering of advertising novelties, such as bottle openers, of nominal value. [Id.] The Board has defined advertising novelties of nominal value as items that have a wholesale cost of fifteen dollars (\$15.00) or less and contain advertising material. [40 Pa. Code § 13.52; Board Advisory Notice No. 10 (6th Revision)]. Such advertising novelty giveaways may or may not be conditioned on the purchase of an alcoholic beverage.

This office has reviewed your proposed promotion and determined that it satisfies the exception for advertising novelties of nominal value discussed above. Therefore, it

would be permissible to conduct your proposed promotion in the Commonwealth in reference to the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises (POS only).
- the Board's wine and spirit stores, subject to approval of the Bureau of Product Selection (POS only).
- Other, Internet, text messaging.

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
Dale Horst, Director of Marketing and Merchandising
Michelle Bonsick, Director, Bureau of Marketing Communications,
Branding & Design
Pamela Bernd, Product Selection

LCB Advisory Opinion No. 14-571