

March 25, 2016

AMENDED

Curtis M. Killinger
Valley Hotel Management
VIA E-MAIL

RE: Promotion

Dear Mr. Killinger:

ISSUE: This office is in receipt of your e-mail dated February 19, 2016, wherein you inquire if you are permitted to execute a promotion via signs with the content of “buy a t-shirt and receive a free drink on the house.” You are aware that you are permitted to give one free drink per person per day.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Valley Hotel, Inc. holds Hotel Liquor License No. H-2620 (**LID 64209**) for premises located at 240-246 Main Street, Mill Hall, Pennsylvania.

OPINION: Section 13.53 of the PLCB’s Regulations allows a retail licensee to offer one 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 fluid ounces of malt or brewed beverage, four fluid ounces of wine (including fortified wine), and one and one-half fluid ounces of liquor. Id.

There is no requirement that all patrons be offered a free alcoholic beverage. Accordingly, it would be permissible to limit the offering of one free alcohol beverage, as described above to patrons who purchase a shirt, provided that such patrons are twenty-one years of age or older and not visibly intoxicated.

Should you have any other questions and/or issues related to the Liquor Code or the PLCB’s Regulations, please feel free to once 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.

Sincerely,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

RODRIGO J. DIAZ
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. 16-073