

September 22, 2016

Kat Collins
Blue Mountain Vineyards
7627 Grape Vine Drive
New Tripoli, PA 18066
VIA E-MAIL

Re: Discounts

Dear Ms. Collins:

ISSUE: Your e-mail of August 25, 2016 inquires whether you can offer a discount at your winery, such as “Enjoy one free wine tasting when a second wine tasting of equal or greater value is purchased.”

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Blue Mountain Vineyards & Cellars, Ltd. holds Limited Winery License No. LK-136 (LID 43916) for use by it at premises located at 7627 Grape Vine Drive, New Tripoli, Pennsylvania.

OPINION: Section 493(24)(i) of the Liquor Code generally prohibits licensees from offering any prize, premium, gift or anything of value to trade (licensed) or consumer (non-licensed) buyers to induce, directly or indirectly, the purchase of alcoholic beverages, except advertising novelties of nominal value. 47 P.S. § 4-493(24)(i).

Section 493(24)(i) also carves out a limited exception allowing any manufacturer or any agent of a manufacturer to offer and honor coupons which provide for monetary rebates on purchases of wines and spirits through the PLCB’s wine and spirits stores. 47 P.S. § 493(24)(i). However, this limited exception does not allow manufacturers to offer and honor coupons on products purchased from their own locations.

Accordingly, offering a discount such as “Enjoy one free wine tasting when a second wine tasting of equal or greater value is purchased,” would not be permissible, as this would constitute an unlawful inducement to purchase alcohol in violation of section 493(24)(i).

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,



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. 16-386