

November 8, 2016

Plaza Beverage Inc.
3 Rachel Drive
Pittston, PA 18640
VIA E-MAIL: plazabevinc@aol.com

Re: Newspaper Ad Containing a Coupon

To Whom It May Concern:

ISSUE: This is in response to your e-mail of October 17, 2016, in which you inquire whether it is permissible for a licensee to run an advertisement in a local newspaper that contains a coupon for \$5.00 off of a \$25.00 beer purchase.

Pennsylvania Liquor Control Board (“PLCB”) records indicate that Plaza Beverage, Inc. holds Distributor License No. D-1174 (LID 23149) for use at the premises located at the Corner of Rachel Drive and Pittston By-Pass, Hughestown, Pennsylvania. It appears that the licensed entity whose advertisement you question is Shree CFM Ganesh, Inc., which holds Restaurant License No. R-15165 (LID 70635) for use at the premises located at 610 South Main Street, Pittston, Pennsylvania.

OPINION: Restaurant licensees are not authorized to offer or accept coupons for the purchase of alcohol; rather, section 493(24)(i) only permits the acceptance of manufacturer coupons at licensed distributors, licensed importing distributors, and the PLCB’s Fine Wine and Good Spirits stores. 47 P.S. §4-493(24)(i).

More generally, section 493(24)(i) of the Liquor Code prohibits any licensee of the Board to offer or give or solicit or receive anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverage, or for any licensee to offer or give to trade or consumer buyers any prize, premium, gift or other inducement to purchase liquor or malt or brewed beverages, except advertising novelties of nominal value (i.e., with a wholesale value of \$15.00 or less). Id.

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The Bureau of Liquor Code Enforcement (“BLCE”) and not the PLCB enforces the Liquor Code. If you believe a licensee is not in compliance with the Liquor Code, you may contact the BLCE via its toll-free tip line at 1-800-932-0602.

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
Tisha Albert, Director of Office of Regulatory Affairs
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-449