

December 28, 2018

Erica Pallaron
Corporate Paralegal
Hard Rock International
VIA E-MAIL

RE: New Year's Eve Event

Dear Ms. Pallaron:

ISSUE: This office is in receipt of your e-mail dated December 7, 2018, wherein you state that Hard Rock Café (“Licensee”) is holding a ticketed event on New Year’s Eve in which it is partnering with a brand marketing agency, Match MG. You state that Match MG would like to purchase 100 shots of Ciroc Vodka from Licensee at market price to use for a demonstration during the ticketed event. In a telephone call with this office on December 21, 2018, you explained that the event will be conducted by Licensee alone, and Match MG wants to purchase shots from Licensee to distribute to guests at the ticketed event. You inquire whether this would be permitted.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Hard Rock Café International, (STP), Inc., holds Restaurant Liquor License No. R-6452 (LID 41866) for the premises located at 1113-31 Market Street, Philadelphia, Pennsylvania.

OPINION: A supplier or its agent may purchase an alcoholic beverage for consumers on retail licensed premises (hotels, restaurants and clubs), provided that the giving of the alcoholic beverages is not contingent upon the purchase of any other alcoholic beverages. Board Advisory Notice No. 10 (6th Revision).

Specifically, licensees are permitted to give to or purchase for consumers one standard-size alcoholic beverage in retail licensed premises, provided the giving of the alcoholic beverage is not contingent upon the purchase of any other alcoholic beverages and is limited to one standard-sized alcoholic beverage per patron in any such offering. 40 Pa. Code § 13.53. A standard-size alcoholic beverage is twelve fluid ounces of a malt or brewed beverage, four fluid ounces of wine (including fortified wine), and one and one-half fluid ounces of spirits. Id. So long as no tickets

are sold, patrons could be given a free standard-size shot of vodka. Alternatively, if the event were held as a catered event by Match MG through a monetary agreement with Licensee for such an event, an undefined amount of drinks could be served and Match MG could charge a ticket price. A “catered event” allows for the sale of serving, or both, of an unlimited or indefinite amount of liquor, wine, or malt or brewed beverages for a fixed price which have been arranged at least twenty-four hours in advance. 40 Pa. Code § 13.102(b)(1). However, Licensee would still be responsible for sales to minors and/or visibly intoxicated patrons.

Please do not hesitate to contact this office should you have additional questions.

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, Office of Regulatory Affairs
B.L. Peifer, Director, Bureau of Licensing

LCB Advisory Opinion No. 18-475