July 29, 2019

Denis Brooks
VIA E-MAIL

RE: Price List Question

Dear Mr. Brooks:

ISSUE: This is in response to your e-mail dated July 8, 2019, wherein you ask if you can list one bottle price for each type of wine and then have a statement to the effect of “buy three bottles and the total price is reduced by X%” or “buy twelve bottles and the price is reduced Y%.”

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Deer Creek Winery, LLC holds Limited Winery License No. LK-280 (LID 61463) for use by it at the premises located at 3333 Soapfat Road, Shippenville, Pennsylvania.

OPINION: Section 493(24)(i) of the Liquor Code generally prohibits licensees from offering anything of value as an inducement to purchase alcohol, except advertising novelties of nominal value. 47 P.S. § 4-493(24)(i). Therefore, promotions such as “buy three bottles and the total price is reduced by X%” or “buy twelve bottles and the price is reduced by Y%” would violate this prohibition. However, nothing in the Liquor Code or the PLCB’s Regulations would prohibit the maintenance of different regular (i.e., not marketed as a discount) price structures for different quantities of alcohol, provided that such price structures are proportional.

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

LCB Advisory Opinion No. 19-268