

March 4, 1998

Tyler Edmonds
WATERING TROUGH
905 W. Main Street
Mount Joy, PA 17552

Dear Mr. Edmonds:

ISSUE: In your facsimile transmission dated February 13, 1998, you inquired whether it would be permissible for a restaurant liquor licensee to distribute Pennsylvania State Lottery tickets to an undetermined number of people at the door of the licensed premises starting at 6:00 p.m. on Friday evenings.

OPINION: Section 493(24) of the Liquor Code prohibits licensees from giving or offering anything of value to induce directly the purchase of alcoholic beverages. [47 P.S. §4-493(24)]. Provided the Pennsylvania State Lottery tickets are distributed free of charge and are not conditioned upon the purchase of any alcoholic beverage, it would be permissible for a restaurant licensee to distribute Pennsylvania State Lottery tickets to its patrons at the door of its licensed premises. In addition, please be advised that it would not be permissible for a restaurant liquor licensee to distribute Pennsylvania State Lottery tickets as prizes for an event, tournament or contest since restaurant liquor licensees cannot give any prizes in excess of \$500.00 (for any given event, tournament or contest) and the lottery ticket could potentially be worth more than \$500.00.

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

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REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: Bureau of Liquor Control Enforcement,
Pennsylvania State Police

Refer to: (717) 783-9454
FAX: (717) 787-8820

LCB Advisory Opinion No. 98-064