

June 29, 1998

John Bem, Sec./Treas.
Hastings Vol. Fire Co. No. 1 Club
286 Beaver Street
P.O. Box 427
Hastings, PA 16646-0427

Dear Mr. Bem:

ISSUE: In your letter dated June 8, 1998, you inquired on behalf of a club liquor licensee, which holds a small games of chance license as to whether a club could award alcoholic beverages or a "basket of cheer" including alcoholic beverages as a prize for a raffle, punch board or tip board.

OPINION: Initially, please be advised that the Pennsylvania Liquor Control Board does not enforce the Local Options Small Games of Chance Act which provides for the issuance of small games of chance licenses. Any questions relative to your small games of chance license should be directed to the Department of Revenue at (717) 787-8275.

Unfortunately, a club licensee would not be permitted to award alcoholic beverages or a basket of cheer containing alcoholic beverages as a prize for a raffle, punch board or tip board for several reasons. First, section 5.32(e) of the Board's regulations prohibits any event, contest or tournament which involves the consumption of alcoholic beverages on a licensed premises. [40 Pa. Code §5.32(e)]. Second, club licensees are not permitted to sell any alcoholic beverages for consumption off the premises. [47 P.S. §4-401]. Since a patron must pay to enter a raffle or play a punch board or tip board for which the patron could win a prize including alcoholic beverages, this could be construed as a sale by the club licensee of an alcoholic beverage for consumption off the licensed premises. Third, PLCB Advisory Notice No. 10 (4th Revision) prohibits awarding alcoholic beverages as a prize. For all of the above reasons, alcoholic beverages may not be awarded as a prize in conjunction with any small games of chance.

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

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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.

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. 98-218