

July 15, 1998

Mr. John E. Rimer  
Administrator  
LOYAL ORDER OF MOOSE  
BRADFORD LODGE NO. 124  
14 Pine Street  
Bradford, PA 16701

Dear Mr. Rimer:

ISSUE: This is in response to your recent letter to this office in which you inquire, on behalf of a catering club licensee, about the recent change to the Board regulation regarding an unlimited or indefinite amount of alcohol for a set price. You ask if a two-hour (7:00 p.m. to 9:00 p.m.) promotion offering wings and an unspecified amount of Budweiser draft beer for a price of \$5.00 would be permissible.

OPINION: On March 21, 1998, section 13.102(b) of the Board's Regulations was amended. [40 Pa. Code Section 13.102(b)]. Generally, the sale or serving of an unlimited or indefinite amount of alcohol for a set price is unlawful. [40 Pa. Code Section 13.102(a)(3)]. The amendment eliminated an exception to this rule which allowed the offering of an unlimited or indefinite amount of alcoholic beverages with a meal package. Therefore, if your wing night special includes wings and an unlimited or indefinite amount of beer for \$5.00, it would be unlawful. The happy hour provision of section 13.102(a) allows you to offer a discount on the price of alcoholic beverages for a consecutive period of time not to exceed two hours (ending at midnight), so you could offer your wings and a discount of your choosing on the beer for the two-hour period or a discount for the entire day limited to one specific type of alcoholic beverage.

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.

Very truly yours,

FAITH S. DIEHL  
Chief Counsel

c.c. Pennsylvania State Police  
Bureau of Liquor Control Enforcement  
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LCB Advisory Opinion No. 98-233