

August 13, 1998

Mr. Jim Burchell

General Manager

RED RIVER BARBEQUE & GRILLE

9805 McKnight Road

Wexford, PA 15237

Dear Mr. Burchell:

ISSUE: This is in response to your faxed letter of July 13, 1998 to this office in which you request our approval of a promotion you are contemplating. To thank the regular customers of your licensed restaurant, you want to start a group of 'Red River Regulars.' To join the group, a customer needs to pay a one-time fee of \$15.00 and fill out a form with his or her name, nickname, address, telephone number and favorite brands of beer. In return, the customer receives an engraved mug, bigger than the regular store mug. The mugs will be displayed in your lounge.

OPINION: There is nothing in the Liquor Code or the Board's Regulations that would prohibit a mug club like the one you have described. Please be aware, however, that section 13.102(a)(2) of the Board's Regulations [40 Pa. Code Section 13.102(a)(2)] prohibits the sale and/or serving of an increased volume of one drink of liquor, wine or malt or brewed beverages without a corresponding and proportionate increase in the price for the drink. Therefore, if the customers retrieve their mugs for drinking purposes and the amount of beer contained therein is greater than a normal beer mug, the price for that larger amount of beer must increase proportionately. Assuming that either the price per beer is increased or the 'regular' amount of beer is used in the larger personalized mugs, your promotion would be permissible.

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

Refer to: (717) 783-9454

FAX: (717) 787-8820

LCB Advisory Opinion No. 98-269