

October 28, 1998

Sheldon B. Margolis
CEO/Managing Partner
Margolis/Southern
Wine & Spirits of Pennsylvania, L.P.
P.O. Box 60384
King of Prussia, PA 19406

Dear Mr. Margolis:

ISSUE: In your letter dated October 2, 1998, you inquired on behalf of Margolis/Southern, holder of Importer License No. I-664, as to the legality of selling Riedel glass stemware to retail licensees in Pennsylvania.

OPINION: Section 493(17) of the Liquor Code prohibits any licensee from directly or indirectly being employed by or engaged in any business which involves the manufacture or sale of any equipment, furnishings or fixtures to any retail licensee. [47 P.S. Section 4-493(17)]. The Board has traditionally considered glassware to be equipment. Your previous request to sell cigars is legal as these items are not considered equipment. Therefore, an importer licensee, such as Margolis/Southern, may not sell Riedel stemware to retail licensees. However, an exception to this rule exists for advertising novelties that have a wholesale value of \$15.00 or less and bear advertising matter. If the Riedel stemware meets the definition of an advertising novelty (see PLCB Advisory Notice No. 10 (4th Revision)), it would be permissible for Margolis/Southern to provide such stemware to retail licensees.

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: Bureau of Liquor Control Enforcement,
Pennsylvania State Police

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

Advisory Opinion No. 98-344