

November 4, 1998

Jerry Buchanan
Manager, Regulatory Affairs
JIM BEAM BRANDS CO.
510 Lake Cook Road
Deerfield, IL 60015-4964

RE: Windsor 'T' Ball Promotion

Dear Mr. Buchanan:

ISSUE: This is in response to your inquiry of September 21, 1998 and facsimile of October 22, 1998 to this office in which you request approval for a Windsor 'T' ball promotion.

The promotion consists of a game that offers participants at retail establishments the opportunity to hit a whiffle ball on a 'T' into one of the holes in the backdrop. Participants would be awarded advertising novelties not exceeding \$15.00 in value regardless of the level of success patrons reach while participating in the event.

OPINION: Liquor Control Board Regulations do not permit manufacturers or wholesalers to participate in, or award prizes for events, contests or tournaments that take place on retail licensed premises [40 Pa. Code Section 5.32].

However, the device you propose may be utilized as a *game* as defined in the Board's regulations where the player is provided amusement and no other form of award except free plays [40 Pa. Code Section 5.30]. Additionally, for this device to be approvable, it must not exceed \$70.00 in cost. [47 P.S. Section 4-493(20)(i)].

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

cc: Bureau of Liquor Control Enforcement,
Pennsylvania State Police

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Advisory Opinion No. 98-356