

November 10, 1998

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

RE: DeKuyper Peachtree Female Bands Promotion

Dear Mr. Buchanan:

ISSUE: This is in response to your inquiry of September 28, 1998 and facsimile of October 22, 1998 to this office in which you request permission to promote female bands or bands with a female lead performer on retail licensed premises. The promotion would be offered equally to retail accounts of like circumstance in a defined area with the intent of promoting your product, DeKuyper Peachtree, and the featured band with point-of-sale material and consumer advertising specialties. It is not your intention to promote any specific retail account. The retail account would be responsible for all print and radio advertising and all costs pertaining to the band.

OPINION: Although the proposed promotion appears to comport with section 493(24) of the Liquor Code [47 P.S. Section 4-493(24)], you are cautioned that the exclusion of male bands may be a violation of the Pennsylvania Human Relations Act. [43 P.S. Section 951 et seq.]. Therefore, you should seek further clarification from the Office of Chief Counsel, Pennsylvania Human Relations Commission, Suite 300, 101 South Street, Harrisburg, PA 17101. Furthermore, all point-of-sale material must be approved in advance by Special Investigations, Room 302, Northwest Office Building, Harrisburg, PA 17124.

No information was provided regarding the consumer advertising specialties mentioned in your letter. Please be advised that advertising novelties may not exceed a nominal value of \$15.00. [40 Pa. Code Section 13.52] and Board Advisory Notice No. 10 (4th Revision).

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

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

Advisory Opinion No. 98-368