

November 30, 1998

Shelly M. Rowan
COHEN & SILVERMAN LLP
6662 Gunpark Drive, Suite 102
Boulder, CO 80301

RE: Freixenet Radio Promotion

Dear Ms. Rowan:

ISSUE: This is in response to your inquiry of November 18, 1998 to Robert Kaskiel that was forwarded to this office in which you request an opinion as to the legality of conducting certain activities in Pennsylvania as described in the enclosed correspondence.

OPINION: This office has reviewed the proposed promotion and determined that it comports with applicable liquor laws and regulations, specifically section 493(24) of the Liquor Code. [47 P.S. Section 4-493(24)]. Therefore, it is permissible to conduct such event(s) in the Commonwealth on the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- wine & spirit shoppes, subject to approval of Bureau of Logistics.
- WDAS-FM Radio in Philadelphia, PA.
- alcoholic beverages may not be included in prize packages.

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
Robert P. Kaskiel

Refer to: (717) 783-9454

Fax: (717) 787-8820

Advisory Opinion No. 98- 382