

January 4, 1999

Karen K. Manders  
Associate General Counsel  
ANHEUSER-BUSCH COMPANIES  
Executive Offices  
One Busch Place  
St. Louis, MO 63118-1852

Dear Ms. Manders:

**ISSUE:** In your letter dated December 9, 1998 you ask whether a beer manufacturer may purchase advertising space at a computer terminal which would be supplied and maintained by a separate company at licensed and unlicensed areas in Pennsylvania. The terminals would provide consumers with access to the manufacturers' web-site and, thus, to promotions and offers therein.

**OPINION:** Section 493(20)(i) of the Pennsylvania Liquor Code prohibits a retail licensee from displaying on licensed premises point-of-sale displays advertising brands of manufacturers' products if the total cost for one brand exceeds \$140.00 at one time or if a single piece of advertising exceeds a cost of \$70.00. [47 P.S. §4-493(20)(i)]. Therefore, the dollar amounts must be complied with if a kiosk with a beer manufacturers' advertising is located at a licensee's premises. Furthermore, all point-of-sale advertising is to be pre-approved, especially when a sweepstakes or other promotion is involved. Therefore, information accessible at the web-site should be pre-approved before it is published on the Internet.

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: Pennsylvania State Police-  
Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454  
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LCB Advisory Opinion No. 99-003