

January 8, 1999

Mr. Chris Trogner  
TRÖEGS BREWING COMPANY  
800 Paxton Street  
Harrisburg, PA 17104

Dear Mr. Trogner:

ISSUE: This is in response to your letter received by this office on December 28, 1998. You seek our opinion regarding a promotion your licensed brewery would like to run in conjunction with Mode Magazine, a local business and entertainment publication. The promotion would involve a contest on the magazine's internet website, where readers who answer beer trivia questions correctly would compete for a weekly prize of two six-packs of Tröegs beer. You pose two two-part questions regarding this promotion. 1) Can Mode Magazine give two six-packs of Tröegs beer per week as a prize? If so, how can the magazine obtain the beer from the brewery -- by sale or by donation? 2) In lieu of the actual beer, can the winners receive a gift certificate from the magazine for the beer? If so, where can the certificate be redeemed and the beer be picked up -- at the brewery or the magazine's offices?

OPINION: Although the awarding of alcoholic beverages as a prize for an event, tournament or contest is prohibited, that prohibition does not apply to non-licensees of the Board. Therefore, Mode Magazine could run a contest on the internet with a prize of beer from your brewery. You may either sell or donate the beer to the magazine. Either method is permissible as long as you sell by case quantity or the quantities specified under section 431(a) of the Liquor Code. [47 P.S. §4-431(a)]. A copy of that section is enclosed. In lieu of the actual beer, the magazine may award gift certificates for the beer, which may then be picked up at either the magazine's offices or at the brewery. Again, be aware that the brewery is limited, however, to providing case quantities and the like. Assuming that the promotion complies with section 431, it would be permissible as outlined above. However, please note that the beer or any other alcoholic beverage may not be awarded or given to any person under the age of twenty-one [47 P.S. §4-493(1)], so appropriate precautions should be taken to prevent that from occurring.

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

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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

Enclosure

c.c. Pennsylvania State Police  
Bureau of Liquor Control Enforcement

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

LCB Advisory Opinion No. 99-012