

March 8, 1999

Milissa Woodward
WET YOUR WHISTLE BEVERAGE
1136 Federal Street
Lebanon, PA 17042

Dear Ms. Woodward:

ISSUE: This office received your letter on February 19, 1999 requesting whether it was permissible for you, as a distributor licensee, to send six churches in Lebanon a letter advertising the availability of alcohol and other beverages, party supplies and equipment for their summer celebrations for sale at your premises.

OPINION: Section 498(e)(2) of the Liquor Code prohibits licensees from distributing, by mail, personally or through servants, agents or employees, prices lists, circulars or handbills off the licensed premises to the general public as a means of advertising liquor, wine or malt or brewed beverages. [47 P.S. §4-498(e)(2)]. According to the Board's Advisory Notice No. 15, a copy of which is attached, if a circular or mailing does not advertise the availability of alcoholic beverages or their prices, the mailings would be permissible without restriction. For example, if the circular only mentions the licensee's name and address, it would be permissible. If the circular or mailing does advertise the availability of alcoholic beverages and/or their prices, it may not be provided to the general public off the licensed premises. However, it would be permissible to send mailings or circulars to a distinct group of individuals of legal drinking age who have specifically requested to receive such mailings from the licensee. [Advisory Notice No. 15]. According to the Liquor Code and the Board's Advisory Notice No. 15, the letter you propose to send to the six churches would not be permissible unless either the churches requested the information you are providing or you do not mention the availability of alcoholic beverages or their prices in your mailing.

Please do not hesitate to contact this office if you have any further questions.

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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

Enclosure

cc: Pennsylvania State Police-
Bureau of Liquor Control Enforcement

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

LCB Advisory Opinion No. 99-074