

March 26, 1999

Jennifer Jeter
Compliance
The Lion Brewery, Inc.
700 North Pennsylvania Avenue
P.O. Box GS
Wilkes-Barre, PA 18703

Dear Ms. Jeter:

ISSUE: In your letter dated March 5, 1999, you requested authorization on behalf of a manufacturer licensee to insert a promotional item, such as a T-shirt, with a wholesale value of \$15.00 or less into a case of beer.

OPINION: Generally, licensees are prohibited from offering things of value as an inducement to purchase alcohol. [47 P.S. §4-493(24)]. However, an exception to this general prohibition permits licensees to offer advertising novelties with a wholesale value of \$15.00 or less with or without a purchase. Therefore, a manufacturer licensee would be permitted to include an advertising novelty in a case of beer provided the novelty has a wholesale value of \$15.00 or less and the case still holds at least 12 containers and totals at least 288 fluid ounces of beer. [47 P.S. §1-102].

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

LCB Advisory Opinion No. 99-105