

March 26, 1999

Matthew J. Veres  
Hotel Controller  
Holiday Inn-Pittsburgh South  
164 Fort Couch Road  
Pittsburgh, PA 15241-1090

Dear Mr. Veres:

**ISSUE:** In your letter dated March 1, 1999, you inquired on behalf of a hotel liquor licensee as to whether the hotel could offer its guests a set number of drinks that are included in the price of a package. If so, you also inquired if there is a limit to the number of drinks that can be offered.

**OPINION:** As you referenced in your letter, section 13.102 of the Board's regulations was amended last year to eliminate the meal package exception. Now, retail licensees are not permitted to offer an indefinite or unlimited amount of alcoholic beverages for a fixed price unless they are having a catered event for a third party that is arranged 24 hours in advance on their licensed premises. However, it would be permissible for a retail licensee to offer a set number of alcoholic beverages for a set price provided the beverages offered are normally the same price. For example, two different beverages could not be offered if one beverage normally costs \$2.00 and the other normally costs \$1.00. While there is no limit to the definite number of drinks you can offer, retail licensees cannot offer a set number of drinks for a fixed price as part of a package if other portions of the package are discounted. Otherwise, this would be considered an inducement to buy alcoholic beverages in violation of section 493(24) of the Liquor Code.

In addition, it should be noted that retail licensees are permitted in the same business day to offer a daily drink special and to discount all alcoholic beverages for two consecutive hours so long as all discounts end by midnight. Further, retail licensees are permitted to offer a free, standard-sized alcoholic beverage to each patron per visit.

Enclosed is Board Advisory Notice No. 16 which deals with discount pricing for your review.

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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: Bureau of Liquor Control Enforcement,  
Pennsylvania State Police

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

LCB Advisory Opinion No. 99-106