

April 9, 1999

Barbara Gilleran  
Regulatory Compliance Specialist  
Miller Brewing Company  
3939 W. Highland Blvd.  
P.O. Box 482  
Milwaukee, WI 53201-0482

**RE: Leinenkugel Berry Weiss Point-of-Sale**

Dear Ms. Gilleran:

**ISSUE:** This is in response to your inquiry of March 15, 1999 to Robert Kaskiel that was forwarded to this office in which you request an opinion as to the legality of conducting certain activities in Pennsylvania as described in the enclosed correspondence.

**OPINION:** This office has reviewed the proposed point-of-sale materials and determined that they comport with applicable liquor laws and regulations, specifically Liquor Code section 493(20)(i) [47 P.S. Section 4-493(20)(i)]. Therefore, it is permissible to conduct such event(s) in the Commonwealth on the areas checked below:

retail licensed premises.

distributor licensed premises.

both retail and distributor licensed premises.

wine & spirits shoppes, subject to the approval of the Bureau of Logistics.

other, Miller Brewing Company may not use Scratch Off Cards to conduct a contest, tournament or event on retail licensed premises in Pennsylvania. [40 Pa. Code Section 5.32].

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  
Robert Kaskiel

Enclosure

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

Advisory Opinion No. 99-123