

April 14, 1999

VIA FAX

Mr. James M. Kilcoyne
General Manager
INCO BEVERAGE, INC.
147 Allison Drive
Johnstown, PA 15904

Dear Mr. Kilcoyne:

ISSUE: In your April 5, 1999 letter, you inquired whether it would be permissible for Inco Beverage, Inc., holder of Importing Distributor License No. ID-343, to provide neon signs to the Altoona Curve, a professional baseball team, to be placed inside the stadium. You indicated that the neon signs have a value of over \$70.00.

OPINION: As you pointed out in your letter, both section 493(20)(i) of the Liquor Code and subsection A.5.b. of Advisory Notice No. 10 (4th Revision) prohibit licensees from displaying any single piece of point of sale advertising which has a cost of more than \$70.00 on licensed premises. [47 P.S. Section 4-493(20)(i)]. You have indicated that the point of sale advertising in question is over \$70.00. Therefore, you would not be able to provide this point of sale advertising to any retail liquor licensee. Likewise, a retail licensee could not allow such point of sale advertising on its licensed premises. What is unclear, however, is whether the Altoona Curve is a liquor licensee. If, in fact, the Altoona Curve is a retail liquor licensee, then you would be prohibited from providing this point of sale material. If, however, the Altoona Curve is not a liquor licensee, then 493(20)(i) and Advisory Notice No. 10 would not be applicable.

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

c.c.Pennsylvania State Police

Bureau of Liquor Control Enforcement

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

LCB Advisory Opinion No. 99-133