

April 15, 1999

Barbara Gilleran
Regulatory Compliance Specialist
MILLER BREWING COMPANY
3939 W. Highland Blvd.
P.O. Box 482
Milwaukee, WI 53201-0482

RE: Miller Lite Brand POS

Dear Ms. Gilleran:

ISSUE: Your correspondence of March 25, 1999 to Robert Kaskiel was forwarded this office for response. You request approval of certain point-of-sale items as described in the enclosed correspondence.

OPINION: This office has reviewed the proposed point-of-sale materials and determined that they comport with the Liquor Code and regulations for use on distributor and retail licensed premises. With respect to the following items: Spin the Tire Gameboard (\$75), Illuminated Clock (\$133) and 2 Sided Neon (\$125), they are not approved because they exceed the \$70 per item limit for point-of-sale. [47 P.S. Section 4-493(20)(i)].

Please be advised that Miller Brewing Company may not participate in any way in a contest at retail licensed premises involving the point-of-sale item, 'Rusty's Secret Garage Scratch Off.' [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 P. Kaskiel

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

Advisory Opinion No. 99-136