

April 27, 1999

Rocco Colangelo, Jr.  
Quality Beverage Distributors  
695 South Poplar Street  
Hazleton, PA 18201

**RE: Nineteen Gallon Capacity Brand-Identified Beverage Tubs**

Dear Mr. Colangelo:

**ISSUE:** This is a response to your letter dated April 6, 1999 concerning the use of brand-identified tubs in on-premise accounts that do a take-out business. You, a distributor licensee, inquire about the legality of providing the tubs on a rotating, weekly basis to various on-premise accounts to be used by the on-premise accounts to conduct single serve sales.

**OPINION:** Section 493(17) of the Liquor Code [47 P.S. Section 4-493(17)], as explained in Board Advisory Notice No. 9 (Third Revision), provides that distributors and importing distributors shall not sell, rent or otherwise make available equipment such as cooler chests or ice buckets to other licensees of the Board. Accordingly, you are not permitted to provide the brand-identified ice tubs to on-premise accounts for any reason.

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. 99-139