

May 11, 1999

Karla Carey
BARTON BEERS, LTD.
55 East Monroe Street
Chicago, IL 60603

RE: Pasta Coupon - Joint Advertising with Non-Licensed Pasta Manufacturer

Dear Ms. Carey:

ISSUE: This is a response to your letter dated April 21, 1999 to this office asking whether it would be permissible for Barton Beers, Ltd., to introduce an offer whereby consumers may tear a cents-off coupon from a tear-pad good toward the purchase of pasta redeemable anywhere that the pasta is sold. The coupon contains a free pasta recipe and a suggestion to 'Serve with Peroni'. The offer will be made by way of a co-branded POS display with a pad of coupons and the pasta recipe attached. No purchase of beer is necessary in order to participate. The offer is good only to consumers of legal drinking age. The POS materials will feature joint displays of Peroni and Barilla.

OPINION: Section 498 of the Liquor Code [47 P.S. Section 4-498], a copy of which is enclosed, permits advertisement of alcoholic beverages subject to certain limitations. The Liquor Code and the Board's regulations do not expressly govern joint advertising between a beer manufacturer and a non-licensed pasta manufacturer. Additionally, because no purchase of beer is required to obtain a coupon good toward the purchase of Barilla pasta, the coupon is not an inducement to purchase a malt or brewed beverage, pursuant to section 493(24) of the Liquor Code [47 P.S. Section 4-493(24)]. Therefore, based upon the foregoing, it would be permissible to conduct the promotion described above.

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

Enclosure

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

Advisory Opinion No. 99-166