

May 20, 1999

Gary Nateman, Esquire
David Romine
NATEMAN & KALIK
1200 G Street, N.W.
Suite 360
Washington, DC 20005

RE: Beck's Rocktoberfest POS and Sweepstakes (Trip to Germany)

Dear Messrs. Nateman and Romine:

ISSUE: This is in response to your inquiry of April 13, 1999 and supplemental correspondence dated May 13, 1999 to this office in which you request an opinion as to the legality of conducting certain activities in Pennsylvania. You also ask whether Pennsylvania requires prior approval for promotions and sweepstakes conducted by manufacturers on distributor or retail licensed premises.

OPINION: This office has reviewed the proposed sweepstakes and accompanying point-of-sale materials and determined that they comport with applicable liquor laws and regulations, specifically 493(20)(i) of the Liquor Code. [47 P.S. Section 4-493(20)(i)]. Therefore, it is permissible to conduct such promotion in the Commonwealth on both retail and distributor licensed premises. However, prizes may not be awarded by manufacturers on retail licensed premises. [40 Pa. Code Section 5.32].

Lastly, please be advised that the Board's Advisory Notice No. 1, a copy of which is enclosed, recommends prior approval for promotional activity conducted by a manufacturer on distributor or retail licensed premises. Licensees that conduct promotional activities on their premises without prior Board approval do so at their own peril.

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

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Advisory Opinion No. 99-174