

May 26, 1999
Michelle M. Rabe
ANHEUSER-BUSCH COMPANIES
One Busch Place
Legal Department 202-6
St. Louis, MO 63118

RE: Budweiser Collector's Pint Glass

Dear Ms. Rabe:

ISSUE: This is in response to your inquiry of April 27, 1999 to Jerry Danyluk of this office in which you request an opinion as to the legality of displaying certain point-of-sale materials in Pennsylvania as described in the enclosed correspondence.

OPINION: This office has reviewed the point-of-sale material and determined that it comports with applicable liquor laws and regulations, specifically section 493(20)(i) of the Liquor Code. [47 P.S. Section 4-493(20)(i)]. Therefore, it is permissible to display such materials in the Commonwealth on retail licensed premises, provided that the total cost of all such point-of-sale advertising relating to this brand does not exceed \$140.00 at any one time. Be advised, however, that section 493(17) of the Liquor Code prohibits licensees from providing equipment or fixtures to other classes of licensees. [47 P.S. Section 4-493(17)]. Glassware is equipment for retail licensees. While manufacturers, distributors and importing distributors may not provide or sell brand-identified glasses to retail licensees, there is nothing prohibiting retail licensees from purchasing brand-identified glasses from non-licensed third parties, other than malt or brewed beverage manufacturers. If the retail licensees obtain the glassware in the aforementioned manner, they would be permitted to distribute the glasses to their customers, with or without a product purchase, provided there is no upcharge for the glass. Enclosed is a copy of section 493(17) for your information.

Please do not hesitate to contact this office if you have any further questions.

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- 191