

May 27, 1999
Kelly Jo Brown
Manager - Legal Department
Bristol Hotels & Resorts
14295 Midway Road
Addison, TX 75001

**RE: Bristol Acquisition Beverage Company
t/a Holiday Inn - Independence Mall
400 Arch Street
Philadelphia, PA 19106-2120
License #H-5763**

Dear Ms. Brown:

ISSUE: This is a response to your letter dated May 12, 1999 to this office in which you request an opinion as to the legality of conducting a 'Priority Club' program. You propose two variations of the Priority Club, for both of which you seek our approval. The Frequent Stay program involves providing a complimentary drink coupon to guests who stay at the hotel on a frequent basis. The Priority Club for Everyone program involves providing a complimentary drink coupon to everyone at the hotel whether he or she is a guest staying at the hotel or a patron visiting the restaurant or bar. In both scenarios, the guest and/or patron would be required to sign up for the 'Priority Club' program. The Frequent Stay program would provide a complimentary drink coupon to a guest upon each check-in. The Priority Club for Everyone program would provide a complimentary drink coupon to each patron or guest for signing up for the Priority Club for Everyone program. There would be no additional charge to a guest or patron for joining either program.

OPINION: PLCB Advisory Notice No. 10 (4th Revision) provides that retail licensees may give to or purchase an alcoholic beverage for consumers at retail licensed premises provided the giving of the alcoholic beverage is not contingent upon the purchase of any other alcoholic beverage. Bar spending or free drinks are limited to one alcoholic beverage per patron in any such offering. Therefore, the Frequent Stay program and/or the Priority Club for Everyone program would be permissible, provided that a patron first visiting the restaurant or bar may receive one complimentary drink coupon for signing up for the program but not a second complimentary drink coupon if the patron would subsequently check into the hotel during the same visit.

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. 99-193