

June 2, 1999
Samuel J. Lauricia, Jr.
1122 First Street
Canonsburg, PA 15317

Dear Mr. Lauricia:

ISSUE: This office is in receipt of your May 7, 1999 letter in which you request answers to two questions. First, you inquire whether it is permissible for a restaurant liquor licensee to sell 6-packs of Bud for \$5.00, and 12-packs of Bud for \$9.90. In addition, you inquire whether your sister who, in a partnership with you holds a restaurant liquor license, may work for her husband who holds or is applying for his own liquor license.

OPINION: In response to your first question, be advised that it would be permissible for you to offer 6-packs of malt or brewed beverages for \$5.00, while at the same time charging only \$9.90 for a 12-pack of the same product. Section 493(24) of the Liquor Code prohibits licensees from offering or giving anything of value as a premium or present to induce directly the purchase of liquor or malt or brewed beverages. Providing a ten cent discount for the purchase of a larger volume of malt or brewed beverages would not be in violation of section 493(24) of the Liquor Code because 6-packs and 12-packs are packaged differently and are, therefore, separate products.

With respect to your second inquiry, Section 443(c) of the Liquor Code prohibits a retail licensee from holding any financial interest in any other class of licensee. [47 P.S. Section 4-443(c)]. In addition, under section 493(11) of the Liquor Code [47 P.S. Section 4-493(11)], it would not be permissible for your sister to work for her husband if her husband's license is a distributor, importing distributor, manufacturer, importer or vendor license. As long as your brother-in-law's license is also a retail liquor license, then it would be permissible for your sister to maintain her partnership in your restaurant liquor license while at the same time working at her husband's establishment. Be advised, however, if your sister is the designated manager of your restaurant, Section 5.16 of the Board's Regulations requires prior written approval from the Board for concurrent employment. [40 Pa. Code Section 5.16].

Please do not hesitate to contact this office if you have any further questions. Enclosed please find copies of sections 493(11), 443(c), 493(24) of the Liquor Code and section 5.16 of the Board's Regulations for your review.

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

Enclosures

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

Advisory Opinion No. 99-203