

June 3, 1999
Barbara Gilleran
Regulatory Compliance Specialist
Miller Brewing Company
3939 W. Highland Blvd.
P.O. Box 482
Milwaukee, WI 53201-0482

RE: Settle It Over a Miller Lite' - POS, Novelty Items and Equipment

Dear Ms. Gilleran:

ISSUE: This is in response to your inquiry of May 4, 1999 that was forwarded to this office in which you request an opinion as to the legality of conducting certain activities in Pennsylvania as described in the enclosed correspondence.

OPINION: This office has reviewed the proposed point-of-sale materials and novelty items and determined that they comport with applicable liquor laws and regulations, specifically sections 493(17) and 493(20)(i) of the Liquor Code. [47 P.S. Sections 4-493(17) and 4-493(20)(i)]. Therefore, it is permissible to conduct such event(s) in the Commonwealth on the areas checked below:

- retail licensed premises.
- distributor licensed premises.
- both retail and distributor licensed premises.
- wine & spirit shoppes, subject to approval of Bureau of Logistics.
manufacturers may not conduct contests on retail licensed premises [40 Pa. Code Section 5.32(e)]. The instant camera is not approved because it exceeds the \$70.00 cost limitation on POS advertising [47 P.S. Section 4-493(20)(i)], and is not an advertising novelty item with a wholesale value of
- \$15.00 or less. [PLCB Advisory Notice No. 10 (4th Revision)]. The plastic beer bucket illustrated in the promotional materials is not approved because it is considered equipment [47 P.S. Section 4-493(17)].

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

Refer to: (717) 783-9454
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Advisory Opinion No. 99-210