

June 4, 1999  
Allen C. Reininger  
Legal/Regulatory Compliance  
The Gambirinus Company  
14800 San Pedro, Third Floor  
San Antonio, TX 78232

**RE: Corona Hispanic Summer Promotion - POS, Sweepstakes, Dance Event and Advertising**

Dear Mr. Reininger:

**ISSUE:** This is in response to your inquiry of May 18, 1999 to Silvio deBien that was forwarded to this office in which you request an opinion as to the legality of point of sale material in conjunction with a sweepstakes in which consumers could write in or call for a chance to win a music compact disk. Dance events would also be held at on premise locations in Pennsylvania.

**OPINION:** This office has reviewed the proposed promotion (and accompanying point-of-sale materials) and determined that the consumer sweepstakes, point-of-sale materials, and novelty items comport with applicable liquor laws and regulations, specifically sections 493(17), 493(20)(i) and 493(24) of the Liquor Code [47 P.S. Sections 4-493(17), 4-493(20)(i) and 4-493(24)]. The consumer sweepstakes would also be permitted using internet entry. However, section 5.32(e) of the Board's regulations [40 Pa. Code Section 5.32(e)] prohibits a beer manufacturer from conducting, sponsoring or hosting an event, tournament or contest on retail licensed premises. For the purpose of section 5.32, 'events, tournaments and contests' are defined as competitive endeavors involving speed, skill, strength, endurance or physical attributes. [40 Pa. Code Section 5.30]. A beer manufacturer may sponsor an activity not defined as an 'event, contest or tournament' at retail licensed premises only in conformity with all applicable liquor laws. If the Corona dance event is an 'event, contest or tournament' within the meaning of the Liquor Code or the Board's regulations, it would not be permissible.

With respect to using the 800 number to get information about where dance events will be held and video taping of a music video at retail premises, section 13.51 of the Board's regulations [40 Pa. Code Section 13.51] prohibits a manufacturer from contributing something of value to a distributor or retail licensee by means of advertisement. Joint or cooperative advertising has been permitted, however, in situations where the manufacturer and the licensee pay for their respective shares of the advertisement. Section 13.41 of the Board's regulations [40 Pa. Code Section 13.41], however, provides that a manufacturer of malt or brewed beverages may include the names and addresses of all distributors and importing distributors to whom it sells in the locality covered by the advertisement, but no discrimination may be shown to one distributor or importing distributor over another. [40 Pa. Code Section 13.41]. Where more than one distributor or importing distributor purchases the products from the manufacturer or importing distributor in the area covered by the advertisement, the names and addresses of all who purchase the product directly from the advertiser shall be displayed or mentioned in equal prominence. Where this is not done, none may be displayed or mentioned.

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. 99-212