

June 9, 1999

Michelle M. Rabe  
Legal Assistant  
Anheuser-Busch Companies, Inc.  
One Busch Place  
St Louis, MO 63118-1852

**RE: Menu Programs - Logos**

Dear Ms. Rabe:

**ISSUE:** This is a response to your faxes dated May 27, 1999 and June 2, 1999 to this office in which you inquire as to the legality of Anheuser-Busch Companies, Inc. participating in two menu programs. The menu programs involves brand logos being printed by a third-party printer on menus used by retail licensees. Anheuser-Busch will pay for only the proportionate share of the menus which involve the placement of its logos on the menus.

**OPINION:** Generally, section 13.51(a) of the Board's regulations [40 Pa. Code Section 13.51(a)] prohibits an out-of-state manufacturer from contributing to a licensee anything of value by means of advertisement. However, joint advertising has been permitted where each party pays a proportionate share of the total cost of the advertisement. Therefore, it would be permissible for Anheuser-Busch Companies, Inc. to participate in the above-referenced menu programs.

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. 99-216